

## TEi SUBSTANCE ABUSE POLICY

This policy has been drawn up after consultation with employee/trade union representatives (and the Company's medical advisers). It has the full support of the Company's senior management. Its operation and effectiveness will be kept under regular review. The policy is intended as guidance for management and employees and does not form part of any employee's contract of employment and we may amend it at any time or depart from it where we consider appropriate.

### The purpose of the policy

There is a clear link between misuse of alcohol and drugs and reduced safety and efficiency. The purpose of this policy therefore is

- To set out the Company's rules on drugs, alcohol and substance abuse.
- To ensure that an individual's use of drugs or alcohol, does not affect the health and safety of the individual themselves, their fellow workers or others with whom they come into contact during the course of their work.
- To ensure that an individual's use of drugs or alcohol does not affect the operation of the business. To provide a procedure so that employees who have a problem can seek and be offered help in confidence.

### Application

This policy covers all individuals working for TEi or at any of our premises irrespective of their status, level or grade. It therefore includes all employees, managers, directors, officers, consultants, contractors, trainees, homeworkers, casual and agency staff (collectively referred to as staff in this policy).

### The Company's rules on alcohol and drugs at work

The working environment should be free from drugs and alcohol and or/their effects. This will help to ensure that the health and safety of our staff and others maintain the safe, efficient and effective operation of the business and ensure our customers receive the quality and service they require. For these reasons the following rules will be strictly enforced:

No Staff shall:

- Report or attempt to report for work when unfit due to alcohol or drugs (whether legal or not).
- Be in possession of illegal drugs in the workplace.
- Consume alcohol or illegal drugs or abuse any substance in the workplace.

Contravention of these rules is a serious matter and the disciplinary procedure will be invoked. In addition, possession of illegal drugs on Company premises shall be reported to the Police.

### Disciplinary Action

Where staff contravenes the above rules it will be dealt with through the Company's disciplinary procedure. A breach of these rules would be considered as Gross Misconduct and as such could ultimately lead to summary dismissal.

However, if during the Company's disciplinary procedure it is found that an individual has a medical condition (amenable to treatment) which contributed to the offence, TEi may offer support. This does not halt the disciplinary process but it may have an effect on the outcome.

Factors which may be considered are:

- The nature of the alleged offence
- Any evidence of a health related problem
- The employee's co-operation

### **Help available**

The Company will endeavour to ensure that advice and specialist help are available to any employee who feels they have a problem with alcohol or drug misuse. Any employee who seeks the Company's assistance in this respect has its complete assurance of confidentiality.

Early identification and treatment is essential if problems for the employee and for the Company are to be avoided. Employees who feel they may have a problem are encouraged to come forward and seek assistance. Employees who wish to seek help and advice should contact an appropriate manager (Line Manager, H&S Department, etc) who will arrange an assessment where the potential options available to the employee will be explained. From this point each individual will be treated on a case by case basis.

During any period of absence from work for agreed treatment the Company's normal sick pay arrangements will apply.

In the event that a treatment programme is agreed but is not followed by the employee or treatment is ineffective this will be dealt with in accordance with the Company's normal disciplinary or sickness absence procedures as appropriate.

Employees who are concerned that a colleague shows symptoms of a substance abuse problem shall alert their manager or supervisor immediately. Any disclosure will be treated confidentially.

### **Action by managers and supervisors**

Managers and supervisors shall keep accurate records of poor performance, which may be related to substance abuse.

Where a manager or supervisor suspects an employee may have a problem that is affecting their attendance/performance, he/she will initially hold an informal discussion with the employee to ascertain the background/circumstance to their poor attendance/performance. If the employee states or intimates they have a substance abuse issue this should be dealt with as detailed in the Help Available section above.

### **Testing for alcohol**

#### With Cause:

Where management has reason to believe that an individual is under the influence of alcohol at work, the individual will be immediately removed from the work face and instructed to wait in a private area where testing will be arranged.

Tests may also be arranged after an accident/incident where substance abuse could be a contributing factor. A trained and authorised tester will explain the nature of the test and the possible consequences if it proves positive. The employee will be asked to sign a Test Consent Form prior to the test commencing. At this point testing will be carried out.

Refusal to sign a Breathalyser Test Consent Form, to supply a sample or interfere with the test procedure is a disciplinary offence subject to the Company's disciplinary procedure and may lead to dismissal. This shall be treated as per positive/failed test.

If two consecutive test results give a reading higher than or equal to 22 micrograms/100ml of breath, the employee will be sent home on pay, pending the implementation of disciplinary proceedings.

If the test result shows a breath alcohol content below the limit but above zero the individual may be required to carry out further testing.

