

Port of London Authority – Human Resources

Drug & Alcohol Policy

Introduction - Purpose

1. The PLA has developed this policy as part of a positive approach to tackling alcohol and substance related issues at work. For the purpose of this policy substances are defined as drugs both prescribed and non-prescribed and solvents.
2. The PLA's responsibilities to its employees, customers and others are clearly defined in the Health & Safety at Work etc Act 1974.

Scope

3. This policy of zero tolerance applies to all PLA members of staff, non Executive Board Members and to contractors and their staff employed by the PLA who visit PLA premises and vessels. The policy will be applied without exceptions.

The Policy

4. It is the Policy of the PLA that members of staff or contractors and their staff who visit PLA premises or vessels must:
 - Not report for work following use of alcohol or substances that could risk them having a positive result following an alcohol and drugs test result as defined in this policy.
 - Not bring alcohol or substances onto the Authority's premises or vessels for the purpose of consumption.
5. It is the Policy of the PLA that all members of staff are liable to be tested for alcohol and substances:
 - on a random basis
 - following an accident
 - for cause

in accordance with the terms of the Guidance

Prospective employees will be subject to a pre employment test.

Failure to comply with these requirements will be dealt with under the PLA's Disciplinary Procedure as gross misconduct.

6. 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.

Application of Policy

7. Where a member of staff has been prescribed a drug that may affect their performance at work it is the responsibility of the member of staff to immediately inform their manager and/or the PLA's Occupational Health Adviser. It will be for the manager in conjunction with the Occupational Health Adviser to determine whether the member of staff should remain at work in their current or an alternative role. As a

good employer the PLA recognises that alcohol and/or drug abuse causes addiction in some cases, and the PLA will assist with compassion any employee who acknowledges (prior to being called for testing) that they have an addiction problem and who is prepared to commit to recovery. However whether or not an employee has or declares that they have an alcohol or drug addiction problem, this will never be accepted as an excuse or reason for committing any form of misconduct (gross, serious or minor), negligent act or omission, particularly where the safety of the individual or others may be put at risk.

8. In the event of a confirmed positive result for the presence of alcohol or drugs whilst at work the employee will immediately be removed from the workplace.
9. 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)):
 - (a) The employee will be required to attend a discussion with his or her line manager and Human Resources.
 - (b) 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 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.
10. 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 face dismissal.
11. Anybody testing above the legal limit for alcohol in the maritime sector on **any** occasion (more than 50mg (BAc) and 25µg (BrAc)), or testing positive for non prescription drugs will face summary dismissal under the PLA's disciplinary procedures.

Contractors

12. Where it is suspected that a contractor or a member of their staff reports for work at PLA premise or on a PLA vessel under the influence of alcohol or substances as defined in this Policy or brings alcohol or substances onto PLA premises or vessel they will be required to leave the PLA's premises or vessel immediately and the matter will be dealt with under the contract between the PLA and the contractor.

Representational Duties

13. PLA staff may from time to time attend functions or events to represent the PLA, where alcoholic drinks are served. These include, for example, the annual Port Reception, public meetings, recreational club events and formal lunches and dinners. Before attending, staff must consult with their ExCo Director or a member of the Human Resources team about whether it is appropriate to accept an alcoholic drink in their capacity representing the PLA. If a member of staff then accepts the offer of any alcoholic drink, they must be advised to drink in moderation and they must not return to the workplace after the event under any circumstances. Staff must remain

mindful at all times of the reputation of the PLA in discharging such representational duties, and ensure this guides their behaviour. At the point a staff member returns to work on the PLA premises or other normal duties the drug and alcohol policy applies in the normal way.

Further Explanatory Notes

This section explains in further detail the PLA policy in four sections covering:

- (a) The Testing Regime
- (b) Legislation
- (c) Substances
 - (a) Dependent
 - (b) Non-Dependent
- (d) Further Guidance

A. The Testing Regime

As part of its safety regime the PLA will test for alcohol and substance misuse as standard procedure on the following basis:

Pre-employment
Random
Post incident and accident
For cause

The detailed arrangements for this testing are set out in the Guidance appended to this policy. There are two PLA reference sheets 'Drug and Alcohol Procedures, What to do...one for the departmental manager and one for the individual selected, these are included with the Guidance and are available via the intranet.

By implementing this Policy the PLA is taking positive action to ensure the safety of employees and visitors. The PLA also aims to prevent alcohol and/or substance related problems developing and to help those affected so far as is reasonably practicable.

In line with the PLA's established protocol regarding the treatment of an employee experiencing alcohol or substance use/misuse problems help and encouragement will be given to employees who recognise that they have a problem and are seeking help. Appropriate support will be given to those requiring treatment programs and/or counselling.

