

OPEN

Corporate Policy Committee

12 June 2025

Drug and Alcohol Testing – Interim Measures

Report of: Karen Grave, Director of People and Customer Service

Report Reference No: CPC/39/25-26

Ward(s) Affected: N/A

For Decision

Purpose of Report

- 1 To request the adoption of the ANSA Drug and Alcohol Testing policy for new starters, on a random and 'for cause' basis for all identified operational roles within Environmental Services and Operations for employees appointed under Cheshire East Terms and Conditions until a corporate decision has been taken on the approach to continued Drug and Alcohol Testing.

Executive Summary

- 2 Prior to the transfer into Cheshire East Council, ANSA Environmental Services Ltd and Orbitas Bereavement Service operated a Drug and Alcohol testing policy and procedure which was introduced in 2017.
- 3 In accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006, the ANSA Environmental Services Ltd and Orbitas Bereavement Service policy, as a contractual policy and procedure, this will continue to apply to those employees who have transferred into Cheshire East Council.
- 4 However, this has identified a gap whereby new starters, employed under Cheshire East terms and conditions would not be covered. This would lead to employees in key operational roles within the former ANSA Environmental Services Ltd and Orbitas Bereavement Service not being subject to testing.
- 5 An interim arrangement is recommended whereby the ANSA Drug and Alcohol Testing policy is adopted for new starters, on a random and 'for

cause' basis for all identified operational roles within Environmental Services and Operations for employees appointed under Cheshire East Terms and Conditions until a corporate decision has been taken on the approach to continued Drug and Alcohol Testing.

- 6 Ansa Transport are still to transfer into Cheshire East and have been include in this proposal for completeness. These staff will be placed in Transport and Infrastructure at the point of transfer.

RECOMMENDATIONS

The Corporate Policy Committee is recommended to:

1. Adopt the ANSA Drug and Alcohol Testing policy for new starters, on a random and 'for cause' basis for all identified operational roles within Environmental Services and Operations and, after the date of transfer, Transport and Infrastructure, as listed in paragraph 20, for employees appointed under Cheshire East Terms and Conditions, until a corporate decision has been taken on the approach to continued Drug and Alcohol Testing.
2. Note that a proposal for the corporate approach to continued Drug and Alcohol Testing will be developed, in consultation with trade unions, and brought to Corporate Policy Committee for consideration and with recommendation for approval at a future meeting.

Background

- 7 Prior to the transfer into Cheshire East Council, Ansa Environmental Services Ltd and Orbitas Bereavement Services operated a Drug and Alcohol testing policy and procedure which was introduced in 2017 (Appendix 1).
- 8 This allows for drug and alcohol testing of new employees and all employees on a random basis thereafter, with 15-20% of the workforce being tested annually. "With Cause" testing involves testing where there are reasonable grounds to believe that alcohol or drugs could have, or potentially could have had, an adverse effect on the health and safety of any individual and/ or where a manager considers that there is evidence that alcohol or drug use has occurred.
- 9 It has been agreed that, as a contractual policy and procedure, this will continue to apply to those employees who have transferred under The Transfer of Undertakings (Protection of Employment) Regulations 2006. However, this has identified a gap whereby new starters, employed under Cheshire East terms and conditions would not be covered. This

would lead to employees in key operational roles not being subject to testing.

