

## **SUBSTANCE MISUSE POLICY**

### **INTRODUCTION**

Tayside Contracts has a duty under the Health and Safety at Work Act 1974 to ensure, as far as reasonably practicable, the health, safety and welfare at work of all our employees.

It is an offence under the Misuse of Drugs Act 1971 for any individual to knowingly allow the production, supply or use of controlled substances, except in specified circumstances, for example, when they have been prescribed by a doctor.

'Substance misuse' is a broad term and covers the use of illegal drugs, legal highs, prescribed drugs for which no valid prescription is available, alcohol and substances such as solvents.

Under the Road Traffic Act 1988 and the Transport and Works Act 1992 drivers of road vehicles or individuals in charge of a motor vehicle must be free from illegal drugs, legal highs, prescribed drugs for which no valid prescription is available and/or alcohol above the Scottish legal drink-drive limit while driving or attempting to drive a vehicle.

Under the Management of Health and Safety at Work Regulations 1999, Tayside Contracts has to assess the risks to the health and safety of employees. If an individual within Tayside Contracts knowingly allows an employee, who is not free from illegal drugs, legal highs, prescribed drugs for which no valid prescription is available and/or alcohol above the Scottish legal drink-drive limit, to continue working and the employee's behaviour places them or others at risk, Tayside Contracts or the individual could be prosecuted.

Tayside Contracts prohibits the consumption of illegal drugs, legal highs and alcohol in the workplace. Furthermore employees are not permitted to attend work, drive a vehicle or operate plant and machinery while they are not free from illegal drugs, legal highs, prescribed drugs for which no valid prescription is available and/or alcohol above the Scottish legal drink drive limit.

Whilst Tayside Contracts has a zero tolerance approach to substance misuse in the workplace, our aim is also to encourage individuals with addiction problems, also known as a dependency, to seek help.

Notwithstanding this, Tayside Contracts will report all individuals who are in possession of illegal drugs at work immediately to Police Scotland and cooperate fully with all police investigations.

### **SCOPE OF POLICY**

The purpose of this policy is to ensure that all employees are free from illegal drugs, legal highs, prescribed drugs for which no valid prescription is available and/or alcohol above the Scottish legal drink-drive limit whilst at work. This is to ensure the safe and efficient running of the organisation and to ensure employees do not present a risk to the health and safety of themselves, other employees, clients, customers and the general public.

The policy provides a framework within which substance misuse problems can be managed in a fair and consistent manner whilst protecting the image and reputation of Tayside Contracts.

Tayside Contracts would like to create an environment which encourages employees experiencing problems with drugs or alcohol to have the confidence to admit the problem and seek help.

The policy also aims to ensure that all employees are aware of the risks associated with alcohol and drug misuse and the consequences, including the legal consequences, of their actions.

This policy applies to all individuals working at all levels and grades within Tayside Contracts. It also applies to all consultants, contractors and sub-contractors or other third parties employed or engaged by or on behalf of Tayside Contracts.

## **EMPLOYEE RESPONSIBILITIES**

As an employee you are required to take reasonable care of yourself and others who could be affected by what you do at work. You are responsible for attending work and ensuring you are free from illegal drugs, legal highs, prescribed drugs for which no valid prescription is available and/or alcohol above the Scottish legal drink-drive limit.

You are not permitted to possess, consume or provide drugs or alcohol while on duty, except the consumption of prescription drugs, pharmacy medication, or general sales medication which is being used to treat ailments such as headaches, hayfever, coughs and colds (e.g. paracetamol, ibuprofen, antihistamines, decongestants etc.).

When required, you are obliged to participate fully in the substance testing process which includes completing a consent form and providing urine and breath samples.

If you believe you have a drink or drug problem, you are encouraged to voluntarily disclose this to your supervisor/line manager or your line manager's manager. Your line manager/their manager will contact the HR Team who will work with you and the manager to provide confidential support; however, you must be committed to resolving your dependency.

### **Prescription Medication/Over the Counter Medication**

You should tell your doctor, dentist, pharmacist and any other individual about your job role and Tayside Contracts Substance Misuse Policy when being prescribed or buying medication and herbal products.