It is not expected that this Policy will intrude upon the privacy of individuals particularly in health matters where a medical condition does not affect conduct or performance at work.

B. Legislation

It is a criminal offence to possess, use, distribute or supply controlled drugs or prescribed substances on any of the PLA's premises or vessels (with the exception of certain prescribed substances which are required for MCA approved First Aid kits and the administering of those substances, and with the exception of a controlled drug which is also a prescribed medicine, for which an individual has a valid prescription).

Controlled drugs are those defined in legislation. Substance misuse will consist of the possession use supply or distribution of controlled drugs or being under the influence of these drugs or any prescribed substances such as tranquillisers, sleeping pills or other substances such as solvents. Being under the influence of substances will be determined by

the tests as outlined in the Testing Procedure contained in the Guidance or other available evidence if no such test is available.

The PLA has a general duty of care under the Health and Safety at Work etc Act 1974 to ensure as far as is reasonably practicable the health, safety and welfare of its employees. The PLA could be prosecuted if it knowingly permitted an employee under the influence of excess alcohol or substances to continue working and this placed the employee or others at risk. The Merchant Shipping (Alcohol) (Prescribed Limits Amendment) Regulations 2015 and Railways and Transport Safety Act also makes it a criminal offence for certain workers to be unfit through drink and/or drugs while at work.

C. Alcohol and Substances

Alcohol or substance misuse is considered by the PLA to fall into one of two categories.

(a) Non-Dependent

This constitutes the use/misuse at work or outside of work that is not related to a physical or psychological problem.

OR

(b) Dependent

This constitutes a dependency which continually or repeatedly interferes with the employee's work and would include situations where this has been brought to the PLA's attention and the employee has sought and/or accepted treatment. The PLA's Occupational Health Adviser will be the sole arbiter as to whether an employee has a dependency.

Employees who supply and distribute controlled drugs (with the exception of certain prescribed substances which are required for MCA approved First Aid kits and the administering of those substances) will be subject to the PLA's disciplinary procedures and will face immediate dismissal.

D. Further Guidance

Please see attached Appendix for more detailed information concerning:

Responsibilities

- Management Responsibility
- The individual
- Colleagues
- Occupational Health

Alcohol & Substance Testing Regime

- Scope
- Definitions
- Fit for Work (New Prescribed Limits Approved)
- At Work
- Testing
 - Pre Employment
 - Random Testing
 - Post Accident/Incident testing
 - For Cause Testing
- Testing Procedure
- Appeals

- Contractors
 - Responsibility
- Test procedures
- Alcohol Testing Procedure
 - Drug Testing Procedure

Managers, employees or contractors requiring guidance or advice on this Policy should contact the Human Resources Department.

Robin Mortimer
Chief Executive
July 2018

APPENDIX

Port of London Authority – Human Resources

Drug & Alcohol Policy – Further Guidance

Responsibilities

1. The overall responsibility for the implementation of this Policy rests with the Chief Executive who will ensure that the PLA provides relevant training for departmental managers and staff.
2. This training will ensure that all employees and departmental managers understand the Policy and their responsibilities to the PLA and the staff under their care.
3. The PLA will also ensure through the Occupational Health Adviser that all employees are aware of the dangers of excessive alcohol consumption and substance misuse. This will be achieved through Health & Safety Committees circulars, posters and other appropriate means of communication.

Management Responsibility

4. All departmental managers are required to support the Policy in a manner evident to all employees.
5. Departmental managers are responsible for the health and safety matters in their departments and for the performance of their staff. Departmental managers who feel that an employee's unsatisfactory performance may be substance or alcohol misuse related must initially interview the employee on a confidential basis. The departmental manager must raise the employee's unsatisfactory performance/conduct/behaviour with the employee and establish if possible if this is related to substance/alcohol misuse.
6. The departmental manager is not required to diagnose the existence of an alcohol or substance misuse problem but merely to assess whether such misuse is a possible factor.
7. If the interview leads to the conclusion that an alcohol or substance misuse problem might exist and the employee accepts referral the departmental manager must refer the matter to the Human Resources Department.
8. If the interview fails to lead to the conclusion that an alcohol or substance misuse problem exists and/or the employee rejects or fails to co-operate in the referral then the employee must be advised that the Authority considers the problem to be a conduct issue and the Disciplinary Procedure would be applied if necessary.
9. In the event of an accident/incident or where there is a cause to suspect the presence of alcohol and substances the departmental manager will ensure that the alcohol and substance testing procedure is carried out immediately.

