

Substance Misuse Policy

Rev 1

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AARSLEFF CENTRUM



1. POLICY STATEMENT

1.1 This policy applies to all companies within Aarsleff Ground Engineering Ltd UK and Avoncross Ltd, including companies trading as Centrum Pile and Cannon Piling (referred to in this statement as 'The Company')

1.2 This policy is non-contractual and the Company reserves the right to amend or withdraw the policy at any time at the Company's discretion.

1.3 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 its employees, in line with the Company value of Life and Health.

2. SCOPE OF THIS POLICY

2.1 To clearly outline how the Company handles the misuse of alcohol, drugs and any mind-altering substances by employees.

2.2 To clearly outline how an employee will be expected to seek help with any alcohol or drug misuse.

2.3 To explain the sanctions and potential consequences that exist for a breach of this policy, as well as clearly stating what kind of conduct will amount to such a breach.

2.4 This policy also explains how the Company will monitor and/or test employees, the circumstances in which an employer will request a medical examination, and how referrals to specialist agencies or Occupational Health will be made.

2.5 This policy also refers to other policy documents that govern employee conduct and operations such as:

2.5.1 Sickness Absence Policy

2.5.2 Disciplinary Policy

2.5.3 Occupational Health, Safety and Wellbeing Policy

2.6 This policy applies to all employees, Agency Workers and Sub-Contractors regardless of their job function.

2.7 This policy is applicable to all Company premises and any sites at which the company has business

2.8 This policy shall form part of the terms and conditions of employment for all employees but shall be non-contractual.

2.9 This policy shall be used in accordance with the Company's Data Protection Policy and the General Data Protection Regulations (GDPR) 2018.

3. DEFINITIONS

3.1 Alcohol – Includes, but is not limited to distilled spirits, liquor, beer, wine, malt liquor, or any other intoxicants used for beverage or food purposes. To avoid any misconception, the company is also including “Alcohol Style” drinks labelled as 0% alcohol, Low Alcohol, or alcohol-free in this policy.

3.2 At Work – Includes any period during which an employee is working for the Company and is carrying out their activities or duties when representing the Company, whether on Company premises or elsewhere on Company business including customer premises, or client sites.

3.3 Company Premises / Client Sites – Includes all premises the Company has responsibility for including all Company vehicles. The term Company Premises also applies to all occasions when an employee is at work.

3.4 Dependency – When an employee has adapted physically and/or psychologically to the presence of drugs or alcohol and would suffer if they were withdrawn abruptly.

3.5 Drug – Any psychoactive substance (a drug that has the potential to affect mood, thought process or perception), available both legally over-the-counter or via prescription, or illegally.

3.6 Illegal Drugs – All drugs covered by the Misuse of Drugs Act (1971) as amended.

3.7 Mind Altering Substances – Any substance that affects judgement/ability to conduct work in a safe manner.

3.8 Impaired (Alcohol) – In terms of this policy, an employee who receives a positive test result for alcohol or is suspected to be under the influence of alcohol is deemed to be impaired due to the use of alcohol and therefore in contravention of this policy.

3.9 Impaired (Drugs) – In terms of this policy, an employee proven to have consumed illegal drugs or misused any other drug, (to be confirmed by an appropriate test) is deemed to be impaired due to the use of drugs and therefore in contravention of this policy.

3.10 Misuse – Applies to using drugs in an unsanctioned way. For example, any illegal drug use, or using drugs for non-medical purposes without proper direction, from an appropriately qualified person such as a medical practitioner or pharmacist. It also applies to using drugs or alcohol in a way that is harmful/hazardous to the employee or to others and which is likely to distort perception and response.

4. RULES OF THIS POLICY

4.1 Under legislation, The Company has a duty to ensure so far as is reasonably practicable, the health, and safety and welfare at work of all our employees, Agency Staff and Sub-Contractors and similarly, all employee's, Agency Staff and Sub-Contractors have a responsibility to themselves and their colleagues. The use of alcohol and drugs may impair the safe and efficient running of the business and/or the health and safety of anyone working for us.

