



Drug and Alcohol Policy

Department	HR	Ref No.:	PO/08/03
Authorised By	WRG	Revision	2
Date Published	18/12/19	Date Last Reviewed	

1. Purpose

- 1.1 Lindum Group Ltd (the Company) is committed to providing a safe and productive work environment and ensuring the health, safety and welfare of all employees and others engaged by the Company or affected by our activities.
- 1.2 This Policy aims to clarify the Company's position on drugs and alcohol, its testing arrangements and what constitutes a breach of policy. It also includes arrangements for providing relevant support to employees who seek or are referred for assistance for drug or alcohol dependency problem.

2. Definitions

Alcohol	any beverage, food or any other consumable which contains alcohol in any form
Drugs	illegal substances, controlled drugs, prescribed and over the counter medications or legal drugs or substances (such as glues and solvents) which may affect an individual's behaviour or performance
Alcohol misuse or drug misuse	any consumption (intermittent or continual) of the substance that affects an individual's performance, attendance or behaviour and/or threatens their own health, safety or wellbeing, or the health, safety or wellbeing of others
Drug problem, alcohol problem or dependency	when a person needs alcohol, drugs, or any other substance to function normally and when abruptly stopping the intake of the substance leads to withdrawal symptoms
Employee	refers to any individual directly employed by Lindum Group
Worker	refers to any individual who provides work or services under a contract or other agreement, whether directly employed or employed by another organisation such as an agency or subcontractor
Others engaged by the Company	includes agency workers, subcontractors, consultants, suppliers and any other individual under any form of contract or service agreement

3. What is a breach of this Policy?

- 3.1 For employees, any of the following are considered to be Gross Misconduct and will lead to disciplinary action being taken. For others engaged by the Company, any of the below are a serious breach of Company policy and will result in the individual's immediate removal from site. A breach may also result in termination of some or all services.
- 3.2 Being under the influence of or by admitting to having taken one or more of the following whilst at work or whilst on Company business is a serious breach of this Policy:
 - any form of illegal drug(s)
 - any controlled drug(s) not prescribed to you
 - any controlled drug(s) prescribed to you but in excess of prescribed dose and/or not disclosed to the Company
 - excessive or unnecessary dose of prescription/over the counter medication
 - deliberate inhalation of legal substances such as solvents, glues etc.

'Under the influence' means the substance is detectable with the relevant testing method. There is no requirement for the Company to prove impairment.
- 3.3 Possession, use, purchase or sale of illegal drugs or controlled drugs not prescribed to you (or undisclosed possession or use, purchase or sale of controlled drugs prescribed to you) at your place of work, in a Company vehicle, on your person or otherwise in your possession, custody or control on Lindum Group premises and/or whilst on Company business if forbidden.



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3.4 The Lindum Group prescribed alcohol limit is 50mg per 100ml blood (also known as 0.50 Promile or 0.50‰ BrAC). This limit is lower than the current drink driving limit of England, Wales and Northern Ireland and is equivalent to the current drink driving limit of Scotland and most EU countries:

Cut off levels	Breath µg/100ml	Blood mg/100ml	Urine mg/100ml
UK Rail Sector	13	29	39
Lindum Group Limit Scotland & Most EU Countries Drink Driving Limit	22	50	67
England, Wales and Northern Ireland Drink Driving Limit	35	80	107

3.5 When working on external sites with a further lower alcohol limit, for example, for organisations in the rail or aviation industries, the host organisation’s lower limit will apply (see ‘External Organisations’ Policies’ below).

3.6 Having alcohol, other than in a sealed container, with a view to inappropriate consumption at your place of work, in a Company vehicle, on your person or otherwise in your possession, custody or control on Lindum Group premises and/or whilst on Company business is forbidden.

3.7 Employees who are convicted of drink or drug related offences whether within working hours or not would be considered to be in breach of this policy and be subject to disciplinary action which, depending upon the findings of that action, could result in dismissal.

4. Drink Driving and Drug Driving

4.1 All drivers are responsible for making sure they comply with statutory obligations when driving on public highways. Employees found to be driving while being under the influence of alcohol, drugs or other substances, either through internal testing or by the Police, will also be addressed under the Company’s Disciplinary Procedure.

