

Workplace Drug and Alcohol Testing Policy and Procedure

Lead Directorate Service:	Corporate Resources - Human Resources
Contact Officer/Number	HR Advice Centre/391221
Approved by:	Full Council 18 June 2003, Minute No. 1013/CMT: 7.11.11, Min: 13663, DR: 12723, Full Council 11.1.12/ DR: 15181, 20.1.14/CMT: 26.2.18, Min: 17948, DR: 20433, 5.3.18

Workplace Drug and Alcohol Testing

Scope

This policy applies to all Councillors, on site contract workers and employees of the Council, except school-based employees unless accepted by the respective school Governing Body.

Background

East Riding of Yorkshire Council 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 drugs, or alcohol, nor are 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 such as the Health and Safety at Work Act 1974 and at Common Law, for example, in negligence claims. 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.

In order to fulfil its obligations the employer must pursue a policy which secures a healthy and safe environment for all employees. At the same time the employer must also take into account the employer's and employees' rights under UK employment protection legislation and relevant codes of practice.

All costs in relation to 'for cause' testing will be met from the service budget within which the member of staff is employed.

Definitions

Alcohol misuse refers to:

Any drinking, either intermittent or continuous, which interferes with an individual's health, work capabilities or conduct, or which affects the work performance and/or safety of others.

Drug and Substance Misuse refers to:

- The use of any controlled drug as defined by the Misuse of Drugs Act 1971 or any statutory re-enactment.
- The accidental or intentional misuse of prescribed or 'over the counter' medication.
- The misuse of substances, eg solvents which can impair behaviour, judgement or job performance of the individual.

Safety Critical refers to:

A position which requires the postholder to perform duties which are directly related to the safe operation or security of a facility, piece of equipment or vehicle, handling of chemicals,

supervision of children, or work at height or in confined spaces and which, if not performed properly, could result in a serious safety risk or environmental hazard to employees, a facility or the general public. An employee who has the responsibility of supervising employees who perform such duties, shall also be considered as occupying a safety critical position. All customer facing posts will be deemed to be safety critical due to the responsibility an employee has for a customer when on Council premises.

In addition to the above any employee who drives or may be expected to drive whilst undertaking their Council duties and is classed as a Business Car or Lease Car User will also be deemed to be safety critical.

Heads of Service have designated certain posts and occupations as safety critical. The list of safety critical posts is held with each service area.

Aims

- to increase the general awareness/knowledge of employees regarding the risks associated with alcohol consumption and the misuse of drugs.
- to help managers/supervisors raise their awareness and identify individuals with alcohol/drug related problems in order to take action.
- to improve the health of the workforce by encouraging employees to lead lifestyles free from drug misuse and excessive or inappropriate consumption of alcohol.
- to encourage and facilitate individuals with drug or alcohol problems to seek help.
- to create a culture whereby all staff realise the importance of not covering up for individuals with known drug or alcohol problems.
- to provide appropriate assistance to employees who have problems with alcohol or drugs. This will not be extended to contractors staff.
- to promote a healthy and safe working environment and thereby protect the welfare of all individuals (employees, members of the public, visitors) avoiding risks associated with the use of drugs or alcohol.

Policy Statement

In the implementation of the drug and alcohol testing programme efforts will be made to:

- protect the privacy of the individual.
- undertake testing in a sensitive and properly controlled manner.
- ensure the procedure will protect the rights of the individual and allow the employee to challenge a result with which they disagree.

The Council will generally take a welfare-based approach when dealing with individuals having drug/alcohol related problems. However individuals testing positive must be aware that in having chosen to report for duty with substances in their system they are exposing themselves and others to an unacceptable level of risk. Individuals must be aware, that the severity of a problem or incident, or the refusal of help could lead to disciplinary action under the terms of the Council's Disciplinary Policy and Procedure.

Implementation Strategy

The Council will:

- Take active steps to communicate the policy to employees
- Provide all employees with information (awareness training, literature, etc.) to enable them to make sensible lifestyle decisions regarding the avoidance of drug and alcohol problems.

