

## Drug and Alcohol Principles

While Tube Lines are committed to providing a safe working environment, it is expected that employees will also accept responsibility for their own health and the effects of their actions on the health and wellbeing of others. For the purpose of these principles, an 'employee' includes employees of contractors engaged in work for Tube Lines.

### EMPLOYEE RESPONSIBILITIES:

#### DRUGS AND ALCOHOL:

Employees are required to advise their manager or the Drugs and Alcohol Assessment and Treatment Service if they believe they have, or are developing, a drug or alcohol dependency. Similarly, employees must not cover up poor performance of colleagues affected by drug and/or alcohol use; instead, encourage colleagues to seek assistance and alert their manager immediately if concerns for safety exist. Employees in Safety Critical posts should note their additional responsibilities.

#### ALCOHOL:

1. Consumption of alcohol is prohibited whilst on duty, when rostered on call and during breaks in the working day. This includes meal breaks away from company premises and when representing Tube Lines at seminars, training courses or similar events.

Work related functions, authorised by a Director, which employees attend out of uniform after they have finished work are excluded however employees must not return to work having consumed alcohol. Further, employees should be mindful to limit consumption (see point 2).

Employees not officially on call may be contacted whilst off duty in connection with an emergency but can only attend if they are positive their alcohol level would be zero. Employees can offer advice but must make it clear to the person seeking advice that they have been drinking alcohol.

If you are unsure whether an event is considered 'on duty' check with your manager or Human Resources representative.

2. Employees are expected to limit consumption of alcohol whilst off duty to ensure they are not under the influence of alcohol when reporting for work.

As a guide, to start work with a zero alcohol level:

- not more than 7 units of alcohol should be taken in the 24 hours before commencing work
- no alcohol should be consumed within 8 hours immediately before starting work

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3. Employees must not buy alcohol whilst on duty or bring alcohol onto company premises, even if unopened. In the event of alcohol being offered to an employee at work it should be declined.

4. Employees must not buy or consume alcohol whilst wearing Tube Lines uniform, name badge or any other type of company identification.

#### DRUGS:

1. Employees are prohibited from consuming, possessing, storing or selling illegal drugs at any time. The amount of substance involved is not relevant.

2. Employees are required to find out if there are any possible side effects of taking any drug (either prescribed or available over the counter) which may impair work performance or safety.

3. Employees should inform their doctor, dentist or pharmacist of their position at Tube Lines when requesting medication and seek alternatives to any drugs that may affect their work performance. Care also needs to be exercised when taking homemade remedies or beverages.

4. Employees are required to advise their manager of medication taken before commencing work and understand that they may be required to undertake alternative duties.

5. Contractors who are classified as Safety Critical are required to carry a current certificate (from a laboratory approved by Tube Lines) certifying that they have tested negatively for drugs within the previous 12 months.

#### **SAFETY CRITICAL EMPLOYEE ADDITIONAL RESPONSIBILITIES:**

Tube Lines are obliged to comply with the Transport and Works Act 1992. Under this Act, employees who are required to perform Safety Critical activities as part of their job are classified as Safety Critical. Employees should confirm their safety critical status with their manager.

If a manager/supervisor has reasonable cause to suspect that any Tube Lines Safety Critical employee is unable to perform their duties properly because of the consumption or use of alcohol or drugs, the police will be called and they may carry out drug or alcohol testing. If a Safety Critical employee is tested for alcohol or drugs under Tube Lines testing arrangements and is found to be over the legal limit of above 35 micrograms of alcohol per 100 millilitres of breath then the police will be called. (This is the same as the current Road Traffic Act limit). Safety Critical employees will be guilty of a criminal offence if, when at work, they are unfit to carry out their duties through alcohol or drugs or if when tested it is found that they exceed the legal limit of alcohol under the Transport and Works Act 1992 or test positively for drugs. It is also a criminal offence for a safety critical employee to refuse to take a test.

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Employees found guilty face fines of up to £5000 and/ or 6 months imprisonment. Tube Lines Safety Critical employees testing positively for drugs and alcohol may face criminal charges and are likely to be dismissed.

