



# IMPERIAL COACHES LTD

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## Drugs and Alcohol Policy.

### **Synopsis:**

This document outlines the requirements and arrangements for the protection of staff and customers from the risks associated with impaired performance caused by the use or misuse of Drug and Alcohol.

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### Implementation and Compliance Date

*The implementation of the requirements contained within this document shall take effect from the 8<sup>th</sup> July 2015*

### **Introduction**

The Company supports a policy of a drug-free workplace. To implement the policy, the Company has instituted a programme of drug and alcohol awareness education for employees, drug and alcohol testing for all employees and applicants for employment, a statement of prohibited behaviour(s), consequences for positive tests or a refusal to test, and resources for employee assistance and rehabilitation. The Company recognises that its employees' use or misuse of drugs and alcohol pose a significant risk to public safety, as well as the employee's health and well-being.

### **Purpose**

#### **The purpose of the standard is to ensure that:**

Managers, employees and others to whom this standard apply understand fully their obligations and requirements in relation to the use of drugs and alcohol.

Robust steps are taken to prevent and detect the use or misuse of drugs and alcohol in the workplace or during periods of duty;

The use or misuse of drugs and/or alcohol does not endanger the health and safety of the individual employees or others they may come into contact with during the course of their employment.

Employees inform their supervisor or manager if they are taking any medication that may impair their ability to work safely

Employees are aware of the health and safety risks associated with drugs and/or alcohol.

The Company is able to discharge its responsibility under the Health and Safety at Work Act 1974, The Road Traffic Act 1988 and The Misuse of Drugs Act 1971 preventing any employee or contractor from working while unfit to do so through drug or alcohol misuse.

### **Scope**

- This document applies to Imperial Coaches Ltd (the Company).
- Contractors – All contractors are required to comply with the requirements of this standard. Noncompliance with this standard will be regarded as gross misconduct. The contractor's employee will be removed from site and prohibited from undertaking any further work for or on behalf of the Company. The contractor's employer will be notified of the reasons for this action.
- Partner Operators are required to have their own standards for drugs and alcohol which comply with the requirements of this standard, in particular these standards must include:
  1. A maximum breath alcohol limit below 8 micrograms in 100 millilitres of breath or equivalent in blood;
  2. Pre-employment drug and alcohol testing;
  3. Random drugs screening of a minimum of 10% of employees
  4. Random alcohol screening of a minimum of 10% of employees
- Testing for cause (behaviour or appearance);
- Testing post incident.

Those Partner Operators who currently do not undertake pre-employment drug and/or alcohol tests will be encouraged to start doing these as soon as practically possible after the commencement of this policy.

### **Definitions**

**Drugs** - Any substance that affects the way in which the body functions physically, emotionally or mentally and includes alcohol, solvents, over-the-counter and prescribed medicines as well as illegal substances.

**Banned Drug** - Any drug or substance listed within this standard or a controlled drug as defined by the Misuse of Drugs Act 1971 and subsequent amendments.

**Contractor** - Includes any agency staff, contractor or subcontractor working on behalf of the Company.

**Prescription medicine**- A drug prescribed to a named individual by a medical practitioner

**Collecting Officer** – An employee trained to collect samples for drug or alcohol analysis.

**Medical Review Officer (MRO)** - A person appointed to evaluate laboratory confirmed positive drug test results. The MAO has knowledge of substance abuse disorders, and has the appropriate medical training to interpret and evaluate test results, together with the donor's medical history and any other relevant biomedical information.

## **Policy Guidelines**

- No employee or contractor will report for work while unfit due to the use or misuse of drugs or alcohol.
- No employee or contractor will possess (either in person, in personal property or lockers at work), sell or give away banned drugs whilst on duty.
- No employee or contractor will possess opened containers of alcohol unless authorised to do so.
- No employee or contractor will consume illegal drugs or abuse solvents whilst on duty, including during breaks or 'paid for on-call' duty.
- No employee or contractor will take prescribed or non-prescribed medication that has the potential to impair their ability to work safely, without informing their manager or supervisor.
- Employees or contractors involved in Court proceedings arising from a drug or alcohol related offence must report the matter immediately to their manager or supervisor.

Any employee testing positive for drugs or alcohol will be considered unfit for work due to the use or misuse of drugs or alcohol. Failure to comply with these rules will be regarded as gross misconduct. The individual will be dealt with in accordance with the Company's Disciplinary Procedures which may lead to dismissal.

Nothing in this policy or its application shall be construed so as to prevent or inhibit the law.