4.2 The Company takes a zero-tolerance approach to the use of drugs or alcohol by any employee, or any other person(s) associated with the Company in any scenario.

4.3 The Company expects all employees, Agency Workers and Sub-Contractors to do everything in their power to ensure they are fully fit for work. It is a condition of employment that employees, Agency Workers and Sub-Contractors will not attend for work under the influence of alcohol, drugs or any other illegal substances.

4.4 The Company, and many of its clients and customers, operate a zero-tolerance policy to the taking of alcohol, drugs and illegal substances, and reserves its right to test anyone at any time for drugs and alcohol, drugs and illegal substances.

4.5 If your performance or attendance at work is affected as a result of alcohol, drugs or medication or it is believed you have been involved in any drug or alcohol related action or offence, you may be subject to disciplinary action and dependent on the circumstances, this may lead to your dismissal.

4.6 Non-compliance of these conditions is deemed gross misconduct and will be treated as though a positive sample has been provided by the employee, who will be subject to the Disciplinary Policy.

4.7 Employees must make themselves aware of the side effects of any prescription drugs and medication, they must advise their line manager, STEQ and HR or member of the management team immediately of any side effects of prescription drugs that might affect work performance or the health and safety of themselves or others e.g. drowsiness.

4.8 To safeguard the health and safety of all employees, and others with whom they come into contact and to maintain the efficient and effective operation of the Company, the following rules will be strictly enforced.

4.9 Employees must not:

4.9.1 Report or try to report on to Company premises whilst impaired or under the influence of drugs (legal or illegal) or alcohol.

4.9.2 Consume alcohol whilst on Company premises, (including drinks labelled as 0% alcohol or alcohol-free) or whilst representing the Company

4.9.3 Be in possession of alcohol on Company premises (including drinks labelled as 0% alcohol or alcohol-free) Unopened containers of alcohol that has been purchased off Company premises for consumption outside of work will be permissible

4.9.4 Attempt to sell, distribute or supply alcohol whilst on Company premises, or whilst representing the Company.

4.9.5 Consume illegal drugs or misuse any drug whilst on Company premises, or whilst representing the Company.

4.9.6 Be in possession of, or attempt to sell, distribute or supply any drug which contravenes the Misuse of Drugs Act 1971; the Psychoactive Substances Act 2016; and the Medicines Act 1968, whilst on Company premises or whilst at work. Any contravention of this, without exception, will be reported to the police and may lead to Disciplinary action.

4.10 The Company expects that any employee who believes they may have a dependency on a restricted or illegal substance, to seek support from a medical professional/ practitioner as well as informing their line manager immediately. The employee must also be willing to take part in an Occupational Health Referral – the results of which will assist the Company in ascertaining if the employee is fit for work.

4.11 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 its values or its brand.

4.12 Employees may consume alcohol at Company arranged functions when such consumption has been authorised by a Senior Manager. Such functions will, when possible be arranged for times when employees do not have to return to work having consumed alcohol. However, if alcohol is consumed, they must not drive a vehicle or return to work on any of the Company's premises.

4.13 A contravention of these rules is a very serious matter, and the Company will take disciplinary action in the event of a contravention under the Company's disciplinary procedure, which may include dismissal. For non-direct employees, they will be referred to their own employer when there is a contravention of these rules.

5.0 MANAGER AND SUPERVISOR RESPONSIBILITIES

5.1 Must ensure that the health and safety of those employees under their management or supervision is not endangered due to the use of drugs or alcohol.

5.2 Must take the appropriate action if an employee's capability is impaired due to the use of drugs or alcohol.

5.3 Must take the appropriate action if as part of an accident/incident investigation they have a concern that drugs or alcohol may have been a contributory factor.

5.4 Must take the appropriate action if an employee is in contravention of this policy.

6.0 EMPLOYEE RESPONSIBILITIES

6.1 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 Should familiarise themselves with this policy and the implication arising from a contravention of this policy.

