

Opus Ltd.  
Drugs & Alcohol Policy  
31<sup>st</sup> January 2012

Our employees are our most valuable resource and their health and safety is of the utmost importance. Drug and alcohol misuse has the potential to damage the health and well-being of our employees and threaten the success of our business. To that end this policy applies not just to employees but also to contractors engaged by the organisation.

The aim of this policy is to protect the health and safety of our employees and to help anyone who may be suffering from a drug or alcohol-related problem. The policy sets out the principles within which our business will usually work followed by guidance for occasions when a problem arises. [However, since no two cases will be the same, this policy should be regarded as laying down guidelines only and not as being of contractual effect.]

### **Policy Principles**

In addition to the organisation's duties to its staff, 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 his or her job and may also endanger the health and safety of others. Employees are therefore required to advise their line manager or HR manager if they are taking prescribed drugs.

Where appropriate, the organisation will provide support internally and/or through external agencies to employees who seek help for a drug or alcohol problem.

The organisation reserves the right to conduct drug and alcohol screening as part of the process for pre-employment selection. Any candidate who has a positive screen, or who refuses to provide the appropriate samples, will not be eligible for employment.

The organisation reserves the right to conduct or require a drug or alcohol screen on any employee whilst at work or on organisation property. Such screening will only be carried out with the employee's consent. However, refusal to provide appropriate samples may lead the organisation to draw its own inferences against the employee.

The use, possession, distribution, purchase, sale or being under the influence of alcohol (except on authorised occasions) or any controlled drugs whilst at work or on organisation property is prohibited and may be viewed as gross misconduct.

Breach of this policy by an employee will be fully investigated and normally be dealt with under the organisation's disciplinary procedure. Depending on the nature of the conduct, the employee may be dismissed without notice.

### **Procedures**

#### **Prevention and rehabilitation**

The primary objectives of this policy are the prevention of the adverse affects of drugs and alcohol in the workplace and the early diagnosis, treatment and rehabilitation of employees who have alcohol or drug-related problems.

The organisation will ensure that there are confidential means whereby employees can seek assistance and advice for any alcohol problem, whether by self-referral or at the request of the organisation.

Employees should recognise that it is their responsibility and in their best interests to seek help at the earliest possible stage when treatment may be easier and before the problem affects work sufficiently to become a disciplinary matter.

If any employee with an alcohol or drug problem fails to comply with the recommendations of the agreed programme of treatment, immediate disciplinary action may be taken.

Employees enrolled on a rehabilitation programme will usually be subject to normal sickness/absence rules.

### **Screening when alcohol or drug abuse is suspected**

Where line managers observe unusual behaviour or unacceptable performance by an employee at work such that they have reasonable cause to believe that the employee is suffering the effects of drugs or alcohol, the line managers will usually initiate the following procedure.

1. They will ask the employee to explain his or her behaviour. They will then ask the employee to accept a referral to [the occupational health department/GP/other] for a medical examination/review. In all cases a medical examination/review will take place to ensure that there is no underlying medical reason for the unusual behaviour or unacceptable performance and that the employee receives the appropriate and confidential care.
2. It is anticipated that most cases will not proceed to a drug and alcohol screen but will be handled using normal line management practices. However, in the absence of a satisfactory alternative explanation for the behaviour or performance, and where the employee is suspected of, or admits to, being in breach of this policy, a drug and alcohol screen will be performed.
3. The procedure for screening is held by the [occupational health department GP/other]. The consent form will be prepared by the [occupational health department/GP/other] and signed by the employee and the [occupational health adviser/physician] taking the samples. Upon completion of the screen, the employee may be suspended on full pay for as short a time as possible until the results of the test are known. The employee may be suspended on full pay pending the screening process if the organisation sees fit.
4. If an employee refuses to co-operate with the screening or to allow the organisation access to the results, the consent form will be completed accordingly. The employee will be suspended immediately on full pay and the organisation's disciplinary policy will be instigated. The behaviour that gave rise to the suspicion may also be grounds for disciplinary action. Failure to follow or co-operate with procedures laid down to safeguard the health and safety of employees may be regarded as gross misconduct and may lead to disciplinary action up to and including dismissal.

### **Dealing with the results**

Employees will be told the results of the screen as soon as practicable.

If the result of the screen is negative the employee's behaviour will continue to be investigated and in appropriate cases the organisation's disciplinary procedure will be instigated.

If the result is positive, the line manager will continue the investigation and medical advice will be sought.

If no drug or alcohol dependency is found or admitted, the organisation's disciplinary procedure will be instigated and, depending on the seriousness of the conduct that gave rise to the investigation, the organisation may dismiss the employee.

The organisation may alternatively, at its absolute discretion, treat the employee's alcohol or drug dependency as an illness. Where appropriate the employee will be offered support and access to treatment for rehabilitation. A formal rehabilitation plan will be agreed. Any time off to attend rehabilitation will be treated as sickness absence but the employee will receive payment over and above statutory sick pay only at the organisation's discretion.

The [occupational health department/GP/other] will review the employee's fitness for work and liaise with external agencies (if applicable) to ensure that the employee is co-operating with the rehabilitation programme.

It is anticipated that most employees will complete rehabilitation successfully. However, if the employee fails to complete the rehabilitation programme (or fails any screening tests), the matter will be dealt with in accordance with the organisation's disciplinary policy. Failure to complete rehabilitation successfully may be regarded as gross misconduct and may lead to disciplinary action up to and including dismissal.

### **Other Issues**

If the employee does not consent to medical screening, the organisation may draw such inferences from that refusal as it sees fit.

Employees should be aware that the Misuse of Drugs Act 1971 makes it a criminal offence for the organisation to knowingly allow the production or supply on its premises of any controlled drugs, and for any individual who allows such activities by his or her neglect or connivance. The organisation will press for the prosecution of any employee found breaking these laws on its premises.

The organisation will not get involved in an employee's use of drugs or alcohol in his or her private life unless and until that use has an actual or potentially adverse effect upon the employee's performance of his or her duties or upon the best interests (principally name and reputation) of the organisation. In these circumstances the fact that the drug or alcohol abuse may be outside the working hours or off organisation premises shall not prevent the organisation from taking action in response.