Alcohol & Drugs Policy

# **Alcohol & Drugs Policy**

#### **Introduction & Purpose**

The ScottishPower Alcohol & Drugs Policy is a fundamental part of the Company's strategy to safeguard the health, safety and welfare of all its employees.

Alcohol and drug consumption/dependency affects individual health and work performance in terms of safety, efficiency, productivity and attendance. In addition, it can have a detrimental effect on colleagues and dependants. As a responsible employer, ScottishPower recognises the need to take measures to address the issue of alcohol and drugs in the workplace. This Policy has been developed to protect the health and safety of workers and to comply with relevant legislation, e.g. Health and Safety at Work. Act 1974 and Misuse of Drugs Act 1971.

This Policy, including guidelines in relation to alcohol and drugs, and its purpose, is to achieve the following:

- To have a working environment free from the effects of alcohol and drugs;
- To ensure that an employee's use of alcohol or drugs does not affect the health and safety of the individual, work colleagues, or others with whom they may come into contact in the course of their work;
- To ensure that an employee's use of alcohol or drugs does not affect the efficient and effective operation of ScottishPower's activities:
- To set out the ScottishPower rules on alcohol, drugs and substance abuse;
- To provide a procedure whereby employees with an alcohol, drug or substance abuse problem can seek help in confidence:
- To provide guidance on the symptoms of alcohol, drugs and substance abuse.

In addition to employees, other persons working for or on behalf of ScottishPower are required to be aware of, and comply with, this Policy. It should be noted however that the disciplinary or support provisions contained in this Policy only apply to employees of ScottishPower. For more information, refer to the section 'Agency Workers, Consultants and Contractors' contained within this Policy.

Further guidelines and associated paperwork can be found on the Health & Safety portal.

#### **Definitions**

For the purposes of this Policy:

'Alcohol' is defined as a beverage or food additive which contains alcohol in any form.

An 'alcohol-related problem' is defined as any consumption of alcohol which interferes with an employee's health, safety, welfare and performance in any aspect of employment.

'Drugs' are defined as illegal substances, prescribed or over-the-counter medications.

A 'drug-related problem' is defined as any use of drugs, or substances which in themselves are legal but may be subject to abuse such as glue or solvents, which interfere with an employee's health, safety, welfare and performance in any aspect of employment.

Impaired – a person will be considered impaired if they have consumed drugs and/or alcohol in a quantity and at a time that will cause them to test positive in a drug or alcohol test in accordance with this Policy.

#### **Obligations of Employees**

Employees are required to be aware of, and comply with, this Policy to ensure that their performance or ability to carry out their activities at work safely and competently is not impaired in any way. All employees should observe the following, and note that failure to do so may result in disciplinary action being taken. All employees engaged in normal work activity or on scheduled/agreed duty cover either at home or elsewhere are subject to the Policy in full for the duration of the periods of duty.

The limit for alcohol set by this Policy is in line with the Government's legal drink/drive limit. The current limit, as at the date of this Policy, is set at 22 micrograms of alcohol per 100 millilitres of breath, 67 milligrams of alcohol per 100 millilitres of urine or 50 milligrams of alcohol per 100 millilitres of blood in Scotland and 107 milligrams of alcohol per 100 ml of breath, or 80 milligrams of alcohol per 100 ml of blood in England and Wales.

In the case of drugs, the threshold levels are determined in accordance with established legal and medical practice. Consumption, possession or sale of illegal drugs is prohibited, and the Company take a zero tolerance approach. Possession and sale are also criminal offences under the Misuse of Drugs Act 1971.

Specifically this means:

- a) Employees must not present themselves for work under the influence of alcohol or drugs so that their performance or ability to carry out their activities at work safely and competently is impaired in any way.
- b) Consumption of alcohol or drugs during normal working hours or at any time on Company premises is prohibited. For clarity, the normal working hours during which the Policy applies include all periods of work such as shift work, overtime and extra duty, and any period whilst waiting for work, such as between split duties. Any period of agreed standby or emergency call out duty shall be considered to be part of the normal working hours for the purposes of this Policy, and the terms of this Policy relating to working under the influence of alcohol or drugs will therefore fully apply. Periods of travelling to and from a site for the purposes of standby or emergency call out will also be treated as falling within the scope of this Policy.
- c) When representing ScottishPower outside normal working hours, employees are expected to take a responsible attitude to alcohol and drugs. Employees should bear in mind that they are representing the Company and must not do anything to jeopardise its reputation.
- d) This Policy covers those driving any vehicle on behalf of ScottishPower in any capacity or at any location. This Policy covers travel to and from work if it could be reasonably implied that alcohol or drugs were present outside the prescribed limits during normal working hours.
- e) Prescribed and over the counter medications are also covered by this Policy as they may cause side effects that have potential safety implications. Employees therefore have a duty to advise their pharmacist/general practitioner/medical practitioner of this Policy when being prescribed medication. On the advice of the medical practitioner, the employee must notify his or her manager about any possible impact on his/her health and safety relating to his/her duties at work, so that current or alternative employment can be considered whilst he/she is being prescribed medication. The manager may in turn seek advice from Occupational Health. Any employee engaged on safety critical tasks might require to be provided with alternative work during the period of medical treatment.
- f) Employees or other persons obtaining treatment or medicines for themselves should be aware of the conditions and side effects notified and seek out alternatives that do not impair performance through drowsiness or other symptoms. If

in doubt an employee should self-refer, or be referred, to Occupational Health.

g) Any visitor who is attending the Company's premises or site for business reasons shall be required to comply with this Policy and should be asked to leave the premises or site if they are acting in a manner likely to cause a breach of this Policy. Other members of the general public, for example, in their capacity as customers or clients, should be asked to leave if their behaviour indicates that they may be under the influence of alcohol and/or drugs.

#### **Enforcement & Application**

The general principle adopted by ScottishPower is to have an environment free from the effects of drugs and alcohol. It is the responsibility of all managers to enforce this Policy, regardless of whether or not they are the line manager in a given situation. Normally, however, the enforcement of this Policy will be a line management responsibility.

For clarity, the application of this Policy in relation to four specific circumstances is outlined below:

#### **Breaks/Rest Periods**

Alcohol may be consumed off site but workers must remember that they will be returning to work and will be subject to the limits for the presence of alcohol and drugs set out in this Policy. Alcohol will not be served and may not be consumed on business premises or sites at any time including any breaks, rest periods or after working hours. Managers should be aware of the limits and observe any abnormal or unusual behaviour after breaks, which may indicate abuse of this Policy.

### **Hospitality and Entertainment**

Where employees are involved in corporate hospitality or entertainment of customers, suppliers or other visitors outside of working hours, they are expected to take a responsible attitude to alcohol and drugs. Employees should remember that they may be returning to work and will be subject to the limits for the presence of alcohol and drugs set out in this Policy. Organisers of events should give clear guidelines to both attendees and employees on the application of this Policy. Where the hospitality/entertainment has been provided by the Company to external contacts/customers /suppliers, all employees in attendance must observe the terms of the Policy during normal working hours. Where an employee has accepted a hospitality invite, and is not taking annual leave, the terms of the Policy must be complied with during normal working hours.

#### Conferences, Off-Site Meetings and Training Courses

The terms of this Policy relating to the consumption of alcohol and use of drugs apply during the normal working period of any conference, off—site meeting or training course. They do not apply outwith this period except where work continues into the night or some other extended period. It is expected that a responsible approach will be taken by all concerned. Employees should remember that they may be returning to work and will be subject to the limits for the presence of alcohol and drugs set out in this Policy.

#### Birthdays, Retirement Celebrations and other Special Occasions

If alcohol is involved such events should take place away from business premises and outside working hours.

#### Screening

Details of the screening process in the form of key Questions and Answers can be found on the Health & Safety portal.

# When is Screening carried out?

To assist in the implementation of this Policy an established screening procedure to test for the presence of unauthorised substances in the body is carried out in four circumstances:

- As part of a Pre-employment Medical
- o 'With-Cause' Screening

- Random Screening
- Follow up Random Screening as a Responsible Employer

Screening is not intended to discriminate against any individual or group of individuals.

Failure to comply with any aspect of the screening procedure, including 'with cause' and random screening, without good cause, will be viewed seriously and will be dealt with under the Company's Disciplinary Procedure.