6.3 Must recognise that prescribed and over-the-counter medicines may cause impairment to their safety and 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 and the Health and Safety team of any possible side effects of their medication that could impair them at work. Any medical information will be treated in strictest confidence.

6.4 Must take responsibility of their own wellbeing and the wellbeing of fellow employees and the health and safety requirements of the Company by seeking medical assistance and advice at the earliest opportunity when and if they have or feel they are developing a drug or alcohol dependency.

6.5 Must seek guidance and support from their line manager immediately if they feel they are developing a drug or alcohol dependency, they are expected to fully participate in the completion of an Occupational Health referral, alerting a medical practitioner and making use of the Employee Assistance Programme and take immediate action on any advice/ support given.

6.6 Must be aware of their responsibility that when they have a genuine concern about another employee in relation to drug or alcohol impairment, misuse or dependency, they must take their concerns to their Line Manager, any other Manager or the HR Department immediately. Such concerns will be taken seriously and mechanisms for dealing with them are in place.

6.7 Any employee should feel able to raise genuine concerns appropriately without fear of recrimination however concerns must be raised with appropriate discretion and be done in good faith.

7. ALCOHOL AND DRUGS TESTING

7.1 The Company reserve the contractual right to carry out alcohol and drug testing on employees during their normal working hours. These tests are random and do not imply suspicion in relation to any individual. Our clients may also insist on random testing which must also be adhered to.

7.2 If an employee is required to submit to a test, they will have the right to be accompanied by a fellow work colleague available at the time of the request.

7.3 Employees retain the right to refuse to be tested, however, should be aware that any refusal may be regarded as breach of contract which may lead to disciplinary action and result in their dismissal.

7.4 Failing a drug or alcohol test will lead an employee's suspension from work pending an investigation and may lead to a summary dismissal.

7.5 All personal data collected for this purpose will be processed in line with the current Data Protection Regulations.

7.6 Testing will be carried out by an impartial testing company specialising in drug and alcohol testing wherever possible. In circumstances where an immediate test is required, a suitably trained person on-site will carry out the test.

7.7 Testing takes place in the following circumstances:

7.7.1 For-Cause – When it is suspected that an employee is in contravention of this policy or when it is suspected that an employee is impaired due to the use of drugs or alcohol, testing may be carried out as part of an assessment procedure.

7.7.2 Accident/Incident – As part of an accident/incident investigation, testing may be carried out on those employees involved, when possible, to determine whether or not drugs or alcohol may have been a contributory factor.

7.7.3 Assurance – If an employee’s conduct or capability is affected by a dependency to drugs or alcohol or when they are being supported by the Company for a drug or alcohol dependency, they will be required to undergo assurance testing.

7.7.4 Random Testing – The Company reserve’s the contractual right to carry out alcohol and drug testing during normal working hours. These tests are random and do not imply suspicion in relation to any individual. Our clients may also insist on random testing which you must adhere to.

7.7.5 Commencement of Employment - The Company reserves the right to carry out an alcohol and drugs test on all new starters at point of induction into the business.

7.8 The Company will use breath testing for alcohol and either urine or oral fluid testing for drugs but reserves the right to use other approved methods of testing if necessary.

7.9 Should an employee refuse to consent to testing (including retesting) or comply with the testing procedure, the Company reserves the right to treat this the same as a positive test result, the employee will then be subject to the company's disciplinary procedure. Please see the **‘Disciplinary Policy’** for further guidance

7.10 A refusal by an Agency Worker or Sub-Contractor non-direct employee to consent to testing (including retesting), comply with the testing procedure or to provide a sample for testing, the Company reserves the right to treat a refusal to consent to testing (or retesting) or comply with the testing procedure or to provide a sample for testing the same as a positive test result and they will be referred to their own employer.

8. DISCIPLINARY ACTION

8.1 Any breaches of this policy will be investigated under the Company disciplinary procedure. Where allegations of breaches are upheld, a potential outcome maybe summary dismissal on the grounds of Gross-Misconduct. Employees should refer to the Company’s disciplinary procedure for information.

