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Summary of Policy	
The purpose of this policy is to set out the approach of NY Highways with regards to Drugs, Alcohol & Substance Misuse	
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Version Control and Amendment Log

Version No.	Type of Change	Date	Description of Change(s)
1	New policy created	July 2021	New policy created and approved by NYH Board
	Approval and issue	July 2021	
2	Policy reviewed and updated and moved from HSE to HR	November 2024	This is to provide additional guidance for staff and managers

1. Introduction

NY Highways recognises that the misuse of alcohol, illegal drugs, prescription drugs and other substances, including glue, solvents and 'legal highs', is an area of health and social concern. The misuse of substances can also have a profound impact on the work environment as it can lead to preventable accidents, reduced efficiency, poor decision making, reputational issues and lost productivity.

This policy has been designed to protect the health, safety and welfare of employees and the local community. It aims to enable NY Highways to deal with all staff who may be experiencing substance misuse issues in an appropriate, fair and consistent manner. NY Highways recognises that it also has a responsibility to ensure any risks to health, safety and welfare arising from substance misuse are minimised.

The purpose of this policy is to outline the approach to the management of drugs, alcohol and substance misuse in the workplace. This is to ensure compliance with the standards expected by NY Highways and relevant health and safety legislation or any other applicable legislation. It also sets out our testing regime and what we expect from all employees .

The focus of the policy is to ensure that all staff attend work fit to carry out their jobs safely and effectively, in a working environment, which is free from drugs, alcohol and substance misuse. The aim of this policy and procedure is to clearly define NY Highway's stance in relation to drugs alcohol and substances so that all individuals are aware as to what is expected from them in the workplace.

The objectives are to:

- ensure that the health and safety risks relating to drugs, alcohol and substance misuse are minimised by having a clear process for addressing areas of concern in the workplace at the earliest opportunity
- allow NYH to undertake testing of employees in accordance with the situations described in this policy and procedure
- make staff aware that anyone who informs NYH that they have a substance misuse problem and work with NYH to address their drugs, alcohol and substance issues will receive support
- raise awareness amongst all staff that the Disciplinary Policy and Procedure may be applied to deal with the misuse of drugs, alcohol and substance misuse
- minimise drugs, alcohol and substance misuse through providing drugs, alcohol and substance awareness to all staff.

2. Scope

This policy and procedure applies to all staff employed by NYH (including agency staff) or contractors visiting NYH premises, or operating on behalf of NYH. All parties are expected to comply with this policy. Failure to do so may lead to disciplinary action or (in the case of contractors or agency staff) any working arrangements being terminated

3. Responsibilities

Senior Leadership Team (SLT)

- have overall responsibility for the effective leadership for health and safety for NY Highways a
- are responsible for ensuring that robust arrangements are in place for the management of drugs, alcohol and substance misuse at work
- embedding a culture where individuals who report an issue or concern around addiction are encouraged and supported to seek help and assistance
- ensuring all staff comply with this policy and procedure

Managers

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
- are expected to ensure that staff are given adequate instruction/awareness regarding their responsibilities which also includes any new staff joining our organisation.
- Create a working environment that encourages staff to talk about any substance misuse
- 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
- 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
- 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
- Maintain confidentiality in accordance with the *General Data Protection Regulation (GDPR) 2018*
- Utilise available resources to provide appropriate advice and support
- Monitor and review the workplace implications through rehabilitation and recovery

All staff have a responsibility to:

- report for work and remain throughout their working day/shift in a fit and safe condition to undertake their duties (including periods of on call or standby). They must not at any time be under the influence of drugs, alcohol or substances
- not to take illegal drugs, or unprescribed prescription drugs whilst at work not to use any other substance whilst at work which could impair their ability to undertake their daily tasks safely and without limitations
- 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.
- be aware that employees who 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
- Seek advice from their GP, pharmacist or other specialist agency for any prescribed medicine or medical treatment and any potential adverse impact on their ability to carry out their role
- 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
- 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
- Encourage colleagues to seek appropriate advice and support where they are aware there may be an issue with misuse of substances; Report to their line, or other senior manager, any genuine concerns that they may have in relation to the behaviour of others in the workplace in connection with drugs, alcohol or other substances. Disregarding concerns 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
- Comply with company's request for testing in line with these arrangements and provide samples when requested to