- Assist managers in deciding whether undertaking drug and alcohol testing is appropriate using the Impact Analysis Form (Appendix D). Provide managers/supervisors with training to help identify individuals with alcohol/drug related problems and action to be taken.
- Encourage managers/supervisors to discuss at the earliest opportunity any concerns with Occupational Health/Human Resources regarding an individual employee's behaviour at work and action to be taken.
- Encourage employees to access the 24/7 confidential Employee Assistance Programme (EAP) helpline which is designed to support individuals through any difficult situation that may affect their home and work life. The contact number for this service is 0800 107 6145.
- Encourage managers/supervisors to discuss at the earliest opportunity any concerns with the employee in a supportive manner and take appropriate action.
- Encourage employees with alcohol/drug problems to seek help in confidence.
Set up a fair and effective workplace drug and alcohol testing service which can be accessed by Managers as and when required.

Evaluation

The effectiveness of the policy will be monitored by managers keeping detailed information on issues arising from workplace drug/alcohol testing.

Responsibility

Management has responsibility -

- To demonstrate the knowledge of, and positive support for this policy setting a good example to employees and establishing sound practices.
- To ensure that the policy and procedure is effectively communicated and that all employees are aware of the potential problems of drug and alcohol misuse.
- To monitor the working environment to ensure that it does not have the potential to create drug and alcohol misuse problems and to be alert to the symptoms and evidence of drug and alcohol misuse.
- To ensure the wellbeing of employees and thus their families by protecting employees through prompt remedial action.
- To identify individuals with alcohol/drug related problems and actions to be taken.

Employees, Councillors and on-site contract workers also have responsibility -

- As required by legislation to take reasonable care for the health/safety of themselves and others.
- To be alert to the potential difficulties of other employees with drug/alcohol problems and to communicate any concerns to their line manager or Human Resources responsibly and confidentially.
- To seek help where they themselves are experiencing drug/alcohol misuse problems.
- To use alcohol responsibly and avoid the use of controlled drugs or any other substance unless authorised or prescribed medically.
- To ensure that they report for work and at all times remain in a fit state to carry out their duties and that their behaviour, judgement and job performance is not impaired in any way by alcohol or drugs.
- To observe this policy in all respects.

Review of Policy

The Council will review this policy as part of its rolling programme of policy review or in light of any legislative guidance.

Other Policies/Procedures

The policy and procedure for Workplace Drug and Alcohol Testing supplements and supports the Council's existing Drugs policy. Where there is concern that misconduct has arisen as a result of impairment through drug/alcohol misuse, the Council reserves the right to invoke the Council's Disciplinary Policy and Procedure, or in the case of a contract worker, to have the individual removed from Council premises or the work site.

Where a search undertaken in accordance with the Council's Security Policy (G6) results in the discovery of items in possession of an individual that could indicate involvement with alcohol/drugs, they may be required to undertake the drug/alcohol testing procedure.

Any complaints about the administration of the drug and alcohol tests will be dealt with under the Council's Grievance Policy and Procedure.

Workplace Drug and Alcohol Testing Procedure

Background

If an individual has a problem involving the misuse of drugs or alcohol, the Council will render all reasonable assistance in an effort to support them. Access to this assistance via a referral to the Occupational Health Unit is detailed at Appendix B.

To undertake the Council's Workplace Drug and Alcohol Testing Programme the Council will employ the facilities of a commercial accredited collection company and a properly accredited and experienced laboratory working to stringent quality standards that provide confidence in the analytical results obtained.

The alcohol test will consist of an on-site breath analysis using a calibrated electronic meter.

Drug testing is a multi-stage process in which a urine sample is collected and submitted for laboratory analysis. Comprehensive details of how the drug and alcohol testing process will be carried out are given in Appendix A to this Policy and Procedure.

All individuals tested will be tested for **both** drug and alcohol consumption irrespective of suspicion or admission to impairment by either drugs or alcohol. The individual is required to complete and sign the Employee Drug and Alcohol Consent form (Appendix C) to indicate whether they are willing to provide a drug and alcohol sample. The manager must also sign the form.

1. Alcohol

Alcohol as a substance is legal, freely available and socially acceptable. However, if it is taken in excess it can affect an individual's health, mental well being and job. The focus of this policy is on drinking patterns that may create problems in the workplace.

1.1 Council Alcohol Testing Limit

A positive alcohol result is where the level of alcohol concentration in the sample is greater than the Council's alcohol testing limit.

The Council's alcohol testing limit is the drink-driving limit used by the Police, which is derived from the Road Traffic Act 1988.

All employees, Councillors and on-site contractors must not:

- (i) report for work (at the start of the working day or when returning to work after a rest/meal break) with a level of alcohol in the body which exceeds the Council limit.
- (ii) drink alcoholic beverages whilst at home on call-out or stand-by duties, which would take them over the Council limit.
- (iii) consume alcohol at work.