10. If an individual tests positive for alcohol above the PLA's prescribed limit (more than 29mg (BAc) per 100mL and more than 13µg (BrAc) but below the legal limit for the maritime sector of 50mg (BAc) and 25µg (BrAc):
- (a) The employee will be required to attend a discussion with his or her line manager and Human Resources.
 - (b) 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 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.
 - (c) 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 face dismissal.
 - (d) Anybody testing above the legal limit for alcohol in the maritime sector on **any** occasion (more than 50mg (BAc) and 25µg (BrAc) or testing positive for illicit drugs that are not valid, prescribed medication will face summary dismissal under the PLA's disciplinary procedures.
 - (e) Any positive test result for alcohol will result in the Collector completing a second test after 15 minutes (see **Alere Toxicology Test Procedures**). 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 during the disciplinary process.

The Individual

11. All employees and contractors are responsible for ensuring that they do not report to work under the influence of alcohol or substances and that they do not use/misuse alcohol or substances. Employees are responsible for understanding and adhering to the PLA's Policy. **Following the review of this Policy and the lowering of the prescribed test limit (see 25 (a) Fit for Work), ALL persons must be aware that best practice is "Do not drink before you come to work as you can put yourself at risk of dismissal if you exceed the prescribed limits".**
12. Any employee who considers that they are in danger of or are developing a dependence problem should seek help and guidance. This is available in strictest confidence, from the Occupational Health Adviser via the Human Resources Department.
13. If an employee is prescribed drugs by a medical adviser then it is the responsibility of the employee to ensure that the pharmacist/medical practitioner is aware of the requirements of their employment. If the employee has any doubts they are advised to inform their line manager who can access a "Chemist on Call" service provided by Alere Toxicology.
14. It is the employee's responsibility to ensure that he/she is fully informed of potential effects. If the employee considers the prescription may affect his/her ability to perform their duties or if he/she is unsure about the position then they must discuss this with

their departmental manager or the Human Resources Department immediately so that an appropriate judgement can be made in respect of any likely impairment to carry out their normal duties safely. Failure to advise their departmental manager or the Human Resources Department and/or the Occupational Health Adviser of the taking of prescribed medications that will likely impair performance will be considered a serious breach of discipline.

15. Employees are responsible for ensuring that 'over the counter' medications are not taken to the degree where fitness for work could be impaired.
16. Employees are required to inform the PLA if they have been charged or convicted of a criminal offence relating to alcohol or drugs (unless it is a spent conviction). This requirement also applies to those persons who have received a formal caution in relation to their possession of controlled substances under the 'Misuse of Drugs Act 1971' (unless it is a spent caution).
17. Employees must understand the Alcohol and Substance testing procedure as described (see pages 12 & 13) and submit to this procedure if required.

Colleagues

18. It is the responsibility of all employees to bring to the attention of their Manager or Supervisor in the strictest confidence the names of any colleagues who they believe may have a problem with alcohol or substance misuse.
19. Staff are encouraged to address the issue directly (not to cover up for colleagues with a drink or substance problem) as collusion represents a false sense of loyalty that may put others at risk and will in the longer term also damage those employees with dependency.
20. Staff must encourage their colleague to recognise his/her problem and seek advice from Human Resources, the Occupational Health Adviser, his/her GP or an appropriate outside agency.

Occupational Health

21. The Occupational Health Adviser will:
 - in conjunction with the counselling service provider ensure that appropriate procedures are available for conducting clinical assessment determining and providing appropriate treatment.
 - oversee the development and implementation of an Employee' Health Education and Communication Programme to promote an awareness of the dangers associated with alcohol and substance abuse.
 - liaise with the testing service provider to ensure that appropriate procedures are available for conducting alcohol/drug testing in support of rehabilitation.
 - review the clinical assessments provided by the counselling service provider to determine capability for work and in conjunction with Human Resources provide recommendations to management concerning employee participation in treatment programmes.
 - together with the Human Resources Department and the counselling service provider monitor and evaluate the progress of any employee receiving treatment

for alcohol or drug related problems and subsequently confirm the employee's capability to return to normal duties and provide follow-up monitoring and support.

- co-ordinate with departmental managers and the Human Resources Department in implementing the Policy guidelines.

Alcohol & Substance Testing Regime: Legal Framework

22. The legislation in respect of control of risk includes the Management of Health & Safety at Work Regulations 1999, the Merchant Shipping (Alcohol) (Prescribed Limits Amendment) Regulations 2015 and Railways and Transport Safety Act. Substance and alcohol misuse is a foreseeable hazard and therefore is a risk that requires control.
23. As part of ensuring the safety of all employees by reducing risks the Alcohol and Substance Testing Procedure specified in this Appendix (see pages 12 & 13) will form part of the PLA's risk reduction strategies. It will be a condition of employment that employees undertake Drug and Alcohol tests as required within the terms of the Policy.