4. Legal Position

Detailed below are the key pieces of legislation that relate to drugs and alcohol that all staff and managers need to be aware of. (This list may change in accordance with any changes in legislation or national guidance):

The Misuse of Drugs Act 1971 (as amended)

The Misuse of Drugs Act 1971 is the principle legislation in the UK for the control and classification of drugs. It places strict restrictions upon the possession, supply, production,

import and export of any controlled substance. Under this statute, charges can be brought against an employee for possession or supplying drugs at work. This statute lists the drugs that are subject to control and classifies them into three categories, Class A, Class B, Class C, according to the level of harm associated with their misuse.

The Health and Safety at Work Act 1974

Under the Health and Safety at Work Act employers are required to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees. They are also required to conduct their undertaking in a way that does not pose risks to the health and safety of non-employees, for example, public and patients. Under the same Act, employees are required to take reasonable care for their own health and safety, and the health and safety of others who might be affected by their 'acts or omissions' at work. They are also required to cooperate with their employers as necessary, to enable the employer to comply with his/her duties under the Act.

The Data Protection Act 2018 and GDPR requirements

All health and medical information is sensitive personal data under the terms of this statute. All information surrounding possible drug or alcohol misuse must be handled securely and confidentially and abuse of this information is a criminal offence.

Management of Health and Safety at Work Regulations 1999

The Management of Health and Safety at Work Regulations 1999 requires every employer to make a suitable and sufficient assessment of the health and safety risks to employees, and others who may be affected by their undertakings, for example, public and patients. Specific risk assessments should also be completed for young persons and new and expectant mothers at work.

Provision and Use of Work Equipment Regulations

This requires employers to assess any additional risk as a result of using work equipment in the conditions that exist in their business, as well as any special needs of young workers in line with the Management of Health and Safety at Work Regulations.

Road Traffic Act 1988

This sets out the offence of driving or attempting to drive a motor vehicle while unfit through drink or drugs. In England, Wales and Northern Ireland the legal limit for alcohol is 107 milligrams of alcohol per 100ml of urine, 35 micrograms of alcohol per 100ml of breath or 80 milligrams of alcohol per 100ml of blood. In the cases of drugs, the threshold levels are determined in accordance with established legal and medical practice.

Transport and Work Act 1992

This Act makes it a criminal offence for specified jobs to be undertaken by those unfit through drink or drugs. Employers may be liable unless they can show 'all due diligence'.

Human Rights Act 1998

Article 8 of the Human Rights Act 1998 sets out the right to respect for private and family life. It also covers how organisations hold and use information about employees.

5. Definitions

Addiction – a state of periodic or chronic intoxication produced by the repeated intake of an intoxicating substance. This means that a dependency has developed to such an extent that it has serious detrimental effects on the user and often their family as well, and the individual has great difficulty discontinuing their use. The substance has taken over their life

Alcohol – is defined as a beverage, condiment or food additive which contains alcohol in any form. Alcohol Includes, but not limited to: distilled spirits, liquor, beer, wine, malt liquor or any other intoxicants used for beverage purposes

Alcohol Misuse - any consumption of alcohol, either intermittent or continual, which interferes with employees' health, safety, welfare or performance in any aspect of employment.

Controlled drugs – these are drugs covered by the Misuse of Drugs Act 1971. They include both drugs with no current medical uses as well as medicinal drugs that are prone to misuse. All are considered likely to result in substantial harm to individuals and society. Please see current legislation.

Dependency – a compulsion to keep taking an intoxicating substance either to avoid effects of withdrawal (physical dependence) or to meet a need for stimulation or tranquillising effects or pleasure (psychological dependence).

Drugs - are defined as: illegal substances, legally prescribed medication, over the counter legal medication.

Drugs and Driving: the law – It is illegal to drive if either you're unfit to do so because you are on legal or illegal drugs or you have certain levels of illegal drugs in your blood (even if they have not affected your driving). Please see www.gov.uk/drug-driving-law

Drugs Misuse – the use of illegal drugs and the misuse whether deliberate or unintentional of prescribed drugs, over the counter medications and substances such as solvents which interfere with an employees' health, safety, welfare or performance in any aspect of employment

Harmful/problematic use or misuse – use of an intoxicating substance or substances that harms health, physical, psychological, social or work performance but without dependency being present.

