



INTRODUCTION

This template Drugs and Alcohol Policy has been developed for use across the construction sector.

The objective is to provide a consistent approach to the use of drugs and alcohol, which can be adopted by the whole supply chain, eliminating unnecessary duplication and waste. In addition, we anticipate that it will:

- raise awareness of the risks and potential harm to health associated with the use of drugs and alcohol
- set out the rules regarding the use of drugs and alcohol so that employees and others are aware of the likely consequences of misusing them
- create a climate that encourages individuals who may be misusing drugs or alcohol to come forward and seek help
- provide a framework to enable instances of drug or alcohol misuse to be handled in an appropriate, fair and consistent manner.

USING THE POLICY

The policy has been drafted so that companies can adopt it in its entirety or incorporate elements of it into their own policy documents.

The *wording in italics* denotes where companies may need to personalise the policy to suit their business. If a company's requirements differ from this policy, it should be clear why the supply chain is expected to do something different, and the implications clearly understood.

Recognising that there are different legal limits across the nations and workplace environments, along with various ways of testing individuals for drugs and alcohol, it is suggested that the policy is included within a company's tender documentation and that individual projects and workplaces clearly state the following:

1. The drug and alcohol testing process in place
2. What alcohol limits apply
3. The action that will be taken in the event of a breach of policy.

To download an editable Word version of the policy for your own use, please [click this link](#).

This template policy has been developed by Build UK Group Limited ("Build UK"), with support from Eurofins Workplace Drug Testing, to provide general guidance only on best practice; if you require advice on a specific issue, you should seek your own independent professional advice.

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INTRODUCTION

The misuse of drugs or alcohol can damage people's health and well-being and have far-reaching effects on their personal and working lives.

At work, drug or alcohol use can result in reduced levels of attendance, sub-standard work performance and increased health and safety risks, not only for the individual concerned but also for work colleagues, others on site and members of the public.

The effects of drug or alcohol misuse are likely to be detrimental to the Company's reputation, image and ability to deliver high-quality services.

OBJECTIVES

This policy aims to:

- raise awareness of the risks and potential harm to health associated with the use of drugs and alcohol;
- set out the rules regarding the use of drugs and alcohol so that employees and others are aware of the likely consequences of misusing them;
- create a climate that encourages individuals who may be misusing drugs or alcohol to come forward and seek help;
- provide a framework to enable instances of drug or alcohol misuse to be handled in an appropriate, fair and consistent manner; and
- achieve a balance between supporting individuals who come forward with a problem and the overriding need to preserve:
 - the health, safety and welfare of employees and others with whom they come into contact;
 - the Company's reputation; and
 - the delivery of high-quality, effective services.

DRUGS & ALCOHOL POLICY

DEFINITIONS

Alcohol – includes, but is not limited to, distilled spirits, beer, wine etc.

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 at customer premises and in Company/private owned vehicles.

Company Premises – includes all premises the Company has responsibility for or is working at.

Contractor – any person not employed by the Company but at work on Company business.

Controlled Drugs – all drugs covered by the Misuse of Drugs Act 1971 (as amended). They include both drugs with no current medical uses as well as medicinal drugs that are prone to misuse.

Drug – any substance that affects how the brain works and causes changes in mood, awareness, thoughts, feelings or behaviour. This includes illegal drugs, legal drugs, prescription medicines (for example tranquillisers, anti-depressants, over-the-counter medicines), solvents, glue, lighter fuel etc.

Misuse – applies to using drugs in an unsanctioned way. For example, using drugs for non-medical purposes without proper direction to do so from an appropriately qualified person such as a medical practitioner or pharmacist.

Unfit for Work (Alcohol) – in respect of this policy, an individual who has alcohol in their breath/urine in excess of the relevant legal drink-drive limit in the jurisdiction where work is being undertaken is deemed to be unfit for work by the use of alcohol and therefore in breach of this policy.

Unfit for Work (Drugs) – in respect of this policy, an individual who is proven to have consumed illegal drugs or misused any other drug (to be confirmed by an appropriate test) is deemed to be unfit for work due to the use of drugs and therefore in breach of this policy.

TERMINOLOGY FOR TEST RESULTS

Negative – Nothing has been detected in the sample above the threshold. This is a pass.

Non-Negative – The initial test has detected substance(s), that could be as a result of medication, foodstuffs or controlled drugs, above the threshold and further analysis is required. This is an unconfirmed result. The sample is sent to a laboratory for further analysis and 'non-negative' is the term used until a result is confirmed by the laboratory as either negative or positive.

Positive – A substance has been detected at a level above the threshold that is in breach of this policy without a legitimate reason. This is a confirmed result.

Test Refusal – The subject person declines to take a test within a specified time period. This is an unconfirmed result but may subsequently be treated the same as a positive result.