It is acknowledged that occasionally alcohol may be available at social functions organised by the Council on work premises, e.g. Christmas party, retirement function. Individuals are, however, expected to show responsible behaviour at such functions and to have due regard for their alcohol consumption, consistent with the occasion, taking into account their work commitments and intended method of travelling home afterwards.

2. **Drugs**

Current substances to be detected during the drug test are from the following groups of drugs, however, others may be added if appropriate.

Amphetamines

Benzodiazepines

Cannabis

Cocaine

Opiates

Methylamphetamine (including MDMA, known as Ecstasy)

The illicit use of the substances listed above, or any of their derivatives is not, in any circumstances, acceptable to the Council. A positive drug result is where the drug concentrations in the sample are greater than the internationally accepted cut off levels for drug testing.

2.1 **Legitimate Medication**

Some prescribed and proprietary medicines have side effects which can be dangerous, particularly under working conditions. These include loss of concentration, dizziness, drowsiness and even temporary loss of consciousness. Individuals must inform their doctor of the nature of their job before medicines are prescribed and follow the advice/instructions of the prescribing doctor and/or manufacturer and inform their manager of potential known side effects.

Individuals should notify the collector during drug testing of any prescribed medication taken which may affect the outcome of the test.

To preserve medical confidentiality, the medication declared by the donor will not be visible on the employer's copy of the Chain of Custody form.

3 **Dealing in drugs**

Dealing in drugs is illegal and will not be condoned in any circumstances. Any individual suspected of dealing in drugs on Council premises, or whilst on duty, will be reported to the Police and the Council's Disciplinary Policy and Procedure invoked.

4. **Testing**

4.1 Random Testing

Random testing will not routinely be undertaken by the Council. However, the Council reserves its right to undertake random testing in the future as and when deemed appropriate.

4.2 For Cause Testing

For cause testing will apply to any employee, Councillor or on site contract worker across all areas of the Council. When there is cause to believe that an individual's behaviour and/or performance at work is impaired by drugs/alcohol, they may be required to undertake the drug/alcohol testing procedure.

Some examples of circumstances where this may be appropriate are:-

1. Obvious signs of mental and/or physical impairment.
2. Recognition by managers, supervisors or colleagues of symptoms affecting work performance.

3. Complaints from the public indicating that alcohol/drugs may be a factor.
4. The discovery of items in possession of an individual that could indicate involvement with alcohol/drugs.
5. After an accident or incident.

4.3 For Cause Testing Procedure

If a manager or supervisor has reasonable cause to suspect that an individual is unfit to carry out the full duties and responsibilities of their post through the effects of drugs/alcohol while on duty or when reporting for duty, the following steps will be taken:-

- (i) The manager or supervisor will speak to the individual privately, inform them of the suspicion that they may be unfit to work through the effects of drugs/alcohol and arrange for them to be relieved of duty immediately. An interview will then be held. If after this interview the manager still has cause for concern the individual will be requested to undertake a drugs and alcohol test by the Council's authorised agency.
- (ii) The manager must complete and sign the Impact Analysis (Appendix D) and answer each question fully to ensure full consideration is given to factors surrounding reasonable cause to test and undertaking drug and alcohol testing is appropriate. The Directorate's Responsible Officer must also sign the Impact Analysis to give their agreement to proceed with the for cause testing procedure.
- (iii) The manager or supervisor should contact the Directorate's Responsible Officer who will call the Council's chosen service provider to arrange for a collection officer to attend the designated site/offices.
- (iv) The collection officer will have a target time for arrival on site of two hours. The individual will be asked to remain on site in order to be available to the collection officer on their arrival and the individual should be offered the right to representation
- (v) The individual will be asked to complete and sign the Employee Drug and Alcohol Testing Consent Form (Appendix C). The manager must also sign the form following the individual's declaration.
- (vi) All for cause tests will be subject to on-site screening which allows all individuals who test negative to be informed accordingly and allowed to resume work immediately.
- (vii) If, however, the urine sample or breath test(s) screen positive for drugs or alcohol, the individual will be informed of the initial screen results and informed that the urine sample for drug testing will be sent away for confirmatory analysis and medical review.
- (viii) All individuals to be tested will be tested for **both** drug and alcohol consumption irrespective of suspicion or admission to impairment by either drugs or alcohol.