#### Random:

This testing regime applies to all employees. At intervals to be decided by the Company, 20% of employees (on sites with less than 10 employees will be subjected to 30% random testing) at a chosen

location and will be selected at random. This selection will be managed by a trained and authorised Collecting Officer and will be witnessed by a site representative.

Testing will be undertaken in the same manner as “For cause” and subject to the same disciplinary principles.

### **Testing for drugs**

#### With Cause:

Where management has reason to believe that an employee is under the influence of drugs at work, the individual will be immediately removed from the work face and instructed to wait in a private area where testing will be arranged (this may require suspension from work with pay).

Tests may also be arranged after an accident/incident where substance abuse could be a contributing factor. A trained and authorised tester will explain the nature of the test and the possible consequences should it prove positive. The individual will be asked to sign a Test Consent Form where declaration of any prescribed medication shall be declared prior to the test commencing. At this point testing will be carried out.

Refusal to sign a Drug Test Consent Form, to supply a sample or interfere with the test procedure is a disciplinary offence subject to the Company’s disciplinary procedure and may lead to dismissal. This shall be treated as per positive/failed test.

Where the test is negative (passed), the employee will return to work. If the test is positive (failed), the testing laboratory will be consulted and, should the employee have declared prescribed medication on the pre-test declaration form, it will be determined whether the prescribed medication would be responsible for the positive result. Where no prescribed medication was declared in the pre-test declaration form, the employee will be suspended on full pay pending investigation/disciplinary. At this stage the chain of custody process will be followed by the trained and authorised Collecting Officer to corroborate the test results.

#### Random:

This testing regime applies to all Staff. At intervals to be decided by the Company, 20% (sites with less than 10 employees will be subjected to 30% random testing) of Staff at a chosen location will be selected at random.. This selection will be managed by a trained and authorised Collecting Officer and will be witnessed by a site representative

Testing for drugs may be done through the use of either Oral Fluid or Urine Sampling or on some occasions both methods may be used.

Throughout the above process all discussions and correspondence between individuals and their line managers will be treated in the strictest confidence.

At all times the company reserves the right to take disciplinary action if, despite participation in counselling and similar programmes, an individual’s conduct and performance declines such that their own or others’ health and safety at work is significantly compromised.

## Appendix 1 – Procedure for Random Screening Selection Process

1. Random screening to capture 20% of employees at selected location (sites with less than 10 employees will be subjected to 30% random testing). Percentages are to be rounded up to the nearest whole number.
2. Health & Safety Manager / Department will make the decision when and where random screening is to be carried out. The only personnel who are privy to this decision are the Managing Director and the Authorised Persons Substance Abuse Team (APSAT) who will deliver the screening.
3. The APSAT are briefed on where and when to deliver the screening and to ensure adequate preparations are made in terms of equipment and supplies. This briefing will include instructions on how to manage sub-contractor screening e.g. large numbers of sub-contractors may be selected separately.
4. The APSAT arrive on site unannounced, make contact with and inform the Site Manager that the site has been selected for Substance Abuse screening in line with the Company's Substance Abuse Procedure. It must be made clear that all Company personnel on site at that time will be eligible for screening. This applies to all Company personnel who are visiting, including sub-contractors, consultants and agency workers irrespective of their position. **Note:** Access arrangements for some sites may require specific planning e.g. APSAT with relevant access authority.
5. The APSAT will request that workforce representative(s) are informed that random screening will be taking place and to be given the opportunity to witness the selection process.
6. The assessors will explain to the Site Manager and the workforce representative(s) the method that will be used for the random selection of personnel for screening and the numbers to be done. It will be made clear to all involved that relevant personal confidentiality will be maintained. The website <http://www.randomizer.org> will be used to randomly select employees. This website will be used to select 20% of employees (sites with less than 10 employees will be subjected to 30% random testing) from the workforce. The selection process will be witnessed by a Manager and a workforce representative.
7. Once selection has been made the APSAT will prepare the facilities for screening which preserves both dignity and confidentiality. This area as a minimum will include a private office / space and toilet if undertaking urine sample. The Site Manager will arrange for those personnel who have been selected to attend the screening process within a reasonable amount of time.
8. The APSAT will carry out the screening process which will be via Electronic Breathalyser for Alcohol and Oral Fluid Cassettes and/or Urine Sampling for drugs. The APSAT will report back to the Site Manager details of the results. The Site Manager will determine any relevant actions and the process for wider circulation. The individuals will be given the opportunity to make a selection with regards to the testing product used, i.e. the saliva test for Random Screening purposes, three sealed test kits should be presented and the employee asked to select which one will be used.
9. Assessors thank Site Manager and Workforce Representative for their co-operation, leaves site and arranges a formal report for the Health & Safety Manager / Department and Managing Director.