## **Allocation of Responsibilities**

**All Employees, Contractors or Sub-Contractors are responsible for:**

- Complying in full with the requirements of this standard.
- Being familiar with, and understand this standard and any associated disciplinary codes.
- Advising their Doctor or Pharmacist of the nature of their job and ascertain whether, as a result of taking prescribed or purchased medication, there could be side effects that may affect work performance.
- Informing their manager or supervisor if they are taking any medication that has the potential to affect their work performance. If in doubt to consult with their manager or supervisor.
- Not covering up or colluding with colleagues whose behaviour and performance is, or could be affected by the taking of drugs and/or alcohol.
- Seeking to help themselves, or to urge colleagues to seek help if they have drug and/or alcohol related problems.
- Approaching their manager without delay if they believe they have or may be developing a drug and/or alcohol related problem.
- Notifying their Manager immediately if they are involved in court proceedings arising from any drug and/or alcohol related offences.

### **The Operations Manager is responsible for:**

- Maintenance and review of this Standard.
- Monitoring the random testing regime that forms part of this standard
- Ensuring that sufficient resources and equipment are available to support this standard.
- Ensuring that appropriate training or refresher is arranged for those with specific responsibilities under this standard, and that appropriate records of training are kept.
- Maintaining a list of Collecting Officers.
- Ensuring implementation and maintenance of the standards, including the management of the random testing regime.
  
- Ensuring that they are familiar with the contents and requirements of this standard and that their employees are appropriately informed on the requirements contained within.
- To be aware of, and monitor changes in work performance, attendance, sickness and accident patterns that may be drugs and/or alcohol related and take appropriate action.
- Arranging for drug and alcohol testing post incident, or when identified for cause or belief.
- Arranging drug and alcohol testing for new employees and those newly promoted.
- Ensuring that any issued collecting equipment is maintained and calibrated in accordance with requirements.
- Ensuring that tests are completed in accordance with the requirements of this standard and that the authorised forms are used.

### **Levels**

#### ***Alcohol***

- In the interests of safety employees entering Company premises whilst not on duty may be treated in the same way in relation to the Drug and Alcohol Policy as if they were on duty
- No employee is permitted to consume alcohol on Company premises or in Company vehicles. Employees are not permitted to consume alcohol during working hours. Employees are prohibited from being in licensed premises in work uniform except to make use of toileting facilities through a prearranged agreement. Employees should make every effort not to wear Company uniform in licensed premises outside working hours. Employees may consume alcohol at official Company functions, however if employees who do consume alcohol they must not return to work under any circumstances. This exception does not excuse drinking to excess. All employees are under a duty to ensure that they drink responsibly at any work related function or event and to ensure that they represent a professional image on behalf of the Company on such occasions. Inappropriate behaviour caused or contributed to by alcohol consumption during any work related function or event is regarded as a potential act of gross misconduct and will be dealt with under the Company's disciplinary procedure.

**The unacceptable level for alcohol is defined below:**

- A breath alcohol sample equal to or above 8 micrograms in 100 millilitres of breath;
- A blood alcohol sample equal to or above 18 milligrams in 100 millilitres of blood
- A urine alcohol sample equal to or above 24 milligrams in 100 millilitres of urine.

**Consequences of a positive alcohol test**

- If the individual tested registers a reading equal to or above 8 micrograms per 100 millilitres of breath, the individual will be re-tested between 5 and 20 minutes later. If the reading still shows equal to or above 8 micrograms per 100 millilitres of breath, the individual will be suspended from duty and referred to the Disciplinary Procedure, which will result in dismissal on grounds of gross misconduct.
- In the event of a positive alcohol result that is above that permitted by law, (22 micrograms per 100 millilitres of breath in Scotland or 35 micrograms per 100 millilitres of breath elsewhere in the UK) the employee will be requested to surrender their car keys if they have a car and offered transport to their home. If the employee refuses and insists on driving, the police will be advised that the employee has driven off Company premises under the influence of alcohol.

**Where a test registers alcohol but below that specified above, then the following will apply:**

- If the individual tested registers a reading above zero and below 8 micrograms per 100 millilitres of breath, the individual will be allowed to start or continue to work, however, where there is a concern that a pattern maybe emerging the individual may be re-tested on a random basis and if necessary the individual may be referred to the Disciplinary Procedure, depending on the circumstances.

***Drugs***

No employee is permitted to use or be in possession of Banned Drugs whilst on Company premises or in company vehicles. Possession of or dealing in illegal drugs on Company premises will be regarded as gross misconduct and, without exception, will be reported to the police.

