



Drugs & Alcohol Procedure

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Contents

| | | |
|------------|--|-----------|
| 1 | Executive Summary | 4 |
| 2 | Purpose | 4 |
| 3 | Definitions | 4 |
| 4 | Responsibilities | 5 |
| 5 | Procedure | 6 |
| 5.1 | Pre-employment testing | 6 |
| 5.2 | Employment declaration | 7 |
| 5.3 | During Employment | 7 |
| 5.3.1 | Alcohol - Limits and sanctions..... | 7 |
| 5.3.1.1 | Guidance | 8 |
| 5.3.1.2 | Representational Duties | 8 |
| 5.3.2 | Drugs - Limits and sanctions..... | 8 |
| 5.3.2.1 | Guidance | 9 |
| 5.4 | The Drugs and Alcohol Testing Regime | 10 |
| 5.4.1 | Alcohol test | 10 |
| 5.4.1.1 | Positive Breath Alcohol Tests | 11 |
| 5.4.2 | Drug testing | 11 |
| 5.4.2.1 | Random, For cause and post incident testing..... | 11 |
| 5.4.2.2 | Random testing | 12 |
| 5.4.2.3 | For cause testing..... | 12 |
| 5.4.2.4 | Post incident testing | 13 |
| 5.4.2.5 | Positive Drug Test (mouth swab)..... | 13 |
| 6 | Collection and Analysis of Test Samples | 15 |
| 6.1 | Chain of Custody | 15 |
| 6.2 | Laboratories for Drugs and Alcohol Testing | 15 |
| 7 | Staff Notifying a Drugs and/or Alcohol Dependency | 15 |
| 8 | Appeals and Re-examination | 16 |
| 9 | Timeframes | 16 |

1 Executive Summary

Port of London Authority (PLA) is fully committed to achieving and maintaining the highest standard of Health, Safety and Wellbeing for all staff members, visitors and contractors, and creating a safe working environment everywhere and for all.

In recognising the potential risk of impaired performance by the consumption of alcohol and/or use/misuse of non-prescription drugs and substances, it is the policy of the PLA to prohibit their use or consumption whilst at work, or during periods prior to workings hours where the effect would continue during working hours.

To minimize these health, safety, security and wellbeing risks, the PLA operates a zero-tolerance approach to alcohol and the misuse of drugs or use of illegal substances, including both illegal, mis-use of prescription drugs and legal highs (now known as New Psychoactive Substances- NPSs). This applies to all staff members, our contractors and visitors.

This policy has been implemented following consultation with Unite, Nautilus and LPC.

This policy does not form part of any employee's contract of employment and may be amended at any time.

2 Purpose

To provide a safe, secure, and productive environment and ensure that employees do not report to work in an unfit state by the misuse of alcohol or drugs.

This document sets out the PLA's processes in respect of the drug and alcohol testing programme and management of any staff, or contracting organisation, whose performance is impaired or thought to be impaired whilst at work, on site or at any office, through the action of taking drugs, consuming alcohol or other substance abuse. Both full and part time staff are eligible for drug and alcohol testing.

The PLA ensures that it meets its obligations to the Merchant Shipping (Alcohol) (Prescribed Limits Amendment) Regulations 2015, we are aligned to other department of Transport organisations – Highways England and Network Rail, who both have lower alcohol limits than the legislative requirements. In applying the Regulations, we ensure that the workplace remains a safe and secure working environment.

3 Definitions

HS&W – Health, Safety and Wellbeing

HR – Human Resources

BrAc – Breath alcohol

NPSs- New Psychoactive Substances

ABV- Alcohol by volume

EWDTs- European Workplace Drug Testing Society

PLA – Port of London Authority

BAC – Blood alcohol

4 Responsibilities

Line Managers are required to be familiar with the Drugs and Alcohol Policy and prevent any person from starting or continuing work, where they could present a danger to themselves or others through substance abuse or alcohol. Line managers should seek advice from a member of Human Resources where there is indication of drug or alcohol use/abuse, observed through changes in work performance, behaviour and perhaps accident patterns. All conversations concerning drugs and alcohol with staff members will be treated as confidential.

