

Port of London Authority – Human Resources

Drug & Alcohol Policy

Introduction - Purpose

1. The PLA has developed this policy as part of a positive approach to tackling alcohol and substance related issues at work. For the purpose of this policy “substances” are defined as drugs both prescribed and non-prescribed and solvents.
2. The PLA’s responsibilities to its employees, customers and others are clearly defined in the Health & Safety at Work etc Act 1974.

Scope

3. This policy applies to all PLA members of staff and to contractors and their staff employed by the PLA who visit PLA premises and vessels.

The Policy

4. It is the Policy of the PLA that members of staff or contractors and their staff who visit PLA premises or vessels should:
 - Not report for work following use of alcohol or substances that could impair their ability to work or risk them having a positive result following an alcohol and drugs test result as defined by the Guidance appended to this policy.
 - Not bring alcohol or substances onto the Authority’s premises or vessels for the purpose of consumption.
5. It is also the Policy of the PLA that all members of staff are liable to be tested for alcohol and substances:
 - on a random basis
 - following an accident
 - for cause

in accordance with the terms of the Guidance

Prospective employees will be subject to a pre employment test.

6. Failure to comply with these requirements will be dealt with under the PLA’s Disciplinary Procedure as gross misconduct.
7. Where a member of staff has been prescribed a drug that may affect their performance at work it is the responsibility of the member of staff to immediately inform their manager. It will be for the manager in conjunction with the Occupational Health Adviser to determine whether the member of staff should remain at work in their current or an alternative role

8. Where it is suspected that a contractor or a member of their staff reports for work at PLA premise or on a PLA vessel under the influence of alcohol or substances as defined in this Policy or brings alcohol or substances onto PLA premises or vessel they will be required to leave the PLA's premises or vessel immediately and the matter will be dealt with under the contract between the PLA and the contractor.

Elements of the Policy

The policy is in four sections covering specific provisions as follows:

- A. The Testing Regime
- B. Legislation
- C. Substances
 - (a) Dependent
 - (b) Non-Dependent
- D. Further Guidance

A. The Testing Regime

As part of its safety regime the PLA will test for alcohol and substance misuse as standard procedure on the following basis:-

- Pre-employment
- Random
- Post incident and accident
- For cause

The detailed arrangements for this testing are set out in the Guidance appended to this policy

By implementing this Policy the PLA is taking positive action to ensure the safety of employees and visitors. The PLA also aims to prevent alcohol and/or substance related problems developing and to help those affected so far as is reasonably practicable.

In line with the PLA's established protocol regarding the treatment of an employee experiencing alcohol or substance use/misuse problems help and encouragement will be given to employees who recognise that they have a problem and are seeking help. Appropriate support will be given to those requiring treatment programs and/or counselling.

It is not expected that this Policy will intrude upon the privacy of individuals particularly in health matters where a medical condition does not affect conduct or performance at work.

B. Legislation

It is a criminal offence to possess use distribute or supply controlled drugs or prescribed substances on any of the PLA's premises or vessels (with the exception of certain prescribed substances which are required for MCA approved First Aid kits).

Controlled drugs are those defined in legislation. Substance misuse will consist of the possession use supply or distribution of controlled drugs or being under the influence of these drugs or any prescribed substances such as tranquillisers sleeping pills or other substances such as solvents. Being under the influence of substances will be determined by the tests as outlined in the Testing Procedure contained in the Guidance or other available evidence if no such test is available.

The PLA has a general duty of care under the Health and Safety at Work etc Act 1974 to ensure as far as is reasonably practicable the health, safety and welfare of its employees. The PLA could be prosecuted if it knowingly permitted an employee under the influence of excess alcohol or substances to continue working and this placed the employee or others at risk. The Transport and Works Act 1992 also makes it a criminal offence for certain workers to be unfit through drink and/or drugs while at work.

C. Alcohol and Substances

Alcohol or substance misuse is considered by the PLA to fall into one of two categories.

(a) **Non-Dependent**

This constitutes the use/misuse at work or outside of work that is not related to a physical or psychological problem. Where this occurs at work this will be treated as gross misconduct. Similarly if use/misuse outside of work results in conduct or performance issues in the workplace this again will be dealt with under the PLA's Disciplinary Procedure as possible gross misconduct.

OR

(b) **Dependent**

This constitutes a dependency which continually or repeatedly interferes with the employee's work and would include situations where this has been brought to the PLA's attention and the employee has sought and/or accepted treatment. The PLA's Occupational Health Adviser will be the sole arbiter as to whether an employee has a dependency.

Employees who fail drug or alcohol tests will be removed immediately from safety critical duties.

The continuing employment of any employee who fails an alcohol or drug test is dependent on a number of factors including the severity of the breach the willingness of the employee to recognise that there is a problem and accept medical or other support if appropriate.

Consideration will be given to appropriate rehabilitation programmes. However serious breaches of the Policy may result in dismissal.

Employees who supply and distribute controlled drugs will be subject to the PLA's disciplinary procedures and will face dismissal.

D. Further Guidance

Please see attached Appendix for more detailed information concerning:

Responsibilities

- Management Responsibility
- The individual
- Colleagues
- Occupational Health

Alcohol & Substance Testing Regime

- Scope
- Definitions
- Fit for Work
- At Work
- Testing
 - Pre Employment
 - Random Testing
 - Post Accident/Incident testing
 - For Cause Testing
- Testing Procedure
- Appeals
- Contractors
- Responsibility

Test procedures

- Alcohol Testing Procedure
- Drug Testing Procedure

Managers, employees or contractors requiring guidance or advice on this Policy should contact the Human Resources Department.

26th March 2013