

Drugs & Alcohol Policy

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Who this policy applies to?

This statement sets out Skanska UK's policy for minimising risk to its activities and operations. It applies to all Skanska UK employees and, where appropriate, others such as consultants, sub-contractors and agency workers working on a site under Skanska UK's control.

Policy Statement

Skanska UK is committed to creating an Injury-Free Environment (IFE) by fostering a culture of care and concern for people, which demands that everybody accepts responsibility for their own and others wellbeing. This policy forms part of that commitment.

One element of that commitment is to ensure that our employees and others, such as consultants, sub-contractors or agency workers, hereafter known as contractors are not placing themselves or others at risk by the misuse of drugs or alcohol.

The purpose of this policy is to ensure that employees and contractors do not report for work in an unfit state by virtue of the use of alcohol or drugs, including illegal drugs or, prescribed medication or legal highs (properly known as Novel Psychoactive Substances).

Irrespective of any changes in legislation which may decriminalise the use of drugs, such as cannabis, marijuana, for personal use, any such changes will have no effect on the application of this Policy and Procedure. In order to meet compliance with appropriate legislation, all drugs which can affect a person's ability and judgement to ensure the safety of clients, public or workforce will be covered by the policy.

Employees and contractors must report fit for work free of illicit drugs and alcohol; they must not consume or be in possession of alcohol, or any drug that may affect their ability to undertake their duties in the workplace, this includes Skanska UK sites and locations where we are working on behalf of a client/customers.

Each OU will nominate a point of contact to administrate this policy and procedure requirement and act as the subject matter expertise for the OU.
(Appendix A)

Skanska UK will conduct all drug testing via urine samples. Oral swabs/saliva samples are not a valid method of assessing the 10 panel drug screening Skanska UK adopts. However, where there are no WC facilities to conduct the urine testing, oral swabs/saliva testing can be organised through our provider, SynLab. The alcohol testing will be via a breathalyser.

Skanska UK have procured a specialist provider, to undertake both random

and 'For Cause' testing.

A programme of screening, including 'For Cause', and random unannounced screening for all employees, has been put in place which includes procedures intended to:

- Detect the use of drugs and/or alcohol by any person(s), employees and contractors alike, involved in a safety related incident where there is a possibility that the actions or omissions of the person(s) led to the incident
- Detect the use of drugs and/or alcohol where employees' or contractors' behaviour prompts cause for concern
- Detect, via random screening, employees or contractors who may be under the influence of drugs or alcohol.

Failing, or refusing to undergo, a drugs or alcohol screening will be treated as gross misconduct, will invoke disciplinary action and removal from the workplace.

Skanska UK will assist with the rehabilitation of employees who voluntarily seek help for drug and alcohol related problems. Such individuals must, however, seek assistance at the earliest possible opportunity. Subsequent discovery, or a disclosure prompted by impending screening, will not be acceptable and will not provide immunity to an individual from disciplinary action

Drugs and Alcohol Procedure

1. Purpose

The purpose of this procedure is to:

- ensure effective measures are in place to control and minimise the risks to ensure the safety of Skanska UK UK's clients, employees, and contractors caused by the effects of drugs and alcohol,
- eliminate as far as is reasonably practical, the misuse/abuse of drugs and alcohol by employees and contractors working on behalf of Skanska UK
- ensure that Skanska UK complies with legislation and relevant codes of practice and contractual requirements
- encourage employees who might have an alcohol or drugs dependency to declare the fact at least 24 hours ahead of any testing, without fear of losing their job, provided they comply with agreed commitments (See section 5)

2. Scope

This procedure and supporting appendices applies to all employees and workers (via the terms of their contract and rules of engagement) working on behalf of Skanska UK during the course of their duties.

Guidance

They do apply if using any company vehicle or personal car where a 'car allowance' is paid and the employee is 'on duty'.

They also apply if an employee is using a company vehicle car and is 'off duty'. This would be considered as 'misuse of company property'.

This policy and supporting procedures does apply to any off-duty member of staff who, for any reason, enters any Skanska UK premises that are not normally accessible to the public.

This policy and supporting procedures does not apply to any off-duty member of staff who is within an area of Skanska UK premises accessible to the public.