Legislation

- 10 The Health and Safety at Work etc. Act 1974 states that Employers have a duty to ensure as far as reasonably practicable, the health, safety, and welfare of employees and others affected by their work (Appendix 2).
- 11 The Road Traffic Act 1988 states that it is a criminal offence to drive or attempt to drive while unfit through drink or drugs. Employers can be held liable if they knowingly allow an employee to drive under the influence (Appendix 3).
- 12 There is legal advice which strongly recommends that operators should have a clear and comprehensive Drug and Alcohol Policy for HGV Drivers (Appendix 4).
- 13 The legislative background and recommendations from specialist transport lawyers lead to the initial decision by ANSA to introduce the testing policy. ANSA's decision to test all roles was made in conjunction with the Trade Unions and based on both, the operational depot environment and the high number of roles which work on the public highway or in public spaces with machinery with an increased risk to the public.
- 14 The Senior Traffic Commissioner (TC) for Great Britain provides detailed guidance on the conduct expected of vocational drivers, including issues related to drug and alcohol use. This is outlined in Statutory Document No. 6 – Vocational Driver Conduct (Appendix 5)
- 15 Drivers of Large Goods Vehicles (LGVs) and Passenger Carrying Vehicles (PCVs) must be fit to drive. Drug or alcohol misuse is considered a serious breach of conduct and can lead to the suspension or revocation of a vocational licence. The TC takes a zero-tolerance approach to driving under the influence. Employers (Operators) are expected to have robust systems in place to monitor and manage driver conduct, including drug and alcohol use. Failure to do so can affect the operator's licence and reputation.
- 16 Cheshire East Council will need to declare such testing regimes when renewing insurance. The discontinuation or revocation of the testing regime may impact on the terms of insurance coverage and the premium paid.
- 17 The operational services delivered are considered high risk, both to the individuals employed and to members of the public. For example, the

waste sector consistently shows higher-than-average rates of both fatal and non-fatal injuries.

- 18 It compares unfavourably even with sectors like construction and transportation, which are typically seen as hazardous. Due to this from a H&S perspective it is important that all of the high-risk operational roles are covered (Appendix 5).
- 19 Following the transfer of Ansa Environmental Services Ltd and Orbitas Bereavement Service to Cheshire East Council, there is already a contract in place for this professional service provided by Radox Testing Services Limited.
- 20 The charges for the services are:

| Reason | Call out charge | Cost of Test per employee | Laboratory Cost per employee (if needed) |
|-------------------|------------------------|----------------------------------|---|
| For cause testing | £235 - £275 | £50 | £20 |
| Random Sampling | £135 | £50 | £20 |

Next Steps

- 21 Subject to the recommendation of the Corporate Policy Committee, the interim adoption of the ANSA/ Orbitas Drug and Alcohol Testing policy for new starters, on a random and 'for cause' basis for all identified operational roles (including apprentices to those roles) within Environmental Services and Operations from 1 April 2025 (1 February 2025 for roles in Environmental Services which were previously Orbitas Bereavement Services) for operational employees appointed under Cheshire East Terms and Conditions. This will apply to the following job roles until a corporate decision has been taken on the approach to continued Drug and Alcohol Testing:

Arboricultural Services Manager
 Arborist
 Arborist Trainee
 Bin Deliveries Operative
 Crewe Town Ranger
 Driver
 Driver Attendant
 Environmental Ranger (Green Social Prescribing)
 Grounds Operative
 Lead Ranger
 LGV Sweeper Driver

Light Vehicle Mechanic and Agriculture
Light Vehicle MOT and Agricultural Mechanic
Market Driver Operator
Market Operator
Market Supervisor
Mechanic Fitter
Mobile Household Waste Operative
Mobile Household Waste Recycling Operative
Mobile Household Waste Supervisor
Parks Inspection and Delivery Operative
Passenger Assistant
Public Convenience Cleaner
School Crossing Patrol
Senior Driver(Pcv)
Senior Site Support Officer
Senior Tree Inspector
Senior Tree Team Leader
Site Support Officer
Site Support Supervisor
Stock Controller
Street Cleansing Operative
Supervisor (Grounds or Street Cleansing)
Team Leader
Team Leader - Fleet
Team Leader (W,R,SC,GP)
Town Ranger
Trades Assistant
Trainee HGV Mechanic
Transfer Station Plant Operator
Tree Inspector
Tree Team Leader
Waste & Recycling HGV Driver Loader
Waste & Recycling Loader
Waste and Recycling Team Leader
Waste Transfer Plant Operator
Waste Transfer Station Manager
Waste Transfer Station Operative
Waste Transfer Station Plant Operator
Bereavement Services Operative
Cemeteries Operative
Crematorium Supervisor
Crematorium Technician
Handyperson
Minor Works Team Leader
Skilled Bereavement Services Operative

- 22 A proposal for the corporate approach to continued Drug and Alcohol Testing will be developed, in consultation with trade unions, and brought to Corporate Policy Committee for consideration and with recommendation for approval at a future meeting.

