



Safety & Environment Manual

Section 12 - Health Controls

12.01

Drugs and Alcohol Policy and Procedure

Version History

Version	Date	Author	Comments
01	Aug-2001		Complete reissue as c2c document
02	Dec-2003		To encompass the requirements of revised Railway Group Standard GE.RT8070
03	Mar-2004		To clarify blood test results
04	Nov-2006		Re-formatted as per RSC. Complete re-issue to encompass random testing for Drugs and Alcohol at the workplace Changes to arrangements for random testing to reflect alterations to LLSM 8.13 regarding unsupervised booking-on duty for traincrew
05	Feb-2008		Revised to take account of c2c HQ restructuring
06	Feb-2010		Revised to take account of new ATOC Approved Code of Practice and improved arrangements for collating and tracking the screening data
07	Feb-2012		Change title from Depot Operator to Depot Driver, Driver Managers included in list of safety critical staff. Head of Retail added to list of responsible persons on the table in Section 7.4
08	Feb-2014		Two-yearly review. Revised to reflect the title of Head of Human Resources
09	May-2015		Minor grammar changes
10	Apr-2017		Period review. Clause 1.1, 3.9 & Section 9 updated with reference to RIS-8070TOM. Clauses 6.7.1, 6.7.2 and 6.8.3 Clarification that refusal to provide a breath test is included as failure to consent to testing for Drugs and Alcohol. Train Captain post removed from Clause 3.8
11	Nov-2022	Human Resources	Various sections updated to this Policy following legal review and review with Occupational Health providers. Updated terms and definitions.

Release Control

The following personnel must formally approve the document prior to assigning a non-draft version number.

Prepared by (Name & Title)	Authorised by (Name & Title)	Date Approved for Release
Human Resources	Head of Safety and Environment	09-11-2022

Document Review

This Policy and Procedure will be reviewed every two years or when any of the following occur:

- a) Introduction of new or alteration to existing methods.
- b) Internal reorganisation or restructuring.
- c) After any accident or incident investigation or audit that highlights the need for a review of systems and procedures relating to this procedure.
- d) Any change in relevant Legislation or Railway Group Standards/Rail Industry Standards.

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Terms and Definitions

Term	Definition
Alcohol	Includes, but is not limited to distilled spirits, liquor, beer, wine, malt liquor, or any other intoxicants used for beverage, medicinal or food purposes.
At Work	Includes any period during which a Colleague is working for c2c and carrying out their activities or duties when representing the Company, whether on c2c Premises or elsewhere on c2c business. This includes during periods of 'On-Call' / 'Out of Hours' duties whether on or off c2c Premises.
c2c Premises	Includes all premises that c2c has responsibility for including all c2c trains and company vehicles. The term c2c Premises also applies to all occasions when a Colleague is at work irrespective of physical location. Network Rail property and infrastructure is also included.
Colleague	Term used to identify both Employees and Non-Direct Worker.
Contract Manager	The person appointed by c2c to manage and control contracts in line with the c2c Contract Management Manual.
Data Protection Impact Assessment (DPIA)	Means the assessment carried out in compliance with data protection legislation to ensure that our use of personal data is fully understood, that risks to the rights and freedoms of the individuals involved in the processing activities are carefully examined and that all appropriate protective measures, controls, and safeguards are effectively deployed to safeguard from attack throughout the lifecycle of processing.
Dependency	When a Colleague has adapted physically and/or psychologically to the presence of Drugs or Alcohol and would suffer if they were withdrawn abruptly.
Drugs	For the purpose of this document, a drug means a 'controlled drug' as defined in the Misuse of Drugs Act 1971 and its subsequent modification orders and includes any other substance that could affect a person's ability to carry out safety critical tasks safely. The term also includes medication, either prescribed by a medical practitioner or purchased over the counter, which can have similar effects.
Employee	All c2c employees and prospective employees.
For-Cause or For-Cause Drugs and Alcohol Testing	A "cause" or reasonable suspicion that the Colleague is under the influence of Drugs or Alcohol whilst At Work.
Illegal Drug	All drugs covered by the Misuse of Drugs Act 1971 as amended.
Impaired (Alcohol)	In terms of this policy, a Colleague whose Breath Alcohol Concentration exceeds 13 micrograms per 100 millilitres or exceeds 39 milligrams of alcohol in 100 millilitres of urine (the limit for alcohol), (to be confirmed by an appropriate test) is deemed to be impaired due to the use of alcohol and therefore in contravention of this policy.

