

Alcohol and Drugs Abuse Policy



**MARSHALL
CONSTRUCTION**

MAY 2023

1.0 PURPOSE

The Company is committed to ensuring the health, safety and welfare of its employees and those affected by its activities. It will take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents occurring due to individuals suffering from the effects of alcohol or drug abuse. Therefore, all employees are expected to come to work free of the effects of drugs or alcohol

This policy applies to all direct and subcontract employees and Directors of Marshall Construction Ltd.

This Alcohol and Drugs Abuse policy and the Alcohol and Drugs Testing Procedure provide a mechanism for managing this process within a structured format, which ensures consistency and fairness.

2.0 SCOPE

This procedure is applicable to all employees and Directors of Marshall Construction Ltd.

The aim of this policy is to safeguard all workplaces and work activities from the inherent risks associated with alcohol and substance abuse. Under the Health and Safety at Work etc Act 1974, we have a duty to ensure, as far as is reasonably practicable, the health safety and welfare at work of our employees. This includes a duty to take steps to ensure that employees are not acting under the influence of alcohol or drugs if this would be likely to put their own health and safety or that of others in the workplace at risk.

Further, the aim of this policy is to ensure that alcohol and /or drugs misuse does not have a negative effect on absenteeism and morale in the workplace.

3.0 REFERENCES

- i) Employment Rights Act 1996
- ii) Employment Act 2002.

4.0 DETAILS OF PROCEDURES

4.1 Procedure

The Company will take all reasonable steps to prevent employees and contractors carrying out work-related activities if they are considered to be unfit/unsafe to undertake the work as a result of alcohol consumption or drug abuse.

The Company expressly prohibits the use of any illegal drugs or any prescription drugs that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance. If any such incidents take place on company premises, in company vehicles or at a company function, they will be regarded as serious, will be investigated by the Company, and may lead to disciplinary action, up to and including dismissal and possible reporting to the Police.

Reporting to the police will be considered where a potential criminal offence has been committed, which includes driving whilst under the influence of drink or drugs and the unlawful supply or use of drugs.

Therefore, no employee or other person under the Company's control shall, in connection with any work-related activity:

- i) Report, or endeavour to report (whilst over the prevailing legal limit stipulated for driving currently 22mcg/100ml of breath alcohol concentration, this is subject to change in line with legislative guidelines), for duty having consumed any substance or alcohol likely to render them unfit and/or unsafe for work;
- ii) Consume any drugs or alcohol whilst on duty
- iii) Store any drugs or alcohol in personal areas such as lockers, desk drawers, or company vehicles.
- iv) Attempt to sell or give any drugs or alcohol to any other employee or another person on the company premises

Employees must inform their line manager (who in turn must inform the HR Director) regarding any psychoactive (prescribed medication) that may have an effect on their ability to carry out their work safely and must follow any instructions subsequently given. Drugs that cause drowsiness must not be used whilst at work.

Any employee suffering from drug or alcohol dependency should declare such dependency, and the Company will subsequently provide reasonable assistance, treating absences for treatment and/or rehabilitation as any other sickness absence. (Failure to accept help or continue with treatment will render the employee liable to normal disciplinary procedures up to and including dismissal).

4.2 Testing and Screening

An alcohol/drugs screening test may be carried out if appropriate, in cases where the employee has had an involvement in a workplace accident or in any incident that has caused or could have caused a danger to health or safety. Testing will also be carried out where management has grounds to believe or suspect that an employee is or may be under the influence of alcohol or drugs.

Random drug testing will be carried out by an occupational health specialist. Employees will be selected at random for testing. ***This selection process will be witnessed by an hourly paid operative.*** Alcohol testing will be carried out only when there is reason to suspect an employee has taken alcohol

Alcohol and drug testing allows us to maintain a safe working environment for all and assist in the early identification of alcohol or drug-related problems. It also encourages employees who think they may have alcohol or substance-related problems to seek and accept help from the Company. Employees must be aware that should an individual refuse to provide samples for an alcohol/drugs test disciplinary action may be taken.

Any employee who notices obvious signs of alcohol or drug abuse in a colleague should report their observations and/or suspicions in confidence to their line Manager or alternatively to the Health and Safety Manager.

It is the Company's policy to offer support to any employee who has a problem associated with use of alcohol or drug abuse. Any employee who believes or suspects that they may have such a problem is encouraged to come forward to a Director to discuss the problem in confidence. The employee may subsequently be offered support including, as appropriate, referral for advice, medical treatment, counselling and time off work.

Employees who are tested have the right to be informed of their test results before the result is passed to management. If a with-cause or random alcohol/drug abuse test proves positive, the employee will be invited to attend an interview with a senior manager.

A positive test will be considered to be an act of Gross Misconduct and in most cases will lead to the following:

i) an invite to a disciplinary hearing - which could result in disciplinary action being taken up to and including dismissal.

However at the company's discretion and depending on prevailing circumstances, the following may apply:-

ii) an offer for the employee to undergo a programme of medical treatment, rehabilitation or counselling, where the employee

accepts that they have a problem with alcohol or drug misuse and is willing to co-operate with the employer in the provision of such support

iii) Subject to the availability of alternative work Marshall Construction reserves the right to assign "safe" duties (namely, duties which do not affect the health and safety of the employee or any other individual) this may have an effect on pay.

Alcohol and drug abuse testing will be carried out only by qualified and competent personnel who will use accepted and reliable methods and ensure that tests are carried out with the least possible intrusion into employees' privacy. All possible measures will be put in place to ensure the confidentiality of test results, and checks will take place to avoid any false results.

4.3 Social Functions

The Company prohibits the drinking of alcohol by employees and contractors in the workplace or on Company business other than reasonable drinking of alcohol in connection with approved social functions. The Company regards drinking to an 'unreasonable level' as any of the following situations:

- i) In the opinion of management, the individual's performance is impaired.
- ii) In the opinion of management, the individual's behaviour may cause embarrassment, distress or offence to others.
- iii) The individual continues to drink when instructed to stop by a manager.

Finally, it is essential that sensible drinking should be practiced during client entertainment, outside of office hours to protect the company image

4.4 Policy Review

While the policy is under constant review, the Company will make a fixed annual review of the policy regardless of when it was last amended. This will be carried out by the **SHEQ Manager** in conjunction with the Managing Director.

However, it is recognised that the annual review may demonstrate that there is no need for changes to the policy.

4.5 Summary

It is important to recognise that the purpose of this policy is to ensure that all employees have a clear understanding of Marshall Construction's Alcohol and Drugs Abuse Policy - in summary, all individuals should attend work free of the effects of alcohol and drugs and should have a clear understanding of the consequences should anyone fail to meet those standards.

In addition, when addressing alcohol and drug-related issues the Company seeks to ensure that no employee is treated less favourably than another on inappropriate or unlawful grounds. When applying this policy Marshall Construction will act reasonably towards the employee at all times.

5.0 TRAINING

The responsibility for producing training information for all management system documents is that of the **SHEQ Manager**.

6.0 INFORMATION

Managers must ensure that management system documentation is accessible, known and understood by all applicable personnel.

7.0 GUIDANCE

ACAS : www.acas.org/uk

BERR : www.berr.gov.uk/whatwedo/employment/index.html



B McDermott
Managing Director
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(Review May 2024)