Human Resources (HR) will support any Line Manager or staff member in counselling and other interventions as a result of any disciplinary action that might arise. HR will provide the Drugs and Alcohol procedure as part of the Employee Handbook and highlight it in new starter packs. Confirmation that the staff member has read the document will be obtained. All conversations concerning drugs and alcohol with staff members/line managers will be treated as confidential. HR are responsible for ensuring that all new starters are added to the programme for Drug and Alcohol Screening and that this is completed prior to starting with the PLA.

Be in attendance, if a person has a positive result.

The HR Team will be able to provide information, guidance and where necessary external organisational signposting or support.

HS&W team will highlight the Drugs and Alcohol policy in the induction film and procurement and liaison with the service provider for testing as required.

Trained HS&W team members will undertake any new starter testing for alcohol and drugs.

Be a guide for the authorised collection technician from the service provider for random tests or where necessary 'for cause'.

Provide a current list of staff to the service provider to enable random testing to be completed.

Provide information in monthly reports relating to alcohol and drugs testing.

Service provider will provide a process of selecting persons at random to be selected for testing. They will undertake all random and 'for cause' testing, this will be using an instant result testing kit and a secondary chain of custody test kit for all positive results. They will provide laboratory results within 3 working days, with a medical review statement.

Staff members are required;

- To be aware of and work in accordance with the Drugs and Alcohol Policy and Procedure.
- To seek advice from suitably qualified health professional, e.g. GP, Issuing Pharmacist, Westfield, BUPA or PLA's Occupational Health Adviser, where they are required to take over the counter or prescription medication which may affect their ability to do their job safely or put themselves or others at risk. To report any concerns relating to drugs or alcohol regarding fellow staff members to their line manager or HR.

- Not to consume alcohol or use illegal drugs/substance abuse in the workplace (i.e. either on site or at PLA offices).
- To take positive action if they suspect that they have a drug or alcohol dependency problem or are receiving treatment by discussing this with their line managers or HR. This will be met with a supportive approach and alternative work offered if appropriate and available.
- To fully co-operate with the organisation's screening arrangements. An unreasonable refusal to take a Drugs or Alcohol test will be considered potential misconduct and dealt with under the PLA's disciplinary procedure.
- To be aware that some medications can provide false positives. If a member of staff is prescribed medication, they must seek advice from their GP or pharmacist about the possible effect on their ability to carry out their role and whether their duties should be modified or they should be temporarily reassigned to a different role. If so, staff members must tell their line manager OR the Human Resources Department without delay

Contractors

The PLA require contractors to submit to testing under the provisions of the Policy and in line with random and for cause testing.

Contractors who unreasonably refuse to comply with this requirement may be asked to leave the premises. An unreasonable refusal to submit to a test and/or a positive result may impact the contractor's contract/relationship with the PLA, which could be terminated at the earliest available opportunity.

5 Procedure

5.1 Pre-employment testing

All pre-employment testing will be completed when the individual is requested to attend their medical assessment.

Alcohol test - Pre-employment

It is the Policy of the PLA that the prescribed limit for alcohol is set at 29mg per 100ml of Blood (BAc) and 13µg per 100m of breath (BrAc). These limits are in line with best practice in the transport sector.

Positive alcohol test

The PLA operates the pre-employment testing regime in line with training and manufacturers guidance. A positive test for alcohol over this value, following a second test 15 minutes after the first, the HR team will be in touch with the prospective candidate and terminate the employment offer.

If a negative result is received the HR team will proceed with the prospective staff member's employment offer.

Drugs test

PLA operates a pre-employment testing regime. Oral fluid samples are taken, when the prospective candidate attends the pre-employment medical. This is completed by one of the trained staff members. The oral fluid sample is an immediate result test, where samples are identified as positive these will be sent for laboratory confirmation under a chain of custody.

Positive Drug test

If a positive result is received from the laboratory, without justification, the HR team will be in touch with the prospective candidate and terminate the employment offer.

Nb. Examples of justification is a high cocaine reading following a dental appointment. The confirmation of the justification will be provided by the service provider medical practitioner.

If a negative result is received the HR team will proceed with the prospective staff member's employment offer.

5.2 Employment declaration

Drug and Alcohol Declaration

The Drugs and Alcohol procedure is mandatory for all staff members working for contractors working on PLA premises.