5. Trade Union Representation

In all cases the individual to be tested will be advised that they may be accompanied by a Trade Union representative or other work colleague. This individual will only be acting as a witness not a representative. If the individual's Trade Union representative is not able to attend they may provide verbal advice by telephone if available. If the individual to be tested requests a Trade Union representative to act as a witness and no such representative is available at the time, the procedure will not be delayed to accommodate

this. The individual to be tested will be reminded that a work colleague may also be asked to attend as a witness.

The witness must not interfere in any way with the sample collection and testing process, and the urine sample will be given in absolute privacy. The declaration of medication taken should be given in total privacy unless the donor permits the presence of someone other than the collector.

6. **Refusal to donate a sample for a drug or alcohol test**

The employee has a choice whether or not to consent to taking the drug and or alcohol test. The employee will indicate this using the Employee Drug and Alcohol Testing Consent Form (Appendix C). No direct penalty will be imposed for refusing to give consent however there may still be a requirement to carry out an investigation under the Council's disciplinary policy and procedure as a result of the factor which instigated the need for a test and that the lack of a test result may be considered as part of this process.

In the event that an individual refuses to take a test, or to have the results of the test disclosed to the Council, an initial discussion will be held with the individual and their manager/supervisor to ascertain any reasons for non-compliance, and every effort will be made to explain the procedure and address any concerns raised. Prior to the discussion the individual to be tested will be advised that a Trade Union representative or other work colleague may accompany them. This individual will only be acting as a witness not a representative. If the individual to be tested requests a Trade Union representative to act as a witness and no such representative is available at the time, the procedure will not be delayed to accommodate this. The individual to be tested will be reminded that a work colleague may also be asked to attend as a witness.

If it is confirmed that an individual has been dealing drugs, or refuses to undertake a drug or alcohol test, or to have the results disclosed to the Council, the following action will be taken:

- Employee - the issue will be referred to the relevant line manager who will decide the appropriate course of action according to the circumstances and the information available. This may result in the employee being dealt with in accordance with the Council's Disciplinary Policy and Procedure.
- Councillor - the issue will be referred to the Standards Committee of the Council for consideration.
- Contractor - the issue will be referred to the employing company to deal with in accordance with their employment conditions and the terms of our procurement contract with them.

7. **Results of Analysis**

7.1 **Negative Results**

For Cause Tests will be subject to on-site screening which provides an immediate result for both drug and alcohol testing. Negative on-site screenings for drug testing will not be subject to confirmatory analysis at the laboratory. Individuals will be notified verbally of the negative result by the on-site collector. The result will also be communicated to Human Resources who will then confirm the negative result in writing to both the individual tested and the line manager who originated the request for a for cause test.

7.2 Positive Results

For Cause Tests are a two-stage process; the first stage is on-site screening, which provides an immediate preliminary result for both drug and alcohol testing. Any individual screening positive at Stage 1 will be verbally notified of the preliminary positive result as well as the manager who requested the for cause test. The following action will also be taken:-

Employee - consideration will be given to the use of suspension with pay or temporary allocation of suitable alternative work pending confirmation of the positive result, particularly if the individual occupies a safety critical post.

Councillor - the matter will be referred to the Standards Committee of the Council for consideration.

Contractor - the individual concerned will be asked to leave site and the matter referred to the employing company pending confirmation of the positive result.

The second stage is confirmatory analysis (and applies only to drug testing), which requires the urine sample to be sent to the laboratory under chain of custody conditions. A confirmed positive result is usually available five working days from receipt at the laboratory. A presumptively positive result from confirmatory analysis will not be announced as such until the result has been subject to medical review. On receipt of notification from the medical review officer of a positive result Human Resources will notify individuals in writing of the confirmed positive result with a copy to the manager who originated the request for the for cause test.

If, as a result of confirmatory analysis and medical review, the sample still remains positive, the following action will be taken:-

Employee - the employee will remain at work/suspended on full pay or undertaking suitable alternative work, (whichever applies), pending a full investigation of the incident and the Disciplinary Policy and Procedure may be invoked as appropriate.

Councillor - the matter will be referred to the Standards Committee of the Council for consideration.

Contractor - the individual concerned will not be permitted to return to site and the issue will be referred to the employing company to deal within accordance with their employment conditions and the terms of our procurement contract with them.

8. Challenging Test Results

If an individual wishes to undertake a formal challenge to a positive drug or alcohol test they must put their request in writing to the Director of Corporate Resources within 14 calendar days of receipt of notification of the confirmed positive result.