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.

Intoxicating substance – a substance that changes the way the user feels mentally or physically. It includes alcohol, illegal drugs, legal drugs, prescription medicines (for example tranquillisers, antidepressants, over-the-counter medicines), solvents, glue, lighter fuel.

Limit – The government’s legal drink/drive limit is amended from time to time, for England, Wales and Northern Ireland, the current limit is set at: 107 milligrams of alcohol per 100ml of urine, 35 micrograms of alcohol per 100ml of breath or 80 milligrams of alcohol per 100ml of blood. In the cases of drugs, the threshold levels are determined in accordance with established legal and medical practice.

With Cause Testing - where there is reasonable suspicion of substance misuse. This involves testing when there are reasonable grounds to believe that alcohol or drugs could have, or potentially could have had, an adverse effect on the health, safety or wellbeing of any individual and/or there are circumstances where a manager considers there is evidence that alcohol consumption or drug use has occurred. This may result from the behaviour, actions or performance of the individual.

Random Testing – staff are selected at random without notice to be tested as part of routine on going surveillance of the workforce.

Pre-employment Testing - testing of staff prior to the confirmation of the offer of employment

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

Substance Misuse - any consumption of alcohol or , the use of illegal drugs and the misuse whether either intermittent or continual, deliberate or unintentional of prescribed drugs, over the counter medications and substances such as solvents which interfere with an employees’ health, safety, welfare or performance in any aspect of employment.

Normal Working Hours - normal working hours during which the procedure applies includes all periods of work such as shift work, overtime and any extra duties. Any period of agreed standby or emergency call out duty shall be considered to be part of the normal working hours for the purposes of this procedure. Periods of travelling to and from a site for the purposes of standby or emergency call out will also be treated as falling within the scope of this procedure.

6. NY Highways Policy on Drugs, Alcohol and Substance Misuse

Under sections 2, 3 and 4 of the Health and Safety at Work Act 1974, all employers have a general duty to ensure the health, safety and welfare of their employees. If an employer knowingly allowed an employee under the influence of alcohol (or drugs) to continue working and this placed the employee or others at risk, the employer could be liable to charges. Under section 7 of the Act, employees are also required to take reasonable care of themselves and others who could be affected by what they do. They, too, could be liable to charge if their alcohol consumption (or drug-taking) put safety at risk.

All Employees (including agency staff) or contractors visiting NY Highways premises or operating on behalf of NYH are required to be aware of and comply with this policy and procedure. This is to ensure their ability to carry out their activities at work safely and competently is not impaired in any way. They also need to be aware of the consequences should they fail to comply with this policy and procedure. NY Highways requires that:

- employees must report for work and remain throughout their working day/shift in a fit and safe condition to undertake their duties (including periods of on call or standby). They must not at any time be under the influence of drugs, alcohol or substances. This covers those driving any vehicle on behalf of NYH in any capacity or at any location including travel to and from work. 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.
- Employees are responsible for maintaining sensible and safe drinking levels so that they do not attend work with more alcohol in their system than the normal drink driving limit for England, Wales and Northern Ireland, regardless of their role and whether they undertake driving duties
- That all staff are aware that NYH has a zero-tolerance approach to the use of illegal drugs and that the possession, buying, selling or use of any illegal drug is strictly forbidden all staff are aware that the NYH reserves the right to inform the police of any activity on its premises or involving its employees, relating to perceived illegal drug use

