



Drugs and Alcohol Policy and Procedure



HR04/Policy and Procedure

Policy Statement

Aggregate Industries UK Limited (“Company”) is concerned to protect and improve the general welfare and health of its Employees. We are committed to ensuring the highest possible safety standards in all of our operations and that all Employees are fit to undertake their work.

As Employers we have a statutory responsibility towards Employees, contractors, visitors and members of the public working on the Company’s premises, or working on behalf of the Company off or on Company premises.

The Company views excessive alcohol consumption or drug misuse as incompatible with acceptable job performance and/or may also endanger the health and safety of others.

Employees who have Alcohol and/or Drug dependency and seek help from the Company will receive, wherever possible, appropriate help and assistance. In contrast individuals who conceal an Alcohol or Drug dependency issue and only declare they have a dependency problem when a serious misconduct issue has arisen are more likely to face disciplinary proceedings or dismissal, even if it is their first offence.

This policy applies not just to Employees but also to contractors or agency workers engaged by the Company and any references to an “Employee” in this policy shall be deemed to also mean a contractor or agency worker.

A breach of this policy may lead to disciplinary action and depending on the seriousness of the breach may lead to summary dismissal.

Definitions

In this policy the following words and phrases have the following meanings:

- “Substances” – includes but is not limited to Alcohol, Drugs and Solvents and extends to include all substances that are capable of affecting judgment, understanding or co-ordination;
- “Alcohol” – includes, but is not limited to distilled spirits, liquor, beer, wine, malt liquor, or any other beverages containing alcohol;
- “Drugs” – includes any psychoactive substance (those drugs that affect mood, thought process or perception), available both legally and illegally. A non-exhaustive list would include all those drugs covered by the Misuse of Drugs Act (1971), The Psychoactive Substances Act (2016) and The Medicines Act (1968);
- “Illegal Drugs” – includes any controlled substance including those drugs listed in the Misuse of Drugs Act (1971) (as amended) and Psychoactive Substances Act (2016).
- “Dependency/Addiction” – occurs where the user has adapted physically and/or psychologically to the presence of a substance and would suffer if it were withdrawn abruptly;

- “Company Premises” – includes all premises the Company has responsibility for and includes all Company vehicles.
- “Company Business” – means the business or work which the employee is engaged or employed to undertake or any other work which he or she is undertaking on the Company’s behalf.
- “Intoxicated” – means a breath alcohol concentration that exceeds the applicable countries driving limits (Please be aware that levels in Scotland differ from those in the rest of the British Isles).

For further information regarding the drink drive limit, please visit the following government website.

<https://www.gov.uk/drink-drive-limit>

However, for those employees who operate HME or are categorised as rail workers, then “intoxicated” means a blood alcohol concentration of 13mcg/100ml breath or higher.

(The above to be confirmed by an appropriate test)

- “Impaired” – means that a person found to have consumed illegal drugs or used drugs in an unsanctioned or unreported way (to be confirmed by an appropriate test) shall be deemed to be impaired through drugs.

Aim of the Policy

The aim of this Policy is to create a safe working environment for all Employees which reduces the risk of drug and alcohol misuse and abuse in so far as it affects health and safety and impairs Employees’ contractors’ and hauliers’ performance and judgment in the workplace.

In addition to the Company's duties to its Employees, all Employees are personally responsible for their own health and safety and the safety of others who may be affected by their acts and omissions. Consumption of alcohol or drugs may affect an employee's ability to properly perform their job and may also endanger the health and safety of others.

Scope

The Policy is designed to protect the health and safety of all of our Employees and therefore the aim of the policy is to prevent the inappropriate use of Alcohol and to prevent the use of Illegal Drugs.

For the purposes of this Policy, Alcohol/Drug misuse is defined as any situation in which a person’s consumption of Alcohol/Drugs or other Substances, whether continuously or in isolation, is in excess of legal limits, contravenes legislation or in any way has the potential to detrimentally affect the work, performance or health and safety of any persons.

This Policy DOES NOT cover social drinking outside working time or drinking within the guidelines set down in this Policy. The Company does not intend to get involved in an employee's use of drugs or alcohol in their private life unless and until that use has an actual or potential adverse effect upon the employee's performance of their work duties or upon the best interests of the Company. In these circumstances the fact that the drug/alcohol abuse may be outside working hours or off Company Premises shall not prevent the Company from taking action (including disciplinary action) in response.

The Policy does not apply to the correct taking of Drugs prescribed by a registered medical practitioner, except where this may affect an employee’s ability/judgment or in circumstances where the Company suspects the employee is misusing the prescribed Drugs.

Because of the serious nature of the problems connected with the misuse of Alcohol and Drugs and the impact which the misuse of such substances has on Employees' health, work performance and safety, the Company has a procedure for workplace screening for alcohol and drugs.

Employee's Responsibilities and Rules

All 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 after effects of alcohol or drugs (whether prescribed, over the counter or illegal).

The consumption of alcohol prior to work, if an employee is on standby or on-call is strictly prohibited if such consumption results in any individual having a blood alcohol concentration level in excess of those stated in Section 2.8 . Any such breach may be considered gross misconduct and result in dismissal.

