

17. ALCOHOL AND DRUGS

17.1 POLICY STATEMENT

17.1.1 Liftec Lifts Ltd is concerned for the general welfare and health of its Employees, and is committed to ensuring the highest possible safety standards in all its operations. This includes ensuring that all staff are fit to carry out their jobs safely and effectively in a working environment that is free from alcohol and drug misuse. To this end, the Company has introduced a Drugs and Alcohol Policy.

17.1.2 As Employers we have a specific statutory responsibility towards Employees, the public and the staff of other organisations working with Liftec on site or within its premises, to ensure that staff are fit to undertake their work.

17.2 OBJECTIVES OF THE POLICY

17.2.1 To communicate that the Company views excessive alcohol consumption or drug misuse as incompatible with acceptable job performance.

17.2.2 To clarify the responsibilities of all Employees with regard to preventing alcohol and drug misuse.

17.2.4 To communicate that Employees who have an alcohol/drug dependency and admit their problem to the Company will receive, wherever possible, appropriate help and assistance. In contrast, individuals who conceal an alcohol or drug issue or anyone whose use is not considered to be related to a dependency, are more likely to face disciplinary proceedings or dismissal, even if it is their first offence.

17.2.5 To communicate the circumstances in which the Company will require Employees to be tested for drugs, and alcohol consumption.

17.3 SCOPE

17.3.1 The Policy is designed to prevent the inappropriate use and presence, in an Employee's body, of alcohol or drugs in excess of the legal limit, and will also comply with Railway Group Standards as defined in GE/RT8070 and in conjunction with the Transport and Works Act 1992 & NRCS/OHS/051 Issue 4 Aug 08.

17.3.2 For the purposes of this Policy, alcohol/drug misuse is defined as any situation in which a person's consumption of alcohol/drugs/other intoxicants, whether continuously or in isolation, is in excess of legal limits, contravenes legislation or in any way detrimentally affects the work performance or health and safety of any persons. (You will be deemed to be under the influence of alcohol or drugs where that is the reasonable opinion of a manager or supervisor.)

17.3.3 Where misuse of alcohol and drugs can lead to reduced levels of attendance, reduced efficiency and performance, impaired judgement and decision making and increased health and safety risks, not only for the individual but also for others. Irresponsible behaviour or the commission of offences resulting from the misuse of alcohol or drugs may damage our reputation and, as a result, our business.

- 17.3.4 This Policy does not cover social drinking outside working time or drinking within the guidelines set down in this Policy, although if someone drinks heavily in the evening or before attending work, they may still be over the Rail Standards legal limit the following morning.
- 17.3.5 The Policy does not apply to the taking of drugs prescribed by a registered medical practitioner, except where this can affect employees' abilities/judgment.
- 17.3.6 Because of the serious nature of the problems connected with the misuse of alcohol and illegal drugs, and the impact, which the misuse of such substances has on Employees' health, work performance and safety, the Company initiates workplace screening for alcohol and illegal drugs.

17.4 WHO IS COVERED BY THE POLICY

- 17.4.1 This policy covers all individuals working at all levels and grades, including senior managers, officers, directors, employees, consultants, contractors, trainees, home workers, part-time and fixed-term employees, casual and agency staff (collectively referred to as **employees** in this policy).
- 17.4.2 This policy does not form part of any employee's contract of employment and it may be amended at any time.

17.5 PERSONNEL RESPONSIBLE FOR IMPLEMENTATION OF THE POLICY

- 17.5.1 The Board of Directors (The Board) has overall responsibility for the effective operation of this policy. The Board has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Compliance Manager.
- 17.5.2 Managers and Supervisors have an important role to play in identifying problems at work that are being caused or contributed to by alcohol or drug misuse.
- (a) Where a Manager or Supervisor considers that deterioration in work performance and/or changes in patterns of behaviour may be due to alcohol or drug misuse they should seek advice and assistance from **David McAllen** or Compliance Manager **or** HR Department.
- (b) When an Employee arrives at work and a Manager or Supervisor reasonably believes that they are under the influence of alcohol and drugs, they shall immediately contact **David McAllen** or Compliance Manager **or** HR Department in order to agree suspension of the Employee and an investigation can be undertaken.
- 17.5.3 If you notice a change in a colleague's pattern of behaviour you should encourage them to seek assistance through their manager or supervisor or **David McAllen** or Compliance Manager **or** HR Department. If they will not seek help themselves you should draw the matter to the attention of your manager or supervisor. You should not attempt to cover up for a colleague whose work or behaviour is suffering as result of an alcohol or drug-related problem.