You have a responsibility to check whether any medication you are taking has any side effects which may impair your ability to work safely. If there are side effects which will impact on your ability to carry out your role then you are obliged to inform your supervisor/line manager who will meet with you to confidentially discuss the possibility of making reasonable adjustments.

### **Tayside Contracts Events**

There are occasions when you may be offered or you are expected to offer alcohol to others. You should take great care to respect the views of anyone who does not drink or does not wish to drink alcohol which could be for any one of a number of reasons such as pregnancy, religion or a dependency.

If you are attending an event such as the Tayside Excellence Awards (TEA) you are permitted to consume alcohol however please be aware that you are an ambassador and representing Tayside Contracts at all times.

Tayside Contracts will ensure that non alcoholic drinks are served and/or made available for purchase at all Tayside Contracts events for any individuals who choose not to drink alcohol.

### **Tayside Contracts Uniform**

You are not permitted to wear your Tayside Contracts uniform/PPE when consuming alcohol.

### **RECOGNISING A DEPENDENCY**

It is important to recognise a dependency at the earliest opportunity to enable treatment to be sought and received. Please refer to Appendix A for further information on recognising alcohol and drug problems.

### **SEEKING HELP/ADMITTING A DEPENDENCY**

If you believe you have a drink or drug problem you are encouraged to voluntarily disclose this. Tayside Contracts recognises that a substance addiction can be a health issue. Employees who voluntarily admit to a dependency problem will be supported through a rehabilitation monitoring programme, providing the employee is committed to resolving their dependency.

All information divulged will be treated confidentially and individuals will be encouraged to seek professional help from their GP and other external organisations.

Do not wait until a substance misuse test as at this stage the matter will be dealt with under Tayside Contracts' Disciplinary Policy.

### **Occupational Health and Counselling**

Employees may be referred to Occupational Health for occupational assessment and advice. In addition, where appropriate, access to free counselling with a qualified counsellor to help employees with their rehabilitation may be provided.

### **Sources of Information and Support**

There is a wide variety of support and information available. Please refer to Appendix B for contact details.

### **Rehabilitation Monitoring Programme**

A rehabilitation monitoring programme will involve regular discussions between a manager and employee on how the employee's dependency is affecting their ability to carry out their role.

This may involve occupational health referrals, regular meetings, additional supervision, temporary adjustments, rehabilitation testing and an allowance of limited relapses.

If an employee refuses to participate in a rehabilitation monitoring programme the matter will be dealt with in accordance with Tayside Contracts Disciplinary Policy and/or Performance at Work Policy.

## DRUG AND ALCOHOL TESTING

A trained independent Collection Technician will carry out testing in a confidential area at Contracts House, Fairmuir Depot, Ruthvenfield Depot, Blairgowrie Depot, Blair Atholl Depot, Arbroath Depot or Forfar Depot. Employees will be required to provide a urine sample and take an alcohol test via a Home Office approved breath test monitor.

A urine or breath sample will be used to detect the following substances:

- Alcohol
- Cannabis
- Opiates
- Cocaine
- Amphetamines
- Methamphetamines
- Benzodiazepines
- Buprenorphine
- Methadone
- Ketamine
- Barbiturates
- Novel Psychoactive Substances (commonly known as legal highs)

The above list is not exhaustive and unknown substances and paraphernalia found in any Tayside Contracts buildings, external sites, vehicles and property may also be subject to testing and given to Police Scotland.

A drug and alcohol test can be requested based on any of the following three reasons:

### 1. With Cause Testing

A with cause drug and alcohol test will be requested when there is a reasonable belief that an employee is not free from drugs and/or alcohol at work. For example, a test may be requested following an accident or incident at work which raises concern, or because of uncharacteristic behaviour.

Any employee subject to a with cause test will be removed from their duties and accompanied to the nearest testing site by a manager. The employee will not be permitted to drive or eat or drink fluids excessively until the test has been satisfactorily completed by the Collection Technician.

An employee will only be permitted 250ml of sealed bottled water every 20 minutes up to a maximum of 1 litre over an hour.

The employee will be required to provide a urine sample for a drug and/or legal high test and also take an alcohol test via a Home Office approved breath test monitor. If the initial reading is zero then no further readings will be taken however if the reading is **anything other than zero** then further readings will be taken.