3. Communicating the policy and procedure

All prospective employees of Skanska UK will be advised through our offer of employment with supporting educational material regarding our policy. It is clear within our offer letter the consequences if the individual is found to be non-compliant with this policy.

4. Collectors and nominated provider for testing

The nominated collectors and toxicology services are provided by SynLab who should be used for all 'For Cause' testing and ideally all random testing to ensure that the same process and agreed panel of drugs tested/alcohol breathalyser limits are used. This is important so that all employees across Skanska UK can be assured of equitable arrangements where ever they work.

There may be some in-house collectors who undertake induction testing on projects. They must be trained by SynLab and undergo refresher training every 2 years, the arrangements and cost will be met by the relevant OU. They should not be used for planned random testing regime or 'For Cause' testing.

All non-negative results must invoke additional testing by SynLab. The in house collector must follow the chain of custody procedure provided by SynLab. The results generated from SynLab testing will be returned to the OU nominated D&A contact.

5. Individuals seeking help for drugs and/or alcohol related problems

Individuals can voluntarily seek help and support by speaking directly with their line manager and/or their HR Business Partner for support where they declare a drugs and/or alcohol related problem. This must be declared at least 24 hours PRIOR to any random or 'for cause' testing taking place on site.

Skanska UK will commit to supporting the employee, by:

- The line manager ensuring that any [safety critical worker](#) or rail related working licences, held by such individual who has declared their dependency, are withdrawn to prevent them carrying out safety critical duties
- The line manager seeking HR support, to identify suitable alternative work, where the employees cannot undertake their substantive role, for the duration of rehabilitation (but no longer than 6 months).
 - If no suitable alternative work can be identified the business may reserve the right to terminate employment.

The support from Skanska UK is dependent upon the employee agreeing to the

following:

- Attend a rehabilitation programme for drugs and/or alcohol.
- Must provide a statement of attendance/compliance from the rehabilitation service/support every 4 weeks to their line manager.
- Will participate in unannounced random drugs/alcohol testing in addition to any site random testing schedule. The frequency should be a minimum of every month. ALL results must be negative on site or non-negatives confirmed negative by SynLab.

The arrangements for these random tests will be made by the designated D&A co-ordinator in consultation with line manager and HR.

A referral to Occupational Health may be appropriate if the individual has side effects or health complications of the addiction that affect their work capability. The line manager should call the OH Advisory line to discuss the situation on **0330 105 2700**

Guidance

The arrangements for supporting an employee who has declared a dependency of drugs or alcohol is separate to the employee's terms and conditions of employment.

The employee may be redeployed e.g non safety critical duties, for the duration of this agreement if this is considered to mitigate the risk to employee, others and the business. The decision will be made by the Director of Health, Safety and Wellbeing in consultation with the OU Senior HR Business Partner.

The employee agrees to abstain from alcohol and/or use of illicit drugs whilst in employment with Skanska UK.

Where the individual is participating in a rehabilitation programme or has the ongoing support of the local Alcohol Liaison Team the employee needs to supply written evidence to the line manager at least every 4 weeks.

Any cost associated with this evidence is borne by the employee.

All test results need to remain negative or any non-negative results is subsequently confirmed as negative.

Possible outcomes

- *Compliance with the terms of agreement and duration will afford the consideration of continued employment within Skanska UK*
- *Return to substantive role, if redeployment was made for the duration of the agreement*
- *Non-compliance of any element of the agreement at any point during the term will mean the employee will be subject to the disciplinary policy. Which, may result in summary termination of employment.*

Addiction to any substance is not a disability under the Equality Act (though effects of addictions eg. cirrhosis, depression may be).¹

¹ <https://www.atworkpartnership.co.uk/oh-law/topics/fitness-to-work/testing-to-protect-others-including-drugs-and-alcohol> Accessed: May, 2018

6. Drug screening

6.1 Prescription and 'over the counter' medication that could affect safety

If a [safety critical worker](#) is taking prescribed or over the counter medication and the label indicates cautions such as: "... must not drive machinery" or the individual is experiencing any side effect of the medication: for instance, drowsiness, fatigue, impact on their co-ordination or balance, in these circumstances, they must notify their line manager at the earliest opportunity and must not undertake activities that could put themselves or others at risk.

The line manager should take advice from occupational health team where necessary, using the OH Advisory line **0330 105 2700**.