SCOPE

This policy is intended to apply in the UK although it may also be applicable in other parts of the British Isles. It applies to all employees while they are at work.

The Company also expects agency and temporary workers, contractors, volunteers and others working on its behalf to comply with this policy.

If an employee or any other person working for the Company is visiting or working at third party sites, and the policy of the company responsible for that site is more stringent, it will take precedence over this policy.

COMMUNICATION

All employees will be made aware of this policy, including the consequences of breaching it, and the occasions when drug and/or alcohol testing may be required.

This policy will also be drawn to the attention of all agency and temporary workers, contractors, volunteers and others working on the Company's behalf.

DATA COLLECTION

To allow for the collection and retention of sensitive personal data, such as drug and alcohol testing and results, employers must ensure that they have appropriate personal data collection policies in place and that they are compliant with GDPR.

These data collection policies must cover data retention and erasure, justification for recording positive and, if considered necessary, negative/non-negative test results. As a principle, data should only be stored during the employment relationship and long enough afterwards for any potential Tribunal case to arise following dismissal or action taken due to a positive result. Where an employer intends to retain data for longer, a clear and legally defensible justification must be provided.

A Data Protection Impact Assessment should be carried out before such employee data is collected, and employees must be provided with a privacy notice explaining their rights.

A Data Protection Impact Assessment involves:

- Identifying clearly the **purpose(s)** for which health information is to be collected and held and the benefits this is likely to deliver
- Identifying any likely **adverse impact** of collecting and holding such information
- Considering **alternatives** to collecting and holding such information
- Taking into account the **obligations** that arise from collecting and holding such information
- Judging whether collecting and holding health information is **appropriate**.

RULES

Those in scope of this policy must not:

- Work whilst unfit for work due to the use of drugs or alcohol (legal or illegal).
- Consume alcohol whilst at work or on Company premises, *except in specific circumstances as set out below*.
- *Employees who are considered to be on Company business, but not on call, may consume alcohol as part of corporate hospitality or official corporate functions, provided it has been approved. Employees should be aware of their own limits and not drink to excess. Any employee considered excessively intoxicated and/or acting inappropriately may be asked to leave a function and/or subject to disciplinary action. Employees that have consumed alcohol as part of corporate hospitality must not thereafter:*
 - *Return to their normal place of work*
 - *Enter any Company premises*
 - *Act in the capacity of “on call” or offer themselves to assist in any safety critical activity or incident*
 - *Drive a vehicle.*

Before resuming their role the following day, employees must ensure they are safely within the legal limits which can be found at the end of this policy.

- Attempt to sell, distribute or supply alcohol whilst at work.
- Consume illegal drugs or misuse any drug whilst at work.
- Be in possession of, or attempt to sell, distribute or supply, any drug which contravenes the Misuse of Drugs Act 1971 (as amended), the Psychoactive Substances Act 2016, or the Medicines Act 1968 whilst at work or on Company premises. Any contravention of this will, without exception, be reported to the police.
- Withhold relevant information regarding any prescription medication that may affect performance whilst at work.

DRUGS & ALCOHOL POLICY

RESPONSIBILITIES

All employees have a responsibility to comply with this policy.

All agency and temporary workers, contractors, volunteers and others working on Company premises also have a responsibility to comply with this policy.

In addition, those in managerial or supervisory roles have a responsibility to ensure that this policy is applied and to take appropriate action in the event of a breach of the policy.

Managers and supervisors are required to:

- Be aware of the signs of drug and alcohol use and the effects on the performance, attendance and health of employees
- Ensure that those in scope of this policy understand it and are aware of the rules and consequences regarding the use of drugs and alcohol
- Seek guidance on any action that may be necessary to ensure safety in the event that they are notified by an employee that they are taking prescribed or over-the-counter medicines. This guidance can be sought from *(insert the Company arrangements e.g. the occupational health team/provider)*
- Ensure that employees are aware of the support that is available to them should they have a problem
- Monitor the performance, behaviour and attendance of employees as part of the normal management or supervisory relationship
- Intervene at an early stage where changes in performance, behaviour and attendance patterns are identified to establish whether drug or alcohol use is an underlying cause
- Provide support and assistance to aid recovery, where appropriate and for a reasonable period, to employees dependent upon drugs and/or alcohol
- Instigate disciplinary measures where appropriate to do so.

Where a manager or supervisor is aware, or suspects, that an employee is using drugs and/or alcohol at work, they should seek advice from *the Company's HR department (or insert alternative Company arrangements)* on the approach to be adopted.

Such matters are to be treated confidentially as far as is legitimately and legally possible. For example, in order to provide effective support, it may be necessary for information to be shared with *the Company's occupational health team/provider (or insert alternative Company arrangements)*.