The individual must specify the name and address of the independent laboratory they wish to transfer their "B" specimen for reanalysis. The specimen will be transferred to the independent laboratory under Chain of Custody conditions. It will not be returned to the donor to make their own arrangements.

Any complaints about the administration of the drug and alcohol tests should be dealt with in accordance with the Council's Grievance Policy and Procedure.

9. Appendices

The Drug and Alcohol Testing Process	Appendix A
Referral to Occupational Health	Appendix B
Employee Drug and Alcohol Testing Consent Form	Appendix C
Drug and Alcohol Testing - Impact Analysis	Appendix D

Appendix A

The Drug and Alcohol Testing Process

1 The Drug Testing Process

(a) The Process

The drug testing process may involve up to six stages depending upon whether a positive result is obtained, all of which are very strictly controlled by a process known as 'Chain of Custody'. The stages involved in the screening procedure are:-

- (i) sample collection
- (ii) adulteration testing
- (iii) preliminary screening analysis
(This stage will usually be undertaken at the laboratory with the exception of all for cause tests. For cause tests will be subject to on-site screening which provides an immediate preliminary result and which allows all those who test negative to resume work immediately.)
- (iv) confirmatory analysis
- (v) medical review of presumptive positives from confirmation testing
- (vi) reporting of results

All tests will involve stages (i), (ii), (iii) and (vi). Positive sampling will also incur stages (iv) and (v).

(b) Chain of Custody

The 'Chain of Custody' is the name given to the procedures which ensure that the sample travels in an intact, secure and discreet manner from the collection of the sample from the individual to the laboratory and all the way through the analytical process up to and including the reporting of the laboratory results and medical review, through to the eventual destruction of the sample.

(c) Sample Collection

Sample collection is the only part of the drug and alcohol testing process that is seen and experienced by the individual and as such will be carried out sensitively and discreetly.

It is important that the individual is given the right to be accompanied. The Trade Union representative or work colleague will only act as a witness not a representative.

The collector will properly prepare the collection area, supervise the sample collection and ensure that the 'Chain of Custody' procedures are strictly adhered to.

The collector will ensure that the individual is fully aware of what is happening and what is required of them.

The collector will undertake the testing in a sensitive, discreet, controlled manner and will do their utmost to protect the privacy of the individual.

The collector will prepare the collection site taking all proper precautions to minimise the risks of sample adulteration, contamination or swapping whilst allowing the individual privacy during the provision of the sample.

The Councils chosen service provider will provide specially designated certified drug-free kits for urine sample collection and analysis which meet the stringent requirements

demanding to provide a secure 'Chain of Custody', and therefore produce a result that can be relied upon.

(d) The Collection Process

If the collector is conducting a for cause test the sample will be screened on site, this provides an immediate preliminary result which allows all those who test negative to return to work immediately. If however the on-site screen proves positive (or the collector is undertaking a random test) the urine sample will be divided between two containers, labelled and sealed with tamper-evident security seals.

One sample, the 'A' sample, is used for laboratory analysis, whilst the second 'B' sample is retained at the laboratory under secure temperature controlled conditions for future reference in case the individual wishes to challenge the laboratory results. The collector will do their utmost to ensure all samples and packaging from drug testing is discreetly contained and covered.

In the case of a challenge to a positive result the 'B' sample may be sent directly under Chain of Custody conditions to an independent laboratory of the individual's choice. Alternatively, the 'B' sample will be retained, in the case of a positive result, by the laboratory for one year after the test result is known.

All paperwork relating to the sample will be completed in the presence of the donor. The donor will be required to sign the 'Chain of Custody' form to verify that they have seen the samples properly divided, labelled and sealed and that they give consent for the sample to be analysed and for the results to be communicated to the Council.

Copies of the 'Chain of Custody' form are retained by the donor, the Council, the Council's chosen service provider and the medical review officer, and further copies are forwarded with the specimen to the laboratory. They will be stored securely in accordance with data protection legislation and best practice.

During the collection process the individual is given an opportunity to declare any drugs or medication which they have taken in the days leading up to the collection of the sample. This is an important part of the medical review process. If a positive test result is indicated, it will ensure that the individual is not accused of drug abuse when they have only taken legitimate medication in the correct dosage.

(e) Adulteration Testing

The collection process is designed to minimise the risks of an individual successfully adulterating or tampering with the sample.

The analytical procedures employed by the laboratory include a number of additional tests to detect adulteration and/or attempted sample tampering.

