

1. Purpose

The purpose of this policy is to outline our approach to the management of alcohol and substance misuse while at work thereby ensuring compliance with the standards expected by NY Highways Limited and relevant health and safety and other legislation. This includes ensuring that all staff are fit to carry out their jobs safely and effectively, in a working environment, which is free from alcohol and substance misuse. It also sets out our testing regime and what we expect from all employees.

NY Highways Limited will take all reasonable steps to ensure that workers are made aware of the policy and linked procedures, designed to prevent, so far as is reasonably practicable, any abuse of drugs and/or, alcohol.

The company aims to more than just comply with all relevant legislation and to safeguard the health, safety and welfare of all workers, clients and members of the public.

Where reasonably practicable, this policy aims to help address any workplace factors that may contribute to alcohol and/or drug use, and to encourage those with problems to seek assistance.

The policy provides arrangements for the effective monitoring and control systems having first identified a misuse problem.

This document supports our Safety value and our Go Home Safe, Go Home Healthy aims

2. Scope

This policy is principally intended to deal with alcohol and drug problems, which, in the context of this policy, is the consumption of alcohol or taking of any substances, which interfere with work performance in relation to attendance, efficiency, productivity or safety.

In addition, to making clear the individual and managerial responsibilities regarding the management and control of alcohol and substance misuse at work; this document outlines the company commitment to continue to increase awareness of the effects of alcohol and substance misuse and its likely symptoms and potential outcomes.

The policy is applicable to all employees or representatives of NY Highways Limited, this includes all levels and grades, including directors and other senior managers, managers and supervisors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term employees, casual and agency staff and volunteers. These are collectively referred to as 'staff' in this policy.

Managers are expected to deal proactively, yet sympathetically, with any related problems and will assist where possible, with the rehabilitation of employees who voluntarily seek help

GO HOME SAFE GO HOME HEALTHY	Document Ref: POL0005	Document Owner: HSE	Document Version: 4
	File: Policy	Review Date: Dec 2023	Page 1 of 11

for alcohol, drugs or substance abuse and related problems. However, to be considered for this support such employees must first seek assistance at an early opportunity, and not wait until impending testing, investigation or a disciplinary meeting forces disclosure on their part.

Turning a blind eye or covering up for others is not acceptable. Careers, health and in the long term, lives, can be affected. All workers have a responsibility and duty of care to

themselves and others under Health and Safety and other legislation. If you fail to carry out work with reasonable care because of having taken substances, drugs or alcohol, and damage or injury results, individual criminal and civil action may be taken for negligence.

Remember that even over-the-counter medication and prescribed drugs can be dangerous e.g. due to side effects or when taken in combination with other prescribed drugs or in incorrect quantities. Equally, they can pose a risk when used in circumstances that are dangerous, such as shortly before driving when the substance causes drowsiness.

3. Practice

All staff are expected to arrive at work fit to carry out their jobs and to be able to perform their duties safely without any limitations caused by the use or after effects of alcohol or substances (whether prescribed, over the counter or illegal).

NY Highways Limited will not accept staff arriving at work under the influence of alcohol or substances, and/or whose ability to work is impaired in any way by reason of the consumption of alcohol or substances, or who consume alcohol or take substances on the NY Highways Limited's premises.

All staff who have been prescribed prescription medicine/drugs by their GP must inform their line manager if these prescription medicine/drugs interfere with their ability to undertake their daily tasks safely and without limitations. This includes driving, operating machinery and plant or undertaking managerial, supervisory or office duties.

3.1. Responsibilities

Board

The Board has overall responsibility for the effective leadership for health and safety for NY Highways Limited and will ensure that appropriate resources are allocated for the effective management of risk from alcohol and substance use at work. This includes, but is not limited to, the receipt of reports summarising any reported incidents and associated testing programmes and the scrutiny of such reports.