Consultation and Engagement

- 23 The interim approach has been shared with the recognised trade unions.
- 24 The development of a proposed corporate approach to continued Drug and Alcohol Testing will be in consultation with the recognised trade unions.

Reasons for Recommendations

- 25 This is linked to the Cheshire East Plan 2025 – 29 and its commitment to Being an Effective and Enabling Council, in particular, point 3.2 '*Effective and responsive governance, compliance and evidence-based decision making*'.

Other Options Considered

- 26 The alternative approach would be not to test new starters whilst a corporate decision is made on the approach going forwards. The Transport Managers within the service (Named on the Operator's Licence) have strongly recommended against this approach due to the potential implications of removing a robust system.

Implications and Comments

Monitoring Officer/Legal/Governance

- 27 This is a temporary recommendation to adopt the ANSA / Orbitas policy for drug and alcohol testing for new starters identified in operational roles within Environmental Services and Operations, pending a corporate decision on the Council's approach to continued drug and alcohol testing. Consultation will need to take place with trade unions on the proposals for a Council policy going forward which will need to be approved by CLT. This temporary measure will seek to ensure all staff in designated operational roles within Environmental Services and Operations and, the point of transfer, Transport and Infrastructure are treated consistently and fairly regarding the application of drug and alcohol testing, whilst seeking to ensure safety at work and protecting members of the public.
- 28 Under the Health and Safety At Work Act 1974, employers have a duty to ensure a safe place of work and safe systems of work for their staff. The Health and Safety Executive advises that "There may be a

case for screening, particularly in certain jobs (for example employees who make safety-critical decisions like drivers, pilots and some machinery operators). In jobs like these the misuse of drugs or alcohol could have disastrous effects for the employee, colleagues, members of the public and the environment.

- 29 However, testing will involve data protection issues and processing of sensitive personal data. Employees must give consent to the testing and it is not lawful to require staff to submit to drug testing without their consent. Provision can be included in contracts of employment and withholding consent can be a gross misconduct offence.
- 30 Consideration should be given to the Information Commissioner's Office (ICO) guidance which provides that:
- drugs and alcohol testing should be designed to ensure safety at work (for example, due to the nature of a worker's role, such as pilots, drivers or machine operators where they make safety-critical decisions) rather than to reveal the illegal use of substances in workers' private lives.
 - Before it undertakes any drug or alcohol testing, the employer should carry out a data protection impact assessment (DPIA) to help document its purposes, justifications and safeguards in undertaking testing, and how it intends to comply with its data protection obligations.
 - The employer should consider the efficacy of the testing technique it proposes to use and whether it can provide real evidence of impairment, or potential impairment, that would put the safety of others at risk. Testing should be limited to those substances, and the extent of exposure, that would have a significant bearing on the purpose(s) for which testing is conducted.
 - Workers should be told what they are being tested for, the frequency of testing, and the consequences of the results.
 - Other than in the most safety critical areas, regular drug testing is unlikely to be justified unless there is a reasonable suspicion of drug use that has an impact on safety.
 - Random testing should be limited to selecting from those workers who are involved in safety-critical roles that the employer considers require testing, rather than selecting from all workers. The employer should ensure that random testing is carried out in a genuinely random way (it is generally unfair and deceptive to lead workers to believe that

random testing is being carried out if the employer is, in fact, using other criteria).

- Testing should be undertaken by a professional service, with qualified staff, that meets appropriate standards. Workers should have access to a duplicate of any sample taken, to enable them to have it independently analysed to check the accuracy of the results. The employer should not assume that the tests are infallible and should be prepared to deal properly with any disputes arising from their use.

Section 151 Officer/Finance

- 31 There is a cost in respect of the testing which is based on the contract already in place. The table provides a breakdown of the charges:

| Reason | Call out charge | Cost of Test per employee | Laboratory Cost per employee (if needed) |
|-------------------|------------------------|----------------------------------|---|
| For cause testing | £235 - £275 | £50 | £20 |
| Random Sampling | £135 | £50 | £20 |

- 32 There could be cost implications of not approving the recommendations as, in jobs like those identified, the misuse of drugs or alcohol could have adverse effects for the employee, colleagues, members of the public and the environment.
- 33 In future reporting on a corporate policy, there may be cost adjustments arising from changes in need that arise from the policy.
- 34 All costs associated with the recommendations in this report must be constrained within the approved financial envelope set out in the approved budget for 2025/26.
- 35 Any overspends must be subject to appropriate mitigation measures by the relevant services incurring the expenditure.