9. ALCOHOL AND DRUGS AT WORK

9.1 Alcohol and drugs can lead to reduced levels of attendance, reduced efficiency and performance, impaired judgement and decision making and severely increases the health and safety risks for you and other people. Irresponsible behaviour or the commission of offences resulting from the use of alcohol or drugs may damage our reputation and, as a result, our business.

9.2 Employees are expected to arrive at work fit to carry out their job and to be able to perform their duties safely without any limitations due to the use or aftereffects of alcohol or drugs. In this policy drug use includes the use of controlled drugs, psychoactive (or mind-altering) substances formerly known as "legal highs", and the misuse of prescribed or over-the-counter medication.

9.3 Employees should not drink alcohol during the normal working day, at lunchtime, at other official breaks and at official work-based meetings and events. This includes drinks with a label advising of 0% alcohol content.

9.4 Employees must comply with drink-driving laws and drug-driving laws at all times. Conviction for drink-driving or drug-driving offence may harm our reputation and, if your job requires you to drive, you may be unable to continue to do your job. Committing a drink-driving or drug-driving offence while working for the Company or outside working hours may lead to action under our Disciplinary Procedure and could result in dismissal.

9.5 If an employee is taking prescribed medication, they must seek advice from their GP/ pharmacist/ medical practitioner about the possible effect on the ability to carry out their job and whether duties should be modified. If so, the employee's line manager must be informed without delay.

10. SUSPECTED SUBSTANCE MISUSE

10.1 If a line manager has reason to believe that an employee is suffering the effects of alcohol or drugs misuse, the Company reserves the right to carry out drug and alcohol testing on the spot and conduct an investigatory interview.

10.2 If, as a result of the investigation and /or a non-negative result of the drug and alcohol test, the line manager believes that the employee is suffering the effects of alcohol or drugs misuse, the matter will be dealt with in line with the Company Disciplinary Procedure, which will initially result in the Employee being placed under suspension whilst further investigations are carried out, and may ultimately result in summary dismissal.

11. HELP AND SUPPORT

11.1 The Company will ensure that Occupational Health support is made available to any employee who alerts the Company of a drug or alcohol dependency and who seeks assistance at the earliest possible opportunity from the Company. A non-direct employee who seeks assistance from the Company will be referred to their own employer.

11.2 If an employee believes that they have an alcohol or drug-related problem, they should seek specialist advice and support as soon as possible. The employee should contact their Line Manager, any other Manager or the HR Department. The employee will be required to undertake a drug and alcohol test and will be referred through to Occupational Health, this may result in the employee being suspended/ declared unfit for work at which point normal sickness absence protocol will come into effect.

11.3 An employee who seeks the assistance of the Company in obtaining help and support for a drug or alcohol dependency is assured of their confidentiality being respected.

11.4 During any period of absence from work for an agreed help and support programme, the Company's normal sick pay arrangements will apply and absence during the programme will be treated as normal sickness.

11.5 If an agreed or recommended help and support programme is not accepted or followed by an employee or is ineffective and occurs concurrently with a lapse 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 procedure as appropriate.

11.6 When an employee with a drug or alcohol dependency, only declares they have a dependency when a serious misconduct issue has arisen or before a test takes place or when they are proven to be in contravention of this policy, they will be subject to the same disciplinary procedure as any other employee who contravenes this policy and following a disciplinary investigation, dismissal may result on the grounds of gross misconduct under the Company's disciplinary procedure.

12. SEARCHES

12.1 We reserve the right to conduct searches for alcohol or drugs on our premises, including, but not limited to, searches of lockers, filing cabinets and desks, bags, clothing, packages and company vehicles.

12.2 Any alcohol or drugs found as a result of a search will be confiscated, and handed over to the police for testing and destruction, and action may be taken under our Disciplinary Procedure.

13. CONFIDENTIALITY

We aim to ensure that the confidentiality of any member of staff experiencing alcohol or drug-related problems is maintained appropriately. However, it needs to be recognised that, in supporting staff, some degree of information sharing is likely to be necessary.