Managing Director

GO HOME SAFE GO HOME HEALTHY	Document Ref: POL0005	Document Owner: HSE	Document Version: 4
	File: Policy	Review Date: Dec 2023	Page 2 of 11

The Managing Director is responsible for ensuring that robust arrangements are in place for the management of alcohol and substance misuse at work. This includes embedding a culture where individuals who report an issue or concern around addiction are encouraged and supported to seek help and assistance.

The Managing Director is also responsible for ensuring that all those covered by this policy comply.

The Managing Director is also responsible for ensuring that managers are familiar with the policy and subsequent guidance to ensure they have the necessary information and instruction in dealing with the misuse of alcohol, drugs and substances in the workplace.

Managers and Supervisors

Managers and supervisors have day-to-day operational responsibility for the health and safety of their staff and those persons coming into contact with their operations.

Managers and supervisors are expected to:

- (a) Ensure that staff are given adequate instruction/awareness regarding their responsibilities which also includes any new staff joining our organisation.
- (b) Create a working environment that encourages staff to talk about any misuse;
- (c) Where a member of staff seeks support in relation to their use of alcohol or other substance, use a risk assessment approach to determine their ability to perform their duties in a safe manner and to manage the possible effects upon others;
- (d) When approached by a staff member for support or where it is suspected that a staff member may have a substance and/or alcohol concern or addiction, offer guidance, support and actively encourage the employee to seek appropriate help through their GP, Occupational Health and/or the Employee Assistance Programme;
- (e) Regularly promote employee wellbeing initiatives in the workplace as supported by Occupational Health, Human Resources/Health and Safety and/or Public Health around the avoidance of substances covered by this policy and understanding safe and sensible drinking habits;
- (f) Maintain confidentiality in accordance with the *General Data Protection Regulation (GDPR) 2018*;
- (g) Utilise available resources to provide appropriate advice and support;
- (h) Monitor and review the workplace implications through rehabilitation and recovery;

GO HOME SAFE GO HOME HEALTHY	Document Ref: POL0005	Document Owner: HSE	Document Version: 4
	File: Policy	Review Date: Dec 2023	Page 3 of 11

Continue to use and update the risk assessment approach referred to in item C to monitor and manage each individual case.

All Staff

All staff have a responsibility to:

- (a) be fit to perform the duties required of them whilst at work. No individual will be permitted to work while suspected of being under the influence of alcohol, drugs or any other substance which impact on their performance at work;
- (b) not consume alcohol whilst at work. Any exceptions to these arrangements e.g. during an event or social gathering in works time, must be granted by the individual's service manager, in advance. Behaviour must be appropriate to being a representative of NY Highways. Those drinking alcohol must not be on any operational site or operate vehicles/machinery;
- (c) Seek advice from their GP, pharmacist or other specialist agency if they are experiencing any issues or ill-effects of any prescribed medicine or medical treatment.
- (d) not to take illegal drugs, or unprescribed prescription drugs whilst at work
- (e) not to use any other substance whilst at work which could impair their ability to undertake their daily tasks safely and without limitations
- (f) have a duty under health and safety legislation to co-operate with their employer on health and safety issues and not to put their own or others' health and safety at risk. It should also be noted that employees that drive vehicles, use machinery and equipment whilst unfit to do so through either use of a substance or drugs, or consumption of alcohol, may be committing a criminal offence for which they could be prosecuted.
- (g) notify their line manager if they suffer any side effects due to prescribed or over the counter drugs they are taking which could affect their performance at work. This may result in a reasonable adjustment being put in place e.g. a change in duties and/or a referral to the Occupational Health Service for advice;
- (h) not possess, use or store illegal drugs or trade or sell any drugs on NY Highways' premises. Undertaking any of the above, or assisting or participating in their facilitation, whilst on duty or carrying out NY Highways authorised work will constitute gross misconduct, which may lead to dismissal. In such cases NY Highways has an obligation to notify the local police service, and will do so as soon as possible.
- (i) Encourage colleagues to seek appropriate advice and support where they are aware there may be an issue with misuse of substances;

GO HOME SAFE GO HOME HEALTHY	Document Ref: POL0005	Document Owner: HSE	Document Version: 4
	File: Policy	Review Date: Dec 2023	Page 4 of 11

- (j) Report to their line, or other senior manager, any dangerous or criminal activity associated with drugs, alcohol or other intoxicating substances;
- (k) Comply with company's request for testing in line with these arrangements and provide samples when requested to do so;

3.2. Definitions

Substances

Alcohol Includes, but not limited to: distilled spirits, liquor, beer, wine, malt liquor or any other intoxicants used for beverage purposes.