Scope

24. This Appendix applies to all permanent and temporary employees, Non Executive Board members and employees of contractors employed or working for the PLA.

Definitions

Fit for Work

25. All employees have a responsibility to ensure that they are fit for work and are not unacceptably impaired by alcohol or substances.

Unacceptably impaired constitutes:-

- (a) Having an alcohol level above the PLA's prescribed limit at the time of testing (more than 29mg per 100ml blood or more than 13µg per 100ml of breath).

OR

- (b) Having a positive test for drugs/substances using the tests outlined in this Policy.

26. The PLA reserves the right to modify the levels at which testing for alcohol is to be measured. This could be due to changes in legal requirements and/or industry best practice. All employees would be consulted about any such changes (**please note 25. (a) above**)

At Work

27. This will mean at the individual's place of work including vehicles and vessels or in any operational area that the person is required to visit as part of their duties or anywhere else the employee is carrying out their duties for the PLA. (See para 13 of the PLA Policy for specific representational duties).
28. The PLA will consider failed drug and/or alcohol tests carried out by external organisations such as the Police Maritime and Coastguard Agency and British Transport Police whilst employees are at work to be a breach of this Policy. It is incumbent upon any PLA employee to disclose to the Authority in confidence any conviction or official caution connected to alcohol or substance use.

Testing

29. The primary circumstances in which testing outlined in this Policy will be carried out are as follows:-

- **Pre-Employment Testing** - a minimum requirement to support this Policy (a urine sample for drug tests and a breath analyser for alcohol).

All other circumstances require an oral swab for drug testing and a breath analyser for alcohol.

- **Random Testing** - 20% of safety critical staff and 10% of non safety critical staff will be tested over the following twelve months with a further review of this requirement at the end of that period.

The Director of Human Resources will ensure that the sample is selected at random by the contracted testing provider. The process will be fair and the test results will be treated confidentially. The selection of dates, locations and therefore the staff available for selection will be determined by the testing provider.

The two master lists naming individuals relating to both operational safety critical and non safety critical posts are held securely by the Human Resources department and updated as required and sent to the testing provider for randomisation.

- **Post Accident/Incident Testing** - following an accident or incident which the appropriate Manager confirms to be reportable under the Reporting of Injuries and Dangerous Diseases Occurrences Regulations, the Merchant Shipping (Accident Reporting and Investigation) Regulations or otherwise sufficiently serious to justify testing.
- **For Cause Testing** - if a breach of this Policy is suspected by a manager which raises potential safety issues.

Testing Procedure – post accident/incident and for cause

30. The service providers testing procedures are outlined in the service providers test procedures attached.

31. The service provider and collecting officer will be contacted by telephone to conduct tests required as part of this procedure. The departmental manager will contact the service provider to arrange for the testing collector to attend the location quoting the authorisation code (PIN number). The departmental manager must also contact the Director of Human Resources, Head of Human Resources Operations or the Health & Safety Advisor to inform them of the actions taken. There are two quick reference sheets available via the intranet 'Drug and Alcohol Procedures what to do' for the Manager and for the individual to be tested.

Appeals and re-examination

32. Any appeals will be dealt with under the PLA's Disciplinary Code. Any employee who has produced a positive test for drugs in their urine will have the right to have that test re-examined by independent analysis.

Contractors

- 33. Upon implementation of this Policy contractors engaged by the PLA will be asked to require their workers to voluntarily submit to testing by the PLA under the provisions of the Policy.
- 34. Contractors who refuse to comply with this requirement are advised that this condition will in future become a mandatory requirement; failure to change their position will mean that their contract/relationship will be terminated at the earliest available opportunity.
- 35. While it is not appropriate for the PLA to apply disciplinary procedures to a worker engaged by a contractor such companies will be expected to deal with problems with their workers in accordance with their own disciplinary procedures.
- 36. The PLA reserves the right to insist that contractors' employees are excluded from PLA work if it is not satisfied that they meet the requirements of this Policy.

Responsibility

- 37. All persons referred to within the Drugs & Alcohol Policy are required to adhere to its terms and conditions.
- 38. Individual Managers are responsible for ensuring that this Policy is applied within their own area. Any queries on the application or interpretation of this Policy must be discussed with the Human Resources Department prior to any formal action being taken.
- 39. The Human Resources Department has the responsibility for ensuring the maintenance, regular review and updating of this Policy in line with best practice and legislative changes.