Impaired (Drugs)	In terms of this policy, a Colleague proven to have consumed Illegal Drugs or misused any Drugs, (to be confirmed by an appropriate test) is deemed to be impaired due to the use of Drugs and therefore in contravention of this policy.
Manager	The person with control over Colleagues and/or c2c Premises.
Misuse	Applies to using Drugs in any unsanctioned way. For example, any Illegal Drug use, or using Drugs for non-medical purposes without proper direction to do so from an appropriately qualified person such as a medical practitioner or pharmacist. It also applies to using any Drug in a way that is harmful / hazardous to Colleagues or others and which is likely to distort perception and response.
Non-Direct Worker	All employees of other companies (including sole traders, partnerships and similar) working on behalf of c2c delivering safety critical activities as defined in the Railway and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS); and All employees of other companies (including sole traders, partnerships and similar) or others working on behalf of c2c who c2c have made a specific contractual provision for in relation to For-Cause Drugs and Alcohol Testing and/or Random Drugs and alcohol Testing; and Any other person engaged by a third party carrying out work on behalf of c2c in any capacity performing safety critical roles.
Non-Safety Critical	All roles performed by Colleagues that have been determined as not a Safety Critical Role.
Post Incident Testing	Testing for the presence of Drugs or Alcohol will be arranged if there is initial evidence that any Colleague directly involved in an operating incident has demonstrated a disregard for Rules and Regulations and / or a disregard for the safety of others. Testing will also be arranged if the Colleague is suspected of being under the influence of Drugs or Alcohol.
Random Drugs and Alcohol Testing	Random drug and alcohol testing is a method of testing for drug and alcohol use by Colleagues through a process of random selection. These tests are conducted without prior notice to the Colleague and a systematic selection process is used to assure that each Colleague has an equal chance of being chosen for testing. Because there is no prior notice as to when this testing will occur, or who will be selected, random testing serves both to detect, and deter, alcohol and the presence of any Illegal Drugs or the misuse of legal drugs.
ROGS	The Railway and Other Guided Transport Systems (Safety) Regulations 2006.
Safety Critical Role	A role undertaking activities covered by Part 4 of ROGS. For c2c these include: <ul style="list-style-type: none"> ● Controllers (TSM) ● Driver ● Depot Driver (Shunters)

- Depot Manager
- Depot Supervisor
- Driver Instructor
- Driver Manager
- Driver Mentor
- Operations Trainers
- Shunt Driver
- Traction and Rolling Stock Maintenance; or Managers / Supervisors signing-off such work
- Train Dispatcher

In addition, to the roles listed above, RIS-8070-TOM Testing Safety Critical Workers for Drugs and Alcohol requires that the Company identify those Colleagues who carry out activities that could have the potential to import risk on to the Company infrastructure, or that managed by Network Rail.

For c2c these include:

- Station Heavy Cleaning Gangs and Maintenance
- Driver Only Operation Platform Equipment Maintenance
- Operator of Mobile Powered Plant on Station Platforms
- Managers and Supervisors of all the above
- Other Colleagues as appropriate (including On-Call Managers and Employees with a competence in PTS or similar track safety competence)

Drugs and Alcohol Policy Statement

(To be published on all Health & Safety Notice Boards)

The c2c Drugs and Alcohol Policy has the following objectives:

- **Prevent** health and safety risks to Colleagues and others from abuses of Drugs and Alcohol.
- **Protect** the health and welfare of Colleagues by offering rehabilitation and counselling for drug and alcohol related problems.
- **Prevent** the damaging effects of Drugs and Alcohol on good company performance and reputation.
- **Comply** with Railway Group and Industry Standards and UK health and safety legislation.

This Policy takes into account Railway Group and Industry Standards, as well as the requirements of the Transport and Works Act 1992 and the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

It is a requirement of c2c that **no** Colleague shall:

- Report for or be at work in an impaired state due to the use of drugs or alcohol;
- Consume alcohol whilst at work or during periods of 'On-Call'/'Out of Hours' duty;
- Consume illegal drugs or misuse any drug (including prescribed medication) whilst at work, on c2c premises, or whilst representing c2c;
- Be in possession of alcohol on c2c premises without prior c2c authorisation;
- Sell, distribute or supply alcohol or attempt to do so whilst on c2c Premises, or whilst at work;
- Be in possession (without good reason in c2c's opinion), or sell, distribute or supply any drug or attempt to do so,
- Decline or discontinue an approved course of treatment or rehabilitation for drugs or alcohol dependency without good reason in c2c's opinion; and
- Wear c2c uniform or other forms of c2c identification on licensed premises.

c2c's policy is to assist with, and support, the rehabilitation of Colleagues who voluntarily seek help for drugs or alcohol related dependencies. Such Colleagues should seek assistance at the earliest possible opportunity as subsequent discovery or disclosure prompted by impending testing or post incident will not enable the Colleague to avoid possible disciplinary action. Failure to undertake or complete an approved course of treatment to deal with such a problem without good reason may result in dismissal or termination of contract.

c2c will not tolerate any departure from these rules and any infringement may lead to disciplinary action including - dismissal or termination of contract on the grounds of gross misconduct.