(f) Laboratory Procedures

On arrival at the laboratory the specimens and their packaging are examined to check that they have not been tampered with that the security seals are intact and that the Chain of Custody has been preserved.

Sample 'A' is then opened for analysis. The urine is subject to initial analysis to exclude adulteration and then screened for the presence of the agreed range of drugs using immunoassay-screening tests. If the immunoassay tests prove negative the analysis is

terminated and a report is produced and forwarded under confidential cover to the Council.

If a positive immunoassay-screening test is given by the sample, a second aliquot of urine is analysed by a very sophisticated and specific analytical process known as gas chromatography/mass Spectrometry (GC/MS). GC/MS is often referred to the 'Gold Standard' test and not only confirms the exact identity of any drug present but also indicates how much is present.

(g) Cut-Off Levels

Cut-off levels for both the screening and confirmatory analysis will be utilised. These cut-off levels, which are internationally accepted, are set in order to:-

- (i) permit the detection of recent drug use,
- (ii) exclude claims that the positive result was due to inadvertent or passive exposure to the drug,
- (iii) eliminate the risk of 'false positive' results due to analytical noise or sample matrix.

(h) Reporting of Results

All stages of the analytical process are continuously monitored by a suitably experienced and qualified toxicologist and all results are checked by them prior to release.

The checking procedure involves a thorough quality audit. After the toxicologist is satisfied with the quality of the results they are reported confidentially.

Positive results are reported to an independent medical review officer who is not employed by the laboratory undertaking the analysis.

(i) Medical Review

The independent preliminary medical review is used to explore the reasons for the positive result and may involve a discussion with the individual tested to determine whether there is any legitimate reason for a positive result. For example, a presumptively positive result will be declared as negative if it can be demonstrated that the donor has taken the correct dosage of medication prescribed for the donor or purchased over the counter. The overriding principle behind medical review is that if there is any doubt about the result, the beneficiary of that doubt will be the donor.

2. **The Alcohol Testing Process**

The alcohol test will consist of an individual being asked to blow into a hand held electronic device such as a Drager Alcotest Meter which measures alcohol in the last part of a breath sample (deep lung air), which provides a correlation with blood alcohol concentration, which is the key indicator of possible impairment. The device has various functions built in to ensure that the subject provides a satisfactory breath sample while the result is produced on a digital display, normally with options to send the result to a printer.

If the result of the initial breath test is zero, there will be no further breath testing. However, if it is other than zero, a second sample will be collected immediately. The result of the first pair of tests will be deemed to be the lower of the two readings, i.e. result 1. This procedure protects against the possibility that a belch whilst blowing might elevate one breath alcohol test result.

A second pair of breath samples will be collected approximately 20 minutes later. This will determine if the donor's alcohol concentration is rising or falling and will enable the Council to make an informed decision as to the donors fitness for work and the nature of the work that they can safely perform. The result of the second pair of tests will be deemed to be the lower of the two readings, i.e. result 2.

Overall the breath test readings the Council will act upon will be the higher result of set 1 and higher result of set 2.

In the interests of safety if result 2 is higher than result 1 but is within the Council's pre-determined testing limit, further pairs of tests will be conducted at appropriate intervals to see if the limit is eventually exceeded.

N.B: There may be situations when an individual comes to work immediately after consuming a large quantity of alcohol. It is always possible that most of the alcohol consumed will still be in the individual's stomach and thereby their breath alcohol test result will be below the Council's predetermined limit. If that individual is allowed to proceed to work, having passed the alcohol test, it is possible that within a short period of time the alcohol in the stomach will be absorbed into the body and the individual will have a breath alcohol concentration above the Council's testing limit.

For this reason the detection of any alcohol during a breath test (even if below the limit) will lead to a 20 minute waiting period and a subsequent re-test to see if the breath alcohol concentration is increasing or decreasing.

Appendix B

Referral to Occupational Health

Employees who for any reason are suspected of experiencing problems resulting from the use of alcohol, drugs or other substances should be offered the opportunity to obtain specialist help via referral to the Council's Occupational Health Provider. Should an employee willingly disclose or be found to have such a problem then management is committed to offer assistance in accordance with the provisions of this policy.

A manager may also wish to discuss with Occupational Health/Human Resources if they have any concerns regarding an individual employee's behaviour at work and action that should be taken.

Indicators

The following characteristics, especially when occurring in combination, may be indicative of an alcohol, drug or substance related problem. However, it should be noted that these characteristics are not confined to such problems and caution should be exercised in their interpretation. The Occupational Health Unit is available to offer help and advice as requested.