4.2 Offences committed during working hours, whilst on Company business or in a Company vehicle are considered to be Gross Misconduct. Driving offences committed whilst employed by the Company outside of working hours may also result in disciplinary action up to and including dismissal depending on the individual circumstances.

4.3 If an employee receives a conviction, endorsements on their driving licence and/or disqualification from driving they must notify the Company as soon as the offence has taken place and before impending action is taken. The Company reserves the right to review the employee’s continued employment, taking into account their job role and any relevant restrictions of the Company’s motor insurance policy.

5. External Organisations’ Policies

5.1 Where Lindum employees are working on sites, premises or other projects for external organisations, the Company requires them to comply with any additional requirements of that external organisation’s policies relating to drugs and alcohol (for example, their drug and alcohol (D&A) testing procedures or a lower prescribed alcohol limit). Any breach of their policies will be treated in the same way as a breach of the Lindum Group D&A Policy.

6. External Workers and Visitors

6.1 This Policy applies to employees and all others engaged by the company. Whilst other individuals on a Lindum Group site or premises (for example visitors, clients or members of the public) are not subject to the Company’s testing procedure, if there is any cause for concern or reasonable



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suspicion that they could be under the influence of alcohol or drugs, they will be assisted with leaving the premises or if appropriate, accompanied to a place of safety and/or medical or police assistance sought. Use, possession, purchase or sale of illegal drugs or attempting to drive whilst thought to be under the influence will be reported to the Police.

7. Prescription and Over-the-Counter Medication

- 7.1 Employees must inform the Company of any changes to their medical information, including if they are required to take any regular medication and any possible side effects (especially if taking controlled drugs prescribed to them, for example, temazepam or methadone).
- 7.2 Employees are required to complete the Personal Medical and Emergency Contact Details Form FO/01/10 at the start of employment and periodically thereafter. Changes to medication (or dosage previously advised) must be confirmed immediately by completing a new form and forwarding it to the HR Team to be retained in their personnel file. Other workers should inform their Supervisor/Site Manager of any changes to their medical information or medication taken.
- 7.3 Employees must inform the Company if they have taken a one-off dose or are taking a short term course of medication such as sleeping tablets, antibiotics, cold/flu or hay fever medication with potential significant side effects.
- 7.4 Employees or workers engaged by the Company must not drive, operate plant, machinery or power tools or undertake any tasks which may compromise their own safety and that of others, if impaired by any substance including legally prescribed or over-the-counter medicines.
- 7.5 If in any doubt, the individual should check with their GP or Pharmacist and advise their Supervisor or Manager of any medication that they are taking that may affect their performance at work, including possible side effects. If Managers have any doubt about medication which an employee has informed them about, they should contact the HR Team without delay for further advice and/or clarification.
- 7.6 Drivers should be aware that they can be prosecuted for 'Drug Driving', if they are impaired and/or are found to have taken over-the-counter or prescription medication over the prescribed limit, whether deliberate or unintentional.

8. Searches

- 8.1 The Company reserves the right to conduct searches for alcohol and drugs including, but not limited to, Company vehicles, lockers, filing cabinets, site cabins, desks and packages sent to our address and/or our sites/premises. Any alcohol or drugs found as a result of a search will be confiscated. Use, possession, purchase or sale of illegal and/or controlled drugs will also be reported to the Police.

9. Drug and Alcohol (D&A) Testing

- 9.1 All Lindum Group employees and all others engaged by the Company are potentially subject to alcohol and drug testing. It should be noted that a direct admission, reliable evidence or reasonable belief by the Company that an employee has breached this policy are grounds for disciplinary action, regardless of the test result. Testing may be carried out as follows:

9.2 **Pre-Start Testing**

- 9.2.1 The Company reserves the right to conduct D&A testing as part of the pre-employment selection or at induction stage. Any candidate receiving a positive result or who refuses to provide a sample will have their application/offer of employment withdrawn.