All employees are required to:

- Familiarise themselves with this policy and the implications of breaching it
- Recognise that prescribed and over-the-counter medicines may cause impairment to their safety and performance at work. It is therefore an employee's responsibility to seek advice from their medical practitioner or pharmacist on any medication they are taking. They should inform their manager or supervisor *(or insert alternative Company arrangements)* of any possible side effects of their medication that could impair them at work. Any medical information will be treated in the strictest confidence.
- Seek assistance from their manager or supervisor *(or insert alternative Company arrangements)* if they become aware that they have, or are developing, a drug or alcohol dependency.

HELP & SUPPORT

Early identification and treatment are essential for the benefit of the individual and the Company.

The Company will ensure that advice and specialist help is made available to any employee who has a drug or alcohol dependency and who seeks assistance. Agency and temporary workers, contractors and others working on the Company's behalf who seek assistance will be referred to their own employer.

Employees should contact their manager or supervisor *(or insert alternative Company arrangements)* and seek assistance at the earliest possible opportunity and confidentiality will be assured.

If an employee with a drug or alcohol dependency only declares their dependency after a serious misconduct issue has arisen, just before a test takes place, or when they are proven to be in breach of this policy, they will be subject to the same disciplinary procedure as any other employee who breaches this policy.

If an agreed or recommended help and support programme is not followed or accepted by an employee or proves ineffective and occurs concurrently with lapses in the employee's performance, conduct or attendance, then they will be subject to the Company's disciplinary or sickness absence procedure as appropriate.

TESTING

The Company will undertake drug and alcohol testing as part of this policy and all employees, agency and temporary workers, contractors, volunteers and others working on the Company's behalf may be subject to testing for drugs and/or alcohol.

Testing will be carried out in the following circumstances:

- **Pre-Commencement/Employment** – As part of the new starter/induction process.
- **For Cause:**
 - As part of an assessment procedure when it is suspected that an individual in scope of this policy is unfit for work due to the use of drugs or alcohol
 - Where there is evidence that drugs or alcohol may have been used
 - As part of an accident/incident investigation to determine whether drugs or alcohol may have been a contributory factor.
- **Abstinence Monitoring or Assurance** – If an individual's conduct or capability is affected by a dependency on drugs or alcohol or when they are being supported by the Company for a drug or alcohol dependency.
- **Random** – Individuals may be randomly selected and tested for drugs or alcohol regardless of their job function. A process will be used to select individuals for testing in such a way that there is no specific pattern, plan or connection to the selection, which may be carried out independently of their employing organisation. Random testing will be conducted unannounced.

The Company will ensure that drug and alcohol testing from biological samples is subject to rigorous integrity and quality control procedures with laboratories using ISO17025:2017 accredited methods, and a testing procedure in accordance with the European Workplace Drug Testing Society (EWDTS) best practice guidelines will be agreed.

At the time of collection, a second sample (referred to as the B sample) will be kept by the laboratory where it will remain sealed in the event that further analysis is required as part of any appeal. A dispute procedure will be in place to address any discrepancies.

RESULTS & OUTCOMES

Negative – No further action will be taken.

Non-Negative – The individual may be suspended from work or the workplace (on full pay) pending confirmation of the test result. As a non-negative result could be triggered by certain prescription or over-the-counter medication, any current or recently taken medication should be declared **prior** to the test so it can be eliminated from the proceedings.

Positive – This will be considered a breach of this policy and gross misconduct. Employees will be dealt with in accordance with the Company's disciplinary procedure which may result in dismissal. Working arrangements for agency and temporary workers, contractors, volunteers and others working for the Company will usually be terminated.

Test Refusal – Failure to give consent, or be in a state unfit to give consent, or refusal to take part in a drug or alcohol test may be treated the same as a positive test result.

BREACHES

The Company will, where appropriate to do so, adopt a constructive and supportive approach when dealing with employees and others who may be experiencing drug or alcohol dependency. This means that employees seeking assistance will not automatically have their employment terminated simply because of their dependency. However, if despite any support and assistance that can be offered, performance, attendance or behaviour is unacceptable, then dismissal may be unavoidable.

There will be circumstances where breaches of this policy, whether dependency related or not, will be treated as a disciplinary matter and may result in the dismissal of the employee.

Examples of issues that will be subject to disciplinary action, including the possibility of dismissal, include:

- Deliberate disregard for personal safety and that of others associated with the use of drugs and/or alcohol at work
- Work performance negatively affected due to the consumption of drugs and/or alcohol
- Possession, consumption, dealing/trafficking, selling or storage of controlled drugs, either on work premises or outside of work
- Being disqualified from driving as a result of drug or alcohol-related offences (where the employee is required under their contract of employment to drive a vehicle)
- Making malicious or vexatious allegations that a colleague is misusing drugs and/or alcohol.

This list is illustrative only and should not be regarded as exclusive or exhaustive.

Disciplinary action will in all cases be proportionate to the circumstances of the breach of the policy.