Drugs/Substances

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, or other substances (including so called "legal highs") that could affect an employee's ability to carry out their duties safely. This includes medication either prescribed by a medical practitioner or purchased over the counter. Also includes solvents or any substance capable of altering an individual's thinking or behaviour as defined in the Psychoactive Substances Act 2016.

Prescribed Drugs:

Drugs that are lawfully obtained on prescription from a registered medical practitioner.

Under the Influence of alcohol

NY highways have adopted the legal limit for driving which in England is 35 micrograms of alcohol per 100 millilitres of breath. Therefore for the purpose of this policy, 'under the influence of alcohol' is defined as being over this limit.

Under the influence of drugs

For the purposes of this policy, "under the influence of drugs" is defined as detection by testing of any prohibited substance and also includes misuse of solvents. The levels of drugs will be determined using the European Workplace Drug testing society guidelines and the Department for Transport drug driving limits.

Dependency

Where the user has adapted physically and/or psychologically to the presence of a substance and would suffer if it were withdrawn abruptly.

GO HOME SAFE GO HOME HEALTHY	Document Ref: POL0005	Document Owner: HSE	Document Version: 4
	File: Policy	Review Date: Dec 2023	Page 5 of 11

Driving

The *Road Traffic Act 1988* states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence. It is expressly prohibited for employees to drive a NY highways vehicle or their own vehicle whilst on NY highways business whilst under the influence of alcohol and/or drugs.

Testing

Breath tests will generally be used for alcohol; oral fluid (by mouth swab) will be used for drugs. Urine tests may be undertaken where required but only where appropriate facilities for the collection of the sample are available. Alcohol results will be available immediately but an on-site drug test may give an immediate negative result or be 'non-negative' (which can be caused by non-drug related compounds). Any 'non-negative' result will require laboratory analysis to identify the compounds present before it finally can be reported negative or positive.

3.3 Procedure

If an employee creates a risk to others as a result of their behaviour, NY Highways Limited has a responsibility to remove that danger. The company has an equivalent duty to ensure the safety of the employee with the substance misuse problem, so may need to take clear steps to manage the situation including removal of an individual from the working environment, either temporarily or permanently. Formal management processes will not be suspended during any support period, and can begin or run in parallel during that time.

3.4 Drug and alcohol testing

The purpose of testing is to:

- minimise the risks to themselves, colleagues and others who may be affected by their actions;
- to deter and detect individuals working for the company whilst being impaired due to alcohol or other substances.

Our policy allows for testing on the following occasions:

- Pre employment/new employee testing
- Routine unannounced, random or compliance testing
- For cause which is associated with behaviour and includes post incident

For all testing our appointed service provider will need those to be tested, to provide photo identification and if none is available, their identity will need to be confirmed by a supervisor who will need to be present to do this.

GO HOME SAFE GO HOME HEALTHY	Document Ref: POL0005	Document Owner: HSE	Document Version: 4
	File: Policy	Review Date: Dec 2023	Page 6 of 11

PREARRANGED - PRE EMPLOYMENT/ NEW EMPLOYEE TESTING

- NY highways reserves the right to drug and alcohol test potential new employees either at the point of job offer or if appropriate, within 2-4 weeks of commencement. Any job offer made may be withdrawn should a test prove positive. Any employee who fails a test as part of the induction process may be dismissed.