9.3 **Post-Accident / Incident Testing**

- 9.3.1 Where a serious accident or incident has occurred, individuals involved will be asked to undergo drug and alcohol testing, to determine whether or not alcohol or drugs may have been a contributory factor.



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9.3.2 In the case of minor accidents, incidents or near misses, these will be investigated and if an individual is suspected of being impaired through drink or drugs, they will be required to undergo testing to determine the facts in that case.

9.4 *With Reason / For Cause Testing*

9.4.1 Lindum Group Ltd reserves the right to perform a test on any employee whilst they are at work or on Company sites / premises or anyone engaged by the Company, where there is cause for concern.

9.4.2 A non-exhaustive list of behavioural signs which would provide sufficient concern to establish due reason to instigate a D&A Test would include; being unsteady or un-coordinated, confused, hyperactive, lethargic or excessively tired, being aggressive or violent, slurred speech or difficulty communicating. Behavioural signs may be observed with physical symptoms such as unusually small or dilated pupils, shaking or sweating. It may also include more subtle changes in behaviour observed over time in combination with, for example, decline in standard of performance, persistent lateness or change in mood. Concerns could instead/also include reasonable suspicion such as smell or sight of a substance or paraphernalia, other proof or admission.

9.4.3 Individuals identified as exhibiting behaviour signs for concern must be referred to the appropriate Line Manager, Site Manager or Director who will arrange for that person to be taken to a private and safe place. The concerns will be confirmed to the individual, who is given the opportunity to provide any explanation before consenting to a D&A test.

Note: Symptoms suggesting that a person is under the influence of alcohol or drugs may be created by other conditions e.g. exhaustion, hypothermia, sunstroke, diabetes etc. and/or the person may be affected by legitimate medication prescribed by a doctor. These conditions will, for safety reasons, still require the person to be removed from their work area.

9.4.4 Even if there appears to be a legitimate medical or other reason to explain the cause(s) of concern, a D&A test will normally be carried out to properly eliminate drugs and/or alcohol as a factor, except if an individual requires immediate medical attention and/or it is not safe to conduct the testing procedure.

9.4.5 Individuals who have a previous history of alcoholism, drug dependency, convictions for possession or supply of illegal substances or convictions for driving under the influence of alcohol or drugs are considered to be persons who have due reason for D&A testing at any time while employed or engaged by the Company.

9.5 *Random Testing*

9.5.1 As part of our proactive approach to safeguarding the health and safety of our workforce, the Company reserves the right to randomly test workers or anyone else engaged by the Company. Arrangements will be explained to individuals at the start of each random testing programme.

10. **The Testing Process**

10.1 Testing will be carried out by a trained and competent tester at the place of work:

10.1.1 For alcohol testing, a breath sample is required. A digital breathalyser is used to provide an instant and final result; a breath alcohol reading that is either below the prescribed limit (**negative**) or at or above the prescribed limit (**positive**). For further action, see below. If a disposable alcohol breath test is used, a reaction indicates that alcohol *may* be present in the breath sample and a further digital breathalyser test will be arranged immediately. On no account, should an individual be allowed to drive after providing a positive breath sample.

10.1.2 For drug testing, an initial instant test will be carried out using a saliva, sweat or urine sample. The test detects evidence of specific drugs or drug groups; either the substance itself and/or its metabolite(s). There are two possible outcomes of this indicative test: A **negative result** indicates that no substance has been detected. A **non-negative result** indicates presence of a substance above a detectable limit, with further testing required.



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- 10.2 Employees may be asked to consent to other methods of testing, such as analysis of a blood or hair sample, in appropriate circumstances (for example, to prove or disprove a serious historical allegation, where a backup form of testing is required or to show behaviour over an extended period); this would be carried out by an independent external provider.

Negative Results for Both Tests

- 10.3 Where the alcohol breathalyser and initial drug test results are both negative, further action will depend on the type of testing carried out:
- *Random Test* – No further action required, the worker will be allowed to return to work.
 - *Post-Incident/Accident* -The investigation will continue and the worker will be allowed to return to work if appropriate.
 - *With Reason* - Where there was suspicion of drug and/or alcohol misuse or abuse or cause for concern (such as unacceptable behaviour or performance), the situation will continue to be investigated.

