

## **SUBSTANCE MISUSE TESTING PROCEDURE**

The following procedure must be followed in accordance with Tayside Contracts Substance Misuse Policy.

### **PROCEDURE FOR WITH CAUSE TESTING**

Any suspicion that an employee is at work and not free from alcohol, illegal drugs or legal highs must be dealt with in accordance with Tayside Contracts Substance Misuse Policy and Procedure immediately.

Any suspicions should be raised with an employee through a confidential discussion with the manager in a suitable confidential location in the presence of a management witness. Employees should never be accused of being drunk or on drugs. The employee should be asked directly by the manager whether they are free from drugs and/or alcohol and the answer including any other information disclosed should be documented in writing by the manager.

The manager should advise the employee that they are arranging for a with cause drug and alcohol test in accordance with our policies and procedures which may, dependent on the result, lead to disciplinary action including dismissal. The employee should be removed from their duties and instructed to remain in an appropriate designated area of the manager's choice where the employee has no access to any excessive drinking fluids and food. The manager should arrange for the employee to be supervised by a reliable management witness at all times.

An employee will only be permitted 250ml of sealed bottled water every 20 minutes up to a maximum of 1 litre over an hour and the management witness must document in writing what the employee consumes prior to the Collection Technician arriving.

The management witness must document in writing any prescribed medication taken by an employee who is waiting for a with cause drug and alcohol test, including the dose and time it was taken.

Any visit to a bathroom must be supervised by the management witness. Prior to a visit being permitted, any personal belongings including pocket contents should be removed by the employee, documented in writing by the management witness and secured for safekeeping.

Within the hours of 8.00am – 4.45pm, Monday to Friday, the manager should contact their Unit/Section Head who will contact the HR Admin Team on 01382 812721 to arrange a with cause test.

Outwith the hours of 8.00am – 4.45pm and at weekends, the appropriate designated operational manager will contact Synergy Health directly and notify the HR Admin Team by email that a with cause test was requested.

Testing will only be carried out at the following locations:

- ✓ Contracts House or Fairmuir Depot for the Dundee Area
- ✓ Ruthvenfield Depot, Blairgowrie Depot or Blair Atholl Depot for the Perth & Kinross Area
- ✓ Forfar Depot or Arbroath Depot for the Angus Area

When contacting Synergy Health to request for a test to be carried out, this should be arranged for the nearest designated location to where the employee is currently located. Synergy Health will arrange for a trained independent Collection Technician to attend within 2 hours of our request. Arrangements should therefore be made for the employee to be safely driven to the agreed designated testing location upon arrangement of a test.

## **PROCEDURE FOR RANDOM TESTING**

Throughout the calendar year, the CMT will decide when and where random testing will be carried out.

The CMT will instruct the HR Manager to arrange random testing 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.

At least 48 hours prior to the selected date/time of random tests, the HR Manager will contact Synergy Health to arrange testing in a specified location. Synergy Health will select a random sample based on the establishment list provided, notify the HR Manager which employees have been selected and arrange for a trained independent Collection Technician to attend our specified location on the date and time requested.

The HR Manager will instruct an HR Adviser to contact the Unit/Section Heads to notify them of the employees who have been randomly selected, the testing location and date and time of test. The Unit/Section Head will arrange for employees selected to be removed from their duties up to two hours prior to the testing and accompanied to the nearest testing site by a manager. The reason should not be divulged.

The Unit/Section Head in consultation with an HR Adviser will notify the HR Manager of anyone who is not at work, for example, due to working hours, sickness absence, annual leave etc. The HR Manager will notify Synergy Health who will select an alternative employee prior to or on the day of the Random Tests.

On arrival at the testing location the employee will be instructed to remain in an appropriate designated area of the manager's choice. The manager should arrange for the employee to be supervised by a reliable management witness at all times.

## **THE LOCATION AND TEST**

The employee will be required to provide a urine sample and take an alcohol test via a Home Office approved breath test monitor which may include a second confirmatory test if required.

An HR Adviser or manager will attend the testing location and be present for the entire testing period with the exception of when the employee provides a urine sample. The HR Adviser or manager will provide access to a secure place for the employee's personal belongings including pocket contents.

The employee who is subject to testing will be afforded privacy and the Collection Technician will carry out a number of precautions in accordance with legislation and best practice. For example, the Collection Technician will add a coloured dye to the toilet cistern and bowl, and tape up any taps so that the urine sample cannot be diluted. They will also remove any potential adulterants such as bleach and cleaning fluids. Access to the site will be secured using appropriate signage.

Prior to any testing taking place, the Collection Technician will verify the employee's identity, fully explain the procedure and obtain a fully completed and signed consent form.

The Collection Technician will ask the employee to choose a testing kit and a mouthpiece from a selection of three and the employee's selection will be used for their tests.

## **RESULTS**

### **With Cause**

The Collection Technician will take an initial reading using 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 a second reading will be taken 15 – 20 minutes after the first reading. If the second reading is higher than the first reading then a third reading may be taken to detect whether the employee's blood alcohol is rising.

A new mouthpiece chosen by the employee will be used for each reading.

The employee will also be required to provide a urine sample for drug and/or legal high testing.

A second confirmatory test following a strict chain of custody procedure 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 from a different method of analysis, but it is not the same as positive.

At this stage, an employee will be asked to declare details of any medication that they have taken within the last 14 days which will be sent with the 'non-negative' urine sample and drug test results 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 pending a disciplinary investigation 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 test and analysis.

### **Random**

The employees will be required to provide a urine sample and take an alcohol test via a Home Office approved breath test monitor. The employee will be asked to declare details of any medication that they have taken within the last 14 days.

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.

#### **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.

#### **DISCIPLINARY INVESTIGATION**

A disciplinary investigation will be carried out for readings **over** the Scottish legal drink-drive limit and for a confirmed positive drug test which may lead to disciplinary action up to and including dismissal in accordance with Tayside Contracts' Disciplinary Policy.

#### **DEALING WITH REFUSED CONSENT**

A refusal to provide consent will automatically be deemed as a fail and the employee will be informed of this.

An employee who leaves site driving a vehicle prior to a with cause test will be reported to Police Scotland.

An employee who deliberately delays a test, takes or attempts to take a test for another employee or refuses to have a test will be subject to a disciplinary investigation and may face disciplinary action up to and including dismissal in accordance with Tayside Contracts' Disciplinary Policy.