The Company may choose to test for any of the following:

- Opiates (including Morphine, Heroin etc.)
- Cannabinoids (includes cannabis and THC)
- Amphetamines (includes Speed)
- Cocaine and Metabolites (including Crack Cocaine)
- Methamphetamines (include Ecstasy)
- Benzodiazepines (including Valium)
- Barbiturates

- Methadone
- Buprenorphine
- Propoxyphene
- Catha Edulis (commonly known as Khat, Chat, Qat or Gaat)
- Legal Highs

### **Consequences of a positive drug test**

In the event of a positive test the individual will be suspended from duty and referred to the Disciplinary Procedure, which will result in dismissal on grounds of Gross Misconduct

### **Types of testing**

#### *Pre-employment Testing*

As part of the recruitment process all successful candidates will be required to undergo drug and alcohol testing. Candidates who refuse testing or test positive will not be employed.

#### *Random Testing.*

- All Employees will be eligible for random drug and alcohol testing.
- A minimum of 10% of employees will be tested for drugs each month.
- The operation director together with the HR department will chose employees at random to undergo the tests.
- No advance notice will be given to any individual selected for random screening.

#### *For Cause or Belief Testing*

- Where a manager has reasonable suspicion that an individual may be unfit for duty due to the effects of drugs and/or alcohol then that manager must instigate a drug and/or alcohol test.
- The individual concerned must not be allowed to commence duty, or must be relieved from duty if they have already commenced work.
- Whilst awaiting a test the individual suspected must not be permitted to consume any drink or food and must be escorted by a company representative at all times.
- Individuals will not be permitted to resume their duties unless they comply with the standard
- Testing for drugs and/or alcohol will take place in accordance with the methods laid out below in Alcohol Testing Methods and Drug and/or substance including Solvents Testing Methods.

#### *Post Incident Testing*

- Drugs and/or alcohol testing must be completed following any incident where there are reasonable grounds or suspicion that drugs and/or alcohol misuse may be a cause or contributory factor.
- Where serious injury or fatalities have occurred then drug and alcohol testing must be completed.

- Tests post incident must be completed as soon as is reasonably practicable. Where it is not possible to complete tests within 2 hours, the reasons for the delay must be noted.
- Individuals will not be permitted to resume their duties unless they comply with the standard

#### *Promotion Testing*

- An employee selected for promotion will be tested for drugs and alcohol. A positive result will result in disciplinary action and constitute gross misconduct.

#### **Refusal to Consent to Testing**

Any employee who refuses to undertake a drug or alcohol test will be suspended immediately pending a disciplinary interview. Refusal to undertake a test will be considered gross misconduct.

Any contractor who refuses a test will be removed from company premises and prohibited from any future work for the Company. The reason for this prohibition will be communicated to the contractor's employer. Refusing to take a test includes:

- Failure to cooperate with any part of the testing process.
- Failure to appear for testing at a collection site at the time allotted.
- Failure to provide a sample without a valid medical explanation.
- Failure to permit the observation or monitoring of sample collection when it is required.
- Leaving the scene of an incident in which a serious injury or fatality has occurred, without just cause and without submitting to a test.
- Failure to take a second test if required.

#### **Medication**

- Certain medicines available either with or without a prescription can affect an individual's ability to complete their work activities safely.
- All employees must inform their Medical Practitioner or Pharmacist of the type of work they do, so that appropriate guidance on medication may be obtained.
- Employees must inform their manager or supervisor if they are taking prescribed or non-- prescribed medication that has the potential to impair their ability to work safely
- During the drug screening process the donor must declare the details of any medication that they are taking. If there is a subsequent positive result the details of the declared medication will be taken into account by the Medical Review Officer.

### **Searches on Company Property**

- The Company reserves the right to conduct searches for banned drugs or opened containers of alcohol on company premises, company lockers or vehicles. Where suspected illegal drugs are found, the police will be notified.
- Searches will only take place when there is good reason to suspect the presence of banned drugs or opened containers of alcohol.
- Searches will be conducted in the presence of a witness; this may include a supervisor or line manager or other appropriate employee
- Any individual that does not comply with a reasonable request for searching will be subject to disciplinary action.

### **Right of Appeal**

- An employee has the right to challenge, in accordance with the Company disciplinary policy and procedure, any decision taken as a consequence of a disciplinary investigation or hearing following a positive test result.
- Where a challenge relates directly to a drugs test result, the employee will be required to pay any laboratory fees for an independent analysis of the 'B' sample. Such fees will be reimbursed to the employee in the event that the sample 'B' result proves negative. Any challenge must be made within 5 days of the original results being notified to the individual. This time scale is to ensure the integrity of the second test sample. The second sample will have been kept securely under a strict chain of custody by the approved laboratory.

