

## ALCOHOL AND DRUGS POLICY

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## 1. Introduction

Under the Health and Safety at Work Act 1974, P. Flannery Plant Hire (Oval) Limited recognizes its duty to protect the health, safety, and welfare of workers and others who are (or may be) affected by its business.

Flannery Plant will comply with the Health and Safety at Work Act 1974, Misuse of Drugs Act 1971, The Road Traffic Act 1988, Transport and Works Act 1992, Railways (Safety Critical Work) Regulations 1994, the Railway Group Standard GE/RT8070, The Data Protection Act 2018, The UK GDPR 2021 and the Network Rail Alcohol & Drugs Policy RT/LS/P/051.

Flannery Plant require all workers to come into work free from the effects of alcohol and drugs. Working under the influence of alcohol or drugs, or consuming alcohol or drugs during hours of work, including paid and unpaid breaks, is unacceptable behavior.

This policy is in line with our Contractor's and Clients Drug and Alcohol policies and workers are obliged to comply with this policy and the Drug and Alcohol policy of all Contractors and sites that they are operating or working under.

A breach of this policy and/or the Drug and Alcohol policy of any Contractor or Client you may be working under is deemed as gross misconduct and you will be immediately removed from your work placement and/or the work location pending further investigation or a disciplinary hearing. For Workers under the Sentinel scheme, a breach of this policy may also include your PTS Certificate being revoked.

Flannery Plant will regularly monitor compliance with this policy and maintain accurate and up-to-date records.

## 2. Aim of Policy

The aim of this policy is to create a work environment in which the risk of anyone being harmed (either directly or indirectly) through the use or misuse of drugs, alcohol and other substances is eliminated by outlining the rules and procedures.

## 3. Scope

All Flannery staff, Sub-contractors, Contractors, staff and Labour agencies, Clients, consultants, any individual whose work is under the control of Flannery and any of their employees (known as Workers therein this policy) are required to comply with this policy when providing services at Flannery locations or on Flannery business and/or contracts for services.

This policy also applies if you are driving on Company business. Employees are required to always drive safely and are expected not to have consumed alcohol or drugs.

## 4. Definitions

**Alcohol misuse** - An alcohol problem is defined as any drinking, either intermittent or continual which interferes with a person's health and/or social functioning and/or work capability or conduct. Including alcohol dependency.

**Drugs** - Any drug, whether illegal, controlled, legal, prescribed or over the counter medicines or solvents such as glue, butane, etc. In the case of prescribed and over the counter drugs, their possession and use by the worker is acknowledged as legitimate however, Flannery must be notified if any prescribed drug could affect the Workers duties and safety.

**Drug misuse** - The use of legal or illegal and/or controlled drugs in a way that is not prescribed or intended for, the use of a substance for a purpose not consistent with legal or medical guidelines, the

deliberate use of prescribed or over the counter drugs and the use of solvents, either intermittent or continual which interferes with a person's health and/or social functioning and/or work capability or conduct or It has a negative impact on health or functioning and may take the form of drug dependence, or be part of a wider spectrum of problematic or harmful behavior.

**Working hours** - The start of any shift when an individual commences their duties and until the end of any shift when they cease their duties. For the purposes of this policy, working hours include (but is not limited to) breaks, overtime, job related travel and time spent on call.

## 5. Intervention and Support

### Intervention

Managers who feel that a worker's unsatisfactory performance may be drug or alcohol-related should notify a Flannery Director immediately who will arrange a 'for-cause' drugs and alcohol test.

### Support

If you voluntarily report a drug or alcohol problem to your Line Manager or Flannery Contract Manager and this is not reported because of expecting a positive test result, we will arrange a wellbeing meeting with you and discuss how we may be able to support you. Sources of external support are listed in Appendix 1.

## 6. Procedure

Flannery take a zero-tolerance approach to drugs and alcohol. If you have been tested and there is a reading other than "0.0" (zero), you will be in breach of this policy.

Workers found in possession of illegal or controlled drugs or using illegal or controlled drugs whilst at work will be subjected to 'for-cause' drugs and alcohol testing and will be in breach of this policy.

If the legitimate use of prescribed drugs is likely to affect job performance and safety, employees should inform their Line Manager or Flannery Contract Manager immediately for a confidential discussion on how we can support you.

A breach of this Policy is deemed as gross misconduct to any Contract you hold with Flannery and you will be immediately removed from your work placement and/or the work location pending further investigation or a disciplinary hearing. For rail workers a breach of this policy may also include your PTS Certificate being revoked. Any person excluded or removed from a Flannery location or worksite may be refused access to any Flannery site/office or Contract/Client site in the future.

