

Drug and Alcohol Policy

Introduction

Under the Health and Safety at Work Act (1974) EMA has a duty to ensure the health, safety and welfare at work of all their employees and other persons, including visitors and contractors using the premises. The Act places a general duty on employees to take reasonable care of their own health and safety and of any other persons, who may be affected by their acts or omissions, whilst at work.

Therefore, EMA aims to control the risk to Health and Safety from drugs and alcohol in the work place. In addition to its Health and Safety responsibilities, EMA recognises that alcohol and drug misuse affects performance, conduct and relationships at work and at home. People, who develop alcohol or drug related problems, cause harm to themselves and to others.

Policy Aims

The policy is intended to assist EMA in putting its commitment into practice.

Policy objectives:

- Prevent drugs and alcohol problems in the work place.
- Make the Company's rules on drugs and alcohol clear.
- Seek to identify problems at an early stage and minimise risk to health and safety.
- Recognise drugs and alcohol problems and provide help in confidence.
- Show the misuse of alcohol or drugs does not exonerate any individual from the results of their actions or from disciplinary action.

Definitions

Drugs

For the context of this policy drugs will include:

- Illegal drugs.
- Prescription drugs.
- Over-the-counter medicine or non-prescription drugs.

Illegal Drugs

Illegal drugs are those controlled by the Misuse of Drugs Act 1971, and include, but are not limited to, heroin, cannabis, cocaine, ecstasy and amphetamines.

Prescription Drugs

Prescription Drugs are drugs prescribed by a Medical Practitioner as part of a course of treatment for a current ill health condition. Any employee taking prescription drugs, who has been advised by a doctor not to drive or operate machinery, must inform EMA without delay.

Non-Prescription Drugs

Non-prescription drugs are available as over-the-counter medicines for the treatment of current ill health conditions. Over-the-counter medicines may carry warnings regarding driving or operating machinery and these must be observed.

Substance Abuse

Deliberate misuse of substances which include, but are not limited to, solvents, glue, aerosols, stimulants etc., that affect the individual's behaviour and performance.

Alcohol

Alcohol includes, but is not limited to, wines, beers, spirits and all other intoxicating liquor.

Safety Critical Job

Is any job which involves making safety critical decisions, including the operation of machinery, or driving.

Employees

For the purposes of this policy, employees are defined as any contractor, agency, temporary worker or other individual whilst working for EMA and/or on the Company's premises or as part of EMA business activities.

Fit For Work

Whether or not an employee is fit for work is a matter for reasonable opinion made by the Company.

Positive Test

Drugs

A positive laboratory test for drugs, for which no justifiable explanation can be found.

Alcohol

A positive test result is a level in excess of that of the Government's legal drink/drive limit, as amended from time to time. The current limit, as at the date of this Policy, is set at 107 milligrams of alcohol per 100 ml of urine, 35 micrograms of alcohol per 100 ml of breath, or 80 milligrams of alcohol per 100 ml of blood.

Policy Statement

The Drugs and Alcohol Policy applies to all employees.

EMA believes drugs and alcohol misuse is unacceptable under any work-related circumstances and, therefore, EMA applies a zero-tolerance approach.

Staff may be tested for drugs and alcohol, if they are involved in a serious accident/incident or appear to be under the influence of either drugs or alcohol.

Employees should note it is a criminal offence to be unfit, through drugs or alcohol, while doing work known as safety critical work.

Any employee, who is concerned that they may have a dependence on alcohol or drugs, should seek advice from their General Practitioner.

EMA will deal with drug or alcohol problems in a confidential manner.

EMA will put in place structures to help employees deal with drug and alcohol problems.

Drugs and Alcohol and the Law

Under the Health and Safety at Work Act 1974, EMA has a duty to ensure the health, safety and welfare of their employees. They must ensure that employees do not injure themselves or endanger the public or colleagues. Similarly, employees are required to take reasonable care of themselves and others, who could be affected by their actions at work. Knowingly allowing an employee to continue working, if affected by alcohol or drugs, when their behaviour places the safety of colleagues or clients at risk, could make EMA liable to prosecution.

The Road Traffic Act 1988 makes it illegal for any person to drive or attempt to drive a motor vehicle, while unfit to drive through the use of a substance. This includes prescribed and over-the-counter medication, as well as illegal drugs and alcohol.

The Misuse of Drugs Act 1971 (section 8) makes it an offence if a manager of a premises “knowingly permits or suffers” the production or supply of any controlled drugs or the smoking of cannabis or opium to take place on their premises. Section 8(d) of the Misuse of Drugs Act 1971 was amended by section 38 of the Criminal Justice and Police Act 2001, which makes it an offence to allow administering or using any controlled drug on the premises.

Drugs and Alcohol

All employees are subject to the Drugs & Alcohol Policy. It applies to all employees, including those on part-time or temporary contracts.

Non Compliance

All employees have a role to play in enforcing the policy and are required to deal with any observed or reported breaches. Should employees feel apprehensive about their own safety in regard to addressing any breach, they should seek senior management support.

Failure to comply with this policy may lead to a lack of clarity over job role, learning needs or expected standards of performance, resulting in reduced effectiveness or efficiency, underperformance and putting service delivery at risk.

Any member of staff refusing to observe the policy will be liable to disciplinary action in accordance with the Company’s Disciplinary Policy up to and including dismissal.