Human Resources

- 36 This is a temporary recommendation to adopt the ANSA policy for drug and alcohol testing for new starters identified in operational roles within Environmental Services and Operations and, the point of transfer, Transport and Infrastructure, pending a corporate decision on the Council's approach to continued drug and alcohol testing.

- 37 This temporary measure will seek to ensure all staff in designated operational roles within Environmental Services and Operations and, the point of transfer, Transport and Infrastructure are treated consistently and fairly regarding the application of drug and alcohol testing, whilst seeking to ensure safety at work and protecting members of the public.

Risk Management

- 38 This temporary measure will seek to ensure safety at work and protecting members of the public.
- 39 It will also ensure that Cheshire East Council limits / avoid the risk of reputational damage where employees are in posts whereby the misuse of drugs or alcohol could have disastrous effects for the employee, colleagues, members of the public and the environment.

Impact on other Committees

- 40 There is no impact at present.

Policy

- 41 The policy implication of this this report and its recommendations is

Commitment 3: An effective and enabling council

3.2 'Effective and responsive governance, compliance and evidence-based decision making'.

Equality, Diversity and Inclusion

- 42 There are no equality, diversity and inclusion implications in respect of this report.

Other Implications

- 43 None

| Access to Information | |
|------------------------------|--|
| Contact Officer: | Sara Duncalf, Head of HR Email: sara.duncalf@cheshireeast.gov.uk |
| Appendices: | Appendix 1 – ANSA Drug and Alcohol Testing Policy Appendix 2 - Health and Safety at Work etc. Act 1974 Appendix 3 - Road Traffic Act 1988 Appendix 4 - Drug Driving – What are an operator’s obligations? - JMW Solicitors Appendix 5 - Statutory Document 6 - vocational driver conduct - GOV.UK Appendix 6 - Health and safety statistics in waste management and recycling - HSE |
| Background Papers: | None |



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Drug and Alcohol Policy and Procedure- TUPE Policy (applicable to ex- Ansa employees only)

| | |
|-------------------------------------|--|
| Policy Title: | Drug and Alcohol Policy and Procedure Version 3.0 |
| Supersedes: | Drug and Alcohol Policy and Procedure Version 2.0 |
| Description of Amendment(s): | Introduction of testing for new employees in probation period. |
| This policy will impact on: | All employees |
| Financial Implications: | N/A |
| Policy Area: | Human Resources |
| Version No: | 3.0 |
| Author: | HR Service Manager |
| Effective Date: | February 2024 |
| Approval Date: | 13 th February 2024- Ansa Board |

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Part One: Policy

1. Policy Statement

The Company is committed to providing a safe and healthy working environment for its employees. A key factor in this provision is to ensure that employees do not misuse alcohol, drugs and/or substances, nor are they exposed to the consequences of misuse by others.

The Law also imposes obligations on employers to ensure a safe system of work both under statute including the Health and Safety at Work etc. Act 1974 and under the common law, for example, the law of negligence. The terms of the Transport and Works Act 1992, Road Traffic Act 1988, and Misuse of Drugs Act 1971 also impose severe restrictions on organisations in their capacity as employers in relation to the use of drugs and alcohol.

Alcohol and drug/ substance consumption/dependency can lead to reduced levels of attendance, reduced efficiency and performance, impaired judgement or decision making and increased health and safety risks not only to the individual employee themselves, but also other people.

In addition to employees, other persons working for or on behalf of the Company are required to be aware of and comply with this policy. It should be noted however that the disciplinary or support provisions contained within this policy and procedure only apply to employees of the Company.