There is no requirement to keep any record of the medication but the line manager should make a note of the discussion regarding the side effects and any advice sought from HR or occupational health.

The line manager should contact the OH Advisory line if the side effects last for more than 7 days and the employee continues to be unable to work or the line manager considers them not fit to undertake their role.

Where a safety critical worker is returning to work following any period of sickness, the line manager must establish, during the return to work interview and prior to recommencing work, whether the employee is taking any medication that could affect their fitness for duty.

a. Legal highs or Novel Psychoactive Substances (NPS)²

A legal high is a non-prescribed substance that is not defined under The Misuse of Drugs Regulations 2001 or licenced by the MHRA, nor is a valid prescription available and is not licensed for human consumption in the UK. Such substances can however, have the same undesirable effects as illegal drugs and must be treated in the same manner.

Additional testing for NPS and steroids

Testing for NPS and steroids can be undertaken but only after consideration with HR. The responsible manager should contact SynLab in the first instance to discuss what additional tests might be required. SynLab have a standard panel of tests that will incorporate the most likely novel substances as well as a range of other common drugs. This may require specific collection requirements and/or further costs.

b. Random screening

Unannounced drugs and alcohol screening will take place across the business which includes a **random** selection of all personnel (employees, contractors, visitors) on the site/project. The percentage of **Skanska UK employees** tested each year will not be less than **5%**. The list of people on site on the day of testing will be generated by the security logs this may include both employees and contractors.

The arrangements for unannounced random screening are detailed in the flowchart and notes contained in **Appendix B**

c. 'For Cause' screening

Skanska UK UK has identified a number of situations that, will always be considered as reasonable grounds to conduct 'For cause' screening and these might include:

- Where an individual's behaviour gives reasonable cause to suspect that they are unfit to continue working as a consequence of the misuse of drugs and/or alcohol,
- Where it is essential to determine whether drugs and/or alcohol was a causal factor in an accident or incident (post-incident).

Any employee who believes that another employee or contractor working on a Skanska UK site or premises is unfit for work, due to the effects of drugs and/or alcohol, has a duty of care to report the matter. Either to the responsible manager in charge immediately or contact the company Whistleblowing Line **0800 169 3502**, using Access Code **08239** or register their concern online at <http://www.speakupfeedback.eu/web/xwrsyft/gb/>

There are 2 documents to help the site management team manage the need for 'For Cause' testing.

Appendix D – For Cause testing flow chart

Appendix E - Management of the employee whilst awaiting for SynLab collector

Guidance

Where doubt does exist, concerning the employee's fitness to work, then the line manager must seek advice from HR and where this is not possible e.g. during out of hours, then the individual should be suspended on contractual pay during the interim.

If a suspect powder/substance is discovered on site, SynLab can attend site to take a sample to confirm the nature of the substance which may help any investigation.

6.5 Post Incident screening

Post incident screening should be considered for all incidents & near misses particularly significant and potential fatality events.

You should note that results are not sufficiently informative if testing is conducted more than 12 hours post incident.

Guidance

The H&S Managers/Advisors should consult with their Senior/OU H&S Managers to decide when post incident testing is appropriate. This may be based on what the potential outcome of any event could have been as opposed the actual outcome.

6.7 Results of screening

There are 2 possible outcomes of drug testing.

- **Negative**; - nothing detected
- **Non-negative** – there are substances identified which could be as a result of prescription medications, some foodstuffs or illegal substances. All non-negative results will require further laboratory analysis to confirm substance.

Negative screening results

If the results of a drug and alcohol screening test are 'negative' then the employee or contractor can return to work.

Non-negative screening results

If the results of the urine drug screening test are 'non negative' then the responsible

² As defined under the Psychoactive Substances Act 2016

manager needs to refer to **Appendix C**.

If the employee is not defined as being safety critical worker then in normal circumstances they can remain at work with the caveat they must not drive any company vehicles (including pool cars or motorised plant) and/or be present on a site and/or undertake any safety critical activities. These restrictions would stay in place until confirmation of results are returned from the laboratory. Employees not undertaking safety critical roles/activities do not need to be 'suspended' from duties pending the results.

If the employee is a safety critical worker then **Appendix C** provides a potential alternative to suspending the worker pending confirmation of the screening results. It should be emphasised that such alternative arrangements are dependent upon the business capacity to suitably adjust the work/workplace. This will be a local decision through operational managers who are encouraged to seek advice/support of health and safety professionals and HR, where doubt exists.

