*\*\*BLUE TEXT SHOULD BE REMOVED BEFORE ISSUE\*\**

***Alcohol and drugs policy***

*A policy statement outlining your position on alcohol and drug abuse is a must, particularly if your business is in an industry where health and safety concerns are paramount. You owe a duty to your employees and to third parties to protect their health, safety and welfare as far as reasonably practicable and this includes risks presented by fellow employees.*

Alcohol and drug misuse or abuse can be a serious problem within the workplace. Employees who drink excessively or take unlawful drugs are more likely to work inefficiently, be absent from work, suffer from mental ill health, have work accidents and endanger their colleagues. The Company has a duty to protect the health, safety and welfare of all its employees. However, the Company recognises that, for a number of reasons, employees could develop alcohol or drug related problems. In relation to drugs, these rules apply to those that are unlawful or illegal under the criminal law, including psychoactive substances, i.e. those which are capable of producing a psychoactive effect in a person who consumes them, and which are not exempted substances. Although alcohol is an exempted substance for the purposes of the criminal law on drugs, it is still covered under the terms of this policy.

These rules do not apply to prescribed medication or over-the counter medication, provided always that those medications are being taken in accordance with a doctor’s or the manufacturer’s instructions and are not being misused. Many prescribed and over-the-counter medications can impair performance and employees have a responsibility for reading and following the advice supplied with their medicines, taking them only in accordance with that advice and seeking further medical advice from a doctor or pharmacist where appropriate.

These rules aim to promote a responsible attitude to drink and drugs and to offer assistance to employees who may need it.

Any employee who has consumed alcohol or drugs likely to render them unfit for work should not carry out any work-related activity. Any employee who notices obvious signs of alcohol or drug misuse or abuse in another employee should report their observations in confidence to their line manager. Any employee who is taking medication prescribed for them by a doctor (or over-the-counter medication) should inform their line manager if that medication may have an effect on their ability to carry out their work safely, for example it may cause drowsiness, reduced concentration or nausea, and they then must follow any instructions given by their line manager.

Please note that this policy applies equally to homeworkers, and therefore such employees must not drink alcohol or take drugs during their normal working hours or otherwise whilst working.

Where applicable, this policy also applies to workers, agency workers, consultants and contractors.

Advice and counselling

It is the Company’s intention to deal constructively and sympathetically with an employee’s alcohol or drug related problems, such as alcohol or drug dependency. When it is known that an employee has an alcohol or drug problem ........................ *(insert name of contact)*, will be able to provide advice and guidance on how to seek suitable treatment and can refer the employee to external organisations who can provide further help and advice, such as NHS Choices alcohol addiction services, Talk to Frank, Adfam and NHS Smokefree. The primary objective of any discussions will be to assist the employee with the problem in as compassionate, supportive and constructive a way as possible. Any discussions of the nature of an employee’s alcohol or drug problem and the record of any treatment will be strictly confidential unless the employee agrees otherwise.

If you have an alcohol or drug problem, you should seek appropriate help. If you have an alcohol or drug problem which affects your conduct or performance at work and you refuse the opportunity to receive help and treatment, the matter will be referred for action under the Company’s disciplinary procedure as appropriate. Likewise, if after accepting treatment, counselling and assistance, and following review and evaluation, your conduct or work performance reverts to the problem level, the matter may also be dealt with through the disciplinary procedure.

Prohibition on alcohol and drug consumption in the workplace

No alcohol or drugs must be brought onto or consumed on Company premises at any time (other than in relation to approved social functions which take place on Company premises where the reasonable drinking of alcohol has been permitted) or whilst attending any training courses, whether internal or external. For these purposes this also includes performance-enhancing drugs used for “doping” purposes, even if they are not unlawful under the criminal law, unless they have been medically prescribed for the employee by a doctor and are being taken in accordance with the doctor’s instructions. Staff must never drink alcohol or take drugs if they are required to drive private or Company vehicles on Company business – see the driving whilst on company-related business policy or the cars and car allowances policy (as applicable) for further information on these provisions. Staff must also not drink alcohol or take drugs when they are on operational standby or on call.

[Employees are expected to be moderate if drinking alcohol during work breaks, e.g. lunchtimes. The following jobholders are, however, prohibited from drinking alcohol during work breaks:…………….. *(insert job titles where health and safety is an issue, e.g. drivers and those operating machinery or working in construction)*.] OR [Employees are not permitted to consume alcohol during work breaks, e.g. lunchtimes.]