Where appropriate, an employee may be referred via the HR Department to an Occupational Health Advisor/their GP or other appropriate organisation for a medical assessment, where there are any concerns regarding the individual's conduct or capability, which may relate to their health. Where formal action is deemed appropriate, the Company's Disciplinary or Capability Procedure will be followed, depending on the circumstances.

Non-Negative Initial Drug Test Result

- 10.4 An initial drug test result indicating a substance has been detected is 'non-negative' rather than positive, with further confirmation testing required. The Company will contact an independent provider to come to the workplace and the external tester will repeat the instant test, taking a further sample using a strict chain of custody.

Note: Employees or workers engaged by the Company who produce an initial non-negative result and freely admit to the initial test being correct can elect to forego this further testing by virtue of confession. However, the Company's preference is for employees to consent to confirmation testing. Individuals declining further testing will be treated as having a final positive result.

- 10.5 A second non-negative instant test result will result in the sample being sealed by the external tester, which will then be sent for laboratory analysis to confirm the substance(s) present and exact quantity (see below).

Note: If the repeat instant test is negative, the individual will be subject to further investigative action to ascertain the full circumstances leading to the initial non-negative result, which may result in disciplinary action. There are many reasons including the effect of time and an individual's metabolism, as well as different test kit specifications and cut-off levels that that may cause an initial test to produce a non-negative result while later tests prove negative.

- 10.6 Laboratory analysis of the sample for confirmation may take several days, during which time workers will be suspended from work if necessary. Employees will continue to receive full pay during this time and no further action will be taken until the result is confirmed. Others engaged by the Company should contact their employer to confirm arrangements during this time.

- 10.7 There are two possible outcomes of laboratory analysis of a sample:
- A **negative** result indicates no illegal substance(s) detected and/or prescription or over the counter medication consistent with prescribed/recommended dose. Further action following negative test results for both drugs and alcohol will depend on the circumstances that led to the tests being initiated.
 - A **positive** result confirms illegal substance(s) were present in the sample and/or prescription or over the counter medication above prescribed/recommended dose. For further action following a confirmed positive result, see below.



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11. Dealing with a Final Positive Result

- 11.1 Where the final drug test (confirmed after laboratory analysis) and/or digital alcohol breath test result is positive, for employees the Company's Disciplinary Procedure will be applied. Serious breaches will be addressed as Gross Misconduct which may result in dismissal.
- 11.2 For others engaged by the Company, a positive result will lead to the individual's immediate removal from site. The individual will be issued with a Red Card and barred from working on any Lindum site for a specified period – please refer to the Red and Yellow Card Policy for details. If appropriate, a breach or multiple breaches involving workers employed by the same organisation may also result in termination of their services.

12. Refusing to be Tested or Failure to Cooperate

- 12.1 Refusal to consent to testing will be treated in the same way as a final positive result. If any individual fails to cooperate at any stage, or attempts to tamper with the testing equipment or sample, the Company may draw such conclusions from the refusal as it sees fit.
- 12.2 For employees, the Company's disciplinary procedure will be applied. Failure to cooperate with procedures to safeguard health and safety could be regarded as Gross Misconduct and may lead to dismissal. Anyone else engaged by the Company (e.g. subcontractors) who does not consent to testing, tampers with the testing equipment/sample, or fails to cooperate will be asked to leave the site or premises immediately and the employing organisation will be notified.