- all staff are aware that the NYH reserves the right to search an employee's belongings/possessions if there are reasonable grounds to suspect that they are in possession of alcohol, illegal substances or prescribed drugs where the drugs have not been prescribed for that individual. The individual will be present at the search and as far as reasonably practicable, a third party such a manager from any other service at the appropriate level, or a member of HR.
- employees are aware that they have a duty to advise their Pharmacist/General Practitioner/Medical Practitioner of the role that they undertake for NYH when being prescribed medication. This is so the Pharmacist/General Practitioner/Medical Practitioner are aware of the possible side effects and how they might impact on the individual's ability to safely carry out their role. As far as practicably, they should seek out alternatives that do not impair performance through drowsiness or other symptoms
- any staff taking medications such as prescription medications, over the counter medication, medical cannabis, food supplements, herbal preparations and such related products which are likely to, or may, affect performance or safety at work (e.g. medication labelled "may cause drowsiness – if affected do not drive or operate machinery") must bring this to the attention of their Line manager immediately before starting work. Any individuals or Line Managers who remain unsure of the potential side effects of any medication, such as those stated above, must make contact with HR to discuss a referral to Occupational Health in order to seek appropriate guidance and clarification.
- everyone is aware that NYH has a zero- tolerance approach to the abuse of any other intoxicating substances, including glue, solvents, and legal highs, as these all have the potential to affect the user's ability to function safely
- drinking alcohol during working hours or on work premises will not be allowed any consumption of, or possession of, alcohol (in an open bottle/container), drugs both illegal and prescribed (if prescribed medication is not being used appropriately and/or by the person it is prescribed to or for the purpose intended) or substances of abuse on NYH premises is prohibited
- staff inform NYH immediately if they are arrested, charged or convicted of any criminal charge regarding the supply or use of drugs or drink driving. An investigation to establish the facts will be undertaken to understand any potential implications there may be for the organisation or the individual.
- NY Highways also reserves the right to review CCTV for the purposes of detecting substance misuse.

- 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.

7. Procedure

Substance misuse problems may arise in the following ways other than being identified during random testing:

- **On Duty** – presenting as unfit for work
- **Emerging Concerns** about conduct or capability
- **Employees voluntarily** seeking support and/ or the ongoing management of substance misuse

Where NY Highways becomes concerned about an individual's performance and there is a genuine belief that substance misuse may be an issue, or NY Highways becomes aware of anyone who has or may have a drug and/or alcohol problem then the following procedure should be followed. HR and OH are available for advice and guidance.

7.1 On Duty – Presenting as unfit for work

NY Highways will not knowingly allow any employee to remain on NY Highways premises, operate any machinery or have access to any NY Highways vehicle if a manager reasonably suspects that they are unfit for duty due to any form of drug, alcohol or substance misuse. This is to minimise any risks to NY Highways in terms of health and safety, customer service, reputation or impaired decision making.

If an individual is perceived as being unfit for work then the Line Manager must meet with them in a confidential environment as soon as practicably possible. This is to discuss the concerns that NY Highways has and give them every opportunity to explain why they appear as unfit. However, if the individual appears to be heavily under the influence it may be more advisable to defer the meeting until the individual is able to take part in a more detailed discussion.

Where it is strongly suspected that the individual is unfit for work due to some form of substance misuse then the individual will be subject to 'With Cause' testing regardless of their role. This should be instigated immediately. Please see further details regarding testing.

Once testing has taken place, the Line Manager where possible should ensure that the employee returns home safely and arrangements will be made to interview them on the next working day or as soon as practicably possible.

NY Highways may consider suspending the individual from duty or allocating them to alternative duties until the results of the tests are back. Advice should be sought from HR in

all such circumstances. Once the results of the tests are available then an appropriate course of action can be determined.

All such incidents of an individual presenting as unfit for work due to possible substance misuse will be fully investigated. This may include referring the individual to Occupational Health in order to establish if there is an ongoing problem or if there are other issues that the organisation needs to support the individual with.

Subject to the specific circumstances of each case, NY Highways may follow either the Sickness Absence Management policy and procedure or Disciplinary policy and procedure. However, in some circumstances it may be appropriate to consider suspending disciplinary action in cases of misconduct, where an alcohol drugs or substance problem is a factor, on condition that the individual follows a suitable course of action to deal with their addiction. Where gross misconduct is involved, a drug, alcohol or substance issue may be taken into account when determining disciplinary action.

7.2 Emerging concerns about conduct or capability, employees voluntarily seeking support or managing ongoing substance misuse

A problem relating to substance abuse may be identified in a number of ways other than an individual presenting as unfit for work which may trigger a With Cause test.