# What is the Screening Process?

An employee may, if they want, ask another employee to accompany them on the day of the test. This could be a work colleague or an employee representative. Every effort will be made by ScottishPower to try to arrange for the chosen accompanying employee to be present if reasonably practical. However, if it is not possible for the nominated accompanying employee (or alternative) to be present, testing will still take place.

No third party may be present at the actual time that the test is undertaken by the collecting officer.

The testing is carried out by a qualified person, usually a competent health technician, in line with the European Guidelines for workplace drug testing. The process will be explained to the employee and written consent obtained.

The employee will be asked to record any medication that they have taken in the last 10 days prior to the test that could affect the test outcome.

The employee will be asked to empty their pockets to confirm that they are not carrying a sample of urine; to select a Point of Contact Test (POCT) cup and a laboratory foil top cup; and to provide a sample of urine in private using the POCT cup. The tester will check the temperature and then push a plastic key into the socket of the POCT cup to activate the instant test. Both the tester and the donor read the test results. If the result is reactive, the sample is split into two vials, sealed in front of the donor and sent to the Laboratory for further analysis, together with the POCT cup. If the result is negative, the sample will be disposed of, either by the donor or the collecting officer.

The Collecting Officer will record all reactive results sent for further analysis and will submit these to the manager via the Nominated Business Contact. A copy will be retained in the Occupational Health Department.

If, following laboratory analysis, a positive test is reported, employees are entitled to have an independent test carried out on the second sample by a professionally recognised laboratory. If the second test is undertaken by a laboratory which is on an accredited list maintained by ScottishPower, and the result is found to be negative, then the costs of undertaking the test will be borne by ScottishPower.

An employee may alternatively have the specimen tested in another professionally recognised laboratory at his or her own cost.

A copy of the screening result will be provided to the employee upon request.

# ScottishPower uses a seven-part test, which looks for the following substances:

Alcohol - ethyl alcohol

Stimulants - includes amphetamines (eg speed), Ecstasy, cocaine and crack

Barbiturates - includes high strength tranquillisers

Benzodiazepines - includes high strength tranquillisers and valium

Canabinoids - includes cannabis, grass and resin

Hallucinogens - includes LSD

Opiates - includes heroin and morphine

Employees knowingly taking any substances which may have cause to impact on an employee's ability to perform their duties safely is prohibited.

Falsification of a screening test, whether by tampering with, or substituting specimens, or by seeking to change or otherwise influence the results, will be dealt with under the Company's Disciplinary Procedure, which may result in dismissal. Contracts for the supply of labour will specify that any other person working for, or on behalf of, ScottishPower will have their services under the contract immediately terminated if engaging in such activity.

Occupational Health will report the outcome of all results which have been sent for further analysis to your manager and the HR Department.

In the case of screening for the presence of alcohol, any indication of presence above the Government's legal drink/drive limit will be considered to be a positive test result.

Drugs are detected by the screening company in accordance with established laboratory procedures recommended by the UK Workplace Drug Testing Forum. The screening initially detects for the presence of a drug group rather than a specific drug. If the result indicates a drug presence, further repeated analysis is carried out using established and accepted statistical measures to ensure the tests do not produce a false positive result or a positive result due to passive exposure or for a medical reason.

Failure to comply with the medical review process may result in the screening company reporting the test result on the basis of the laboratory findings only.

In a situation where an individual is admitted to, or treated in, hospital, testing may still take place after the individual is discharged from hospital if it is felt that relevant information can be gained from doing so.

If, during any period in which testing is being carried out, ScottishPower believes the employee may be unfit to carry out his/her duties the individual may be given alternative duties or suspended from duty. Normally suspension from duty will be on full pay but this may not be the case when the Disciplinary Procedure is applied.

In all cases where a dispute arises over medical evidence, guidance will be sought from Occupational Health before any disciplinary proceedings are initiated.

#### **Pre-Employment Screening**

As part of a pre-employment medical, a sample of urine will be collected by a member of the Occupational Health Department nursing staff using the same procedure as above.

If the result is reactive, the sample is split into two vials, sealed in front of the donor and sent to an external provider for further analysis.

Laboratory results will be subject to medical review and returned to the Occupational Health Department.

HR will be advised that test results are "negative"/"sent for laboratory testing"/"positive" immediately following the assessment and either "negative" or "positive" following laboratory testing.

If a positive test is reported following laboratory testing, applicants are entitled to have an independent test carried out on the second sample by a professionally recognised laboratory (see above).