PREARRANGED - ROUTINE UNANNOUNCED/ RANDOM / COMPLIANCE TESTING

- NY Highways policy allows for routine testing to reinforce the policy on substance and alcohol use or misuse. A central random selection process will select the people to be tested by using numbers as unique identifiers.
- Routine random testing will be performed on site by the company appointed service provider, and it may be that no more than two hours notice will be provided for the group of people to be tested.
- The testing will try to fit in with the ongoing programme of work. However it may be arranged as soon as possible where an individual or group of employee's work performance and/or behaviour gives serious reason for concern that they may be under the influence of substances and/ or alcohol which makes them unsuitable for their position and/or poses a health and safety risk to themselves or others.

FOR CAUSE TESTING, TO INCLUDE POST INCIDENT

NY Highways Limited reserves the right to test any worker reporting for work and appearing to have taken substances and/or alcohol, or following an incident at work. This may also apply where there are reasonable grounds to suspect that the worker's actions or omissions contributed to an incident. Where a manager reasonably suspects any worker has taken substances and/or, alcohol, or following an incident at work, NY Highways Limited reserves the right to require the worker to undergo a substance and/or alcohol test. The manager will fully explain why this is necessary before any request for testing is made.

This will also apply should an employee tell their manager they have a substance or alcohol problem in order to avoid client site or other testing.

Post incident testing includes service strikes and all those directly involved in any incident, including if appropriate the person putting those involved to work.

Results of Testing

If an alcohol and substance test is negative the worker can immediately return to work.

If the alcohol test is positive, the worker will be escorted off site and arrangements made to ensure that they are safely transported home. If the worker is an employee they may be

GO HOME SAFE GO HOME HEALTHY	Document Ref: POL0005	Document Owner: HSE	Document Version: 4
	File: Policy	Review Date: Dec 2023	Page 7 of 11

suspended in accordance with company procedures pending the company investigation and disciplinary processes.

In circumstances where an instant substance test, oral fluid or urine, gives a non-negative result, both require confirmatory testing in a laboratory and the employee will be required to remain at home in accordance with company procedures pending confirmatory results until they are available. This can be typically be three to seven days.

If the confirmatory result is negative, the employee may return to work. If the confirmatory result is positive, the employee concerned may have their suspension extended in accordance with company procedures pending the company investigation and disciplinary processes.

For prescribed medication; should the employee return a non-negative result and it falls within the expectation of the prescribed medication declaration, the employee may remain at work if the following has been observed. The prescribed medication has been declared at either the start of employment or declared if prescribed later during employment and declared at time of testing. However the sample will require confirmatory testing in a laboratory. The pending confirmatory results on receipt will be reviewed and discussed with the employee.

All laboratory positive results are subject to review by an independent Medical Review Officer (MRO).

The Company also reserves the right to review CCTV for the purposes of detecting substance misuse.

3.5 Searches

The Company reserves the right to conduct searches for alcohol or drugs, including, but not limited to, searches of lockers, filing cabinets and desks and packages sent to the Company's address, which are on the Company's premises.

Any alcohol or drugs found as a result of a search will be confiscated and disciplinary action may result. Any suspicious activity identified following any such search will be reported to the police as soon as possible.

3.6 Reporting Incidents Outside of Work

If an employee is arrested in relation to, charged with, or convicted of a criminal offence related to alcohol, and/or the possession, use or supply of substances such as illegal drugs (or any other related offence) they are required to notify their line manager in line with the Employee Code of Conduct. The employee's line manager should seek advice from Human Resources on any next steps to take under the company's HR policy framework.

3.7 Management of suspected substance misuse

If the member of staff's manager has reason to believe that they are suffering the effects of alcohol or substance misuse, for example, due to a deterioration in the member of staff's

GO HOME SAFE GO HOME HEALTHY	Document Ref: POL0005	Document Owner: HSE	Document Version: 4
	File: Policy	Review Date: Dec 2023	Page 8 of 11

work or behaviour, they will invite the member of staff to an investigatory interview. The purpose of the interview is to:

- discuss the reason for the investigation and seek the member of staff's views on, for example, the deterioration of their work performance and/or behaviour; and
- where appropriate, to offer to refer them to the Occupational Health Service for medical and/or specialist advice.