This policy and procedure have been developed to support achievement of the following objectives:

- To have a working environment safe from the effects of alcohol and drugs
- To ensure everyone is aware of the acceptable standards
- To encourage employees who suspect or know they have an alcohol or drug related problem to seek help voluntarily and provide assistance to these employees
- To provide practical guidance on how to deal with alcohol or drug related problems effectively
- To promote a climate that will reduce the tendency to conceal or deny alcohol or drug related problems by enhancing awareness and to provide a supportive framework for employees who come forward with an alcohol and drugs dependency issue
- To provide a process to support managers in dealing with any employment issues that may be attributed to alcohol or drug misuse in a fair and consistent manner

2. Principles

- Employees shall not present themselves for work having consumed any alcohol in excess of the applicable limits or drugs (irrespective of whether such use is recreational and whether or not performance is impaired).
- Consumption of alcohol or drugs during normal working hours or at any time on Company, client or customer premises is prohibited.

- Normal working hours during which this policy and procedure applies shall include all periods of work such as shift work, overtime and extra duty and any period whilst waiting for work, such as between split duties.
- Any period of agreed standby or emergency call out duty shall be considered to be part of the normal working hours and the terms of this policy and procedure relating to working under the influence of alcohol or drugs shall therefore fully apply.
- Periods of travelling to and from a site for the purposes of standby or emergency call out shall also be treated as falling within the scope of this procedure
- When representing the Company outside normal working hours, for example attending any functions, employees shall be required to take a responsible attitude to the consumption of alcohol. Employees shall be deemed to be representing the Company and shall not do anything to jeopardise its reputation

3. Definitions

- **Employees-** individuals employed directly by the Company on a permanent or temporary contract of employment
- **Worker-** an individual or group of individuals employed by an agency, contractor, sub-contractor or self employed and engaged on work for the Company
- **Testing Supplier-** the specialist who will conduct all testing and analysis
- **Alcohol-** a beverage, condiment or food additive which contains alcohol in any form
- **Alcohol Related Problem-** any consumption of alcohol which interferes with an employees health, safety, welfare and performance in any aspect of employment
- **Drugs-** illegal and legal substances , to include prescribed and over the counter medication
- **Drug Related Problem-** any use of drugs, or substances which in themselves are legal but may be subject to abuse (such as glue or solvents) which interferes with an employees health, safety, welfare and performance in any aspect of employment
- **Testing-** the process of screening an individual for alcohol and or dugs against the acceptable limits as set out in this document or with client specific site limits

- **Workplace**- any location whether Company, client, customer or other place of work the employee carries out their employment

4. Limit

Alcohol

The limit for alcohol shall be set at the same level as the UK Governments legal drink/ drive limit, as amended from time to time, except in situations where a client requires that we comply with lower limits as prescribed by their policy or contractual arrangements (in which case the lower limit shall apply).

The current legal limits are less than 107 milligrams of alcohol per 100ml of urine, less than 35 micrograms of alcohol per 100ml of breath, or less than 80 milligrams of alcohol per 100ml of blood.

Drugs

In the case of legal drugs the threshold levels are determined in accordance with established legal and medical practice.

Consumption, possession or sale of illegal drugs is prohibited and the Company takes a zero tolerance approach. Possession and sale are also criminal offences under the Misuse of Drugs Act (1971). There is, therefore, no acceptable limit for illegal drugs.

Any test results that are in excess of these limits shall be considered to be a positive test result and dealt with under the Company's Disciplinary Procedure.

5. Procedure

The Drug and Alcohol Procedure is detailed in Part Two of this document.

6. Equality Statement

The organisation is committed to promoting equality of opportunity and developing and maintaining a diverse workforce, working with our staff to establish a workplace culture that is inclusive, fair and respectful to all.

In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual

orientation, in addition to offending background, trade union membership, or any other personal characteristic.

7. Monitoring and Review

This policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change this will happen immediately.

The implementation of this policy will be audited by Human Resources and reported to the Board on an annual basis.

Part Two: Procedure

1. Introduction

Employees are expected to report for work, and remain throughout the working day¹, in a fit and safe condition to undertake their duties, without any limitation or impairment, and not be under the influence of alcohol, drugs, or any other substances.