Any offer of employment (fixed term or permanent) made to an individual must be subject to a screening test.

Any candidate for employment who refuses to undergo a pre-employment screening procedure will not be employed. However, all positive test results will be subject to medical review and interpretation, and may result in a decision not to offer employment.

# "With Cause" Screening

'With cause' screening involves testing when there are reasonable grounds to believe that alcohol or drugs could have,

or potentially could have had, an adverse affect on the health and safety of any individual and/or there are circumstances where a manager considers there is evidence that alcohol consumption or drug use has occurred. Possible examples of 'with cause' screening could include:

- Abnormal behaviour
- Discovery of an alcoholic container with a broken seal
- Possession of a controlled substance
- Signs of current intoxication
- A workplace incident/accident

This list of examples of 'with cause' screening is neither exclusive nor exhaustive. Managers are responsible for making the decision to screen an employee. The relevant manager is also responsible for communicating the decision to the individual(s) concerned and for calling out the screening agency.

'With cause' screening leading to a positive result will result in an investigatory interview and the breach of the Alcohol & Drugs Policy may be treated as a disciplinary matter. As such, all penalties permitted under the Disciplinary Procedure (including dismissal) will be available to Managers depending on all relevant circumstances in each individual case.

Some people can be under the influence of alcohol/drugs without it being apparent. Examples of what is deemed to be behaviour that may result in testing are listed below. This list of examples is neither exclusive nor exhaustive. All the circumstances should be taken into account and managers should not rely on one particular factor.

## Signs of Current Intoxication:

- Smell of alcohol
- Unsteadiness
- Aggression
- Appearing to be detached from reality
- Slurred speech
- Making inappropriate comments
- Smell of solvents
- Inappropriate giggling

# Signs of Long Term Problems:

- Poor attendance and late return from lunch
- Many episodes of self-certified illness with no attempt to resolve the cause
- Poor work performance, especially large variations in quality and quantity of work of a previously reliable employee
- Many minor errors in work
- Many accidents such as trips, slips and falls
- Deterioration in personal appearance

- Lack of concentration and easily distracted
- Moody and picks arguments with colleagues
- Concern expressed by colleagues

It is the responsibility of employees to take any necessary precautions to avoid the need for 'with cause' screening. For example, an employee may arrange to take time off after a planned night out where he or she anticipates being unfit to properly perform his or her duties by reason of being under the influence of alcohol.

# Random Screening

Each Business will identify High, Medium and Low risk roles and form two 'testing pools 'based on Pool 1 (SAFETY CRITICAL) consisting of High and Medium risk roles and Pool 2 (NON SAFETY CRITICAL) consisting of Low risk roles. Both of these individual pools will be subject to a 10% target test rate each year.

For absolute clarity 'Safety Critical' roles within the Company are defined as those with high and medium risk profiles.

The key principles involved in random screening are as follows:

- To adopt a 'risk assessment' approach to random screening
- To ensure random is truly random
- Minimal amount of notice to be given to individuals about to undergo testing
- Managers not to receive any advance notification of testing for their staff
- Managers to be included in the testing pool

"Random" screening leading to a positive result will be treated in the same way as a 'with cause' screening (see above).

#### Screening – As a Responsible Employer

ScottishPower reserves the right to carry out follow-up alcohol and drug screening for employees who have been receiving support or been absent from work because of an alcohol or drug-related problem.

#### Support for Employees

ScottishPower is committed to providing appropriate professional help and support to employees who suspect or know they have an alcohol or drug-related problem and who seek help via the Occupational Health Department or a recognised external agency.

It should be noted that help and support as outlined below will not be provided for any employee who has been involved in any accident or other situation where screening in accordance with this Policy has been undertaken, nor where the employee discloses an alcohol or drug dependency problem during disciplinary proceedings. Employees are therefore strongly encouraged to disclose any alcohol or drug dependency problems voluntarily and at the earliest opportunity.

The Occupational Health Department can be accessed for assistance in a number of ways:

#### Self-referral by an employee who thinks they may have a problem

This is available for any employee and can be gained by contacting the Occupational Health Department (0141 614 8980). An independent help-line is also available for employees (0800 027 7505).

# Management referral

An employee can be advised to seek assistance and make contact with Occupational Health following an interview with

their manager, where it is disclosed by the employee that they have a problem with alcohol or drugs.