All existing staff members and new starters will be requested to complete and sign a mandatory Drug and Alcohol declaration. This is to confirm understanding of the testing procedure, implications and management in the event of a positive result and the rehabilitation and support available for drug and alcohol dependency.

5.3 During Employment

5.3.1 Alcohol - Limits and sanctions

It is the Policy of the PLA that the prescribed limit for alcohol is set at 29mg per 100ml of Blood (BAc) and 13µg per 100m of breath (BrAc). These limits are in line with best practice in the transport sector. A test result above this figure shall, as described in section 5.4.2 below be considered a positive test.

If an individual tests positive for alcohol above the PLA's prescribed limit but below the legal limit set out in the Merchant Shipping (Alcohol) (Prescribed Limits Amendment) Regulations 2015 (more than 50mg (BAc) and 25µg (BrAc)) they will not be allowed to continue with their planned work and:

- The employee will be required to attend an interview with his or her line manager and Human Resources.
- Depending on the circumstances, the Authority may also take any or all of the following steps:
 - issue an informal warning under Section 5 of the PLA Disciplinary Procedure;

- instigate a formal investigation under Section 6 of the PLA Disciplinary Procedure;
- offer additional support, if there are any concerns about alcohol or drug dependency issues;
- put in place additional random testing for the individual over a period of 6-12 months and hold a further review meeting at the end of that period.

Anybody testing above the PLA prescribed limit on a second occasion following a warning under either Section 5 or Section 6 of the disciplinary procedure will be subject to further discussion in line with the PLA disciplinary procedure.

Anybody testing above the legal limit for alcohol in the maritime sector on **any** occasion (more than 50mg (BAc) and 25µg (BrAc)) will be subject to the PLA's disciplinary procedures (OP11.25).

5.3.1.1 Guidance

The PLA requires that staff members do not report for duty under the influence of alcohol.

If you are called upon in an emergency and you have been drinking alcohol you must tell your line manager, as you must not give advice, guidance or undertake your role whilst under the influence of alcohol.

5.3.1.2 Representational Duties

PLA staff may from time to time attend functions or events to represent the PLA, where alcoholic drinks are served, e.g. Pilots Annual Ball, Annual Port Reception. These functions will not be on PLA property and those who have attended are not permitted back onto premises, even to collect cars.

Staff members are expected to demonstrate responsible behaviour both at work, work-related functions and work-related social events and to act in a way that will not have a detrimental effect on our reputation. When representing the PLA at an external event, staff members are considered to be 'at work' regardless of whether the event is within or outside of normal working hours and shall exercise judgement when drinking alcohol and be mindful of the usual high standards expected in terms of conduct, professionalism and employment policies.

Managers should act to prevent excessive consumption of alcohol by any member of staff at work-related functions/social events and should take steps to deal with any unacceptable conduct. Any such behaviour may lead to disciplinary action in accordance with the PLA's disciplinary procedure.

Sealed bottles of alcohol are permitted on PLA premises.

5.3.2 Drugs - Limits and sanctions

PLA operates a random, post incident or 'for cause' testing regime. Positive drug screens that have been confirmed by an approved laboratory where the set limit has been exceeded will result in exclusion pending disciplinary procedures.

The drug test screens for a panel of ten drugs. A positive response to any of these drugs registers as a test failure (note that cannabis can be detected a considerable

time after use). The drug testing panel aligns with industry and NHS standards and is as follows:

| | |
|-----------------|--|
| Amphetamines | Methamphetamines |
| Benzodiazepines | Opiates |
| Cocaine | Methadone |
| Buprenorphine | Tetrahydrocannabinol (THC or Cannabis) |
| Phencyclidine | Barbiturates |

We have a zero-tolerance policy for the use of illegal drugs and legal highs, a positive test for illicit drugs will be subject to the PLA disciplinary procedure.

5.3.2.1 Guidance

Staff members may be subject to disciplinary action if:

- They use, possess or supply drugs that is identified in the Misuse of Drugs Act 1971
- They misuse prescription, over the counter or new psychoactive substances (NPSs). These were formerly known as legal highs and are a range of drugs that have been designed to mimic established illicit drugs, such as cannabis, cocaine, ecstasy and LSD
- They misuse solvents
- They report to work under the influence of drugs
- They test positive for a drug that is identified in the Misuse of Drugs Act 1971

The misuse of drugs, including those medically prescribed or available without a prescription can impair performance and safety. The drugs that will be tested are listed under the drugs and alcohol tests section.