13. Employee Support

- 13.1 As well as promoting positive health and lifestyle choices (for example, awareness of the long term effects of alcohol consumption and recommended limits), our Mental Health and Wellbeing Policy PO/08/09 also outlines the Company's commitment to supporting mental wellbeing, encouraging employees to seek assistance and providing relevant support.
- 13.2 We recognise that alcohol and drug abuse can have a detrimental effect on an individual's health, work performance and behaviour. Support is available where an employee seeks support (self-referral) or is referred by a Director/Manager and accepts support (management referral) where it is thought that they do, or may have, a drug or alcohol problem or dependency. Individuals not employed by Lindum Group are encouraged to contact or refer to the policy, or policies, of their own employer.
- 13.3 There is no automatic right to support when a drug or alcohol problem comes to light when an employee fails a drug or alcohol test, is involved in an incident/accident at work or during the course of disciplinary proceedings. Support may be offered, at the Company's absolute discretion, instead of or in addition to/as a condition of disciplinary action. However, the facts of the specific case will be considered. All cases will be dealt with on an individual basis.
- 13.4 Where support is to be provided, the Company will refer the employee to a qualified medical professional for assessment and recognition of the nature of the problem.
- 13.5 Following assessment by a qualified medical professional, where a dependency problem does not exist or where treatment is not appropriate, the Company's disciplinary or capability procedure will apply, which may result in dismissal.
- 13.6 Where a dependency problem is diagnosed and the individual is willing to cooperate and receive treatment, support via rehabilitation and/or counselling service during an agreed period of treatment will be provided.
- 13.7 During treatment, where it is possible for the employee to remain at work, time off during normal working hours may be granted (normally as approved unpaid leave) and the individual may remain in their post or another suitable post, if deemed appropriate and in accordance with the Company's requirements, at that time. Employment rights and benefits will normally be protected during this time, as long as the individual remains cooperative with the treatment programme.



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- 13.8 Where it is not appropriate for an employee to remain at work during treatment, the Company's normal sick pay arrangements will apply and absence will be treated as normal sickness (unless otherwise agreed). The Company reserves the right to make regular D&A testing a condition of employees being allowed to return to work.
- 13.9 Further testing may be carried out to ensure compliance with the treatment and recovery programme and this will be monitored by the HR department. The Company reserves the right to review the programme and its timescales at any point. If the employee fails to remain cooperative throughout treatment or where treatment is not possible, D&A misuse will be dealt with under Lindum Group Ltd's disciplinary procedures, which may result in dismissal. In other cases where treatment has been unsuccessful, termination of employment on the grounds of ill health may result.
- 13.10 We aim to ensure that the confidentiality of any employee experiencing alcohol or drug-related problems is maintained appropriately by Managers, Supervisors and (where it is necessary to inform them), other colleagues. However, it needs to be recognised that, in supporting employees, some degree of information sharing is likely to be necessary.

Related Documents

- Drug and Alcohol Testing Form FO/01/29
- Drug and Alcohol Interview and Testing Procedure PR/08/06
- Health and Safety Policy
- Driving Policy - Cars and Vans (PO/04/01) and LGVs/LCVs (PO/04/10)
- Mental Health and Wellbeing Policy PO/08/09

The 'Drug and Alcohol Information Leaflet' below is also provided to all new employees during their Induction and is also available on Lindum Connections.

Copies are also displayed on our sites or are available on request. It provides a simple and straightforward summary of the policy and testing arrangements, as well as guidance on alcohol units, side effects of prescription medication and useful sources of information.

SHORT TERM EFFECTS OF DRUGS AND ALCOHOL

Drugs and alcohol can affect our work performance and behaviour in a number of ways including coordination, judging distance, reaction speed, short-term memory and decision making.

ILLEGAL DRUGS

The use of banned drugs is forbidden by law. Amongst others, examples of illegal drugs include:

- Opiates
- Methadone
- Cannabis/Marijuana
- Ketamine
- Benzodiazepines
- Cocaine
- MDMA (Ecstasy)
- Amphetamines

ALCOHOL

The Lindum Group alcohol limit is 50mg alcohol per 100ml of blood.

This equates to less than 1 unit of alcohol.

This is lower than the drink-drive limit of England, Wales and Northern Ireland and is equivalent to the limit of Scotland and most EU countries.

Should you be working on a Client's site whose policy sets a lower, more stringent alcohol limit, then this lower limit will apply.

THE FACTS ARE...

If you drink a 750ml bottle of wine (12.5%), around 0.6 units, finishing at 11.00pm, at 6.00am the next day you will still have at least two units of alcohol in your blood.

If you drink 9 pints of 5% beer or lager in the course of an evening finishing at 11.00pm, you will probably still be over the limit the next morning.