Worker's MUST NOT:

- Report for work having consumed un-prescribed controlled drugs, psychoactive substances or engaged in substance misuse, to the extent that such substances or their metabolites would be present in the body and would be revealed as a positive result under a drug test.
- Report for duty and/or commence work having taken prescribed or over the counter medicines which may have side-effects that affect an individual's ability to work safely without having informed your Line Manager or Flannery Contract Manager, unless confident from advice given by a medical professional that the medication will not affect the safe performance of your duties.
- Consume any, alcohol, un-prescribed controlled drugs or psychoactive substances or substance misuse at work.
- Be in possession of alcohol or un-prescribed controlled drugs or any substances intended for misuse at work on any Company, Client or Contractor premises.
- Trade in, buy or sell alcohol or controlled drugs and substances on any company or contractor premises.
- Wear Flannery Plant identifiable workwear on premises licensed for the sale of Alcohol.
- Cover up or conspire with other workers whose behaviour may be affected by drugs or alcohol.

You must immediately inform your Line Manager or Flannery Contract Manager if you believe that safety could be compromised, either through your own actions or that of your colleagues. If you prefer to make a formal disclosure, please refer to our Whistleblowing Policy which can be found on our company website.

Our whistleblowing policy and procedure enables staff and those associated with Flannery to report issues in a confidential way without worrying about being victimized or disadvantaged.

## **Prescribed and over the counter medication**

It is possible to be 'over the legal limit' on prescription or over the counter drugs when driving or that they may impair your ability to safely perform your role. Therefore, if you are taking over the counter or prescribed medication, you must seek advice from your GP or pharmacist about the possible effect on your ability to carry out your job and/or drive and whether your duties should be modified (if feasible). That information must be shared with your Line Manager or Flannery Contract Manager immediately so that we can work with you to help you manage your work safely and to protect others around you.

## **Alcohol**

The limits set by the Rail Industry Standard: RIS-8070-TOM are substantially lower than the government limits for driving which means that you may be under the UK drink-driving limit but will be in breach of this policy in the workplace. The Rail Industry Standard limits for alcohol are:

- 29 milligrams of alcohol per 100ml of blood
- 13 micrograms of alcohol per 100ml of breath
- 39 milligrams of alcohol per 100ml of urine

Flannery take a zero-tolerance approach to drugs and alcohol. If you have been tested and there is a reading other than "0.0" (zero), you will be in breach of this policy.

## **Suspected intoxication**

If you are known to be or suspected of being intoxicated by alcohol or drugs during working hours, you will be asked to undertake a drug and alcohol test. Any worker who refuses to take a test or receives a positive test result will be in breach of this Policy and will be escorted and removed from the premises or place of work immediately and an investigation will commence. Any person excluded may be refused access to any Flannery site/office or Contract/Client site in the future.

## **Drugs and the law**

The possession of controlled drugs is illegal. Therefore, we reserve the right to inform the police if you are found to be in the possession of controlled drugs.

## **Alcohol and drug testing**

Flannery Plant will ensure total compliance with all its Clients and Contractors requirements including Rail industry requirements and the requirements of its Drugs & Alcohol Policy by testing all workers. Flannery reserves the right to test in any of the following circumstances:

- Pre-placement for individuals prior to them starting work on site or at any contractor inductions. At the point of medical examination when required.
- If there are grounds to suspect that an individual is unfit for work through drugs, alcohol, or substance abuse.
- For-cause' drugs and alcohol testing
- Where a complaint relating to a worker, group of workers or a work location has been made and/or where there is evidence of drugs or alcohol consumption found on a worksite.
- Unannounced random testing (documented timeline, within the 12-month period of an audit).

- As part of a drug, alcohol or substance abuse rehabilitation programme and post treatment monitoring and support.

Tests under this policy should present no risk to pregnant workers. However, it is advisable for pregnant workers who are asked to provide a sample that they declare their pregnancy to the person appointed to take the sample. The worker will have the opportunity to raise any concerns they have. This information will be treated with the strictest confidence.

The test will be carried out under a tightly controlled environment, ensuring the results are fair, accurate and objective. Tests are carried out in the strictest confidence and privacy.

Once the test is complete, the worker will be asked to confirm in writing that the sample belongs to them. Workers being subjected to 'for-cause' drugs and alcohol testing shall not be allowed to resume work until the results of their testing are known.

The preliminary test result may indicate that drugs or alcohol may be present in the sample. In this instance, the worker will be escorted and removed from the premises or place of work immediately and an investigation will commence. In the case of drugs, the sample will be sent to the laboratory for further analysis, following which the company will receive confirmation of the type of substance used and to what level. Alcohol testing samples will be confirmed shortly after the test is taken and do not require further analysis.

### **Refusal to take a test**

Refusal to take a test and provide a sample (this includes leaving a worksite before being tested) is a breach of this policy and will be treated as a positive test result under this policy. Should you refuse to provide a sample you will be immediately removed from your work placement and/or the work location pending further investigation or a disciplinary hearing. Refusal to take a test or avoidance of taking a test is treated as gross miss-conduct. For rail workers a breach of this policy may also include your PTS Certificate being revoked. Any person excluded or removed from a Flannery location or worksite may be refused access to any Flannery site/office or Contract/Client site in the future.

### **Removal from Site**

If you are removed from any work site or placement by any client, contractor, or subcontractor for any reason, you are required to immediately inform your line manager or Flannery Contract manager.