In this procedure the term drugs include:

- “Controlled drugs” as defined in the Misuse of Drugs Act 1971 (comprising Class A, Class B and Class C drugs)
- Drugs which have been prescribed by a registered medical practitioner, e.g. to cure a disease, to ease pain, to help sleep, or to help relieve a psychological condition
- Drugs that can be purchased directly from a registered pharmacist, e.g. pain-relieving tablets (co-codamol) or hay fever relief.
- New Psychoactive Substances (NPSs)

There are legal implications surrounding the use or possession of controlled drugs both inside and outside of the workplace. If any such incidents take place within the workplace, these will be reported.

If you are in any doubt you should speak to your line manager or the HR team for confidential advice.

5.4 The Drugs and Alcohol Testing Regime

Drug and alcohol testing will take place in respective workplaces by an authorised collection technician from the Service Provider.

In the first instance, this will involve an alcohol breath test using a calibrated approved breathalyser and a non-invasive mouth swab (saliva sample) for all testing.

5.4.1 Information gathering and GDPR

To ensure that we do not collect excessive personal data, in line with GDPR, the following changes are being made to the Drugs and Alcohol test process. We are moving to a mouth swab (saliva) based testing approach which provides an immediate indication if someone has taken any illegal or psychedelic based drugs, in line with the Misuse of Drugs Regulations.

To undertake the alcohol and drugs test we request personal information on a form; the form requests,

- Name
- DoB
- ID or NI number (ID can be a company issued pass)
- If no ID verification by a line manager
- Donor consent declaration
- Medical Declaration – person have taken anything (this information is on the top sheet only and for use by the lab only if there is a positive test, information is not visible on the carbonated copies for the employer or employee)

If a negative test is returned;

- The top personal information sheet is destroyed in-front of the individual and handed to them for disposal, the carbonated copy handed to the employer only identifies data that is already held by the employer and the test was negative (so not medical information disclosed).
- The saliva test showing a negative result can be disposed of by the individual at a home, if they wish, or shown that is disposed of in a secure waste bin. As it is saliva there is no need to have specialist disposal requirements.

If a positive test is returned;

- A second chain of custody test is performed and sent to the lab with the top sheet for information. This will enable the lab to discount any medication when interpreting the results.

Any drugs and alcohol test on an individual will be held for 7 years.

5.4.1.1 Individuals refusing to take tests

All PLA staff members are able to refuse to take a drugs and alcohol test, whether this is 'for cause' or random testing. There may also be occasions when a member of staff is unable to provide a specimen of breath for analysis.

In these circumstances, the Service Provider will inform the HS&W and HR teams immediately, who will undertake a formal interview with the person. The result of the interview could be three-fold;

- Test is undertaken

- Support is identified and working arrangements amended
- Disciplinary procedure is followed.

5.4.2 Alcohol test

Tests for alcohol will be conducted using a breath test machine in line with the manufacturers' instructions. The breath test result will be available immediately.

1. A calibration check will be made on the breath test machine at the start of each day, to confirm that it is reading accurately.
2. The donor will be asked to confirm that he/she has not taken anything by mouth in the previous 20 minutes. This ensures that no medication or food or non-alcoholic drink can affect the result.
3. The donor will be asked to confirm that he/she has not smoked in the previous 10 minutes. Tobacco smoke does not have any effect on the result but can reduce the working life of the machine.
4. If the breath test result is positive (at or above the PLA's cut-off level) after 15 minutes the donor will be asked to give a second breath sample, with a witness present. If this test result is also at or above the cut-off level the test will be reported as positive and the second reading taken as the recorded sample.
5. The donor will be asked to sign the test record confirming that they accept the result.

5.4.2.1 Positive Breath Alcohol Tests

Any positive test result for alcohol will result in the Collector requesting the attendance of HR and completing a second test after 15 minutes. The second test result will be the recorded sample. The indication from a rise in the second test result, a lowering of the level in the second test result or the same reading may be taken into account.