Appropriate arrangements should be made for the employee/contractor to be transported safely home, e.g. escorted or in a taxi, where there is no capacity to adjust the work activities if they have driven to work.

Guidance

If the result of the laboratory confirmation test is negative or consistent with any declared medication, then the HR Business Partner will advise the line manager /employee that they are fit to return to work.

If the result of the laboratory confirmation is positive and not consistent with any declared medication, then the HR Business Partner will discuss next steps with the line manager. Such a failure will be regarded as gross misconduct and will be subject to the disciplinary procedures.

The responsible manager in charge will also inform the individual's line manager and ensure that any safety critical and/or working licences held by the individual are withdrawn and returned to the individual's line manager or, in the case of a contractor returned to the employing organisation.

*If an employee or contractor provides a positive screening result, Skanska UK will, following disciplinary process, consider the individual as being **not suitable** for further employment or future employment for a minimum period of five years.*

An individual who previously failed a drugs or alcohol screening, or refused to cooperate with a screening five years or more previously, will only be considered suitable for subsequent employment with Skanska UK if they agree to a regime of increased random screening to ensure they comply with Skanska UK Drugs and Alcohol policy.

Failure to comply a second time will result in disciplinary action and the likelihood of termination of employment, with no future employment opportunities with Skanska UK.

7. Alcohol screening

7.1 Alcohol limits

13 micrograms of alcohol per 100 mls/of breath.

Skanska UK operates on Network Rail and London Underground sites, the company is obliged to comply with a lower threshold of tolerance than has previously been demanded in other parts of our business. Therefore, for consistency and fairness across the Skanska UK business unit we will apply the more demanding thresholds for alcohol tolerance

The failure or refusal by an employee or contractor to blow into the breathalyser will be regarded as gross misconduct and the relevant HR Business Partner will assist the line manager in implementing the disciplinary procedures as appropriate.

If the result of the breathalyser screening is positive, then the person conducting the test will advise the line manager and HR Business Partner. The line manager will arrange for the employee or contractor to be suspended from duty with immediate effect and ensure that safe and appropriate arrangements are made for the employee/contractor to safely travel home, e.g. escorted or in a taxi.

Payment for the remainder of that shift will be unpaid, because the employee will be deemed to be in breach of their contract during the remainder of the shift, by virtue of having failed the breathalyser and thereby being unfit to work.

8. Record keeping

Each individual, employee or contractor, will be provided at the time of testing a print out of their results.

All test results are electronically stored by SynLab (there are no paper records to store); if required, the OU D&A representative or Head of Occupational Health and Wellbeing can request a copy of any individuals results from SynLab.

Any non-negative results will generate further analysis in the lab, the final lab results will be sent back to the OU D&A representative who should forward to OU HR Business Partner who will discuss with the employees manager.

A copy of these results should be held in the personnel record in hrDirect.

9. Monitoring and review

The Head of Occupational Health and Wellbeing will ensure that the results of screening are regularly monitored to identify any trends that indicate changes in the level of drug and/or alcohol abuse in the organisation or in the contractor community

An annual report commenting on screening programme, trends and recommendations will be generated by the Head of Occupational Health and Wellbeing and distributed to the Director of Health, Safety and Wellbeing and other SMT members.

Guidance

In the event of any adverse trends being identified, the Director of Health and Safety will highlight the issue to the Health and Safety Steering Group, which will determine an appropriate course of action.

10. Related procedures

[Disciplinary Policy & Procedure](#)

EHS 022-G03 Guidance regarding definition and health assessment requirement of safety critical workers

