

SUBSTANCE MISUSE POLICY

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History

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1. SCOPE

- 1.1 This policy applies to all EV Cargo Logistics employees, contractors and visitors. It is important that all employees familiarise themselves with the content of this policy.
- 1.2 This policy supersedes any previous policy, any historical practices, local agreements and arrangements.
- 1.3 All information regarding this policy is available to all employees via your line manager or the Human Resources Department.
- 1.4 The Company regularly reviews policy and will make amendments and changes as appropriate.

2. INTRODUCTION

- 2.1 In compliance with the Health & Safety at Work etc Act 1974 (Section 2) the Company is committed to providing a safe working environment. This includes, as far as is reasonably practicable, promoting the good health and wellbeing of all of our employees.
- 2.2 It is the purpose of this policy to ensure that the use of substances by any employee or any other person(s) associated with the Company does not impair the safe and efficient running of the business or put at risk the health, safety or welfare of its employees, customers, suppliers or members of the general public.
- 2.3 The Company also recognises the importance of balancing respect for individual privacy with the need to maintain a safe, secure and productive working environment free of substance misuse.
- 2.4 The Company is aware that in some instances, substance dependency can be defined as an illness and we therefore actively encourage any employee who may have or

who is developing a substance dependency to seek our help. When appropriate, we will offer assistance in seeking relevant and evidence based treatment. In these cases, normal sickness absence procedures will apply. Confidentiality is assured in these cases.

3. DEFINITIONS OF TERMS USED IN THIS POLICY

- 3.1 Substances - Includes but is not limited to alcohol, drugs and solvents.
- 3.2 Alcohol - Includes, but is not limited to distilled spirits, liquor, beer, wine, malt liquor, or any other intoxicants used for beverage purposes.
- 3.3 Drugs - Any psychoactive substance (those drugs that affect mood, thought process or perception), available both legally and illegally.
- 3.4 Illegal Drugs - All those drugs covered by the Misuse of Drugs Act (1971).
- 3.5 Dependency - When the user has adapted physically and/or psychologically to the presence of substance and would suffer if it was withdrawn abruptly.
- 3.6 Company Premises - To include all premises the Company has responsibility for and includes all Company vehicles. This policy also applies to all occasions when employees are at work or on Company business, unless suspended with the agreement of a Senior Manager.
- 3.7 Impaired (Alcohol) - In terms of this policy any person who has Breath Alcohol Concentration that exceeds 35mcg/100 ml (to be confirmed by an appropriate test) is deemed to be impaired due to the use of alcohol and therefore in breach of this policy.

In certain circumstances a lower level for alcohol may be applied, for example, when employees are working in Scotland, the level is 22mcg/100 ml Breath Alcohol Concentration will be applied, or when employees are working on contracts or client premises and the contract or client requirements specifies a lower level for alcohol. In these circumstances employees will be advised of the alcohol level that will apply.
- 3.8 Impaired (Substances) - In terms of this policy, any person found to have consumed illegal drugs or misused any substance (to be confirmed by an appropriate test) is deemed to be impaired due to the use of substances and therefore in breach of this policy.
- 3.9 Misuse - This applies to using any substance in an unsanctioned way. For example, any illegal drug use, or using drugs for non-medical purposes without proper direction to do so from an appropriately qualified person such as a medical doctor or pharmacist. It also applies to using any substance in a way that is harmful / hazardous to the individual or to others and which is likely to distort perception and response when at work.
- 3.10 Chain of custody - is the secure process that ensures the sample provided by an individual for drug testing is labelled, tracked, analysed and reported so that on completion of the laboratory analysis the results is specific to the original sample provided by the individual.
- 3.11 Employee – This means a directly employed person of the Company or any other person who carries out work for the Company both on and off Company premises,

and includes but is not limited to agency staff, contractors, sub-contractors and visitors (when applicable to be known as non-direct employees).