Following a self referral or management referral, feedback will only be given to management with the individual's consent and where there are issues of health and safety and which may require adjustments to the role. Examples of situations where feedback may require to be given to management:

- where treatment, rehabilitation or counselling requires absence from work;
- where consideration is required of a change in the employee's duties or working conditions; or
- where the extent of the alcohol or drug-related problem may have an impact on performance or health and safety at work.

Time off during normal working hours will be granted where treatment, rehabilitation or counselling is required. If the employee co-operates with this programme then employment rights and benefits will normally be protected during this period.

If an employee is absent from work they will be entitled to return to, or remain in, the same job unless there are justifiable reasons for not doing so. In that event, consideration will be given to finding suitable alternative employment.

It is the responsibility of the employee's manager, in conjunction with advice from Occupational Health, to determine a time frame for an employee to achieve a sustained improvement. A period of six months is often appropriate. Employees will be required to comply with an agreed programme of support during this time.

# **Performance Relating to Alcohol & Drugs**

Where an employee's health, attendance or work performance is affected by an alcohol or drug related problem, he or she will be dealt with under the relevant procedures for managing performance or attendance.

Should it transpire that the employee's unsatisfactory attendance or work performance is related to an alcohol or drug related problem, he or she will be advised to contact the Occupational Health Department or an appropriate external agency to seek assistance in dealing with that problem. Occupational Health will carry out an assessment, which may include testing.

An employee can be referred to the Occupational Health Department by their manager (in conjunction with Human Resources). This is done using the appropriate management referral form (held by Human Resources). The management referral form details the exact reasons for the referral, the advice sought by management and confirmation that the employee agrees to be seen by the Occupational Health Department for the purposes of assessment.

Following a formal referral, feedback will be given with the employee's consent via regular Occupational Health reports to management and Human Resources. These will not contain any confidential clinical information. Feedback may also be given about progress and compliance with any assistance the Company may give.

Where an employee refuses to attend the Occupational Health Department for a formal referral, or to give consent for a medical report, management may have to take action based on the information they have available to them

All referrals are treated in strict confidence.

After returning to work following a period of absence associated with alcohol or drugs, the employee will undergo a return-to-work medical with Occupational Health, which may include follow-up testing.

Should an employee's health, attendance or work performance continue to be affected and unsatisfactory, further

stages of the relevant procedure for management of performance or attendance will be followed and these could ultimately lead to dismissal.

# Misconduct Relating to Alcohol & Drugs

Misconduct related to consumption of alcohol or drugs is normally dealt with under the Company's Disciplinary Procedure and acts of gross misconduct may result in the penalty of summary dismissal unless the circumstances in which the misconduct is committed are considered to justify a reduced penalty.

In these circumstances, if the employee is thought to be unfit for work, he or she may be suspended from their duties whilst any investigations take place, to minimise danger to himself or herself, other employees and customers.

Employees whose alcohol or drug-related problem comes to light in the course of disciplinary proceedings should be aware that the admission of dependency may be a mitigating factor but will not necessarily result in the suspension of disciplinary action. All cases will be dealt with in the light of prevailing circumstances.

The possession or trafficking of any drugs declared to be illegal within the jurisdiction in which they are discovered is in breach of the Code of Conduct and Disciplinary Rules. In such instances the employee should be detained where possible by the designated person responsible for security, or a responsible manager as appropriate, whilst the police are notified. Any line manager who believes that an employee or other person is contravening this section should immediately report the circumstances to an appropriate senior manager, and prepare a written report. Any employee found to be in possession, to have been in possession or to have been trafficking illegal drugs may be dismissed.

# **Agency Workers, Consultants & Contractors**

Contractors, consultants and employers of agency workers are required to comply with the Alcohol & Drugs Policy, including the requirement to operate 'with cause' and random screening processes for their own employees, sub-contractors and agents.

It is the responsibility of the employing agency or company to ensure that a 10% sample of their staff is randomly screened in line with the requirements of this Policy.

It should be noted however that the support available to employees which is detailed in this Policy is applicable to employees only. Agency workers and contractors should be referred to their employing agency or company and dealt with in accordance with their contract.