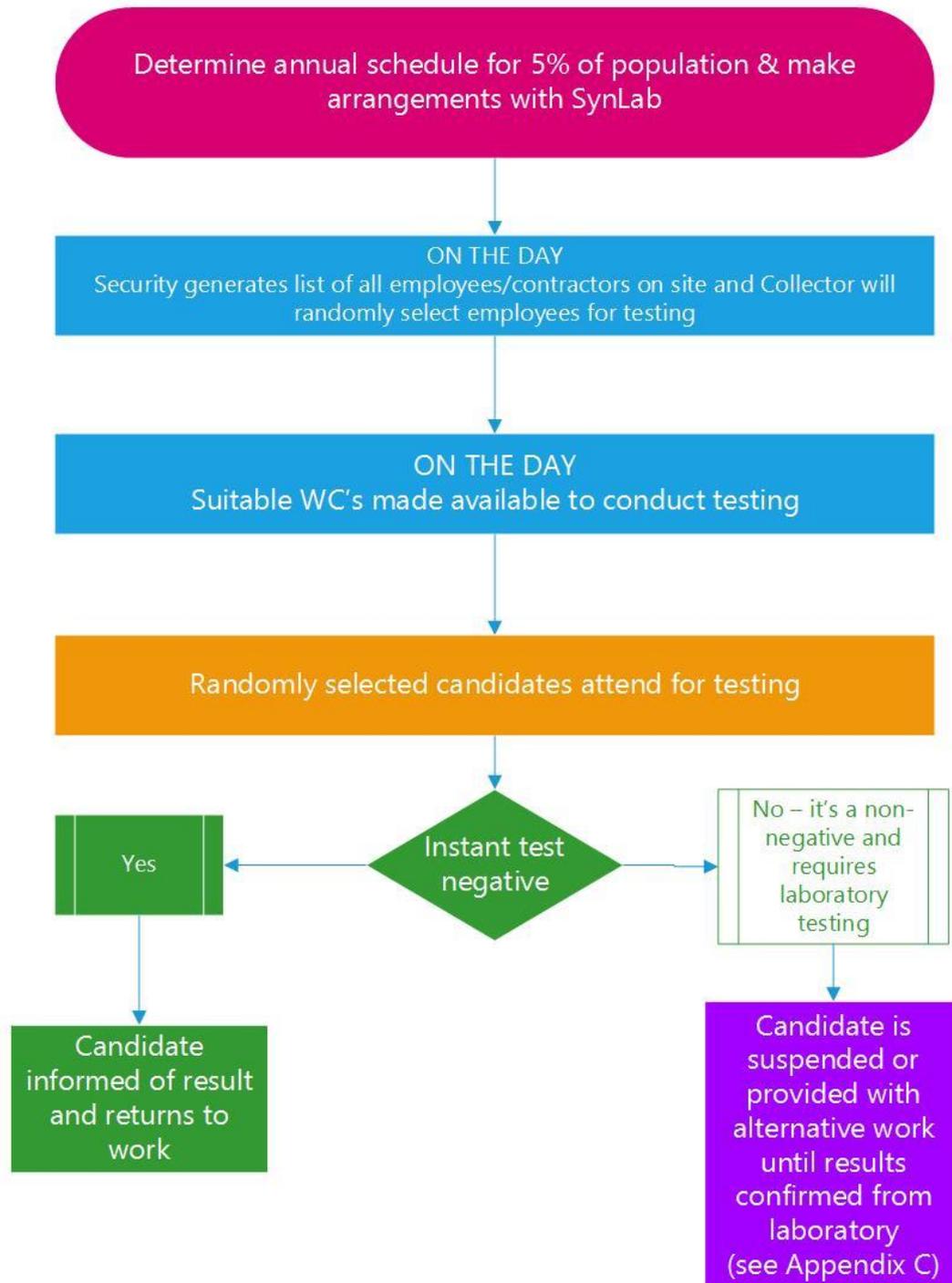
11. Resources

[Drugs and alcohol communication leaflet](#)

European Workplace Drug Testing Guidelines. <http://www.ewdts.org/ewdts-guidelines.html>