In addition, where an individual commits an offence, their employer and any responsible operator of the railway also commits an offence unless they are able to show that they have exercised all due diligence to prevent the individual committing that offence.

#### **MANAGER RESPONSIBILITIES:**

1. To be familiar with the drug and alcohol principles and ensure standards are met in their areas of control. This includes initiating disciplinary action where required. Managers will face disciplinary action and potential criminal charges for failing to meet these responsibilities.
2. To undertake investigations where an employee's performance appears to be affected by drugs and alcohol. This includes making arrangements for drug and alcohol testing where an employee is involved in a serious incident at work or where there is reasonable suspicion that drugs or alcohol have been consumed or used.
3. To co-operate with Human Resources and Occupational Health in carrying out drug and alcohol testing.
4. To ensure that any Safety Critical employees, for whom they are responsible, are advised of their Safety Critical status and responsibilities and that they hold all necessary current licenses.
5. To assist employees on a confidential basis who seek help with drug or alcohol related issues.
6. To monitor the application of drug and alcohol testing for ethnic and gender bias and to take corrective action where necessary
7. To be alert to, and proactively address, situations involving drug and alcohol consumption which may have the potential to harm employees or members of the public.

#### **CONTRACTOR RESPONSIBILITIES:**

Failure to comply with these principles may result in civil or criminal action against the individual and/or the contractor and be considered a breach of contract.

1. To have management systems in place to show that all due diligence has been exercised in preventing employees and sub-contractors from committing breaches of the Transport and Works Act 1992.

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2. To ensure that all employees and subcontractors comply with Tube Lines Drugs and Alcohol Principles. This includes signing a declaration stating that employees/ contractors have been issued with and understand relevant information.
3. To comply in full with the requirements of the Contract QUENSH Conditions for drugs and alcohol.

4. To carry out assessment of tasks to be undertaken by their employees and subcontractors to identify those that are Safety Critical and pass the assessment to Tube Lines for evaluation.

5. To have arrangements in place for alcohol and drugs screening of Safety Critical staff with a Tube Lines approved laboratory.

6. To Arrange testing for their employees:

- Prior to employment in a Safety Critical position
- After a dangerous incident has occurred
- Where alcohol or drug consumption is suspected
- Unannounced testing of at least 5 % of the total number of employees engaged in Safety Critical work in the course of the year

7. To co-operate with Tube Lines and the police in the event that post-incident or for cause testing is required.

8. To provide annual information to Tube Lines the number and % of Safety Critical employees tested (itemised separately) for each of the testing scenarios below. In addition the contractor must report the number of positive test results and the specific action taken.

#### DRUG AND ALCOHOL TESTING SCENARIOS:

All forms of testing are governed by chain of custody standards, which have been approved by medical and legal authorities.

Pre Employment screening of Safety Critical employees:

Tube Lines employees

All external applicants for Safety Critical posts and existing Non-Safety Critical employees transferred or promoted into a Safety Critical post (either permanently or on secondment) are required to undergo drug screening in advance of the appointment or move.

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Contractors:

Contractors are required to arrange and pay for pre employment screening, for employees who will undergo safety critical work. They should issue a Drugs and Alcohol Medical Screening Program (DAMSP) Certificate of Compliance for safety critical employees and sub-contractors before work starts. This certificate is valid for one year from the date of testing and the employee must carry it at all times when undertaking safety critical work. Any employee undertaking Safety Critical work, not in possession of a valid DAMSP certificate will be required to stop work immediately. Before the employee can recommence work, the contractor will be required to demonstrate to Tube Lines representative that the employee is competent to undertake safety critical work and that they have been issued with a valid DAMSP certificate.

Post Incident:

Following a dangerous incident all Tube Lines employees who were involved in the incident shall be subjected to drug and alcohol testing, regardless of whether or not they are Safety Critical. This is to take place as soon as possible after the incident.

Contractors and sub-contractors must also arrange for any of their employees involved in the incident to be tested, at the contractor/ sub-contractor's expense.