Issues may come to light as a result of an employee's failure of a random test, work performance issues, changes in an employee's behaviour or conduct or the employee voluntarily seeking support from their manager as they think they may have a problem or an individual informing them that they are trying to manage their substance abuse on an ongoing basis.

The Line Manager should meet confidentially with the individual at the first available opportunity to discuss their concerns, identifying what behaviour is of concern, why they think it may be caused by drugs, alcohol or substances and consider what support could be offered.

In circumstances where the individual does admit during the meeting that there are problems then the meeting should be adjourned so that appropriate support and advice can be obtained from Occupational Health so that the extent of the problem if any can be determined, what support NYH can offer and what the individual needs to comply with.

If the employee denies that there is a problem, then they should be made aware that if there is no individual ownership of the issue then the organisation will continue to follow the relevant policy and procedure such as Attendance Management, Capability or Disciplinary. If the manager feels it is appropriate to refer the individual to Occupational Health in order to seek further information or guidance then they should do so.

Where the individual voluntarily raises issues, the manager will listen to the concerns that they have, give the individual the opportunity to discuss the problem, offer assistance including a referral to Occupational Health. Reasonable time off (which may be paid or unpaid) for support or counselling should be discussed and offered as far as practicably possible. Advice should be sought from HR in such circumstances

7.2.1 Occupational Health Advice following emerging concerns about conduct or capability

Where advice has been requested from Occupational Health, then upon receipt of a report, the meeting should then be reconvened. If there is no drugs, alcohol or substance misuse issue then the Manager should treat the matter as either a conduct or capability matter.

If it is confirmed that the individual has a substance misuse problem then this needs to be discussed during the meeting as to what it means for the individual and NY Highways, in particular if the individual is fit to undertake the duties for which they are employed, and what interventions NY Highways can take to support an individual. Where relevant, a support plan will be put into place and an agreement will be drawn up between the individual and NY Highways (with support from HR) to ensure any agreed actions are complied with. The Line Manager should during the course of the meeting should continue to identify the standard of behaviour expected and make the individual aware that if their behaviour does not improve what action may result. Any agreed goals should be determined and a review date agreed.

If help is refused, if the individual lapses in their agreement/ programme/treatment, the condition deteriorates or if there is example of unacceptable behaviour then the disciplinary procedure may need to be invoked. Equally, NY Highways may consider formal action under the Attendance Management, Capability or Disciplinary Policy and Procedure.

8. Testing

In order to minimise any risks, NY Highways reserves the right to test any employee for the use of drugs, alcohol or substances, whilst at work in accordance with the circumstances below. Testing will be proportionate and legitimate, balancing Health and Safety responsibilities with the rights of individuals.

8.1 Testing Processes

To assist in the implementation of this procedure, an established screening procedure to test for the presence of unauthorized substances in the body will be carried out in the circumstances listed below:

- **Pre-Employment**
- **Random Testing**
- **With Cause Testing**

• Post Incident Testing

Both Alcohol and Drugs will be screened in all circumstances as the individual may be under the influence of both.

All testing will be carried out by an independent specialist company who have trained staff using approved scientific techniques, following a chain of custody. All laboratory positive results are subject to review by an independent Medical Review Officer (MRO).

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. Employees may request a representative or colleague to be present throughout the testing procedure. This request will as far as reasonably practicably be accommodated but may not be possible in all circumstances.

The testing under these circumstances will form part of any investigation process that NYH will have initiated.

Results of all drug and alcohol testing will be kept confidential and released only to Line Managers and Human Resources unless a disciplinary investigation is instigated when other relevant parties may need to be aware of this information. However, confidentiality will be adhered to at all times. The results of the testing arising from an incident or serious Health and Safety incident will also be released to Health and Safety and, where applicable, the Health and Safety Executive (HSE), the Police or other investigation authority.

8.1.1 Pre-Employment Testing

This will be carried out for ALL staff who have been given a conditional offer of appointment.

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.

If the individual's results prove positive for drugs, alcohol or substances then any conditional offer of employment may be withdrawn/employment will be ended. Hence it is important that the individual shares any relevant information with Occupational Health regarding medical conditions and prescription medication during the pre-employment checks.