A programme of testing has been put in place, whereby:

- All Colleagues that perform safety critical roles may be tested for Drugs and Alcohol without notice at any time;
- All Colleagues that perform safety critical roles who are involved in an Accident or Post Incident;
- All Prospective Colleagues that perform safety critical roles will be tested for Drugs and Alcohol as part of the application process;
- All Colleagues who transfer or are promoted to a safety critical role and are not currently undertaking safety critical work will be subject to a drug and alcohol test before such transfer or promotion;
- All Colleagues where there is a cause or reasonable suspicion that they are under the influence of drugs or alcohol whilst at work;
- The presence of any illegal drug or the misuse of legal drugs will be a breach of this policy;
- The presence of more than 13 micrograms of Alcohol in 100 ml breath will be a breach of this policy;
- Refusal to take a test for drugs or alcohol will be a breach of this policy;
- All Colleagues failing the test will be a breach of this policy; and
- Prospective Colleagues failing the test for drugs and alcohol will not be engaged.

All breaches of this policy may result in dismissal or termination of contract.

All Colleagues who are charged and/or convicted of any drug or alcohol related offences either at or outside work may be subject to disciplinary action, which may include dismissal or termination of their contract. Prospective Colleagues will not be engaged.

Managing Director
09-11-2022

Drugs and Alcohol Policy

1. Introduction

- 1.1. c2c has a legal responsibility under the Transport and Works Act 1992 and the Railways and Other Guided Transport Systems (Safety) Regulations 2006 to ensure that consistent and robust control measures are in place to manage the risks from the use and misuse of Drugs and Alcohol.

In addition, c2c has a legal duty under the Health and Safety at Work etc. Act 1974 to take all reasonably practicable steps to ensure the health, safety, and welfare at work of its Colleagues. This has been interpreted to include a duty to take steps to ensure that all Colleagues are not acting under the influence of Drugs or Alcohol if this would likely put their own health and safety or that of others at risk.

c2c shall adhere to Railway Industry Standards which include Testing Railway Safety Critical Workers for Drugs and Alcohol (RIS-8070-TOM) and the RIS-8070-TOM Issue 2 Drugs and alcohol testing for safety-critical workers.

- 1.2. It is the purpose of this policy to ensure that the use of Drugs and Alcohol by any Colleague does not impair the safe and efficient running of the business or put at risk the health, safety and wellbeing of its Colleagues, customers, suppliers, or members of the general public.
- 1.3. c2c is aware that Drug and Alcohol dependency can be defined as an illness and therefore actively encourages any Colleague who may have a dependency to seek help and support them in doing so. When appropriate, c2c will offer assistance in seeking relevant and evidence-based treatment. In these cases, normal sickness absence procedures will apply. Information regarding help and support sought and offered for Drug and Alcohol dependency will be treated in the strictest confidence.
- 1.4. This policy aims to achieve the following:
- **Prevent** health and safety risks to Colleagues and others from abuses of Drugs and Alcohol;
 - **Protect** the health and welfare of Colleagues by offering rehabilitation and counselling for alcohol and drug related problems;
 - **Prevent** the damaging effects of Drugs and Alcohol on good company performance and reputation, and
 - **Comply** with Railway Group and Industry Standards and UK health and safety legislation.

2. Purpose of this Policy

- 2.1. To ensure c2c complies with all relevant legislation and Railway Standards to safeguard the health and safety of all Colleagues, others with whom they come into contact and to maintain the efficient and effective operation, the following rules will be strictly enforced.
- 2.2. Colleagues must not:
- Report for or be at work in an impaired state due to the use of drugs or alcohol;
 - Consume alcohol whilst at work or during periods of 'On-Call'/'Out of Hours' duty;

- Consume illegal drugs or misuse any drug (including prescribed medication) whilst at work, on c2c premises, or whilst representing c2c;
- Be in possession of alcohol on c2c premises without prior c2c authorisation;
- Sell, distribute or supply alcohol or attempt to do so whilst on c2c Premises, or whilst at work;
- Be in possession (without good reason in c2c's opinion), or sell, distribute, or supply any drug or attempt to do so,
- Decline or discontinue an approved course of treatment or rehabilitation for drugs or alcohol dependency without good reason in c2c's opinion; and
- Wear c2c uniform or other forms of c2c identification on licensed premises

2.3. Colleagues may consume Alcohol at c2c arranged functions when such consumption has been authorised by a c2c Director. Such functions must be arranged for times when Colleagues do not have to return to work having consumed Alcohol. However, if Alcohol is consumed Colleagues must comply with all applicable laws regarding driving under the influence of Alcohol and Drugs, must not drive a company vehicle, and must not return to, or work on any of c2c's Premises until they are fit to do so.