Employees representing the Company at business/client functions or conferences or attending Company organised social events outside normal working hours are expected to be moderate if drinking alcohol and to take specific action to ensure they are well within the legal limits if they are driving. They are prohibited from taking drugs on these occasions.

Social drinking after normal working hours and away from the Company’s premises is, of course, generally a personal matter and does not directly concern the Company. The Company’s concern only arises when, because of the pattern or amount of drink involved, the employee’s attendance, work performance or conduct at work deteriorates.

A breach of these provisions is a disciplinary offence and will be dealt with in accordance with the Company’s disciplinary procedure. Depending on the seriousness of the offence, it may amount to gross misconduct and could result in the employee’s summary dismissal (see further below).

Alcohol and drug related misconduct

Whilst these rules are aimed at assisting and supporting employees with alcohol or drug problems, action will nevertheless be taken under the Company’s disciplinary procedure if misconduct takes place at work as a result of drinking or taking drugs, or if an employee is found to be under the influence of alcohol or drugs whilst at work, and this includes when driving private or Company vehicles on Company business (see the driving whilst on company-related business policy or the cars and car allowances policy (as applicable) for further information on these provisions in relation to driving). Even a small amount of alcohol can affect work performance and, if an employee is found under the influence of alcohol whilst at work, there could be serious health and safety consequences both for the employee and for their work colleagues. The same applies to being under the influence of drugs. The Company will take all reasonable steps to prevent employees carrying out any work-related activities if they are considered to be unfit to undertake the work as a result of being under the influence of alcohol or drugs.

Incapacity or misconduct caused by an excess of alcohol or drugs at work (including being over the legal alcohol limit or drug limits, or being unfit to drive because of taking drugs, when driving private or Company vehicles on Company business) is a potential gross misconduct offence under the Company’s disciplinary procedure and the employee is therefore liable to be summarily dismissed.

It is also a potential gross misconduct offence for an employee to buy or sell drugs, alcohol or smoked tobacco products or to be in possession of or consume drugs on the Company’s premises, and this includes buying or selling drugs, alcohol or smoked tobacco products from and being in possession of or consuming drugs in Company vehicles. In addition, the employee may be reported to the police if there is evidence to suggest that they may have committed a criminal offence.

The Company reserves the right in any of these circumstances to arrange for the employee to be escorted from the Company’s premises immediately and sent home without pay for the rest of the day or shift. The Company also reserves the right to suspend the employee on full pay while carrying out an investigation.

Alcohol and drug testing

On the grounds of protecting health and safety and where we are satisfied that the benefits to the Company of testing justify any adverse impact on employees, i.e. it is a proportionate and necessary means of achieving a legitimate business aim, the Company reserves the right to carry out random alcohol and drug screening tests on those employees in the workplace whose activities and job duties have a significant impact on the health and safety of others, including those [whose job duties involve driving/who operate machinery/whose job duties involve having responsibility for the care of children or vulnerable adults]. Testing will only be carried out with the employee’s consent.

The Company will keep a record of all tests conducted, including the date and results of each test and the identity of the employee. This information will be stored confidentially and in compliance with data protection requirements. It will be reviewed on a regular basis by ………. *(insert name of contact)* to ensure that tests are being carried out fairly and genuinely randomly and that they are not being used in a discriminatory manner against an employee.

An employee may also be tested for alcohol and drugs in any case where they have been involved in or have wholly or partly caused a workplace accident, or where they have otherwise been involved in an incident that caused a danger or potential danger to health and safety. The employee will be told if this is the criterion used for testing.

Alcohol and drug testing will be carried out only by suitably competent and qualified personnel from an external specialist alcohol and drug testing company. Employees will be told what drugs they are being tested for and measures will be put in place to ensure the confidentiality of test results and that employees’ privacy and dignity is respected. Checks will be carried out to avoid any false or incorrect results. Employees will be informed of their test result.

If an employee receives a positive test result, and depending on the circumstances of the case, this will be viewed as a gross misconduct offence and renders the employee liable to summary dismissal in accordance with the Company’s disciplinary procedure. However, the Company accepts that a positive test result does not always prove an employee to have been impaired; it simply indicates the presence of certain substances. This is because a positive reading could relate to an activity that took place up to a month before. Therefore, all the circumstances will be taken into account before deciding whether the positive test result will be viewed as a gross misconduct offence.

Unreasonable refusal to consent to an alcohol or drug screening test will also be dealt with through the disciplinary procedure.