Appendix B

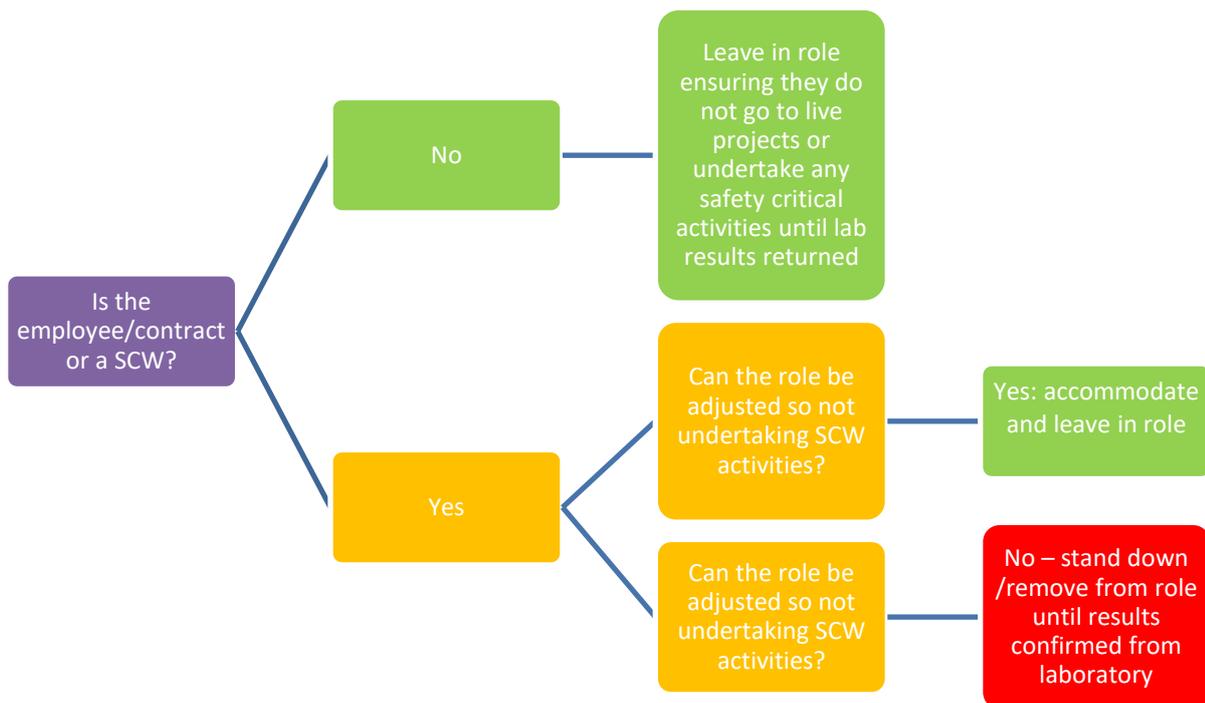
Random testing procedure



Colour Legend : Role
OU D&A nominated Co-ordinator
SynLab/collector
Site Management
HR team
Employee/contractor = Candidate