Where evidence warrants it, the Company will inform the police of illegal drug use or any activity or behaviour over which there are concerns as to its legality.

RIGHT OF APPEAL

All individuals have a right to appeal against issues that they feel have been unfairly managed in the course of applying this policy. All appeals will be managed *in accordance with the Company's grievance procedure*.

SUBSTANCES

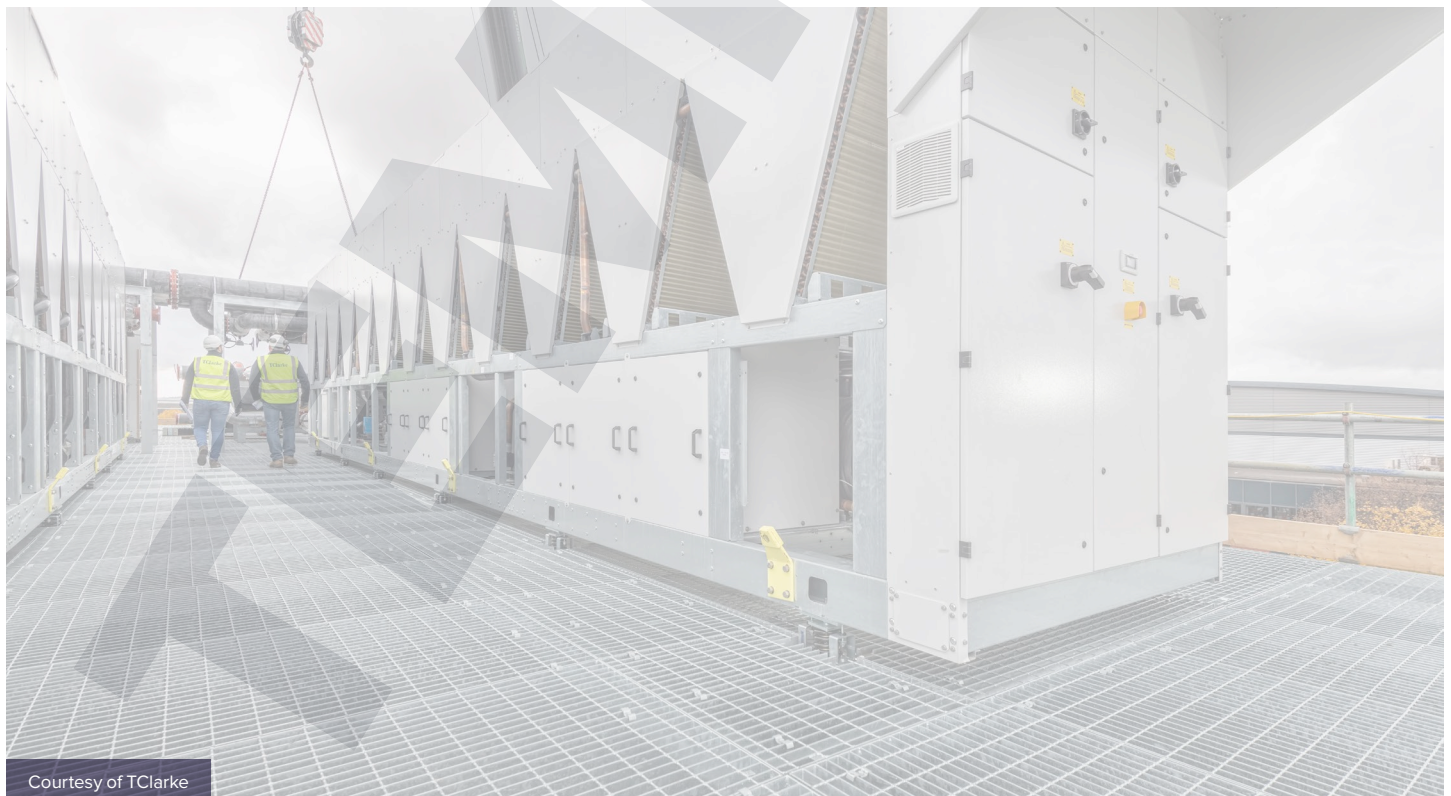
Alcohol

	England, Wales & NI	Scotland	Rail Workers
Micrograms of alcohol in 100ml of breath	35	22	13
Milligrams of alcohol in 100ml of blood	80	50	29
Milligrams of alcohol in 100ml of urine	107	67	39

Drugs

The substances referred to below are examples of the most common drugs and are not an exhaustive list of the substances for which individuals may be tested. The laboratory can be expected to assist in the review of the drugs tested for and support the Company with any changes to legislation or trends. Those subject to testing must be provided with a full list of substances considered against this policy.

- Amphetamines including ecstasy
- Benzodiazepines
- Cannabis
- Cocaine
- Opiates including heroin



Courtesy of TClarke