Employees must:

- Never consume, possess, distribute or sell Illegal Drugs or other Substances on Company Premises or on customer's premises or during working hours.
- Not attend work or undertake Company Business, either on or off Company premises including customer's premises, with Illegal Drugs in their system.
- Notify their Manager before starting work, if they are taking medication which may affect their work performance. It is the Employee's responsibility to seek advice from their GP/pharmacist about correct dosages and to comply with the recommended dosage. Employees must seek advice from their GP/Pharmacist about possible side effects of the medication and the effect it may have on their ability to carry out their normal job/duties and advise the Company of the same. In some circumstances failure to do so may result in disciplinary action up to and including dismissal.
- Render themselves and their property on Company Premises liable to search at any time, if the Company has reasonable grounds to believe that an employee has Illegal Drugs or other Substances in their possession. If an employee refuses they are liable to disciplinary action, up to and including dismissal.
- Participate in individual screening for Substances at the request of the Company, which may involve providing a urine sample, submitting to a breath test or any other appropriate means of testing. Failure to co-operate or provide the appropriate samples may lead the Company to draw its own inferences against the employee and it may lead to disciplinary action.
- Participate in individual screening for Substances following any involvement in or association with an accident on Company Premises, at customer's premises or whilst on Company Business or a reportable dangerous occurrence as soon as practicable after the incident. Failure to co-operate or provide the appropriate samples may lead the Company to draw its own inferences against the employee and it may lead to disciplinary action.
- Participate in individual screening for Substances if required by a Manager acting on behalf of the Company who has cause to believe that the employee may be under the influence of any Substance. Failure to co-operate or provide the appropriate samples may lead the Company to draw its own inferences against the employee and it may lead to disciplinary action.

Screening Procedure

Screening will be undertaken by a third party who are trained Collectors and they will adhere to the standard of screening known as the "Chain of Custody". Therefore all samples collected will follow these standards and where samples are sent to the accredited laboratory, they travel in a secure manner. This will ensure the whole sample process from the individual to the laboratory and all the way through the analysis process including the reporting of results.

Employees have the right to be accompanied by a work colleague or Trade Union Representative who is on site and close by when they are being tested. The test will not be delayed to allow a colleague or Trade Union Representative to attend the site/testing area if they are not nearby. The test procedure will be explained to them before they undergo the Test.

If an Employee refuses to undertake a screening test, **they** will be given a short period of time i.e. ten minutes to reconsider and be advised that continued refusal may lead to a disciplinary investigation which may result in disciplinary action being taken, which in turn may result in summary dismissal. The Company reserves the right to treat a refusal of a test as a "non-negative" test result.

For the purposes of this Policy a "non-negative" result will be a test result showing that the employee was Intoxicated, or in the case of operators of machinery or drivers of Company vehicles, had any Alcohol in their system, and/or in the case of all Employees had Drugs in **their** system when the screening test was undertaken.

In certain situations, Employees required to undergo screening procedures may be suspended on full pay, until the tests have been carried out and the results confirmed.

Employees must cooperate 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's Disciplinary Procedure and may therefore result in summary dismissal.

Employees are permitted to drink Alcohol beyond the Company's set limit only at appropriate industry, customer or Company functions and only then subject to the following minimum standards:

- They do not drive a vehicle or operate any machinery either on or off Company or customer premises.
- Their behaviour is appropriate, lawful, does not offend, harass or irritate others present, does not bring the Company into disrepute, or otherwise does not have the effect of breaching any other Company policies.
- Their consumption of alcohol has the prior agreement of their line manager.

An Employee who is breathalysed whilst undertaking Company Business and is subsequently prosecuted by the Police will be deemed to have automatically breached this Policy and will face disciplinary action, which may result in summary dismissal.

An Employee who is disqualified from driving as a result of a drink or drug related offence, who was not undertaking Company Business at the time, may harm the Company's reputation and therefore it may still be deemed to be in breach of the Company's Policy. If an Employee is required to drive as part of their role and is subsequently disqualified from driving, they may be unable to continue to do their job. Employees

disqualified from driving who are required to be mobile in order to carry out their job (but who are not employed by the Company specifically to drive) may wish to employ a driver during the course of their driving ban. All associated costs must be at the Employee's own expense.

The Company may inform the Police of any suspicions it may have with regard to the use of controlled drugs by any Employee on Company Premises or on customer premises.

Managers' Responsibilities

Manager's responsibilities under this policy are as follows:

1. Vigilance in ensuring, as far as possible, the principles and procedures contained in this policy are upheld and followed in their workplace.
2. Seeking advice from Senior Management, the Human Resources Department and /or a Safety Advisor at the earliest sign/notification of an Alcohol, Drugs or other Substances issue at their workplace.
3. Arranging for Drugs and Alcohol test(s) to be undertaken as soon as possible after an accident or reportable dangerous occurrence unless otherwise agreed with GM/Director and/or HR Business Partner. All Employees who appear to have an involvement in the accident must 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 thereafter.
4. Arranging for individual test(s) as soon as possible, where there is reason to believe that an employee may be Intoxicated or Impaired or otherwise under the influence of Drugs or Alcohol as evidenced by:
 - A. mental or physical impairment
 - B. acting in an unusual manner
 - C. inability to perform work in a usual, safe manner 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. evidence of inappropriate alcohol or drugs is detected on Company Premises.