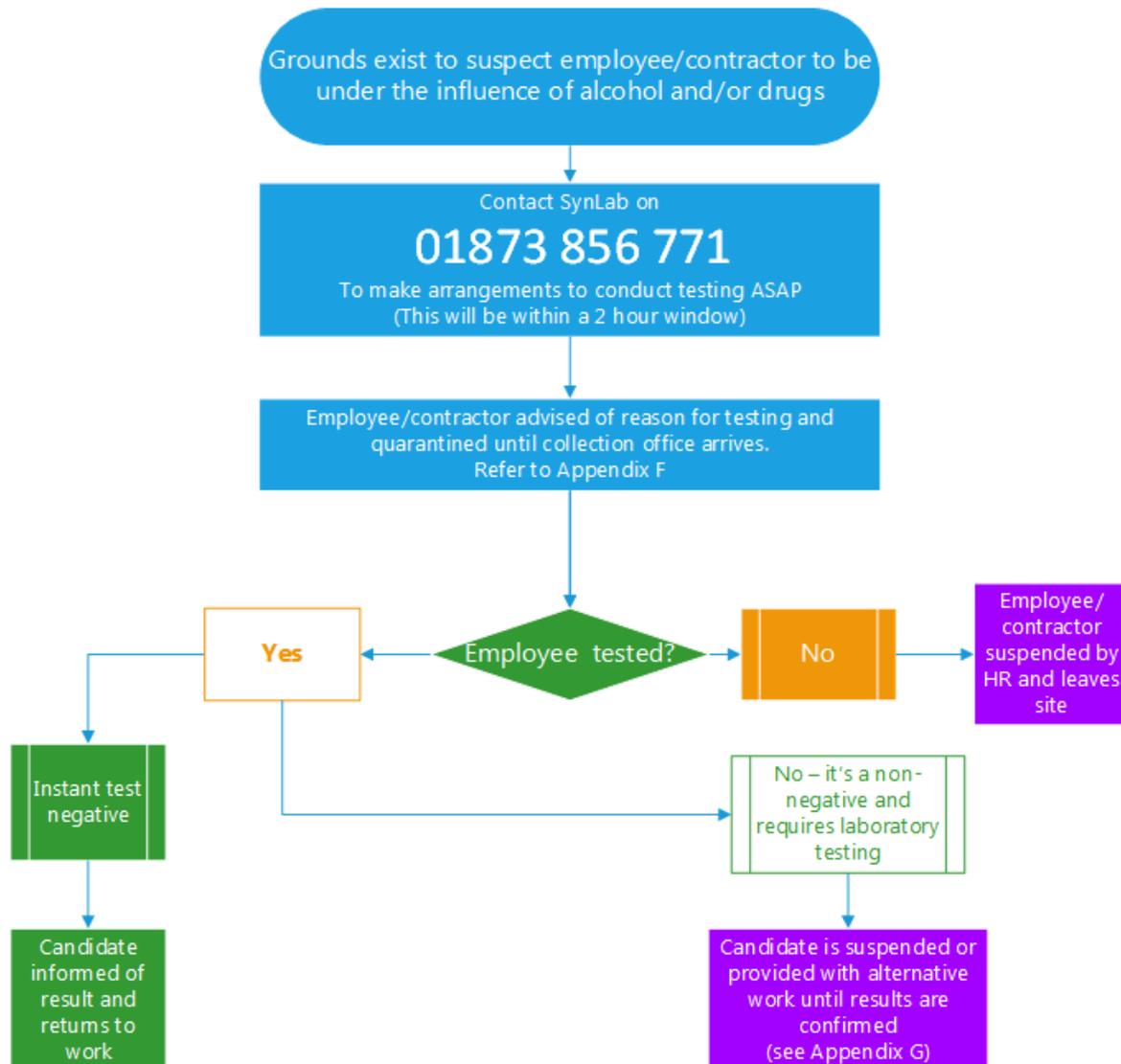
Appendix C

Decision logic for managing non-negative results



Appendix D

“For cause” testing procedure



Colour Legend : Role
OU D&A nominated Co-ordinator
SynLab/collector
Site Management
HR team
Employee/contractor = Candidate

Appendix E

Procedure for monitoring an individual whilst waiting for a SynLab collector

When an employee or contractor has been identified as requiring a drug and/or alcohol test it is important that measures are taken to monitor this person until the collection officer arrives and can take control.

The employee/contractor should be taken to a room/environment where they can physically be seen/supervised by a member of staff in a senior position.

If the employee/contractor makes a request to empty his/her bladder then reasonable timings should be taken into consideration. It is acceptable to request that the individual abstains from carrying out this function if the collector is due to attend site within 20 minutes, although if the donor persists then the request should not be denied. Any further time delays would not be deemed reasonable for refusal.

If the individual makes a request for a cigarette break, then reasonable timings should be taken into consideration as above. The request cannot be denied but the donor should be accompanied at all times and follow the company's No Smoking policy. The individual will be requested to sign a declaration to confirm that he/she has not smoked for at least 20 minutes prior to the test as part of the breath testing collection process.

It is also important to ensure that the ingestion of liquids and/or food stuffs is controlled whilst the donor awaits a collector to arrive on site. If the individual insists that they must have a drink of water or something to eat, the following restrictions apply and all information must be recorded:

- The donor maybe offered a reasonable amount of liquid to drink, a maximum of 250mls in 1 hour, not to exceed a maximum of 0.5 litres.
- This MUST be witnessed by a responsible manager and recorded
- food can be given to the donor from a reliable source, preferably pre-packed

This form must be completed in full if the employee/contractor ingests any liquids and/or food stuff whilst awaiting the arrival of a collection officer for a drug and/or alcohol test.

Employee /contractor declaration

I declare that I have ingested the following liquids and/or food stuffs provided to me by the company representative as outlined.