## **7. Appeals process**

Workers may appeal against positive results of a drugs and alcohol test within five working days of the final test result. The appeal must be submitted in writing to the Flannery Health and Safety Director.

## **8. Stop and Search**

Flannery Plant reserves the right to stop you from working and search your person, your property held on our premises, our contractor's and client's premises, your workspaces, lockers, filing cabinets and company vehicles at any time if there is a belief that this policy and/or any Drugs and Alcohol policy of any contractor or client that you are assigned to work for has been breached. This may be due to, but not limited to acting inappropriately, smelling of alcohol or repeated accidents at work.

## **9. Key Responsibilities**

### **Senior Management / Line Managers:**

- have an overall responsibility for ensuring that Flannery Plant complies with its legal obligation in relation to alcohol and drug abuse.
- implement and maintain the alcohol and drugs policy.
- report any concerns or breaches to the HR Manager and Health and Safety Director.

- maintain strict confidentiality when dealing with information concerning drugs and alcohol testing.

## Workers:

- must read, understand, and abide by the Alcohol and Drugs Policy including any procedures
- are responsible to ensure their own safety and the safety of others. To do this, you must:
  - Report to work in a fit condition
  - Notify your Line Manager or Flannery Contract Manager of any actual or potential impairment to your fitness for work
  - Notify your Line Manager or Flannery Contract Manager of any use of medication which may impair your fitness for work
  - Notify your Line Manager or Flannery Contract Manager of any breaches of this policy

## 10. Alcohol at Company Events

You may drink alcohol if you are entertaining or being entertained by customers, clients, contractors, suppliers, or agents outside of working hours. If you are required to drive, any alcohol consumed must be limited to the UK Drink Drive Limits as per <https://www.gov.uk/drink-drive-limit> so as not to affect your judgment, communication, professionalism.

## 11. Confidentiality

Matters concerning alcohol or drug misuse will be kept strictly confidential. Results of drugs and alcohol testing will only be reported to relevant manager(s), those carrying out investigations, Occupational Health and the employee being tested.

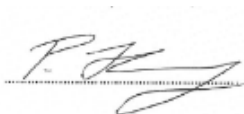
All documents obtained relating to any search, test or by endorsing this policy will be stored securely on secure and encrypted databases with restricted access. We will retain the documents for only as long as we need them as permitted by the relevant Health and Safety Laws, Data Protection Act 2018, UK GDPR 2021, and our privacy policy (A copy of which is stored on our website).

Results of drug and alcohol testing for PTS Sentinel Cardholders will be reported to the Sponsors and Managers of the Sentinel Scheme.

## 12. Implementation and Review

Copies of the policy will be provided to all appropriate individuals. Flannery will communicate, implement and maintain this policy at all times throughout the company.

This policy is effective from the 14<sup>th</sup> December 2022 and will be reviewed annually. Overall implementation of this policy lies with Patrick Flannery (Managing Director) and Paul Beard (Health and Safety Director). Any queries relating to this policy should be directed to Paul Beard in the first instance.



Patrick Flannery  
Managing Director

14<sup>th</sup> December 2022

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## 13. Appendix 1 – External Support

### Alcohol Dependence

**NHS Alcohol Support:** <https://www.nhs.uk/live-well/alcohol-advice/alcohol-support/>

Provides support, advice and links to alcohol support resources.

**Drinkaware:** <https://www.drinkaware.co.uk/>

Drinkaware works to reduce alcohol misuse and harm in the UK.

**Alcoholics Anonymous:** <http://www.alcoholics-anonymous.org.uk>

AA is an organisation of men and women who share their experience with each other hoping to solve their problems and help others to recover from alcoholism.

### Drug Misuse

**Talk to Frank:** <http://www.talktofrank.com/>

National drugs awareness site for young people and parents/carers.

**Narcotics Anonymous:** <http://ukna.org/>

Helpline for the UK: 0300 999 1212.

NA is a non-profit fellowship of recovering addicts who meet regularly to help each other stay clean. Membership is open to anyone with a drug problem seeking help, regardless of what drug or combination of drugs have been used, and irrespective of age, sex, religion, race, creed or class. The only requirement for membership is a desire to stop using drugs

### Key Support Organisations

**UNUM:** 0800 048 2702

**Drinkline:** 0300 123 1110

**Alcoholics Anonymous** 0800 917 7630

[www.alcoholicsanonymous.org.uk](http://www.alcoholicsanonymous.org.uk)

**Alcohol Concern:** 020 7928 7377

[www.alcoholconcern.org.uk](http://www.alcoholconcern.org.uk)

**ADFAM:** (advice for families of alcohol and drug users) 020 7533 7640

[www.adfam.org.uk](http://www.adfam.org.uk)

**Narcotics Anonymous**; 0300 999 1212

[www.ukna.org.uk](http://www.ukna.org.uk)

**National Drugs Helpline**; 0800 776600

**Drugwise:** [www.drugwise.org.uk](http://www.drugwise.org.uk)

**Resolv:** 01785 817885

[www.resolv.org](http://www.resolv.org)