Colleagues must remember that they are acting as ambassadors of c2c and ensure that their behaviour is professional, appropriate, lawful and does not offend, harass, or irritate others present, nor does it in any way, bring c2c into disrepute or undermine its business reputation.

2.4. A contravention of these rules is a very serious matter and c2c will take disciplinary action in the event of a contravention under c2c's disciplinary procedures, which may include dismissal or termination of contract.

2.5. c2c will take all appropriate steps to ensure that no Colleague attends work or tries to attend work whilst impaired due to Drugs or Alcohol or consumes or uses Drugs or Alcohol whilst At Work.

3. Scope

3.1. This policy applies to all Colleagues whilst At Work;

3.2. This policy is applicable at all c2c Premises;

3.3. This policy applies to all Colleagues using a company vehicle;

3.4. This policy forms part of the terms and conditions of employment of all Employees but shall be non-contractual to the extent it imposes any obligation and/or burdens on c2c;

4. References

- Misuse of Drugs Act 1971
- Transport and Works Act 1992
- Data Protection Act 2018
- Psychoactive Substances Act 2016
- European Convention on Human Rights 1953, Article 8
- Railways and Other Guided Transport Systems (Safety) Regulations 2006
- RIS-8070-TOM Issue 2 Drugs and alcohol testing for safety-critical workers

- Safety Certificate and Authorisation
- Safety Manual, Chapter 12 - Health Controls, SM 12.06 Medical Fitness

5. Responsibilities

5.1. All Colleagues are responsible for:

- Taking care, not only for their own health and safety, but the health and safety of others who may be affected by their acts or omissions.
- Familiarising themselves with this policy and always comply with it when At Work and understanding the implications arising from a contravention of this policy.
- Recognising that prescribed and over-the-counter medicines may cause impairment to their health and safety and performance at work. It is therefore the Colleague's responsibility to seek advice from their medical practitioner or pharmacist regarding the effect their medication could have on their health and safety and performance when At Work. Colleagues who have been prescribed over-the-counter medicines may bring them to work, provided that they only bring the amount they require for their personally prescribed use, they do not impact their ability to carry out their role in a safe manner, and they ensure they are stored safely at all times and are not kept at c2c's Premises overnight.
- Colleagues must inform their Manager, or Human Resources of any possible side effects of their medication that could impair their ability to carry out their role safely before they commence any work. If Colleagues remain unsure following the advice from their medical practitioner or pharmacist regarding their medication, they must contact Human Resources for advice who will carry out a medication check with c2c's Occupational Health service provider. Any medical information will be treated in strictest confidence.
- Being aware of their responsibilities when they have or are developing a dependency and seek assistance by contacting their Manager, or Human Resources at the earliest possible opportunity.
- Being aware of their responsibility when they have a genuine concern about another Colleague in relation to drug or alcohol impairment, Misuse or Dependency, and reporting their concerns to their Manager, or Human Resources immediately. Such concerns will be taken seriously and mechanisms for dealing with them are in place. All Colleagues working for c2c can raise genuine concerns appropriately without fear of victimisation. However, this must be done in the genuine belief that such concerns are well founded with proper regard for confidentiality. Any malicious, vexatious, and frivolous complaints will be dealt with in accordance with c2c's disciplinary procedures.
- Informing their Manager, at the earliest opportunity, if they are charged with and/or convicted of a Drugs or Alcohol related offence.

5.2. Managers are responsible for:

- Ensuring that a copy of the Drugs and Alcohol Policy Statement is displayed on all Health and Safety Notice Boards.
- Ensuring that all Colleagues are briefed on this policy.
- Ensuring this policy is communicated to all new Colleagues and anyone transferring to Safety Critical Roles.

- Seeking advice immediately from Occupational Health using the medication helpline when a Colleague declares that their medication could impair them when At Work and follow the advice provided by Occupational Health.
- Taking the appropriate action if as part of For-Cause they have a concern that Drugs or Alcohol may have been a contributory factor which would include Accident / Post Incident testing.
- Refer to Human Resources a Colleague who declares that they may have a Dependency, or when they have a concern regarding a Colleagues possible Dependency.
- Informing Human Resources, at the earliest opportunity, if a Colleague informs them, they have been charged with and/or convicted of a Drug or Alcohol related offence.
- Taking the appropriate action following advice from Human Resources if a Colleague is in contravention of this policy before the disciplinary procedure is implemented.