4. GUIDELINES AND RULES

- 4.1 The Company's policy is that the working environment should be free from the influence of substances. This policy will help to ensure that the health and safety of our employees, and others with whom they come into contact, to maintain the efficient and effective operation of the business, and to ensure our customers receive the quality service they require. For those reasons the following rules will be strictly enforced.
- 4.2 No employee shall:
 - 4.2.1 Report or try to report to work whilst impaired due to the use of any substance including alcohol and drugs (legal or illegal).
 - 4.2.2 Be in possession of alcohol or illegal drugs on Company premises. Unopened containers of alcohol will be permissible when alcohol is purchased offsite for consumption outside of work.
 - 4.2.3 Consume alcohol, illegal drugs or misuse any substance whilst at work or whilst representing the Company.
 - 4.2.4 Attempt to sell, distribute or supply alcohol whilst on Company premises or whilst representing the EV Cargo Logistics group.
 - 4.2.5 Attempt to sell, distribute or supply drugs which contravene the Misuse of Drugs Act 1971, the Psychoactive Substances Act 2016 and the Medicines Act 1968, whilst on Company premises or whilst representing the Company. Any breach of this, without exception, will be reported to the Police.
 - 4.2.6 Employees may consume alcohol at Company arranged functions where such consumption has been authorised by a senior manager. Such functions will, when possible be arranged for times when employee(s) do not have to return to work having recently consumed alcohol. However, if alcohol is consumed they must not drive a vehicle or return to work on any of the Company's premises whilst over the Company limit or the local drink drive limit if lower than the Company limit.
 - 4.2.7 Employees must remember that they are acting as ambassadors of the Company and their behaviour is appropriate, lawful and does not offend, harass or irritate others present, nor does it in any way, bring the Company into disrepute or undermine our brands.
 - 4.2.8 Employees must report any court appearances for any alcohol or illegal drug related offences.
- 4.3 A breach of these rules is a very serious matter and the Company will take disciplinary action in the event of an infringement under the Company's disciplinary procedures, which may include dismissal.

5. EMPLOYER RESPONSIBILITIES

- 5.1 Within this policy, there are specific responsibilities to be undertaken by all managers. Action needs to be taken in the event of an incident/accident or an

employee showing signs of impairment due to the use of substances. All managers have a responsibility to ensure that the procedures of this policy are properly enforced and followed.

5.2 Senior Management has responsibility to:

- Ensure that this policy is implemented throughout the Company.
- Notify employees and contractors of this policy and supporting procedures.
- Monitor the effectiveness of this policy on an ongoing basis.

5.3 Line Managers, Supervisors and Team Leaders have responsibility to:

- Ensure that the health and safety of those employees under their management or supervision is not endangered through the misuse of substances in the workplace.
- Take the appropriate action against those employees whose job capability is impaired due to the use of substances.
- Take the appropriate action against those employees who are in breach of this policy.
- Refer to the Human Resource Department those individuals who volunteer that they may have a substance dependency.

6. EMPLOYEE RESPONSIBILITIES

- 6.1 Under the Health & Safety at Work etc Act 1974 (Section 7a), all employees have a duty of care not only for their own health and safety, but the health and safety of others who may be affected by their acts or omissions.
- 6.2 Employees should familiarise themselves with this policy and the implications arising from a breach of this policy.
- 6.3 It should be recognised that prescribed and over-the-counter medicines may cause impairment to an individual's performance at work. It is therefore the employee's responsibility to seek advice from their medical practitioner or pharmacist on any medicines they are taking. They should inform their line manager or any other manager they wish, of any possible side effects of their medication. Any medical information will be treated in strictest confidence.
- 6.4 Employees with genuine concerns about any colleague in relation to substance misuse or dependency should be made aware of their responsibility for taking those concerns to their line manager or HR Department with supporting evidence. Such concerns will be taken seriously and mechanisms for dealing with them are in place. Any employees working for the Company should feel able to raise genuine concerns appropriately without fear of victimisation however, this must be done with proper regard to principles of veracity and confidentiality.

7. TRAINING

- 7.1 Training will be carried out to ensure that all employees are aware of their responsibilities. The training objectives relating to this policy are:
- a) To provide managers and supervisors with an awareness of this policy and understand their responsibilities in its application.
 - b) To provide managers and supervisors with the necessary training tools to promote and raise awareness of this policy to their employees.

- c) To raise general awareness with regard to substance misuse and to recognise signs and symptoms an employee would be expected to display whilst impaired by the use of substances.
- d) To ensure all employees are made aware of their responsibilities and the implications of breaching this policy.