Brand of water:

Brand/type of food:

Amount:

Amount:

To be signed in the presence of a witness

Employee

Name:

Date:

Signed:

Company representative

Name:

Date:

Signed:

Witness

Name:

Date:

Signed:

Appendix F Frequently Asked Questions

1	How are people selected for unannounced random testing?	Prior to the collection officer arriving on site, a list of all personnel on site on the day of testing will be generated from the security logs and people will be randomly selected by the SynLab collector to be tested.
2	Is the employee required to give permission for a D&A test?	Yes they will be asked by the collector if they agree to be tested. However, the employee should be made aware that a refusal to be tested will be regarded as an unreasonable response and treated as a failed test result. Such an outcome constitutes gross misconduct and is subject to disciplinary action that may lead to dismissal.
3	Why is it necessary to randomly screen employees and contractors when there are no obvious grounds to suspect the use of drugs, or an alcohol dependency?	<p>There is clear statistical evidence to suggest that workers attend work under the influence of alcohol and drugs.</p> <p>Skanska UK is committed to maintaining the safest possible work environment and to attaining a level of zero accidents. By applying every reasonable measure to ensure that employees and contractors attend work in a fit state is one of many ways for ensuring the achievement of this objective.</p>
4	What should I do if I am taking prescribed medication but wish to attend for work?	<p>Most medications are safe to take, but any medication either prescribed or over the counter medication has the potential to cause side effects which could affect yours and others safety in the workplace.</p> <p>You should advise your GP/Pharmacist of your job role and or operating plant and equipment or operating in a potentially dangerous environment, e.g. near railway lines.</p> <p>The GP/Pharmacist can then decide whether it is appropriate for you to work normally, or recommend alternative arrangements.</p> <p>If you are experiencing side effects such as drowsiness, fatigue, or affects your balance and you work in a safety critical role or drive on business you need to let your line manager know. They may take advice from the Occupational Health professionals in Skanska UK to ensure it is safe to allow you to continue in your role.</p>
5	If I am receiving support as a consequence of declaring that I have an alcohol or drugs related problem, will I be subjected to on-going screenings?	<p>Yes. The support offered will be reliant upon you accepting appropriate professional help and agreeing to the commitments in section 5.</p> <p>Attending work whilst under the influence of either alcohol or drugs will be considered as gross misconduct and will inevitably lead to disciplinary action and probable dismissal.</p>

6	If I consume a few drinks, the night before starting an early turn, is there a risk that I may be over the limit when arriving at work?	<p>Yes there is. Depending on a number of factors alcohol can stay in your system for a significant period.</p> <p>As a rough guide, it takes a healthy liver in an average male about one hour to break down a single unit of alcohol.</p> <p>For an average female, it takes one and a half hours to dissipate the same amount of alcohol.</p> <p>These can vary dependent upon various factors including individuals build, health and other medications.</p>
7	If an individual takes recreational drugs, such as cannabis, whilst on vacation, is there any possibility that the substance could be detected several days later s/he resumes work?	<p>As with alcohol, there are many factors that determine the period of time drugs can remain present in the body. Some drugs, including cannabis, can be detected weeks after consumption and therefore a random screening conducted in such circumstances could easily achieve a positive result.</p> <p>It should not be ignored that many recreational drugs are illegal and there is a significant risk of prosecution if such substances are consumed whilst at work.</p>
8	If I am taking prescribed, or over the counter medication and I am selected for a random screening, is it possible that I will provide a non-negative (positive) screening result?	<p>This is possible. If the test indicates a non-negative result you will be asked about any medications you are taking. Any result that is non negative will require further laboratory analysis and therefore the collection officer will ensure this information about your medication is noted with the sample. Taking more than prescribed can affect performance and may be regarded as mis-use or abuse.</p>
9	Will I be able to continue working whilst the business is waiting for the laboratory results to be returned?	<p>This depends on whether your role or activities are classified as safety critical. The decision logic can be found in Appendix C.</p>
10	What will happen if the result of the laboratory test is positive?	<p>In such circumstances, it will be regarded as gross misconduct and you will be suspended from duty immediately and be liable to disciplinary action that could result in your employment being terminated.</p>
11	How will I know that my sample that is sent for analysis is not compromised?	<p>A process known as 'chain of custody' applies that ensures that 2 samples (Sample A and Sample B) are clearly identifiable with the actual donor. It also provides an audit trail for the sample sent for analysis in order to safeguard its identity and integrity from collection through to reporting of the test results. The process is auditable to ensure compliance and to enable equally defensible report to be produced. Sample A will be tested to verify positive/negative result from site testing. The laboratory will hold your sample B for up to 1 year in case of dispute or you wish to organise an independent analysis of your sample at your own cost.</p>