A dangerous incident is defined as "an incident causing or having the potential to cause death or major injury or substantial damage to property".

NB. Where Safety Critical employees are involved, British Transport Police will be called and they may undertake testing.

For Cause testing:

Where a contractor or Tube Lines manager suspects an employee has consumed, or is under the influence of, drugs or alcohol, the employee must stop work immediately, leave the work site under supervision of their manager or appropriate delegate and submit to a drugs and alcohol test. In the case of contractor's employees, the contractor is responsible for arranging the testing and must advise the project or contract manager of the test result and any action taken if the test result was positive.

NB. Where Safety Critical employees are involved, British Transport Police will be called and they may undertake testing.

Unannounced Testing:

The Transport and Works Act 1992 requires Tube Lines to undertake due diligence to ensure that safety critical staff are compliant with the Drug and Alcohol provisions of the Act. We aim to test at least 10% of employees undertaking safety critical work in the course of a year. Tube Lines expects contractors and sub-contractors are able to demonstrate that they meet the same standard. This random sample of Safety Critical employees to be tested is undertaken on a pro rata basis over the course of a year.

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In addition, contractors must keep a complete list of employees who are eligible to be tested and results of unannounced testing conducted for at least 3 years, to demonstrate due diligence. Where sub-contractors are involved, it is the main contractor's responsibility to maintain these records and provide information to Tube Lines on demand. All expenses are the responsibility of the contractor.

**BREACHES OF THE DRUG & ALCOHOL PRINCIPLES:**

Any breach of these principles by any Tube Lines employee may result in disciplinary action and may lead to dismissal.

Disciplinary action will always be taken where:

- Employees test positively for drugs and the test is confirmed by a medical practitioner appointed by Tube Lines
- Employees record a reading of 13 or above micrograms of alcohol per 100 millilitres of breath

Safety Critical employees should note that in either case, they will be charged with gross misconduct and dismissal is probable.

Any breach of the drug and alcohol principles by an employee of a contractor or subcontractor will be referred back to the project or contract manager. It is the responsibility of the contractor to discipline their employees for breaches of the principles and note that any breach of principles may form a breach of contract between the contractor and Tube Lines. If the employee is Safety Critical they may also face criminal charges.

Seeking Help

Tube Lines are committed to assisting employees recover from drug and alcohol problems. Employees can approach either their manager or the Drugs and Alcohol Advisory Assessment and Treatment Service if they believe they have or are developing a drug or alcohol dependency. Employees will be treated with sensitivity and in confidence as far as practicable, bearing in mind the need to ensure safety standards are met.

Where appropriate, treatment facilities will be provided subject to conditions of an agreement drawn up between the employee, their manager and the Drugs and Alcohol Assessment and Treatment Service. Employees who are unfit for work while undergoing treatment will be regarded as being on sick leave and eligible for sick pay arrangements.

Employees must note that admission of dependency does not provide immunity from disciplinary action if a breach of the drug and alcohol principles has occurred or when it is apparent that an unannounced testing session is about to take place. Also, employees who persistently refuse to undertake or continue with treatment are liable to forfeit sick pay and will be subject to disciplinary action.

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**APPROVED LABORATORIES:**

LUL has approved 5 laboratories which Tube Lines' employees/managers and Tube Lines' contractors may use for drug and alcohol screening:

Concateno Limited  
1A Harbour Quay  
100 Preston's Road  
London E14 9PH  
Tel: 020 7712 8000

Laboratory of the Government  
Chemist (LGC Forensics)  
Queens Road  
Teddington  
Middlesex TW11 0LY  
Tel: 020 8943 7000  
Scientifics Limited  
500 London Road  
Derby DE24 8BQ  
Tel: 01332 264619  
Synergy House Laboratory  
Services Ltd  
Gavenny court  
Brecon Road  
Abergavenny  
Monmouthshire  
NP7 7RY  
Tel 01873 856688  
Corporate Pathology Services,  
PCL House,  
20-22 Belmont Road,  
Wallington,  
Surrey. SM6 8TB  
Tel: 020 8241 4251