Safe and appropriate arrangements will be made to ensure the employee can safely travel home, e.g. escorted or in a taxi.

Where the individual will be suspended from work; the individual will be called to a meeting with HR and allowed representation so the suspension and process can be clearly explained without judgement. PLA disciplinary procedures will be used for anyone failing a drugs and alcohol test. A positive result is deemed a violation of PLA processes and procedures and will result in summary dismissal.

5.4.3 Drug testing

5.4.3.1 Random, For cause and post incident testing

Random, For cause and Post incident testing (see below) will be completed by mouth swab, the results for the mouth swab are immediate.

1. Staff member information is obtained by the Service Provider on a consent form.
 - a. Information obtained name, DoB, role
 - b. Medical information

Nb. Information obtained is only kept by the service provider if a positive sample is returned.

Nb.2 The individual is provided with a copy of the form and the Employer is provided a carbon copy minus any medical information, to conform a negative or positive result.

2. The test kit is removed from the pouch by the individual, without touching the test panel window
3. Individuals should keep their head level and rub the collection pad inside the mouth on both cheeks, on and under the tongue around 15 – 20 times. It takes around 3 – 5 minutes.
4. Remove the device when the window starts to go pink. Recap the device and lay on a flat surface. The result will appear after 5 minutes.

If the result is positive a second sample is taken by the trained facilitator and sent directly to the laboratory under a chain of custody.

5.4.3.2 Random testing

During each calendar year, a random sample of 20% of all staff who are employed to work in safety critical activities' will be tested over a twelve-month period. All safety critical staff will be tested over the following twelve months with a further review of this requirement at the end of that period.

Nb. The change to just safety critical staff and those who directly manage them has been taken to ensure compliance with the data protection legislation and is in accordance with the ICOs Employment Practices Code. Safety critical staff members, are anyone who puts a person to work, works in an operational environment, pilots' vessels or who are a master or mate or undertakes activities involving plant, machinery or equipment.

Random selection of staff members will be fully managed by the testing service provider. PLA will provide a list of employee names to the testing company which will be exported into a random selector to generate names of employees to be tested.

It is possible for staff members to be tested more than once in any year.

Tests will be scheduled at any time (on any day, although a greater majority will take place during normal working hours) on a random basis such that an impartial and entirely indiscriminate sample is achieved.

An outside organisation will complete this test. The test undertaken will be an immediate response test.

5.4.3.3 For cause testing

Any staff member working who may be exhibiting such behaviour to give the impression they may be under the influence of an intoxicating substance or working unsafely may be asked to undertake a drugs and alcohol test or if they have been involved in an incident.

If any person has cause to suspect that a colleague is working, or attempting to report to work, under the influence of alcohol or drugs, that person must contact the relevant line manager or HR representative.

Thereafter, “for cause” testing will be undertaken as soon as is reasonably practicable.

For cause testing will be undertaken by the service provider. They will send an authorised collection technician to the location within two hours. All test kits will provide an immediate response, based on saliva.

5.4.3.4 Post incident testing

In the event of an incident or near miss on the site, all staff members directly or indirectly involved with the incident may be subject to a post-incident test if senior management consider that the action or behaviour gives reasonable grounds. It is their responsibility to contact HS&W team to arrange a drugs and alcohol test through the service provider. This type of test will only be conducted by the services provider.

On occasions a drugs and alcohol test may be performed by the Emergency Services, Police, British Transport Police or the Ambulance Service.

5.4.3.5 Special cases

On occasions the internal PLA HS&W team will undertake Drugs and Alcohol tests on individuals to satisfy client requirements. For example, to gain entrance on the Lower Thames Crossing project staff members are required to have a drugs and alcohol test within 3 months of the start date.

In the event that a client does not accept our testing regime, we will consider whether we undertake the work activities. If it is considered that we should continue with the activity, the clients approach will be reviewed by the PLA HS&W and legal teams prior to any local consultation and agreement with the department, trade union representation and HR being put in place with those concerned.

The PLA will formally notify staff that they have been identified as a person who will work on this project and required for testing. They will be provided 3 working days’ notice.