A second confirmatory test will also be required for all non-negative drug test results and/or where legal high use is suspected. A non-negative result means that the sample cannot be passed as a negative and it warrants further attention, but it is not the same as positive. The urine sample will be

sent to the supplier's laboratory by the Collection Technician using a strict chain of custody procedure for confirmatory tests and analysis. A confidential report will be provided to Tayside Contracts within 3 working days of the laboratory receiving the sample.

A reading over the Scottish legal drink-drive limit will result in the employee being immediately suspended from work and a non-negative drug test result will also result in the employee being suspended from work as a precaution pending results of the second confirmatory analysis.

## 2. Random Testing

Throughout the year, the HR Manager will ask Synergy Health to select a random sample of employees to test based on the following criteria:

- High Risk (up to 10%) – Employees who work in live traffic, who work at height, are required to drive a Tayside Contracts vehicle and/or operate specialist plant and machinery as part of their duties. Employees who have a specific responsibility for the safety of others and/or have responsibility for Risk Assessments.
- Medium Risk (up to 5%) – Employees who are required to drive their own car/lease car and/or operate machinery as part of their job role.
- Low Risk (up to 2%) – Driving and operating machinery are not essential requirements of the job role.

By the very nature of random testing, employees who are selected for random testing will not receive any notice of testing. Up to two hours prior to the testing the employees selected will be removed from their duties and accompanied to the nearest testing site by a manager.

The employee will be required to provide a urine sample and take an alcohol test via a Home Office approved breath test monitor. The urine sample, will be sent to the supplier's laboratory by the Collection Technician using a strict chain of custody procedure for tests and analysis. A confidential report will be provided to Tayside Contracts within 3 working days of the laboratory receiving the sample.

All readings **over** the Scottish legal drink-drive limit will result in the employee being immediately suspended from work on full pay pending a disciplinary investigation.

## 3. Rehabilitation Monitoring

A test may be requested for a specific employee as part of an agreed rehabilitation monitoring programme. An employee who satisfactorily completes a rehabilitation monitoring programme may in the future be tested on either a with cause or random basis depending on the circumstances.

## CONCERNS

If you have concerns or suspect a colleague is unfit for work through drugs and/or alcohol then you are encouraged to report your concerns to your supervisor/line manager under the protection of Tayside Contracts' Whistleblowing Policy.

It is in everyone's interest that you report any suspicions immediately to ensure the safety and welfare of others and to help any employees who may require support.

Tayside Contracts' Whistleblowing Policy does not give protection against disciplinary action if a disclosure is found to be malicious or vexatious, or where there are no reasonable grounds for believing that the information supplied was accurate.

## **RIGHT TO BE ACCOMPANIED**

Employees will be given the opportunity to be accompanied by a trade union representative or work colleague during a substance misuse test, however, a test will not be unreasonably delayed to allow the employee's choice of individual to arrive.

## **POLICY VIOLATIONS**

Employees who have a positive drug test result, a reading over the Scottish legal drink-drive limit, deliberately delay a test, take a test for another employee or refuse to have a test will be subject to a disciplinary investigation, which may include suspension. A refusal to provide consent will automatically be deemed as a fail.

In addition, any inappropriate action during the course of employment which is considered to bring Tayside Contracts' reputation into disrepute will be investigated.

Any breach of this policy will be regarded as misconduct and will be dealt with in accordance with Tayside Contracts' Disciplinary Policy and may lead to dismissal.

## **COMPLAINTS**

If you are unhappy with any aspect of how you have been treated with regard to the application of this policy you should discuss the matter with your line manager. If you remain dissatisfied you may raise a grievance in accordance with Tayside Contracts' Grievance Policy.

## **RELATED POLICIES**

The Substance Misuse Policy links to the following policies which can be accessed on the Intranet, or requested from your line manager or from the HR Admin Team:

- Disciplinary Policy
- Employee Code of Conduct
- Grievance Policy
- Occupational Health and Safety Policy
- Performance at Work Policy
- Sickness Absence Management Policy
- Whistleblowing Policy

The above list is not exhaustive.