Employees are personally responsible for allowing sufficient time for intoxicating substances to leave their system before reporting for work. Intoxicating substances such as alcohol can remain in the system for several hours and even small amounts can impair performance and jeopardise safety. In general, alcohol is removed from the blood at the rate of about one unit an hour but this can vary from person to person. It can depend on:

- Size and gender (men tend to process alcohol quicker than women)
- How much food has been consumed
- The state of the liver
- Metabolism (how quickly or slowly the body turns food into energy)

¹ For clarity the working day during which the procedure applies shall include all periods of work, such as shift work, overtime and extra duty, and any period whilst waiting for work such as between split duties. Any period of agreed standby or emergency call out shall be considered to be part of the normal working day and therefore the terms of this procedure shall fully apply.

Employees must not consume alcohol or drugs or misuse substances on Company premises during their normal working hours or whilst engaged on Company business at any time.

Employees are expressly prohibited from possessing, storing, trading or selling controlled drugs in Company premises. Undertaking any of the above actions, or assisting or participating in their facilitation, whilst on duty or carrying out Company authorised work constitutes gross misconduct, which may lead to dismissal. In such cases the Company has an obligation to notify the local Police authority and will do so.

Any breach of this policy and procedure may lead to action under the Company's Disciplinary Policy and Procedure up to and including summary dismissal.

2. Testing

[2.1 Random Testing](#)

The Company reserves the right to undertake a programme of random testing to ensure compliance with this policy and will aim to test 15-20% of the workforce annually.

The testing shall be carried out by a qualified person supplied by the testing provider. The process will be explained to the employee and written consent obtained prior to the testing taking place.

Managers shall not receive advance notification of testing and, as employees, will themselves be included in the potential pool for testing.

[2.2 New Starter Testing](#)

New entrants to the Company will be tested during the first six months of their employment as part of their probationary period.

New starter testing will be communicated with potential employees through the recruitment process to ensure that they are fully aware of the Company policy prior to accepting a position with the Company.

[2.3 "With Cause"/ Post Incident Testing](#)

"With Cause" testing involves testing where there are reasonable grounds to believe that alcohol or drugs could have, or potentially could have had, an adverse effect on the health and safety of any individual and/ or where a manager considers that there is evidence that alcohol or drug use has occurred. Possible example of "with cause testing" could include (but are not limited to):

- Abnormal behaviour

- Discovery of an alcohol container
- Possession of a controlled substance
- Signs of current intoxication
- Poor or inconsistent performance

Post incident may be utilised following a workplace incident or accident, and may extend to a number of employees as appropriate.

Managers in consultation with HR will be responsible for making the decision to undertake “With Cause” or post incident testing and shall be responsible for initiating the services of the testing provider.

2.4 Testing Regime

Testing will be by calibrated alcometer and biological sample, but this may vary depending on the circumstances. At the point of testing all employees will be asked to sign a consent form and an outside agency will be employed to conduct tests which will be carried out in controlled conditions.

The initial testing for alcohol will be a breath test and the initial testing for drugs will be by the testing of urine. Alternative biological testing may be considered.

Preliminary drug detection results will be confirmed after further laboratory and specialist interpretation. The collection officer will brief those being tested.

Refusing to undertake a test when requested, attempting to tamper with, or avoiding any part of the drug and alcohol testing procedure will be treated as gross misconduct and dealt with accordingly under the disciplinary procedure.

Testing shall not discriminate against any individual or group of individuals and this policy and procedure has been implemented to ensure that testing is carried out reasonably and fairly.

A copy of the testing result will be provided to the employee on request.

3. Accompaniment

An employee may, if they wish, ask another employee to accompany them either in response to a request to participate in random testing or where the request is “with cause” or post incident. They may be accompanied by:

- An accredited Trade Union Representative,
- An official employed by a trade union, or by
- A fellow worker who must be an employee of the organisation

Every effort will be made by the Company to arrange for the employee's chosen companion (or a suitable alternative) to be present. However, if this is not possible then they testing shall still take place.

4. Action following test result

A negative result will be advised to the line manager and the employee and a record made.

If the alcohol breath reading is at or above the limit set out in this policy then the employee will be deemed to have tested positive and the employee will immediately be suspended from work. Disciplinary procedures will then be instigated which may result in disciplinary action being taken up to and including dismissal.