5.3. Human Resources are responsible for:

- Arranging pre-placement medicals which includes testing for Drugs and Alcohol for all Colleagues, prospective Colleagues including those being considered for transfer or promotion to a Safety Critical Role.
- Notifying the relevant Manager when a Colleague or prospective Colleague who is being transferred or promoted to a Safety Critical Role has passed their Alcohol and Drug test.
- Ensuring that all new Colleagues receive a briefing on, and a copy of this policy as part of their corporate induction.
- Managing a Colleague who has declared a Dependency including organising a suitable help and support programme.
- Managing the contract delivery for Occupational Health including Drug and Alcohol testing.
- Managing Random Drug and Alcohol Testing for all Colleagues that are employed in Safety Critical Roles.
- Retaining and storing all records of Drug and Alcohol testing in accordance with c2c's Data Retention Policy.
- Liaise with Occupation Health for advice and guidance in relation to medication checks following requests from Managers and Colleagues.
- Reviewing the DPIA biennial with the Data Protection Officer.
- Providing data relating to all drug and alcohol testing test results (anonymised data) to the Head of Safety & Environment in the periodic Safety Performance Report

5.4. Head of Safety and Environment is responsible for:

- Publishing data relating to all drug and alcohol testing test results (anonymised data) in the periodic Safety Performance Report.
- A Triennial audit of Data Protection activities for this policy and procedure is undertaken

5.5. Managers, Project Sponsors and Contract Managers, etc. engaging contractors, consultants, third parties and any other persons to work on behalf of c2c are responsible for:

- Ensuring that the requirements to comply with this policy and associated procedures are included in all appropriate tender documents.
- Ensuring that the requirements of this policy and procedure are complied with by the appropriate parties engaged by c2c.
- If appropriate, ensuring that the contracted parties will appoint their own Occupational Health provider including drug and alcohol testing.

5.6. Data Protection Officer is responsible for ensuring:

- Reviewing the DPIA and record of processing biennial with Human Resources.

6. Drug and Alcohol Testing

6.1. Drug and Alcohol testing applies to all Colleagues. The purpose of testing is to ensure the health and safety of all Colleagues and others by exercising due diligence to deter and/or detect a Colleague working on c2c Premises who is suspected of being in contravention of this policy or of being impaired due to the use of Drugs or Alcohol.

6.2. Testing will be carried out by an impartial testing company specialising in Drug and Alcohol testing appointed by c2c, in the following circumstances:

- Pre-placement (Prospective Employee) – As a part of the pre-placement process, all successful applicants will be required to undertake a Drug and Alcohol test.
- Pre-placement (Promotion or Transfer) – As a part of the pre-placement promotion or transfer process, the Colleague will be required to undertake a Drug and Alcohol test.
- For-Cause – When it is suspected that a Colleague is in contravention of this policy or when it is suspected that a Colleague is impaired due to the use of Drugs or Alcohol, testing may be carried out as part of an investigation process.
- Accident / Post Incident – As part of an accident / post incident investigation, testing may be carried out on those Colleagues involved, when possible, to determine whether or not Drugs or Alcohol may have been a contributory factor.
- Assurance – If a Colleagues conduct or capability is affected by a Dependency or when they are being supported by c2c for a Dependency they will be required to undergo assurance testing.
- Random - A minimum 10% of Colleagues working in Safety Critical Roles will be randomly selected and tested for Drugs and Alcohol throughout the course of a calendar year. This is to ensure fairness within this policy which applies to all Colleagues and gives a clear message that the misuse of Drugs and Alcohol will not be tolerated by c2c.

6.3. c2cs' Occupational Health provider will use breath testing for Alcohol and urine testing for Drugs but reserves the right to use other approved methods of testing if necessary.

6.4. Should a Colleague refuse to attend, refuse testing or refuse to comply with the testing procedure, c2c reserves the right to treat a refusal (i.e. to testing or provide a sample for testing) the same as a positive test result, and following a disciplinary investigation, dismissal may result on the grounds of gross misconduct under c2c's disciplinary procedure or the refusal may result in termination of their contract.

6.5. A refusal by a Non-Direct Worker to the testing or to comply with the testing procedure or to provide a sample for testing or when selected and notified to attend for a random test fails to attend without a valid reason for doing so in c2c's opinion will result in that Non-Direct Worker being removed from c2c Premises. Their employer will be notified of this decision and in some instances the contract may be terminated.

6.6. A refusal by a Prospective Colleague to the testing or to comply with the testing procedure or provide a sample for testing or provide a positive test result, will result in c2c withdrawing the offer of employment.