Absenteeism

- Multiple instances of unauthorised leave.
- Excessive sickness absence.
- Frequent absences occurring on the same day, eg Mondays and/or Fridays.
- Excessive lateness, eg Monday mornings or returning from lunch.
- Leaving work early.
- Unusual and increasing improbable reasons for absence.
- Frequent unscheduled short-term absence, with or without explanation.
- Unusually high absenteeism rates for diarrhoea, colds, flu, gastritis etc.

High Accident Rate

- Frequent accidents at work.
- Accidents elsewhere, eg at home, travelling to work.

Difficulty in Concentration

- Work requires greater effort.
- Tasks take longer than normal to complete.

Confusion

- Difficulty in recalling instructions, details etc.
- Increasing difficulty in dealing with complex assignments.
- Difficulty in identifying/recalling own mistakes.

Spasmodic Work Patterns

- Alternating periods of high and low productivity.
- Increasing general unreliability and unpredictability.
- Repeated unnecessary absences from post.
- Frequent trips to the toilet etc.
- Extended tea/coffee breaks.

Reporting to Work

- Reporting to work in an obviously inebriated condition, or apparently under the influence of drugs or other substances.
- Smelling of alcohol.
- Hand tremors.
- Deteriorating personal hygiene/appearance.

Deterioration in Job Efficiency

- Missed deadlines.
- Mistakes due to inattention/poor judgement.
- Poor decision making.
- Implausible excuses for poor work performance.

Deterioration in Interpersonal Skills

- Overreaction to real or imagined criticism.
- Unreasonable resentments.
- Irritability.
- Complaints from colleagues.
- Avoidance of supervisors, colleagues or other staff.

Referral Process

A referral can be made for specialist help at any time via the Council's Occupational Health Unit should the employee or manager identify a problem with which it could help.

However, if a manager or supervisor has reasonable cause to suspect that an individual is unfit to carry out the full duties and responsibilities of their post through the effects of drugs/alcohol while on duty or when reporting for duty, the manager should invoke the Council's Workplace Drug and Alcohol Testing Policy and Procedure. The manager or supervisor will speak to the individual privately, inform them of the suspicion that they may be unfit to work through the effects of drugs/alcohol and arrange for them to be relieved of duty immediately. An interview will then be held. If after this interview the manager still has cause for concern the individual will be requested to undertake a drugs/alcohol test by the Council's authorised agency. Even if the individual admits to using drugs and/or alcohol a test for both drugs and alcohol should be undertaken.

If the test is positive the manager should state that the employee appears to have a problem which requires help and the employee should be offered the opportunity of referral to the Occupational Health Unit.

Help Accepted

If during the course of the interview the employee accepts referral to the Occupational Health Unit the manager should make a management referral the normal way.

The Occupational Health Unit will refer the employee to an appropriate agency.

The Council will allow a maximum period of six weeks for the employee to become fit for duty.

It is the employee's responsibility to ensure that the treating agency provides the Occupational Health Unit with an update at the end of the six week period indicating the employee's progress.

At the end of the six week period if in the opinion of the Occupational Health Unit the employee is fit to return to work then they may do so. It may be that employees who are fit to return are still engaging with their treatment agency. The Council will, where operationally viable, support reasonable time off for this for a further six weeks.

If the employee is not fit to return to work at the end of the six week period then they may be subject to action under the Council's Disciplinary Policy and Procedure the outcome of which could be dismissal.

In the event that the Occupational Health Unit is unable to secure feedback from the treating agency at the end of the six week period the Occupational Health Unit will inform the manager accordingly. The manager will seek guidance from Human Resources and may decide to proceed to take action under the Council's Disciplinary Policy and Procedure on the information available at the time.

If once the employee has returned to work they test positive again, irrespective of how much time has elapsed since the original failed test, then the employee may be subject to action under the Council's Disciplinary Policy and Procedure as outlined above. A further offer of a referral to the Occupational Health Unit for help will not be made.

Help Rejected

If the employee rejects an offer of help, the manager (in consultation with Human Resources) should make a full assessment of the situation and decide whether it is appropriate to instigate action under the Council's Disciplinary Policy and Procedure at this stage, or whether to allow the employee to continue at their place of work on the understanding that the situation will be kept under review. During the interview the manager should establish the future acceptable standards of work performance and pattern of behaviour. If at any time the employee should unreasonably fail to meet these requirements formal action will be taken. A further offer of a referral to the Occupational Health Unit for help will not be made in the event that drug or alcohol use is suspected or discovered. However should an employee volunteer on a separate occasion that they have a problem, a request for help will be considered.