If the initial urine reading is indicative of recent drug use (non-negative result) , the relevant individual will be advised that the biological sample needs to be analysed in a laboratory. The sample, provided under controlled conditions, will be handled in a formal chain of custody.²

The employee's line manager will be informed of the initial result and reminded that false results may occur. The individual will then be suspended from work, pending the result of further laboratory analysis.

If the employee declares that they have been taking medication prior to testing that may cause the non-negative result, the employee will not be suspended from work. If the medication is declared after a non-negative result then the employee will be suspended from work.

If drug test results are returned from the laboratory showing a negative result or are found to be consistent with declared medication, individuals and employers will be notified and thanked for their co-operation.

If positive results are returned from the laboratory then Disciplinary procedures will be instigated which may result in disciplinary action being taken up to and including dismissal.

5. Support for Employees

Where an employee voluntarily seeks help and support for alcohol, drugs or substance dependency the line manager must:

- Hold an informal meeting with the employee to ascertain the nature of the dependency
- Seek Occupational Health advice as appropriate
- Provide reasonable support to assist the employee in seeking appropriate help and treatment and with rehabilitation

² To ensure the integrity of the sample and the results a signature will be obtained each time the sample changes hands on route to the laboratory and the results from the laboratory.

- Agree a plan to monitor and improve performance/ conduct as may be required and confirm this in writing

Employees should be encouraged to make use of the Employee Assistance Programme.

Where an employee accepts help (e.g. counselling, treatment or rehabilitation) this should take place outside of working hours. Where this is not possible the employee will be required to take annual leave, flexi leave or unpaid leave. Any agreed period of treatment will be a finite period, where resources allow and where service levels can be maintained. Employees may be required to undertake abstinence testing as part of this support.

Employees are expected to co-operate with any support and assistance provided by the Company and/ or any organisation approach or appointed to aid in addressing an alcohol and/ or drug and/ or substance misuse problem.

Some performance/ behaviour problems and frequent and/or regular sickness absence may be indicators of alcohol/ drug/ substance misuse and if persistent, of a dependency. A line manager may refer an employee to Occupational Health for an assessment and/ or discuss the issue with the Occupational Health Service. Occupational Health will advise the manager to enable them to determine an appropriate course of action.

Repeated sickness absence related to alcohol or drug misuse will be dealt with under the Attendance Management Policy and Procedure and the trigger points will apply.

Confidentiality will be respected as far as is legitimately and legally possible. However, it may be necessary for information regarding the employee to be shared with others (e.g. Occupational Health), with the employee's agreement.

If work performance, attendance or behaviour is unacceptable and the employee breaches this policy, irrespective of any reasonable support and assistance that can be offered, disciplinary action up to and including dismissal may become avoidable.

6. Reporting Incidents Outside of Work

If an employee is charged with or convicted of a criminal offence related to alcohol (e.g. driving whilst under the influence of alcohol) and/or the possession, use or supply of drugs (or any other related offence, including drug driving) they are required to notify their manager as soon as possible.

Where it becomes untenable for an employee to continue in their role with the Company as a result of a criminal conviction related to alcohol and/ or drugs this may lead to dismissal. The employee's line manager will seek advice from HR before taking disciplinary action.

7. Prescription drugs and other medication

Certain medicines available either with or without a prescription can affect an employee's ability to perform their work activities effectively and safely. Employees should inform their GP or pharmacist of the work they do and seek advice on possible side effects.

Employees should inform their line manager of any drugs or medication they are taking, whether or not prescribed by a general practitioner, which are likely to affect their ability to carry out their duties effectively and safely. Where there are known and/or likely side effects that may affect work performance (for example operating machinery) the line manager should prohibit, restrict or re-allocate duties as appropriate.

If an employee normally drives as part of their work or in the course of Company business and they are taking prescribed or over the counter medication which may affect their ability to drive, they must inform their line manager immediately and they will be required to refrain from driving duties.

It is recognised that some prescription drugs can be addictive. In such cases the Company may offer reasonable support in line with this policy, where appropriate and practicable.

8. Confidentiality

All results and information in relation to drug and alcohol testing will be dealt with in strict confidence and released to an appropriate manager, the employee themselves and HR.