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July 2018

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I,(Print name), on behalf of
(Trading Name) acknowledge receipt of the Port of London Authority's Policy on Drugs & Alcohol and confirm that the material will be included in all Company inductions and that all personnel will be briefed accordingly and comply with the Policy as stated. I also acknowledge that the guidelines set out in the Policy will be adhered to while my servants, agents, sub-contractors or any other representative attend the Port of London Authority.

SIGNED: _____

DATED: ____/____/____

Alere Toxicology Test Procedures

Alere Toxicology specialises in legally defensible workplace testing for alcohol and drugs.

Before testing begins, it is essential to establish the identity of the person being tested (the 'donor'). Unless the donor is known to company personnel, photo and signature identification is required.

The collecting officer will outline the procedures to the donor, and establish that they are willing to co-operate with the test process. If the donor refuses to co-operate the collecting officer will advise the site contact, and the donor will be asked to sign a 'refusal to consent to test' form.

To ensure that the consent given is 'informed', the collecting officer will provide an information sheet outlining the process, and will follow a checklist talking the donor through the steps.

Alcohol tests

Tests for alcohol will be conducted using a breath test machine. The breath test result will be available immediately.

1. A calibration check will be made on the breath test machine 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 affect 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.
5. The donor will be asked to sign the test record confirming that they accept the result.

Drug tests

Legally defensible drug testing needs a 'Chain of Custody' which proves beyond doubt that a specific individual provided the sample that the result relates to. When Point of Collection tests (POCT) are used, a negative result may be available immediately. Any not-negative results will be sent to the Alere laboratory specialising in the specimen type (oral fluid, urine or hair). Laboratory results are not available until the analysis is completed (up to 5 working days from sample receipt at the laboratory).

All the sample handling within the laboratory is documented, together with full details of the analysis. This includes, for example, evidence of machine maintenance, expiry dates of chemicals used, and daily calibration records.

Specimen Collection

Before sample collection begins the Collecting Officer will have taken steps to ensure that the area assigned is clean and free from potential contaminants. Access to the designated area is restricted to authorised personnel.

Informed consent is essential. The donor will be given an information sheet to read explaining what will happen to the specimen, and the Collecting Officer will use a Checklist to reassure the donor that procedures are followed.

1. The donor will be advised that if the POCT result is not negative, their sample will be sent to the laboratory for confirmatory analysis.
2. Checks will be made to ensure that the donor cannot be accused of interfering with the test process – these include a 10 minute observation period prior to providing the oral fluid specimen to ensure that nothing in the donor's mouth could affect the result.
3. The oral fluid collection device has an indicator to show when sufficient sample has been collected. At this point the specimen is introduced into a reader, which will provide an initial result after 5 minutes.
4. If this result is negative the paperwork is completed and the drug test is concluded.
5. The POCT result is not definitive and is subject to interference from other compounds; a 'not negative' result requires further detailed analysis to determine what is present.
6. If the result is not negative, a further oral fluid specimen will be collected and split into two portions in front of the donor. The specimen containers are sealed with tamper evident seals signed by the donor.
7. The bottle seals and Chain of Custody paperwork are identified by the barcodes unique to each sample. These are checked on arrival at the laboratory and if the bottle seals are broken or the barcode numbers do not match the sample will not be analysed.
8. The donor will be invited to provide details of recent medication, which may be helpful in establishing the cause of a positive result.
9. The donor will be asked to give signed consent for Alere to analyse the specimen. Without this consent the sample cannot be analysed.
10. Both sample bottles are sent to the laboratory, but only one is opened. The unopened bottle can be sent to another laboratory for analysis if the donor wishes to challenge a positive result.

Laboratory Analysis

1. All samples are checked on arrival to make sure that the Chain of Custody is intact.
2. Definitive results are obtained from Liquid or Gas Chromatography / Mass Spectrometry analysis. Negative results are available for reporting after this stage, which may take 3 working days. Positive results will be sent for medical review, which will establish whether the positive result could have resulted from legitimate medication.
3. The samples are also checked to confirm that they are genuine samples that have not been tampered with in any way.

MRO review

Laboratory positive results need a further review to establish whether the result could have a legitimate cause e.g. medication. This review is carried out by a Medical Review Officer (MRO), with reference to any declared medication and possible consultation with the donor's own doctor. This review can result in a laboratory positive result being reported as negative.

Results:

Certificates of analysis are generated for all laboratory results, confirming 'negative' or 'positive' against the drug groups tested. Results are reported as password protected .PDF documents, sent to a secure email address.