### **Alcohol Testing Method**

- The method for alcohol testing will be the analysis of a breath sample using a breath metre. However where this method is not possible a blood or urine sample may be requested and will be collected by a suitably trained person.
- Breath testing equipment must be accuracy checked every 28 days or in accordance with the manufacturers' guidelines and if this accuracy check fails, the equipment must be recalibrated in accordance with the manufacturer's guidelines.
- The Collecting Officer will speak discreetly to the individual concerned and advise them of the reasons for the test (random, cause belief etc.) and the principles of the test will be explained verbally to the individual. The test will be undertaken in a private area. The individual should be advised they may be accompanied to the test, but in any case, a company witness will be present.
- The Collecting Officer will request the individual to undertake a breath test using a recognised test device.
- The individual will be required to sign a consent form.
- The test will be carried out by a manager.
- If the individual refuses to consent to undertake the breath test then the procedure detailed in ***Refusal to Consent to Testing*** will apply.
- The individual will be given a copy of the written result of the test and the original will be placed on the individual's record. Should the



individual want a copy one would be made available. This will be signed by the manager carrying out the test and by the company witness. The individual tested will be required to sign to acknowledge receipt of the result.

- If the test is negative the individual will be thanked for their assistance.
- If the test is above the limit or within the range outlined under the section **Levels**, the individual will be asked to remain in the testing area and be retested between 5 and 20 minutes later.
- If the second alcohol breath test is above the limit or within the range outlined under the section **Levels**, the appropriate disciplinary action will be taken.

### **Drug Testing Method**

- Drugs testing will be undertaken using either an Oral Fluid sample or Urine sample.
- The Collecting Officer will speak discreetly to the individual concerned and advise them of the reasons for the test (random, cause belief etc.) and the principles of the test will be explained verbally to the individual, the test will be undertaken in a private area. The individual should be advised they may be accompanied to the test; but in any case, a company witness will be present.
- The individual will be required to sign a consent form. The test will be carried out by a Manager.
- If the individual refuses to consent to undertake the test then the procedure detailed in ***Refusal to Consent to Testing*** will apply.
- The samples (Sample A and Sample B) will be sealed in the presence of the employee and a secure chain of custody will commence under the strict supervision of the Collecting Officer and will be forwarded to an approved laboratory for screening.
- The employee will be given a copy of the consent form for the test and all remaining copies must be forwarded to the appropriate departments. The sealed chain of custody envelope(s) containing the samples will be forwarded to the appropriate test facility.
- Test results will be confirmed to the employee as soon as possible.
- If the employee wishes to appeal against a positive test result they need to follow the process detailed as detailed in ***Right of Appeal*** above.

### **Assistance with rehabilitation**

- In the event of an employee voluntarily approaching the Company, to advise of a dependency problem, in the context of this policy/procedure the Manager must:
- Hold an informal counselling discussion with the employee to ascertain the nature of the problem.
- Review if it is appropriate for the employee to continue in his/ her role and, if appropriate, redeploy or suspend the employee before determining a course of action.
- Alcohol or drug dependency can be a treatable condition and where employees have a dependency and seek help, it is the intent to provide a reasonable level of assistance to secure their rehabilitation and subsequent effective return to work.

### **Information, Education and Training**

The Policy will be communicated to all employees through the appropriate means.

All employees will be given information on the effects of drugs and alcohol on performance, factors that lead to dependency on drugs or alcohol, how to recognise the signs and symptoms of drugs or alcohol misuse, and information that can prevent them from inadvertently breaching this Drugs and Alcohol Policy.

The Company will provide specific education, training, discipline and support programmes to managers and supervisors to help them deal with the consequences of drug and alcohol misuse in the workplace.

Managers and Supervisors will be made aware of their responsibilities for fair implementation and monitoring of the Policy.

### **Record Keeping**

- All Records will be maintained in accordance with the requirements of Data Protection.

### **Audit & Review**

This document will be subject to review every 12 months if required

Random checks will be made to ensure that the requirements of this procedure and record keeping requirements are being adhered to.

The Health and Safety Manager will schedule audits to measure compliance with this standard.

### **References**

- Health & Safety at Work etc Act 1974
- Misuse of Drugs Act 1971
- Road Traffic Act 1988
- Transport and Works act 1992
- Human Rights Act 1998
- UK Coach SMS section 11

**Employer**

Print name –	Date –	Position -
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X

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Sign

**Employee**

Print name –	Date -
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X

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Sign