- 17.5.4 If you believe that you have an alcohol or drug-related problem you should seek specialist advise and support as soon as possible. David McAllen can assist you and will, where possible, do so in confidence.
- 17.5.5 Managers and Supervisors will, depending on the level of responsibility and the knowledge and skills considered necessary for implementing this policy, be given training in:
- (a) The nature of alcohol and drug problems, their possible causes and effects.
 - (b) The impact of alcohol and drug misuse on workplace safety and performance.
 - (c) The assistance that can be provided by **David McAllen** or Compliance Manager or HR Department.

17.6 EMPLOYEE'S RESPONSIBILITIES / RULES

Employees must:

- 17.6.1 Never bring to work, consume, possess or sell alcohol, drugs or any other intoxicants on Company premises, or during working hours.
- 17.6.2 Not attend work or undertake any Company business, either on or off Company premises, with alcohol or drugs in their body in excess of the legal limits.
- 17.6.3 Comply with the drink-driving legislation at all times. The Company's reputation will be damaged if you are convicted of a drink-driving offence and, if your job requires you to drive and you lose your licence, you may be unable to continue to your job. Committing a drink-driving offence outside or during working hours or while working for Liftec may lead to disciplinary action and could result in dismissal in accordance with our Disciplinary Procedure.
- 17.6.4 Notify their Supervisor/Manager before starting work, if they are taking medication which may affect their work performance.
- 17.6.5 Render themselves and their property on Company premises liable to search at any time, if there are reasonable grounds to believe that the prohibition of substances is being, or has been infringed. If they refuse, they are liable for disciplinary action, up to and including dismissal.
- 17.6.6 Participate in screening for intoxicating substances, adulterants and/or alcohol (this would involve providing a urine sample or other appropriate means for laboratory analysis, to measure consumption of alcohol or drugs).
- 17.6.7 Employees must when requested participate in screening for intoxicating substances, adulterants and/or alcohol following any involvement in or association with an accident or incident e.g. a reportable dangerous occurrence as soon as practicable after the incident or in any event within one month of the incident.

Employees must also understand and observe the following:

- 17.6.7.1 Screening will be undertaken by trained testers and to the standards of screening known as the "Chain of Custody". This ensures that samples travel in a secure manner from Employees to a laboratory and, all the way through

the analysis process, including the reporting of results. In addition, the

screening process checks for additions or substitutions in the samples given by Employees, which, if detected, will result in disciplinary action.

17.6.7.2 Employees have the right to be accompanied by a work colleague who is on site and close by when they are being tested. The test procedure will be explained to them before they undergo the test.

17.6.7.3 If an Employee refuses to undertake a screening test, they will be given a short period of time i.e. ten minutes to re-consider and advised that continued refusal will lead to disciplinary action and the Company will be forced to make any disciplinary decision without the evidence of test results.

17.6.7.4 For the purposes of this Policy a “positive” result will be:

(a) Consumption of alcohol where urine or other readings are in excess of the legal limit, as defined in Section 3.1.

(b) Evidence of the presence of prohibited drugs.

17.6.8 Employees must participate fully in any investigation involving alcohol, drugs or other substance issues in the workplace and understand that any breach of these rules and responsibilities will normally be treated as gross misconduct under the Company Disciplinary Procedures and may result in dismissal.

17.7 SUPERVISOR / MANAGER RESPONSIBILITIES

Supervisors and Managers responsibilities under this policy are as follows:

17.7.1 Vigilance in ensuring, as far as possible, that the principles and procedures contained in this policy are upheld and followed in their workplace.

17.7.2 Seeking advice from Senior Management at the earliest sign/notification of an alcohol, drugs or other substances issue at their workplace.