5.4.3.6 Positive Drug Test (mouth swab)

In the event of a positive mouth swab test the staff member will be given the opportunity for a further sample to be sent to a UKAS approved laboratory for confirmation of any drug misuse.

If the staff member consents to a further test and analysis, the sample shall be provided under controlled chain of custody conditions. Results are provided within 3 working days. The PLA through engagement with HR, will endeavour to provide information, guidance and where necessary external organisational signposting and/or support.

If the staff member did not declare any medications which could be consistent with a positive result, they will be demobilised pending laboratory confirmation.

If medications have been divulged which may be consistent with a positive result the employee will be redeployed to a suitable and safe area of work and permitted to continue their role.

Where the individual is suspended or moved to a different area of work, the individual will be called to a meeting with HR and allowed representation so the suspension and process can be clearly explained without judgement.

If the laboratory confirms a negative result the staff member will be permitted to return to full duties.

If the laboratory confirms a positive result that is consistent with the amount and dose of any declared medication that was divulged to the testing technician this will be reported as a negative result. The staff member can then return to full duties.

If the laboratory confirms a positive result consistent with the misuse of drugs the result will be reviewed by a medical review officer, the PLA Occupational Health Physician will validate and HR team will be advised accordingly of the outcome. An investigation and interview will take place with the individual, Line Manager, HR and employee representative. PLA disciplinary procedures will be used for anyone failing a drugs and alcohol test. A positive result is deemed a violation of PLA processes and procedures and will result in summary dismissal.

6 Collection and Analysis of Test Samples

We operate a documented chain of custody process for the collection of drugs and alcohol samples.

Samples will be collected by suitably trained authorised collection officers and there will be safeguards to ensure that the reported results can be related to the correct individual. Nb. This could be a member of PLA staff.

For any samples that may require laboratory confirmation the procedures will ensure that the sample is tamper proof, correctly labelled, securely transported and securely stored before analysis.

6.1 Chain of Custody

To compliment the robust screening programme in place, all screening that takes place is recorded and stored in separate files. All records are confidential but will be made available on request.

Information on substances that are being detected will be supplied to the Head of HR and Head of HS&W to allow any trends to be identified and inform any targeted health initiatives or change to the programme for the control of intoxicating substances.

6.2 Laboratories for Drugs and Alcohol Testing

Laboratories used for alcohol and drugs analysis will be:

- a) UKAS (or European equivalent) accredited to IOS/IEC 17025:2005
- b) Subject to blind analysis testing under an external quality assurance scheme.

The supplier will meet the European Workplace Drug Testing Society (EWDTS) best practice guidelines.

7 Staff Notifying a Drugs and/or Alcohol Dependency

The PLA encourages anyone with a drug or alcohol dependency to come forward and seek help as soon as possible to ensure support and treatment is provided promptly. This will be on face value and in a non-judgemental way with the key element of support and guidance for the individual. This may be with the support of the PLA Occupational Health Physician in the first instance.

The staff member can go either to their Line Manager or HR for confidential support.

Both alcohol and drug dependency are recognised as an ill-health condition.

It will be the duty of the PLA to help any staff member who voluntarily seeks help for drugs or alcohol related diseases or dependencies. Support, where possible to provide, may include; employee assistance programme, referral for advice, medical treatment, counselling and/or time off work.

Staff members should, seek help at the earliest possible opportunity. Subsequent discovery or a disclosure prompted by impending screening may, depending on the circumstances, lead to disciplinary action in accordance with PLA's disciplinary procedure.

Until the rehabilitation programme has been successfully completed, the individual will not be permitted to undertake safety related duties. A staff member who unreasonably refuses to undertake an approved course of treatment, discontinues treatment before satisfactory completion, or re-offends while on the course, will be interviewed by HR and may be subject to disciplinary action in accordance with the PLA's disciplinary procedure.

8 Appeals and Re-examination

Any appeals will be dealt with under the PLA's disciplinary procedure. Any employee who has produced a positive test for drugs will have the right to have that test re-examined by independent analysis.

9 Timeframes

Timeframes provided in this document are targets and must be strived to be met; exceptions will occur but must be limited and reasons recorded for audit purposes.

Measurements associated with the continual improvement of this process will be via process reviews and audits based on risk.