

# Policy 009 - Drugs

## Revised January 2025



### 1. Introduction

1.1 Drug misuse or abuse can be a serious problem within the workplace. Employees who take unlawful drugs are more likely to endanger their colleagues, have accidents at work, be absent from work and work inefficiently.

1.2 This policy applies to drugs that are unlawful under the criminal law and not to prescribed medication.

### 2 Aims of the Policy

2.1 The employees of the Company are its most valuable assets. However, the Company recognises that, for a number of reasons, employees could develop drug-related problems during the course of their employment. The aims of this policy are to:

2.2 Promote a responsible attitude to drugs by:

2.2.1- Making known to employees the harmful effects of drugs;

2.2.2 - Minimising problems and accidents at work arising from the misuse of drugs;

2.2.3 - Promoting the well-being and health of employees.

2.3 Offer assistance and advice to employees who need it by:

2.3.1 - Identifying employees with possible problems relating to drug misuse at an early stage;

2.3.2 - Offering guidance and, where required, actively encouraging employees with possible problems to seek appropriate help;

2.3.3 - Offering employees known to have drug-related problems affecting their work referral to an appropriate agency for diagnosis.

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## 3 Advice & Counselling

3.1 It is the Company's intention to deal constructively and sympathetically with an employee's drug-related problems, such as drug dependency. When it is known that an employee has a drug problem, Greg O'Connell will be able to provide advice and guidance on how to seek suitable treatment. The primary objective of any discussions of this type will be to assist the employee with the problem in as compassionate and constructive a way as possible.

3.2 Whilst certain personnel records will be necessary, any discussions of the nature of an employee's drug problems and the records of any treatment will be strictly confidential unless the employee agrees otherwise.

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

## 4 Prohibition of Drugs in the workplace

4.1 If an employee is found under the influence of drugs at work, there could be serious health and safety consequences (see the section below on misconduct).

4.2 No drugs must be brought onto or consumed on Company premises at any time, and for these purposes this includes performance-enhancing drugs, even if they are not unlawful under the criminal law, unless they have been medically prescribed by a doctor. Staff must never take drugs if they are required to drive private or Company vehicles on Company business. Staff must also never take drugs when they are on operational standby or on call.

4.3 Employees representing the Company at business functions or conferences, providing hospitality or attending Company organised social events outside normal working hours are absolutely prohibited from taking drugs on these occasions.

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

## 5 Drug-Related Misconduct

5.1 Whilst these rules are aimed at assisting employees with drug problems, action will nevertheless be taken under the Company's disciplinary procedure if misconduct takes place at work as a result of taking drugs, or if an employee is found to be under the influence of drugs whilst at work. Incapacity or misconduct caused by drugs at work is a potential gross misconduct offence under the Company's disciplinary procedure and the employee is therefore liable to be summarily dismissed. This also applies to any employee believed to be buying or selling drugs or in possession of or consuming drugs on the Company's premises.

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

## 6 Drug Screening Tests

The Company has a legal obligation to protect the health and safety of its employees and any third parties affected by its business. In order to achieve the Company's legitimate interest and legal obligations in respect of health and safety, the Company reserves the right to carry out random drug screening tests. The screening tests will only be carried out on employees whose activities and job duties have a significant impact on the health and safety of others. The guidelines promulgated in the Company's equal opportunities policy must be followed in relation to drug screening tests.

## 7 Data Protection

7.1 Drug screening tests are likely to relate to personal data and on this basis that information must be processed in accordance with the Company's data protection policy and any internal privacy notices in force at the relevant time.

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7.2 The testing must be performed by qualified and competent individuals from an external third party organisation. Before information is passed to the third party the Company must put in place arrangements to ensure that the third party will process that data in accordance with the privacy and security rules provided by data protection legislation.

7.3 Where the test results indicate the presence of drugs, (positive test) the information will be retained long enough for it to be dealt with under the Company's disciplinary or other appropriate internal procedure.

Where the test results indicate an absence of drug, (negative test) the information will be securely destroyed after 28 days.

Access to test results will be kept strictly confidential and limited to internal and external individuals who are authorised by the privacy notice to process the data. Inappropriate access or disclosure of this data will constitute a data breach and should be reported immediately to the Company's Data Protection Officer [Data representative] in accordance with the Company's data protection policy. Reported data breaches will be investigated and dealt with in accordance with the Company's disciplinary procedure.

7.4 If an employee receives a positive test result, this will be viewed as a potential gross misconduct offence and may render the employee liable to summary dismissal under the Company's disciplinary procedure. However, this is a matter to be determined on the circumstances of each individual's situation (see advice and counselling above). Unreasonable refusal to submit to a drug screening test will be dealt with through the disciplinary procedure.

**This policy has been approved & authorised by:**

Name: Gregory O'Connell

Position: Managing Director

Date: 07/01/2025

Signature:

A handwritten signature in black ink, appearing to be "Gregory O'Connell", written over a light blue horizontal line.