If, as the result of the interview, the member of staff's manager continues to believe that the member of staff is suffering the effects of alcohol or drugs misuse and they refuse an offer of referral to the Occupational Health Service the matter may be dealt with under the Company's Disciplinary Policy and Procedure.

If the member of staff agrees to be referred to the Company's Occupational Health Service their manager will request an urgent appointment and prepare a letter of referral, a copy of which will be provided to the member of staff.

The Occupational Health Service may ask the member of staff for their consent to approach their GP for advice. A report will be sent to the member of staff's manager who will then reassess the reasons for their investigatory meeting with the member of staff and decide on the way forward.

Providing support

Alcohol and substance related problems may develop for a variety of reasons and over a considerable period of time. NY highways is committed, so far as reasonably practicable, to treating these problems in a similar way to other health issues. Support will be provided where possible with a view to assisting a full recovery, allowing a return to work and the full range of the member of staff's duties. This may include:

- referral through the Occupational Health Service to appropriate treatment providers, where necessary in conjunction with the employee's GP.
- time off work to attend treatment as recommended by the Occupational Health Service and recognition of any periods of absence for treatment as periods of sickness absence.
- adjusting the employee's duties or other support as recommended by the Occupational Health Service during treatment and for an agreed period thereafter, subject to operational requirements and feasibility.

If the member of staff does not finish a programme of treatment. For example, because the treatment provider ceases to support them, they stop attending, their recovery and return to work does not happen as anticipated at the outset of a course of treatment, then the Manager will meet with the member of staff to decide what further action should be taken. It should be noted that this process may ultimately result in dismissal.

GO HOME SAFE GO HOME HEALTHY	Document Ref: POL0005	Document Owner: HSE	Document Version: 4
	File: Policy	Review Date: Dec 2023	Page 9 of 11

If a worker needs to drive as part of their employment with NY Highways, and they are convicted under the Road Traffic Act for driving under the influence of substances and/or alcohol, the usual company disciplinary policy and procedure will be followed.

Confidentiality

The Company aims to ensure that the confidentiality of any member of staff experiencing alcohol and/or substance-related problems is maintained. However, it needs to be recognised that, in supporting staff, some degree of information sharing is likely to be necessary e.g. with Senior Management, Occupational Health, Human Resources and/or Health and Safety

If the member of staff seeks help with an alcohol or drug-related problem directly from Occupational Health without the knowledge of their manager the matter will be treated confidentially unless, in the opinion of the Occupational Health maintaining confidentiality could put the member of staff, their colleagues or anyone else at risk. In those

GO HOME SAFE GO HOME HEALTHY	Document Ref: POL0005	Document Owner: HSE	Document Version: 4
	File: Policy	Review Date: Dec 2023	Page 10 of 11

circumstances the Occupational Health will encourage the member of staff to inform their manager and give them sufficient time to do so before sending them a written report advising of any potential risks. The member of staff will be given a copy of this report when it is sent to their manager.

Performance and disciplinary issues

If, having acknowledged an alcohol or substance related problem, the member of staff undertakes treatment and/or rehabilitation, any related disciplinary process may be suspended pending the outcome of the treatment.

The Company's intention is to support all staff with alcohol or substance related problems to regain good health. Depending on the progress made on the course of treatment, any disciplinary process may be suspended for a specified period, discontinued or continued.

4. Further Information

- NY Highways Limited Health and Safety Management System
- Health and Safety Executive Website (www.hse.gov.uk)

5. Revision

Revision of this policy will be in line with the review of the NY Highways Limited Management System. This will take place as a minimum on a two yearly basis unless changes to legislation, best or industry practice are undertaken.



Jamie Crumlish
Managing Director

22nd December 2022

GO HOME SAFE GO HOME HEALTHY	Document Ref: POL0005	Document Owner: HSE	Document Version: 4
	File: Policy	Review Date: Dec 2023	Page 11 of 11