

DRUGS & ALCOHOL POLICY – Policy Number 09PEO-1PY-09

1 Background

Sir Robert McAlpine Ltd is committed to providing a safe, healthy and productive working environment and to safeguarding the health, safety and welfare of all those affected by its operations. This includes ensuring that everyone working on our projects or in our offices is fit to carry out their jobs safely and effectively in a working environment which is free from alcohol and drug misuse.

2 Who does this policy apply to?

This policy applies to all employees including but not limited to all staff and operatives directly employed by Sir Robert McAlpine Limited and all other individuals carrying out work on behalf of, or providing a service to, the company such as consultants, contractors (including sub-contractors, trade contractors and other specialists), apprentices and agency workers at company sites, offices and in company vehicles.

3 Purpose

The purpose of this policy is to promote an exceptional safety culture and support our commitment to get everyone home safe, every day.

Alcohol or drug misuse can increase health and safety risks, not only for the individual concerned but also for others, such as colleagues, contractors, visitors and members of the public. It can lead to impaired judgment and decision-making ability, and the effects of alcohol or drug misuse are likely to be detrimental to the company's reputation and its ability to deliver high quality services.

Under this policy:

- The company will comply with current legislation such as The Health and Safety at Work Act 1974, the Misuse of Drugs Act 1971, the Transport and Works Act 1992
- All our employees, contractors and clients are expected to arrive at our workplaces fit to carry out their roles and to be able to perform their duties safely without any limitations due to the use or effects of alcohol or drugs
- Measures to prevent our employees, contractors and clients from attending workplaces under the influence of alcohol or illegal drugs will include random, for cause and post incident testing
- This policy will not apply in relation to alcohol in the event that authorisation has been granted in advance of a work-related function or social event to consume reasonable amounts of alcohol. However, attendees are expected to drink responsibly and to behave appropriately so as not to contravene the disciplinary procedure or code of conduct, including by engaging in conduct likely to bring the company into disrepute. This policy will reapply once the individual returns to work (i.e. the day after a work-related event)

4 Definitions

Alcohol – alcohol in any form, including (but not limited to) a beverage, condiment or food additive which contains alcohol.

Alcohol Misuse – any consumption of alcohol, either intermittent or continuous, which interferes with an individual’s health, work capabilities or conduct, or which affects the work performance and/or safety of themselves or others.

Drugs – any drugs or substances (for example, solvents) that affect mood, thought processes and/or perception, available both legally and illegally, including (but not limited to) all those covered by the Misuse of Drugs Act 1971 and the Medicines Act 1968.

Negative (for drugs) – the drugs being tested for were not found in the individual’s sample

Non-negative (for drugs) – a preliminary result that indicates one of the drugs tested for may be present in the individual’s sample. The sample will be sent to the laboratory for further analysis, following which the company will receive confirmation of either a negative or positive result.

Contractors - all individuals other than employees carrying out work on behalf of, or providing a service to, the company at all levels, including (but not limited to), consultants, contractors (including sub-contractors, trade contractors and other specialists), apprentices and agency workers at company sites, offices and in company vehicles.

Drug and substance misuse:

- The use of any controlled drug as defined by the Misuse of Drugs Act 1971 or any statutory re-enactment;
- The accidental or intentional misuse of prescribed or ‘over the counter’ medication; or
- The misuse of substances, e.g. solvents, which can impair behaviour, judgement or job performance of the individual.

Employees – all those directly employed by Sir Robert McAlpine Limited.

Test – a test carried out by an external provider on the company’s behalf using analysis of breath samples for evidence of alcohol consumption and urine samples for evidence of recent drugs use. The company reserves the right to keep tests used under review in light of advancements in how these are undertaken.

Positive result to a drugs or alcohol test is deemed to be -

- **Drugs:** a laboratory confirmed positive drug test result will be recorded if a drug is detected in the donor’s sample for which no legitimate explanation, medical or otherwise, can be found



- Alcohol: two consecutive breath tests both giving a reading above the legal drink drive limit (see details below)

The following limits are correct at the time of this policy being published. Should these change, the latest information on the government website – www.gov.uk - will be used. Please note that some sites and/or clients may have different rules which we need to apply. You will be notified of any deviation from this policy.

