



**IVOR KING (CEC) LTD & IK PILING LTD.**

## **SUBSTANCE MISUSE POLICY**

### **Statement of Policy**

Drugs and Alcohol can have a severe impact on you and your colleagues and therefore this policy has been designed to ensure that you are working in a healthy and safe environment, free from the risks caused by Drugs and Alcohol as we feel this is a fundamental right of your employment.

Drugs and Alcohol impact on awareness, cohesion, reaction times and decision making. The work you do is potentially dangerous and can cause serious injury to yourself, colleagues and third parties if you conduct your tasks with Alcohol or Drugs in your system even where you may feel that you are unaffected. This policy has been designed to ensure that you are aware of your rights and duties regarding Drugs and Alcohol when you are at work and this policy is designed to protect you, your colleagues and third parties.

Drug misuse is defined as any controlled drug under the Misuse of Drugs Act 1971 that is not possessed or used under the terms of a prescription and under advice from a Doctor and the misuse of any drug obtained over the counter at a pharmacy, general retail medication or the use of any intoxicating substance that includes 'legal highs' and novel psychoactive substances.

### **Consumption of Alcohol on the Premises**

Unless authorised by management, you are expressly forbidden to consume alcohol when at work, or bring it on to our premises, in our vehicles or on the premises of our clients under any circumstances.

Any breach of this rule will be treated as gross misconduct and is likely to result in summary dismissal.

### **Drug Misuse or Abuse and Medication on the Premises**

If you misuse drugs during working hours or on our premises, in our vehicles or on the premises of our clients, you will be committing an act of gross misconduct and will thus render you likely to be summarily dismissed.

The same will apply to you if it is believed you are in possession of, or buying or selling any illegal drugs, during working hours or on our premises, in our vehicles or on the premises of our clients.

Where you are taking medication, whether prescribed or 'over-the-counter,' you must ensure that you read the instructions and notify your manager if there are any potential side-effects. You must also exercise your own judgment in the way you are feeling and if you believe that the medication will, or is, having any effect on your work or fitness for work in any way whatsoever.

We reserve the right to alter your tasks, role or duties whilst taking such medications. We also reserve the right to deny you access to company machines, equipment and vehicles or require you to carry your prescription at all times whilst using such medications.

### **Intoxicated Employees**

If alcohol or drugs intoxicate an employee during working hours or on our premises, in our vehicles or on the premises of our clients except where authorised, arrangements will be made for the employee

to be escorted from the premises immediately and they may be requested to undertake a test for drugs, alcohol or both at the request of a manager.

By “intoxicate” we mean that any drug that is present in your urine that is above the European Workplace Drug Testing Guidelines, that you have alcohol in your breath above 22 micrograms, that you have alcohol in your blood above 50 micrograms or that you have levels reported as positive from any UKAS accredited laboratory in any sample test. For absolute clarity, by “intoxicate” we mean the levels in your sample and in no way does this relate to your mental state or the influence alcohol or drugs are having on you.

Disciplinary action will take place when the employee has had time to become sober or recover from the effects of drugs.

Where you are found to be intoxicated as per the definition above, you will be immediately suspended from work. You will be escorted from the premises and your emergency contacts will be notified so that they can arrange for you to return home. This kind of behaviour will normally be treated as gross misconduct and is likely to result in dismissal.

The company will adopt a zero tolerance policy to people driving vehicles above the appropriate breath alcohol level, as determined by legislation.

### **Testing**

We reserve the right to require you to submit to a sample test at any time. Sample tests will include (but are not limited to) blood, urine, breath or saliva tests. A failure to adhere to this requirement will be considered a willful refusal to follow a managerial instruction and adverse inferences may be drawn on your state of intoxication.

Testing will occur in one of the following situations:

1. Pre-Employment or Pre-Placement Testing
2. Random Testing
3. Reasonable Suspicion Testing
4. Post-Accident Testing
5. Follow-Up Testing
6. All PTS holders when on Network Rail Infrastructure

Pre-Employment Testing may be required before your employment starts or during your probationary period. Pre-Placement Testing may be required before or during any temporary or permanent placement required for your employment, our clients or a third party. A failure to subject to testing or a failed test may result in the withdrawal of an offer of employment or disciplinary action which in the circumstances may amount to gross misconduct.

Random testing will take place at our convenience and you may or may not be selected for testing. If you are selected, you will be expected to comply with this and we consider your co-operation a reasonable managerial instruction. Random testing will consist of a sample being taken in line with the chain of custody conditions and be sent to an accredited laboratory for analysis, the results of the tests for drugs may not immediately be known on the day.

We reserve the right to request that you comply with reasonable suspicion testing. This is where a senior or trained manager believes that you may be intoxicated as per the definition above. We believe that such a request is a reasonable managerial instruction. We may request that you submit to reasonable suspicion testing when we feel you are intoxicated and are present at our sites, the sites

of our clients or engaged in activities in any other location for the purposes of your employment with us. You may also be requested to submit to reasonable suspicion testing at the request of our clients or third parties e.g. the Health and Safety Executive.

We reserve the right to request that you comply with post-accident testing where an accident occurs that falls within the definition of RIDDOR and where the company has a duty to notify the HSE.

Follow-up testing will be used in instances where the employee approaches in confidence and explains that they have a drug or alcohol problem or where an employee has a positive test and in the circumstances is not dismissed. You may be requested to undertake regular or ad hoc, frequent or infrequent testing. You may also be requested to participate in counselling, whether provided by your employer or not. These requests are considered a reasonable management instruction. Further positive tests or a wilful refusal to engage with the testing or counselling will be handled in accordance with the company disciplinary procedure that may result in dismissal for gross misconduct.

You have the right to have any 'B Sample' tested where such a sample is taken. If you wish to exercise this right, we will not be obliged to facilitate or fund any such testing and you will be expected to do this yourself. In the event of an overturned test, we will balance all the available evidence without specific reliance on either test.

#### **Business Events and Activities**

We will make sure suitable alternatives to alcoholic beverages are available at events and activities that we organise.

#### **General**

You are encouraged not to cover up for employees with a drink or drug problem but to recognise that collusion represents a false sense of loyalty and will in the longer term damage those employees.

If you recognise that you have a drink or drug problem, or that you are at risk of developing one, you are encouraged to come forward for confidential help. You should speak in confidence with your manager, or secure the help of a colleague in this respect. All reasonable steps will be taken to assist where we can.



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