Where an agency worker's, consultant's or a contractor's health, attendance or work performance is affected by an alcohol or drug related problem, the employing agency or company should be notified and the individual's services terminated in accordance with the terms of the specific contract.

Misconduct of an agency worker, consultant or contractor should be referred to the employing agency or company (where applicable), and if appropriate the individual's services should be terminated subject to the terms of the contract.

#### Responsibilities

# Managers

Managers are responsible for the day-to-day implementation of this Policy and for dealing with issues which arise and are related to alcohol or drug use. They are responsible for ensuring all staff, contractors, agency personnel and visitors with which they may be involved are aware of this Policy.

#### Occupational Health

Occupational Health is responsible for:

• reviewing this Policy every three years or as required if material information within the Policy should change;

- reviewing and selecting suppliers of screening services in line with the needs of the Business and to meet professional standards and management information requirements in this particular area;
- providing appointments for employees who self refer with alcohol or drug-related problems and identifying appropriate support;
- providing appointments for employees referred by management with alcohol or drug-related problems and providing advice to management; and collecting samples for the purpose of pre-employment testing.

It would not be appropriate or practical for Occupational Health to be involved in individual decisions about 'with cause' testing. However, where there are immediate concerns about the health of an individual, Occupational Health may be asked for advice. This would not replace the provision of appropriate first aid when indicated.

#### Procurement

Procurement is responsible for supporting Occupational Health in the tendering process to help select screening suppliers in a professional and legally compliant manner. Any provider will be registered to ISO 17025 as a minimum.

Procurement is also responsible for ensuring that all necessary provisions of this Policy are built into contracts with suppliers, agencies, contractors and consultants and that each of these groups fully understands the requirement of the Policy.

#### **Employees**

This Policy applies to all employees of ScottishPower. Employees are also responsible for ensuring any visitors to the Company premises are advised of their obligations.

An equivalent Alcohol & Drugs Policy will be a standard requirement in all contracts for the supply of labour and contracting companies and agencies will be required to confirm that their own Alcohol & Drugs Policy adheres to the standards set down in this Policy.

#### Other Workers

Other persons working for, or on behalf of, ScottishPower will be required to submit to alcohol and drug screening procedures at the request of a responsible ScottishPower employee, as defined in contractual agreements.

The only exception to this is where that person is covered by a policy in his or her own organisation, which is more stringent than this Policy and in that case the other organisation's policy will be applied.

# **Further Help**

If you require further advice/support there are several sources of help:

#### INTERNAL

- 1HR Direct (internal 147) (external 0141 614 9980)
- Your Line Manager
- Trade Union Rep
- Occupational Health (0141 614 8980)
- Employee Confidential Helpline (0800 0277 505)

#### **EXTERNAL**

- ACAD (Advice & Counselling on Alcohol & Drugs). ACAD is a registered charity helping those who are concerned about their own or someone else's drinking or drug use. www.acad.org.uk
- Alcoholics Anonymous. Fellowship of some 2000 groups in the UK which aim to help members give up alcohol

entirely. Contact number- 0845 769 7555 www.alcoholics-anonymous.org.uk

- Alcohol Concern. This is a national agency on alcohol misuse www.alcoholconcern.org.uk
- CAIS. This is a leading drug and alcohol agency in North Wales. It provides a range of services to help clients overcome their drug and alcohol problems. Contact number- 0845 06 121 121 <a href="www.cais.co.uk">www.cais.co.uk</a>
- Drinkline UK. This is a free confidential telephone information and advice service for anyone who has a drink problem or is worried about someone who has a drink problem. Contact number- 0300 123 1110 (open Mon-Fri 11am to 11pm)
- FRANK. This is a free confidential telephone information and advice service for anyone who has a drug problem or is worried about someone who has a drug problem. Contact number- 0300 123 6600 (open 24hrs a day) <a href="https://www.talktofrank.com">www.talktofrank.com</a>
- NHS Health Scotland. They can provide advice, education and training materials on all aspects of health in the workplace. Contact number- 0131 536 5500
- Turning Point. They provide drug counselling and treatment in local centres www.turning-point.co.uk

# Cross References ScottishPower Policies

Code of Conduct and Disciplinary Rules
Disciplinary Procedure
Managing Attendance Procedure
Performance Improvement Procedure
European Guidelines for Workplace Drug Testing in Urine (Version 29 May 2015)