## **POLICY REVIEW**

The Substance Misuse Policy will be reviewed annually.

**Should you have any queries or require further clarification regarding any aspects of this policy or related policies please contact HR Services on 01382 812721 or [employment.policies@tayside-contracts.co.uk](mailto:employment.policies@tayside-contracts.co.uk)**

## **Appendix A**

It is important to recognise an addiction, also known as a dependency at the earliest opportunity to enable treatment to be sought and received.

### **Common Symptoms of Alcohol Abuse**

- Basing all social events around alcohol and worrying where your next drink is coming from when it is closing time.
- Suffering from withdrawal symptoms like sweating, tremors and nausea and then drinking alcohol to make these symptoms stop.
- Developing a tolerance to alcohol which means you have to drink more to get the desired effect.
- Drinking alcohol, or having a strong desire to, when you wake up.
- Realising that your professional and personal relationships are suffering because of alcohol, but not being able to stop.

### **Common Symptoms of Drug Abuse**

- Neglecting responsibilities at work and at home, for example, failing to attend work and neglecting your family and/or children.
- Using drugs under dangerous conditions or taking risks while high, such as driving while on drugs or using dirty needles.
- Getting into trouble with the police, such as arrests for disorderly conduct, driving under the influence, or stealing to support a drug habit.
- Needing to use more of the drug to experience the same effects you used to with smaller amounts.
- Suffering from withdrawal symptoms such as nausea, restlessness, insomnia, depression, sweating, shaking, anxiety, blackouts, infections and paranoia.
- Abandoning activities you used to enjoy such as hobbies, sports, and socialising.

### **Possible Signs of a Dependency**

- Frequent lateness and/or repeated brief periods of self-certified absences.
- Poor performance, impaired concentration and memory.
- Change in quality of work, work output, missed deadlines and fluctuations in quality of work.
- Sleeping during working hours.
- Accidents either on or off the job.
- Repeated violation of safe working practices.
- Errors of judgement.
- Smelling of alcohol or appearing to be under the influence of a substance during working hours.
- Mood changes, irritability and lethargy.
- Deterioration in relationships with colleagues, clients and/or customers.
- Loss of interest in the job or other activities that were previously enjoyed.
- Balance or coordination problems, hand tremors, slurred speech, facial flushing and change in personal appearance/hygiene.
- Stress related problems.

It is important to note that although the above could be possible signs of a substance dependency it may also be a sign of other health problems.

## Appendix B

Name	Website	Contact Number	Email
Addaction Dundee		01382 206 888	
Addaction Fife Harm Reduction		0800 917 9211 or 01592 619090	
Addiction Helper	<a href="http://www.addictionhelper.com">www.addictionhelper.com</a>	0800 44 88 688 or 0203 151 1488  Text: "HELP" to 66777	
Alcoholics Anonymous	<a href="http://www.alcoholics-anonymous.org.uk">www.alcoholics-anonymous.org.uk</a>	0845 769 7555	help@alcoholics-anonymous.org.uk
Drinkaware	<a href="http://www.drinkaware.co.uk">www.drinkaware.co.uk</a>		contact@drinkaware.co.uk
Drinkline		0800 917 8282	
Frank – Friendly, confidential, drug advice	<a href="http://www.talktofrank.com">www.talktofrank.com</a>	0300 123 6600  Text: 82111	frank@talktofrank.com
Narcotics Anonymous	<a href="http://www.ukna.org">www.ukna.org</a>	0300 999 1212	
NHS 24	<a href="http://www.nhs24.com">www.nhs24.com</a>	111	
NHS inform	<a href="http://www.nhsinform.co.uk">www.nhsinform.co.uk</a>	0800 22 44 88	
Scottish Drug Service Directory	<a href="http://www.scottishdrugservices.com">www.scottishdrugservices.com</a>		
Scottish Families Affected by Alcohol & Drugs	<a href="http://www.sfad.org.uk">www.sfad.org.uk</a>	08080 10 10 11	helpline@sfad.org.uk
Tayside Alcohol Problem Service (TAPS)		01382 443127	
Turning Point Scotland	<a href="http://www.turningpointscotland.com">www.turningpointscotland.com</a>	0800 652 3757	