7. Help & Support for a Drug and Alcohol Dependency

- 7.1. The Employee should contact their Manager for the appropriate help and support.
- 7.2. c2c will ensure, via Human Resources, that advice and specialist help is made available to an Employee who has a dependency and who seeks assistance from c2c. A Non-Direct Worker who seeks assistance from c2c will be referred to their own employer.
- 7.3. An Employee who seeks assistance from c2c in obtaining help and support for a Dependency is assured of their confidentiality being respected.
- 7.4. Early identification and treatment are essential for the benefit of the Employee and c2c therefore the Employee must come forward and seek assistance at the earliest possible opportunity.
- 7.5. When an Employee with a Dependency only declares that they have a Dependency when a gross misconduct issue has arisen or before a test takes place or when they are proven to be in contravention of this policy, they will be subject to the same disciplinary procedures as any other Employee who contravenes this policy and following a disciplinary investigation, dismissal may result on the grounds of gross misconduct under c2c's disciplinary procedure.
- 7.6. Human Resources will, with the support of Occupational Health, arrange for the appropriate help and support programme to be made available.
- 7.7. If an agreed or recommended help and support programme is not accepted or followed by an Employee or is ineffective and occurs concurrently with lapses in the Employee's performance, conduct or attendance then they will be dealt with in accordance with c2c's normal disciplinary or sickness absence procedures as appropriate. This includes any matter arising prior to the disciplinary procedure being suspended.
- 7.8. During any period of absence from work for an agreed help and support programme, c2c's normal sick pay arrangements will apply and absence during the programme will be treated as normal sickness.
- 7.9. A Colleague who seeks assistance will normally be removed from their Safety Critical Work duties into a Non-safety critical role during their period of help and support.
- 7.10. The aim of the help and support programme is to ensure optimum recovery and return to work.

8. Appealing a Drug or Alcohol Test Result

- 8.1. A Colleague may appeal against the positive result of a drug or alcohol test at any time within 5 working days of the initial test result. The appeal procedures are available via Human Resources. The Colleague may only appeal against a positive result on the grounds that:
 - They reasonably believe the Alcohol test result is inaccurate, in which case they will be responsible for all costs for the checking of the calibration of the digital alcoholmeter.
 - They reasonably believe the laboratory Drug test result to be inaccurate, in which case they will be responsible for all costs for re-testing the stored sample.
- 8.2. If a Colleague wants to instigate the appeals procedure against a positive test result, they must notify the Head of Human Resources and Development in writing of their intention to appeal. They

must include in the appeal letter their reasons for the appeal (citing one of the reasons in 8.1 above) with any information that they believe could have affected the test result, and any supporting evidence they intend to use as part of the appeal. The Head of Human Resources and Development must receive the letter either in person or by registered post within 5 working days of the initial test date or result.

- 8.3. When a Colleagues application to appeal is not received until after the 5 working days period, the appeal will not be accepted.
- 8.4. Any information contained in the appeal letter will be kept confidential.
 - Alcohol - At the Colleagues expense a written request will be made to the manufacturer of the calibrated digital alcolmeter to have a calibration check carried out on the alcolmeter to ensure the instrument's result was valid and accurate. A copy of the report will be sent to the Employee and another copy sent to Human Resources.
 - Drugs - At the Colleagues expense the stored sample will be sent under strict chain-of-custody procedures directly from the original accredited testing laboratory to a second accredited testing laboratory for analysis. A copy of the result will be sent to the Colleague and another copy sent to Human Resources.
- 8.5. Colleagues may appeal against disciplinary action taken against them following a contravention of this policy through c2c's disciplinary procedure.

Drugs and Alcohol Testing Procedures

1. Requesting Drug and Alcohol Testing

1.1. Testing will be carried out by c2c's Occupational Health provider, an impartial testing company specialising in alcohol and drug testing appointed by c2c and who are available 24 hours a day, 364/5 days a year.

1.2. The procedures for activating the testing are as follows:

- Managers must initiate For-Cause Drug and Alcohol Testing when it is suspected that:
 - A Colleague is in contravention of this policy.
 - When it is suspected that a Colleague is impaired due to the use of Drugs or Alcohol.
 - When an accident/post incident has occurred, to determine whether Drugs or Alcohol may have been a contributory factor. If the accident/post incident is being investigated by the Police, they will take precedence over c2c's procedure. However, the requirements of this procedure will still apply.
- The Manager may appoint a Person In Charge to delegate all or part of their responsibilities to remove the Colleague from their duties and ensure they are accompanied to a private area / room to wait until the Collection Technician attends to carry out the test.
- The Colleague must be kept under observation by the Manager/Person In Charge and away from their work area until the Collection Technician arrives on site to carry out the testing which will normally be within 2 hours. The Colleague can have a drink (not Alcohol), the amount they can drink should not exceed 500ml; and use of the toilet is allowed but should be avoided close to the arrival of the Collection Technician as a urine sample may be required.