(c) Where a Manager or Supervisor considers that deterioration in work performance and/or changes in patterns of behaviour may be due to alcohol or drug misuse they should seek advice and assistance from **David McAllen** or Compliance Manager or HR Department.

(d) When an Employee arrives at work and a Manager or Supervisor reasonably believes that they are under the influence of alcohol and drugs, they shall immediately contact **David McAllen** or Compliance Manager or HR Department in order to agree suspension of the Employee and an investigation can be undertaken.

17.7.3 Arranging for drugs and alcohol test(s) to be undertaken as soon as possible after any reportable accident or incident. The Manager must make the Employee (s) aware of the opportunity to be accompanied to and from the test by a work colleague of their choice. All Employees who appear to have an involvement in the accident or incident should also be tested. Only if injuries are too severe, or other preventing factors are present, should tests be postponed. In such circumstances the test must be completed as soon as possible hereafter.

- 17.7.4 Arranging for screening as soon as possible following other accidents, incidents or near misses, where there is reason to believe that an Employee(s) may be under the influence of alcohol, drugs or other intoxicants.
- 17.7.5 Reporting the need for screening where there is reason to believe that an Employee may be under the influence of alcohol, drugs or other intoxicants due to:
- a) mental or physical impairment,
 - b) acting in an unusual manner,
 - c) inability to perform work in a usual, safe or productive manner,
 - d) involvement in violence or where behaviour or language is threatening, intimidating or abusive,
 - e) being found asleep during normal working hours,
 - f) where performance or attendance becomes unsatisfactory,
 - g) where evidence of inappropriate alcohol or drugs is detected on Company premises.
- 17.7.6 Managers must initiate screening by contacting David McAllen. David McAllen will consider the facts and then authorise the screening test to be initiated.
- 17.7.7 If the Employee refuses to undertake the screening, they should be given some time (i.e.10 minutes) to reconsider and then be advised of the consequences of continued refusal, as indicated in Section 4.6.3. If they continue to refuse, they should be suspended, pending disciplinary proceedings. In the event of providing work for any rail associated contract the testing provider will notify details to the NCCA who will record them on the Sentinal Data base.
- 17.7.8 If the Employee has the test and is found positive, as defined in Section 4.6.4, they must be suspended. If an Employee wishes to dispute the reason for a positive result, they must be given the opportunity to do so directly with the laboratory. The testing provider will notify details to the NCCA who will record them on the Sentinal Data base if needed.
- 17.7.9 Arrangements must be made for David McAllen together with the HR Department to interview the Employee confidence, when they are no longer under the influence of drugs/alcohol/other substances. At the point of obtaining a positive result (see section 4.6.4) The purpose of this interview is:
- (a) to determine the nature and degree of the issue and whether disciplinary proceedings or other action should follow.
 - (b) fully discuss the instances of poor performance or misconduct and any positive test.
 - (c) Where appropriate, to offer to refer you to an Occupational Health Specialist for medical and/or specialist advice.
 - (d) If, as the result of the interview it is still believed that you are suffering the effects of alcohol and drugs misuse and you refuse an offer of referral to an Occupational Health Specialist the matter may be dealt with under our Disciplinary Procedure.
 - (e) If you agree to be referred to the Occupational Health Specialist an appointment will be requested, a letter of referral prepared, a copy of which will be provided to you.
 - (f) the Employee given ample opportunity to justify their situation.
 - (g) The Manager must keep notes of the interview.
 - (h) The Occupational Health Specialist may ask for your consent to approach your GP for advice. A report will be sent to David McAllen who will then reassess the reasons for their investigatory meeting with you and decide on the way forward

17.7.10 If a screening test is not possible for reasons other than Employee refusal, the Employee should be suspended and sent home, prior to a confidential interview being arranged, as indicated above in Section 7.9.

17.7.11 If the test result is found to be negative, David McAllen will determine what, if any, further discussion/disciplinary proceedings should take place.