The only safe limit of alcohol is zero.

MYTHS

Cold showers, strong coffee and other 'sobering up' remedies have no effect on the amount of alcohol in your body.

LEGAL DRUGS AND SUBSTANCES

Abuse of substances that may be considered legal, such as solvents, glues or medicines is also forbidden.

THE LAW

Use, possession, purchase or sale of illegal and/or controlled drugs will also be reported to the police, which may result in prosecution.

We expect all our employees to comply with the Drink and Drug Driving legislation at all times. All drivers are responsible for making sure they comply with statutory obligations when driving on the highways.

It is a criminal offence under section 27 of the Transport and Works Act to undertake safety critical work while unfit to do so through alcohol or drugs, so you may also be subject to 'for cause' testing by a police officer. A conviction for a criminal offence of this nature may result in imprisonment.

WHEN AND HOW DO WE TEST?

Pre-Start Screening

The Company reserves the right to conduct drug and alcohol testing prior to commencing work.

With Reason

Where your actions or behaviour give reasonable grounds to believe you may be under the influence of alcohol or drugs, Lindum Group reserves the right to perform a test on anyone at any time whilst they are working on or attending company sites/premises.

Post-Accident/Incident

Where a serious accident or incident has occurred, individuals involved will be asked to undergo drug and alcohol screening, to determine whether or not alcohol or drugs may have been a contributory factor.

Random

Anyone working on a Lindum site or premises may be randomly selected for testing at any time.

HOW DO THE TESTS WORK?

An instant test will be conducted by a Trained Taster. This will involve providing a breath sample for alcohol testing and a saliva/sweat swab or urine sample for drug testing.

A digital breathalyzer provides an instant and final result.

An initial non-negative drug test result indicating the presence of drugs would require a further urine test to be taken. In this case, a urine sample will be taken and sent away for analysis. The final result is confirmed once the sample has been analysed in a laboratory. This may take several days, during which time, employees would be suspended from work.

If called for a test it is important you give the Tester details of any medication you have taken, however trivial it may seem, before the test is carried out. Prescription and over the counter medicines can cause non-negative results. A laboratory test will confirm if the level of drug detected is consistent with the specified dosage.

WHAT HAPPENS IF THE FINAL RESULT IS POSITIVE?

For employees, a confirmed positive result will be classed as Gross Misconduct and will result in disciplinary action being taken, which would normally result in dismissal.

For other workers not directly employed by Lindum Group, their employer will be informed and they will not be permitted to return to any Lindum Group sites.

Refusal to take a test or cooperate with screening will be treated as a positive result.

OVER THE COUNTER AND PRESCRIPTION DRUGS

Some medication can affect your work performance and ability to work safely. These include painkillers, tranquilizers, antidepressants, sleeping pills, some antihistamines and hay fever remedies, and other medicines for cold and flu and indigestion.

You must find out about the effects of any medications you take and advise your Supervisor or Manager if they may affect your behaviour and/or performance at work. Employees must also inform the HR Team to keep their medical record updated.

If you are unsure, read the label or information leaflet, ask your Doctor or Pharmacist and/or ask the HR Team.

GET HELP - DON'T BE AFRAID TO ASK

If you think you have, or are developing, an alcohol or drug problem, the Group can offer counselling, rehabilitation and treatment programmes, where appropriate.

Contact the HR Team on 01522 852427.

It will be too late to seek help if you are involved in an incident OR you are called for a test and the result is positive.

If you suspect a colleague may be under the influence of drink or drugs, notify their Line Manager or report the matter to the HR Team on 01522 852427 without delay.

USEFUL CONTACTS

Alcoholics Anonymous 24-hour helpline 08457 697555

FRANK Free confidential drug information and advice helpline 0800 77 8600 www.talktofrank.com

NHS Direct www.nhs.uk

Drink Aware www.drinkaware.co.uk

DON'T LEAVE IT TOO LATE

LINDUM

Drug and Alcohol Policy Guidance

Lindum Group is committed to providing a safe and productive work environment and ensuring the health, safety and welfare of anyone engaged by the company or affected by our activities.

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