8.1.2 Random Testing

NY Highways policy allows for routine testing for all staff 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 and tests will take place on an unannounced basis.

8.1.3 With Cause Testing

With Cause testing of any employee, regardless of their role will also take place where there is a just cause to suspect that an individual may be unfit for work due to substance misuse or where there are reasonable grounds to believe that alcohol or drugs could have, or potentially could have had, an adverse effect on the health and safety of any individual. This is detailed in the section On Duty – Presenting as unfit for work.

NY Highways reserves the right to test any worker reporting for work and appearing to have taken substances and/or alcohol,

Examples of what is deemed to be behaviour that may result in With Cause testing are listed below. All the circumstances should be taken into account and managers should not rely on one particular factor. Possible examples of With Cause could include (however this is not an exhaustive list):

- Abnormal behavior/impaired performance
- Obvious signs of physical or mental impairment
- Discovery of items in the possession of an employee that could indicate the involvement in alcohol misuse or illicit drug taking
- Possession of a controlled substance
- Signs of current intoxication
- A workplace incident
- Complaints (internal or external) that alcohol or drugs may be a factor.

The relevant Line Manager is responsible for communicating the decision that a 'With Cause' testing is to take place to the individual(s) concerned

8.1.4 Post Incident Testing

Testing of any employee or in certain circumstances groups/teams of employees, regardless of their role will take place where an incident has occurred involving (but not limited to)

- plant and machinery,
- vehicles
- service strikes
- a 'near miss'
- where there are reasonable grounds to suspect that the worker's actions or omissions contributed to an incident.
- 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.

8.2 Results of testing

The results of testing will broadly fall into two categories as detailed below.

8.2.1 Negative Result

In the event of negative test results at the pre-employment stage or random testing, a copy of the result will be placed on the personnel file.

In the event of negative test results such as a 'With Cause' or Post Incident testing, there may still need to be an investigation into the circumstances that led up to the need for the testing to take place.

If the test results are negative the individual can continue to work as normal.

8.2.2 Non Negative (Positive)

If the **alcohol test is positive**, the employee 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 suspended in accordance with company procedures pending the company investigation and disciplinary processes. If the worker is a contractor, then their employer will be informed and the individual asked to leave site.

If the **substance test** gives a non-negative result this will require confirmatory testing in a laboratory and the employee will be required to either remain at home or be suspended in accordance with NY Highways policies pending confirmatory results. If the worker is a contractor, then their employer will be informed and the individual asked to leave site.

If the confirmatory result is **negative**, the employee may return to work. There may still need to be an investigation into the circumstances surrounding this situation.

If the confirmatory result is **positive**, the employee concerned may have their suspension extended in accordance with agree policy and procedure pending the investigation and disciplinary processes.

For those staff who take **prescribed medication** and have declared this as part of the testing process, in the event of non-negative result, the line manager will ascertain if the test result is consistent with the declared prescribed medication then the employee may remain at work. This is subject to:

- The prescribed medication has been declared at the start of employment
- The prescribed medication has been declared post start date if prescribed later during employment

- and/or declared at time of testing and is in line with the information that the organisation have available

However, the sample will still require confirmatory testing in a laboratory and the results on receipt will be reviewed and discussed with the employee.

9. Confidentiality

Results of all drug and alcohol testing will be kept confidential and released only to Line Managers and Human Resources unless a disciplinary investigation is instigated when other relevant parties may need to be aware of this information. However, confidentiality will be adhered to at all times.

The results of the testing arising from an accident or serious Health and Safety incident will also be released to Health and Safety and, where applicable, the Health and Safety Executive (HSE), the Police or other investigation authority.

10. Providing support

Alcohol and substance related problems may develop for a variety of reasons and over a period of time. NY Highways is committed, so far as reasonably practicable and possible to supporting individuals who acknowledge that they have a drugs, alcohol or substance misuse. This may include:

- referral to Occupational Health Services
- time off work (which may be paid or unpaid) for appointments as recommended by the Occupational Health Service
- adjusting the employee's duties or other support as recommended by the Occupational Health Service during appointments/support and for an agreed period thereafter, subject to operational requirements and feasibility.