8. TESTING

- 8.1 Intervention Testing - When it is suspected that an employee is in breach of this policy or when it is suspected that an employee is impaired due to the use of substances including alcohol and drugs (legal or illegal), testing may be used as part of an assessment process.
- 8.2 Post-Accident/Incident Testing – As part of an accident/incident investigation, testing may be carried out on those employees involved, when possible, to determine whether or not substances including alcohol and drugs (legal or illegal) may have been a contributory factor.
- 8.3 Help and Support - If an individual's performance is affected through a dependency to a substance or when they are being supported by the Company for a substance dependency they will be required to undergo monitoring testing.
- 8.4 The Company reserves the right to undertake random drugs and alcohol testing.
- 8.5 The Company will use breath testing for alcohol and oral fluid testing for drugs but reserves the right to use other approved methods of testing if necessary.
- 8.6 Should an employee refuse to consent/comply with the testing process or provide a sample for testing, the Company reserves the right to treat a refusal to consent/comply with the testing process or provide a sample for testing the same as a positive test result. The employee will be suspended immediately on full pay, pending the outcome of a disciplinary investigation.
- 8.7 Should an employee who when selected and notified to attend for a random test fails to attend without a valid reason for doing so, the Company reserves the right to treat the non-attendance the same as a positive test result.
- 8.8 A refusal by a non-direct employee to consent/comply with the testing process or provide a sample for testing or when selected and notified to attend for a random test fails to attend without a valid reason for doing so will result in that employee being removed from the Company premises. Their employer will be notified of this decision.

9. DISCIPLINE

- 9.1 When the rules of this Policy are breached and following a disciplinary investigation, dismissal may result on the grounds of gross-misconduct under the Company's disciplinary procedure. Employees should refer to the Company's disciplinary procedures for information.

10. SELF REFERRAL, HELP AND SUPPORT

- 10.1 The Company will ensure that advice and specialist help are made available to any employee who feel they have or are developing a dependency relating to any substance and seeks assistance from the Company.

- 10.2 Any employee who seeks the assistance of the Company in obtaining help and support for a substance dependency is assured of their confidentiality being respected.
- 10.3 Early identification and treatment is essential, it is very important therefore that employees who feel that they may have or are developing a substance dependency should come forward and seek assistance at the earliest possible opportunity. Employees should contact their line manager, or the HR Department who will help the employee with appropriate support to undertake an approved course of treatment. Each case will be dealt with on its merits, in line with the recommendations of the Company's medical advisors and prevailing regulations.
- 10.4 During any period of absence from work for agreed treatment, the Company's normal sick pay arrangements will apply and absence for treatment will be treated as normal sickness absence.
- 10.5 In all cases of self-referral the employee may be required to undertake alternative duties and / or be subjected to changes to working pattern and / or changes to hours of work or remain at home on authorised absence in line with the Company Attendance Policy. The suitability of any measures taken shall be determined and agreed with management in consideration of all of the circumstances.
- 10.6 If an agreed or recommended course of treatment is not followed by an employee or is ineffective and occurs concurrently with lapses in the employee's performance, conduct or attendance then they will be dealt with in accordance with the Company's normal disciplinary or sickness absence procedures as appropriate.
- 10.7 Testing will be carried out to ensure compliance with the treatment and recovery programme. This option will be agreed with the employee before the commencement of the treatment and recovery programme.
- 10.8 The aim of treatment and rehabilitation is to ensure optimum recovery and return to work.
- 10.9 If recovery appears likely and where the employee demonstrates a genuine commitment to recover, the Company will provide appropriate support to the employee and will closely monitor progress with a view to their return to normal work.
- 10.10 Any subsequent relapse or failure to follow an agreed course of treatment, which results in a breach of this policy, may result in the appropriate application of disciplinary procedures.
- 10.11 Any employee with a substance dependency who only declares they have a dependency when a serious misconduct issue has arisen or before a test takes place or where they are proven to be in breach of this policy will be subject to the same disciplinary procedures as any other employee who breaches this policy.

11. RECORDS

- 11.1 The Company will keep the following records:
 - Substance Misuse Testing Forms
 - Alcohol test results
 - Drugs Test Forms
 - Drugs test results from collection agency

- Notes from any subsequent meetings
- Subsequent developments

11.2 Records should be kept as confidential and kept no longer than necessary in accordance with the General Data Protection Regulations 2018.