17.8 COORDINATION OF SCREENING AND LIASON

Random Drug and Alcohol testing is carried out by Liftec Lifts Ltd for the following reasons:

- Minimising the risk of hazardous Health and Safety breaches or endangering lives
- Pre Employment
- Personnel holding Safety Critical Competence cards.
- Personnel holding Sentinel Competence cards (PTS)
- Random testing to 5% of Rail staff (inc Contract Staff) per annum
- Pre rail Maintenance Training
- For cause following a serious accident or incident
- Due to erratic or irregular behaviour or suspicion that you may be under the influence of drink or drugs.

Before you are sent for a test your Manager/Director will:

- Indicate which of the above reasons explains why you are being sent for a test.

Prior to taking the test, the Testing Officer will ask you about any medicines you have taken in the past 10 days, since these may explain a positive test result. You will need the names of medicines you have taken for headaches, colds, allergies, etc, and to let the Testing Officer know of any recent injections.

You will then be asked to provide a urine specimen that will be sent to an independent laboratory to be tested for the presence of a range of drugs and alcohol.

The laboratory has been asked to test for the presence of some or all of the following drugs:

- Alcohol (39 mg of alcohol per 100 ml of urine)
(29 mg of alcohol per 100 ml of blood)
(13ug of alcohol per 100 ml of breath)
- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabis
- Cocaine
- Methadone
- Opiates

17.9 CURRENT MEDICATION AND AUTHORISATION

Some medications may cause positive results in the drug tests. In order to account for these, and to avoid worry for you, we would like to know if, in the past 10 days, you have:

- (a) Taken any medicines prescribed by your doctor for regular or occasional use e.g. Antibiotics, Sleeping Pills, Foreign Travel Medication, Eye Drops, Inhalers etc.
- (b) Taken any non-prescribed medicines for Headaches, Other Pain, Allergies, Cough and Colds, Travel Sickness, etc.
- (c) Had any injections or local anaesthetics from a Doctor, Dentist, Hospital etc.

The testing officer will need to know the name of the drug and when each was last taken.

17.10 PROVISION OF SUPPORT

- 17.10.1 Alcohol and drug related problems may develop for a variety of reasons and over a considerable period of time. We are committed, in so far as possible, to treating these problems in a similar way to other health issues. Support will be provided where possible with a view to supporting a full recovery, allowing a return to work and the full range of your duties. This may include:
- (a) referral through the Occupational Health Specialist to appropriate treatment providers, where necessary in conjunction with your GP.
 - (b) time off work to attend treatment as recommended by the Occupational Health Specialist or your GP.
- 17.10.2 if you do not finish a programme of treatment (either because the treatment provider ceases to support you or because you stop attending) or your recovery and return to work does not happen as anticipated at the outset of a course of treatment, your manager or supervisor or the HR Department will meet with you to decide what further action should be taken.

17.11 CONFIDENTIALITY

- 17.11.1 We aim to ensure that the confidentiality of any member of staff experiencing alcohol or drug-related problems is maintained appropriately by HR Department and/or the Occupational Health Specialist, managers, supervisor and, where it is necessary to inform them, colleagues. However, it needs to be recognised that, in supporting staff, some degree of information sharing is likely to be necessary.
- 17.11.2 if you seek help with an alcohol or drug-related problem directly from David McAllen or the HR Department or the Occupational Health Specialist without the knowledge of your manager the matter will be treated confidentially unless, in the opinion of the David McAllen or the HR Department or the Occupational Health Specialist maintaining confidentiality could put you, your colleagues or anyone else at risk. In those circumstances David McAllen or the HR Department or the Occupational Health Specialist will encourage you to inform your manager and give you sufficient time to do so before sending them a written report advising of any potential risk. You will be given a copy of this report when it is sent to your manager or supervisor.

SIGNATURE OF AGREEMENT

I have received the Liftec Lifts Ltd drug and alcohol policy and/or undertaken the toolbox talk on drugs/alcohol.

I give my consent for any urine specimens that I give to be sent for full testing for prohibited substances.

I am aware that Liftec Lifts Ltd will be supplied with the test results

If the tests are being undertaken for cause, then the results will receive wider circulation. Results will be stored on my company record for the duration of my employment with the company

I fully understand that refusal to consent to a test will be considered as a disciplinary issue which may result in my dismissal

SIGNED: _____

NAME (Print): _____

DATE: _____