Recovery Programme Discontinued

If an employee should prematurely discontinue a recovery programme, the manager should arrange to interview the employee and determine what action should be taken (advice must be sought from Human Resources).

Occupational Health Unit Unable to Assist

In some circumstances the Occupational Health Unit may be unable to help the employee. For example the Unit may not perceive a problem for which it can provide help, the employee may deny the existence of a problem and may reject the need to undertake a recovery programme. Employees may also agree to a recovery programme in order to avoid disciplinary action and may not be committed to the programme. In these circumstances, the Occupational Health Unit will inform the manager that it is unable to help and it will then be for the manager to assess what action should be taken. (Further advice must be sought from Human Resources).

Alternative Working Arrangements During Recovery Programme

Should a return to work and/or continuation at work carry with it the risk of a recurrence of the problem or of jeopardising the health and safety of other employees, clients or third parties, a suitable alternative working arrangement should be provided if available. If no suitable alternative is available consideration will be given to the use of suspension with pay.

Reintegration

The manager has a key role to play in helping the employee to readjust to the work environment after their treatment. On the successful completion of a recovery programme, the manager should arrange to interview the employee to congratulate them. At the interview the manager should explain their expectations of future behaviour at work and to offer continuing support.

Appendix C

Employee Drug and Alcohol Testing Consent Form

Please ensure the employee completes all boxes.			
Employee Name		Managers Name	
Post Title		Managers Post Title	
National Insurance Number		Service Area & Directorate	
EMPLOYEE AUTHORISATION/DECLARATION - Please tick to indicate consent or withhold consent below.			
<u>A. Consent to donate a sample for a drug and alcohol test</u>			
☐ I consent to donate a sample for a drug and alcohol test in accordance with the <u>Drug and Alcohol Testing Policy and Procedure</u>			
I confirm the process has been fully explained to me and understand that any information held will be stored securely in line with the Data Protection Act 1998. I am aware that I have the right to withdraw consent at any time should I wish. I understand that I will not be subject to a disciplinary sanction as a direct result of withholding consent for a drug and alcohol test, however I am aware that there may still be a requirement to carry out an investigation under the Council's disciplinary policy and procedure as a result of the factor which instigated the need for a test and that the lack of a test result may be considered as part of this process. In addition I confirm that I have been given the right to be accompanied by trade union representative or work colleague should I wish.			
<u>B. Refusal to donate a sample for a drug and alcohol test</u>			
☐ I refuse to provide a drug and alcohol sample in accordance with the <u>Drug and Alcohol Testing Policy and Procedure.</u>			
I confirm the process has been fully explained to me. I understand that I will not be subject to a disciplinary sanction as a direct result of withholding consent for a drug and alcohol test, however I am aware that there may still be a requirement to carry out an investigation under the Council's disciplinary policy and procedure as a result of the factor which instigated the need for a test and that the lack of a test result may be considered as part of this process.			
Employee Signature		Date	
Line Manager Signature		Date	

Drug and Alcohol Testing – Impact Analysis

Name of Employee		Job Title of Employee	
Process to be analysed?	Drug and Alcohol Testing	Person completing analysis	
Reason for this analysis?	To assist managers in deciding whether undertaking drug and alcohol testing is appropriate.	Date of analysis	

The following points must be considered before undertaking formal testing under the Drug and Alcohol Testing Policy and Procedure. Each point should be considered on a case by case basis.

Background	
1. Briefly describe why the Council is considering undertaking a drug and alcohol test	<i>Where the Council has reason to believe that the individual's behaviour and/or performance at work is impaired by drugs and/or alcohol the individual may be required to undertake drug and alcohol testing.</i>
2. Please indicate reasons to believe individual is under the influence of drugs and/or alcohol	<i>e.g. mental/physical impairment, evidence of individuals being under the influence of alcohol or drugs, after incident or accident</i>
3. What are the potential implications which necessitates a test	<i>e.g. require to drive or operate heavy machinery for work, safety critical post, supervise children or vulnerable adults</i>
4. What are the potential implications of not undertaking a drug and alcohol test	<i>e.g. the Council has been made aware of an issue and must exercise its duty of care for employees/ service users.</i>

Signed (Line Manager) Date

Signed (Directorate’s Responsible Officer) Date