Level of alcohol	England Wales and Northern Ireland	Scotland
Micrograms per 100 millilitres of breath	35	22

Normal working day – the period between the time on any particular day/night when an individual commences their duties and a time on that day/night when they cease their duties. For the purposes of this policy, normal working day includes (but is not limited to) breaks, overtime, job related travel and time spent on call.

Impaired – a person will be considered impaired if they have consumed drugs or alcohol in a quantity and at a time that would cause them to test positive in a drugs or alcohol test in accordance with this policy.

5 Procedure

Drugs and Alcohol at Work

a) Employees only

We would encourage anybody suffering from drug or alcohol dependency to declare it. If you disclose that you are undergoing treatment for a drugs or alcohol related problem, a sympathetic and supportive approach will be adopted in managing such issues where appropriate. Such declaration should not be as a consequence of either impending drugs and/or alcohol testing or failing a drugs or alcohol test.

However, in either case the company reserves the right to apply the normal disciplinary procedure at any time.

If you refuse to undergo, or do not complete, a course of drug or alcohol related treatment suggested or organised by the company, any subsequent unacceptable behaviour, unsatisfactory performance, irregular attendance or other adverse consequence may be dealt with in line with the disciplinary procedure.

b) Employees, contractors and clients

If you are taking prescribed or over the counter medication, you must seek advice

from your GP or pharmacist about the possible effect on your ability to carry out your job and whether your duties should be modified. Where this is the case, employees must tell their line manager or the HR Business Partner as soon as possible and contractors and clients must ensure that the company is made aware.

Everybody (employees, contractors and clients) is prohibited from taking drugs (other than prescription or over the counter medicine, as directed) during the normal working day. If you are identified as taking drugs at work or are found to be working with traces of drugs in your body, you will be suspended from your duties pending an investigation. Contractors and clients will be removed from the workplace.

Anyone who takes prescription or over the counter medicines which could adversely affect their ability to carry out their job and who has failed to disclose this to their line manager, the People Team or the company may be treated in the same way. Everybody (employees, contractors and clients) must not drink alcohol at any location under the control of the company during the normal working day. Employees who consume alcohol while at work or who work under the influence of alcohol beyond the limits set out in section 4 will be suspended from their duties and contractors and clients will be removed from the company's workplace whilst an investigation takes place.

Types of Test

Testing applies to all everybody; employees, contractors and clients, and will be carried out by an independent UKAS accredited external provider.

- **For Cause Testing and Post Accident/Incident Testing**

When there is cause to believe that your behaviour and/or performance at work is impaired by drugs and/or alcohol or if you have been involved in an incident or accident, you may be required to undertake a drugs and/or alcohol test.

Some examples of circumstances where this may be appropriate are:

- obvious signs of mental and/or physical impairment;
- recognition by managers, supervisors or colleagues of symptoms affecting work performance;
- complaints from the public indicating that alcohol/drugs may be a factor;
- the discovery of items in possession of an individual that could indicate involvement with alcohol/drugs; and/or
- after an accident or incident.

A request for an individual to undergo a For-Cause or Post Accident/Incident Test must be authorised by one of: Health Safety and Wellbeing Director, Head of Health Safety and Wellbeing, Senior Health Safety and Wellbeing Manager, Health and Safety Administrator or HR Business Partner.

- **Random testing**

We reserve the right under this policy to exercise random alcohol and drug testing of employees, contractors and clients at any of our workplace locations. Individuals will be randomly selected and tested throughout the course of the year. This process applies regardless of the status or job function. The external provider that carries out the testing or the company itself will select workplace locations where random testing is to be carried out. The external provider will select individuals who are to be tested at the workplace location. If you are randomly selected, you will be contacted and immediately escorted to the testers' location for testing. You will be asked to declare if you are taking any medicine(s) which may legitimately affect the outcome of the test.

- **Working from home**

Where an employee, or someone acting on behalf of the company such as a contractor, works remotely from home or from another non-company location, they too are subject to this policy and random testing for alcohol and drugs. They will be given as much notice as possible of this test and asked to report to a location where these tests can be undertaken; this could be an SRM site or office, AKAS test provider's office or any other location as deemed appropriate. If the individual is under the influence of either alcohol or drugs they must comply with the driving at work policy and use public transport to safely reach the nominated destination.

Testing methods and outcome

This process will involve the testing of a specimen of your breath and/or urine. Full details of the testing procedure will be explained at the time of the test.