If the response time exceeds 2 hours, the Colleague is allowed appropriate light refreshments such as tea, coffee or biscuits supplied by the Manager/Person In Charge or their representative and details of the refreshments consumed must be recorded.

1.3. The Manager/Person In Charge must contact the testing company using the following contact Details:

- To call the Occupational Health provider, dial: **01827 65999** (Out of hours 17.00 – 08.00, weekends and bank holidays, use **option 1**).

Alternative numbers can also be used should the above number be engaged. These are: 07854 616229, 07714 335030 and 07973 681315.

- c2c's Security PIN is available from the Human Resources and Service Delivery Centre. This PIN should only be used by personnel authorised to call the Occupational Health provider.
- When calling Occupational Health provider, the following details must be provided to ensure prompt activation of the testing service:
 - Company Name
 - Your Name (or the name of the contact who will be onsite if different)
 - Site Name and Postcode (where testing is to be carried out)
 - Security PIN

- The reason for the test
- How many Colleagues are being tested

- 1.4. Once the testing service has been activated, Occupational Health provider will call back to confirm the name of the Collection Technician that will attend the site and their estimated time of arrival. The Collection Technician will normally be onsite within 2 hours of the activation of the testing service.
- 1.5. When the Collection Technician arrives onsite, they will need to be met and escorted to the private room/area where the Colleague is waiting. The Manager/Person In Charge must remain with the Collection Technician during their time onsite.
- 1.6. Following testing carried out by the Collection Technician, all paperwork apart from the Colleagues copy will be removed from site and stored in compliance with the Data Protection Act 2018 by Occupational Health provider.
- 1.7. The results of Drug and Alcohol testing will be communicated to Human Resources.

2. Random Testing

- 2.1. A minimum of 10% of Colleagues in Safety Critical Roles will be subject to Random Drugs and Alcohol Testing throughout the course of a calendar year.
- 2.2. The procedure for Random Drugs and Alcohol Testing will be managed by Human Resources with the support of the Colleague's Manager and Occupational Health provider.
- 2.3. Random Drug and Alcohol Testing will be carried out by the Occupational Health provider.
- 2.4. The Colleague selected for Random Drug and Alcohol Testing will be notified by their Manager at the time of their test, removed from their duties and accompanied to a private area/room where the Collection Technician will be waiting to carry such testing.

3. Testing Facilities

- 3.1. The following facilities will be required when carrying out any Drug and Alcohol testing:
 - Alcohol Testing - A private room will be required so that the Alcohol testing procedure and documentation can be completed in private. The room must provide visual and aural privacy for the Colleague and must not be a thoroughfare to other rooms.
 - Drug Testing - A private room will be required so that the documentation can be completed in private. The room must provide visual and aural privacy for the Colleague and must not be in a thoroughfare to other rooms and be near the toilet facility being used for the Drug testing.

The toilet facility must provide a toilet cubicle and washbasin for the Colleague and allow access only to authorised persons. The Collection Technician will advise on the process, will take precautions to ensure the integrity of the sample and ensure that the urine sample is collected in a dignified and discreet manner.

Note: whilst testing is being undertaken, Colleagues who are not subject to testing must use alternative toilet facilities.

- 3.2. The Collection Technician will not carry out any testing if the private room or toilet facility may compromise the Colleague's confidentiality, privacy, or dignity.
- 3.3. Before the Collection Technician commences the testing, positive identification of the Colleague is required. One acceptable means of identification is Photo-ID, for example, c2c Photo-ID, Photo-ID driving licence or passport. Another means of identification could be confirmation by the Manager/Person In Charge of the Colleagues identity. The Colleague should be personally known by the Manager/Person In Charge.

4. For-Cause / Accident / Post Incident / Random / Pre-Placement / Transfer or Promotion - Alcohol Testing

- 4.1. Before the Colleague or prospective Colleague undertakes the alcohol test, they will be asked by the Collection Technician to read an information sheet detailing the testing procedure including the implication of a refusal to participate with the test or comply with the testing procedure and a positive test result.
- 4.2. Should the Colleague or prospective Colleague refuse to participate with the test, the testing procedure will end, and the Employee will be suspended on full pay and safely removed from c2c Premises (if impairment is a concern) pending the implementation of a disciplinary process.