However, by way of brief overview:

- Testing for alcohol will be carried out using a breathalyser. If the first breath test is positive, then a second breath test will be carried out immediately and the result of the second test will be conclusive. Breath test results are available at the time of testing.
- Testing for drugs will be carried out using the Integrated Cup System. This test will be undertaken at the point of collection (a Point of Collection Test). A Point of Collection Test negative result is available immediately. In the event of a non-negative result, the same urine specimen will be forwarded to a laboratory for further analysis using a rigorous "full chain of custody" procedure in accordance with best practice. During this time, you will be suspended and any contractors and clients will be removed from the workplace pending the outcome of the laboratory test, the result of which will be conclusive, although those tested may request that a positive result be verified by an independent laboratory. Laboratory analysis typically takes 3, but up to 5, days. In the event that verification of a positive result is requested, the you will remain suspended and/or removed from the workplace pending the outcome of the laboratory test.

- In the event of a positive result for alcohol or a non-negative result for drugs, we will offer to assist you to make arrangements for your departure from site to avoid the need for you to drive.

For the purposes of this policy, an unfit state through the consumption of alcohol or drugs is proven or “positive” when test results are above the current drink drive limits (or where there are other site specific or client requirements, for example Network Rail and LUL who have more stringent testing criteria) and/or drugs are detected for which there is no legitimate explanation e.g. prescription drugs.

A positive test result for drugs or alcohol will be considered a breach of this policy and you will be subject to disciplinary action. Due to the potential impact on the safety and health of employees, contractors, clients, visitors and members of the public, and the reputation of the company, breaches of this policy are considered gross misconduct and may lead to dismissal.

Additional support can be sought from the People Team on this policy.

Refusal to take a test

Employees

Refusal to provide a sample without legitimate reason (this includes leaving a site/office/workshop before being tested) will constitute a failure to adhere to reasonable instructions and/or a breach of this policy under the disciplinary procedure. If you refuse to provide a sample you will be suspended on full pay pending the outcome of an investigation under the company’s disciplinary procedure.

Contractors and clients

Refusal to provide a sample without legitimate reason will result in you being removed from the company’s premises. Your employer (where appropriate) will be notified of this decision.

Test Results

All test results will be reported to the appropriate member(s) of the People Team and you will then be informed. The results for individuals who are not employees of the company will also be reported to their employer. Positive results for employees will also be reported to an appropriate manager.

With consent the company will retain a record of positive test results for up to one year. Such records may be taken into account in determining suitability for re-employment or re-engagement during that time. We will require evidence that a rehabilitation / support plan has been undertaken and that a negative drug and alcohol test for three consecutive months prior to returning to site/place of work has been provided. Individuals returning to site/their place of work will be subject to additional testing (in addition to the

company's normal testing regime) for up to six months following their return.

Negative test result reports will be destroyed.

The statistical results of drugs and alcohol testing are also included in company health and safety reports.

Searches

The company reserves the right to conduct searches for alcohol, drugs and drugs paraphernalia. This includes searches of lockers, filing cabinets and desks, bags and vehicles at its work locations. It will ensure that the level of search is fair and reasonable, taking into account all of the circumstances giving rise to it. All searches must be authorised in advance by either a Sector Managing Director, Head of Function or HR Business Partner. If you unreasonably refuse to allow such a search, you will be suspended on full pay and we will undertake a full investigation. This may lead to disciplinary action under the disciplinary procedure, which may result in dismissal for gross misconduct.

A contractor or client who is not an employee of the company who unreasonably refuses to allow such a search will be removed from the workplace and, where relevant, this will be reported to their employer.

Support

Where required, individuals who have failed a test may be offered support to safeguard them from substance abuse that could affect their health or wellbeing.

Further guidance

This policy will be held on the company's intranet site. New employees will be made aware of the policy at induction. A booklet entitled "Drugs & Alcohol" is available at many workplace locations and on SRM Online.

Contractual status of this policy

This policy does not form part of any employee's contract of employment. The company has the right to amend the policy at any time and it will communicate any material changes to employees.

Ownership, updates and queries

The policy is owned by the People Director and Health Safety and Wellbeing Director and will be reviewed periodically.

Any questions on the application of the policy should be referred to the People Team.

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Version 4.3



Michael Divers
People Director

Title:	Drugs and Alcohol Policy		
Owner: People Director	People Team	Version:	4.3
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