In the case of a prospective Colleague the offer of employment will be suspended, and a review undertaken by Human Resources with the applicant.

Should a Non-Direct Worker refuse to consent to the test, they will be safely removed from c2c Premises (if impairment is a concern) and their employer will be notified.

- 4.3. When the Colleague or prospective Colleague agrees to participate in a test, they will be asked to provide a breath sample using a calibrated digital alcolmeter, like those used by the police.
- 4.4. If the test result is zero, the Alcohol test will be deemed a **negative** result and the alcohol test will be complete. A Drug test would be carried out if impairment is still a concern or random or pre-placement testing is being carried out, otherwise the Colleague will return to work.

However, if a Drug and Alcohol test has been carried out and impairment is a concern, the Colleague will be removed from site safely and will not be allowed to return to work until a fitness for work assessment has been carried out by Occupational Health.

- 4.5. If the test result is above zero, whether over or under c2c's limit of 13mcg/100ml Breath Alcohol Concentration, a further breath test will be carried out at least 20 minutes later to validate the first test result.
- 4.6. For a Colleague or prospective Colleague if the second test result is over c2c's limit of 13mcg/100ml Breath Alcohol Concentration and therefore confirms the first test result, this will be deemed by c2c as a **positive** test result for alcohol and the Employee will be suspended on full pay and safely removed from c2c Premises pending the implementation of a disciplinary process.

The Colleague or prospective Colleague is permitted to have a copy of a positive test result which should be requested from Human Resources if required.

In the case of a prospective Colleague the offer of employment will be suspended, and a review undertaken by Human Resources with the applicant.

For Non-Direct Worker, they will be safely removed from c2c Premises (if impairment is a concern) and their employer will be notified.

- 4.7. If the second test result is above zero but below the c2c limit of 13mcg/100ml Breath Alcohol Concentration, the test result will be recorded and c2c will review the test result before determining the next stage.

For example, if a Colleague has been at work for more than one-hour c2c reserves the right to use the test result to determine whether the Colleague would have been above c2c limit when attending work or to determine whether the Colleague has consumed Alcohol whilst at work.

The Manager or Person In Charge will seek advice from the Occupational Health provider to determine whether employee suspension is necessary.

- 4.8. Colleagues or prospective Colleagues will not be allowed to resume any work which c2c considers to be safety critical, or otherwise likely to be affected by the consumption of Alcohol but will either be deployed to other work or be sent home on full pay. Depending upon the circumstances action may be initiated under the disciplinary procedures.

For Non-Direct Worker if they cannot be redeployed, they will be safely removed from c2c Premises, and their employer will be notified.

In the case of prospective Colleagues, the offer of employment will be suspended, and a review undertaken by Human Resources with the applicant.

5. For-Cause / Post Accident / Post Incident, Random, Pre-Placement / Transfer or Promotion - Drugs

- 5.1. Before the Colleague or prospective Colleague undertakes the test, they will be asked by the Collection Technician to read an information sheet detailing the testing procedure; including the implication of a refusal to participate in the test or comply with the testing procedure or a positive test result.
- 5.2. Should the Colleague or prospective Colleague refuse to participate in a test, the testing procedure will end, and the Colleague will be suspended on full pay and safely removed from c2c Premises (if impairment is a concern) pending the implementation of a disciplinary process.

In the case of a prospective Colleague the offer of employment will be suspended, and a review undertaken by Human Resources with the applicant.

For Non-Direct Worker, they will be safely removed from c2c Premises (if impairment is a concern) and their employer will be notified.

- 5.3. When the Colleague or prospective Colleague agrees to participate in a test, they will be asked to provide a fresh sample of their own urine under controlled conditions.
- 5.4. The urine sample will be split into further samples and all samples will be delivered to UKAS approved laboratory following strict chain-of-custody procedure. One sample will undergo initial analysis and

if required confirmation analysis to ascertain the exact identity of the Drugs detected from the initial analysis.

- 5.5. The Colleague will return to work pending the outcome of the laboratory result.

Prospective Colleagues will not commence work until the outcome of the review with Human Resources.

For non-direct workers, their Employer shall be notified accordingly, and the non-direct worker suspended. If the laboratory result is **negative**, the Colleague or applicant will be notified accordingly.

- 5.6. If the laboratory confirmation analysis result is **positive**, this will be deemed by c2c as a positive test result for Drugs, the Employee shall be notified accordingly and suspended from work on full pay pending the implementation of a disciplinary process.

In the case of a prospective Colleague the offer of employment will be suspended, and a review undertaken by Human Resources with the applicant.

For Non-Direct Worker, they will be safely removed from c2c Premises (if impairment is a concern) and their employer will be notified.

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