



**DRUGS & ALCOHOL POLICY AND PROCEDURE**

**FEBRUARY 2024**

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## 1. PURPOSE

- 1.1 The Company is committed to providing a safe and healthy working environment for all its employees and those affected by its activities. The use/misuse of drugs or alcohol by individuals can lead to an increased risk of accidents and incidents. The Company aims to reduce, if not eliminate, these risks by means of the policy, procedures and guidance detailed in this document.
- 1.2 This policy aims to:
- Ensure that the Company complies with relevant legislation, including (but not limited to) The Health & Safety at Work Act 1974, The Road Traffic Act 1988, The Transport and Works Act 1992, The Misuse of Drugs Act 1971 and The Psychoactive Substance Act 2016.
  - Take a proactive approach to ensuring a drug and alcohol-free working environment, by communicating and promoting this policy across the organisation and ensuring that anyone who declares (pre-testing) a drug, alcohol or substance related dependency is given access to the necessary support.
  - Take measures to prevent employees attending or being at work with alcohol above the legal limit or any drugs (illegal, misused prescribed / over the counter medication) in their systems by
    - providing access to information on the health effects of drug and alcohol use/misuse;
    - making clear the potential consequences of breaching this policy, including disciplinary procedures and dismissal; and
    - adopting a testing programme.

## 2. SCOPE

- 2.1. This is a group level policy that applies to all employees of Anglian Water Group Limited and its subsidiary companies, with the exception of Anglian Water (Ireland) Limited and Wave Limited (and their respective subsidiaries, which include Celtic Anglian Water and Anglian Water Business (National)).
- 2.2. For the purpose of this policy, the term 'employee' includes all employees, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns.

## 3. STATUS

- 3.1 The policy is a Collective Agreement.

## 4. POLICY OWNER

- 4.1 Head of Employee Relations.

## 5. POLICY

- 5.1 Whilst working, representing the Company or conducting Company business, employees must be able to carry out their duties in a safe, competent and professional manner and in compliance with the law, free from the adverse effects of drugs and alcohol.
- 5.2 For the purposes of this policy and procedure, the Company defines:
- the term "**drugs**" as including all drugs and psychoactive substances (formerly known as "legal highs") that could adversely affect behaviour or performance and lead to an increased risk of accident and/or injury occurring in the workplace; and
  - the alcohol limit in accordance with The Road Traffic Act.
- 5.3 It is Company policy to ensure the health, safety and well-being of all employees and those affected by its activities by:
- providing an environment in which employees feel able to seek advice, help and support; and
  - offering assistance to any employee who suffers from a confirmed drugs or alcohol dependency problem.
- 5.4 The first response to an employee with a confirmed dependency-related problem will be to provide support. Further detail of that support is included within this policy.
- 5.5 The Disciplinary Policy will be applied where, as a result of the possession, use/misuse of drugs or alcohol, an employee commits an act of misconduct or gross misconduct. The latter may lead to summary dismissal.
- 5.6 For the purposes of clarity, the rules on the use/misuse of drugs and alcohol at work are as follows:
- Alcohol consumption is not permitted during the course of an employee's working hours under any circumstances. Alcohol consumption is not permitted by any employee in any part of the Company's premises, except in especially prescribed circumstances and with the permission of the employee's Line Manager. These circumstances may include specific social events, e.g. the extension of hospitality to visitors and events provided by managers on behalf of their employees. Employees planning to consume alcohol at such events should make suitable arrangements, e.g. make alternative transport arrangements.
  - Attending work whilst over the legal alcohol limit is not permitted at any time.
  - The taking, possession or use/misuse of drugs whilst at work, is not permitted at any time.
  - The Company operates a zero-tolerance policy to the use/misuse of drugs. Attending work with any level of 'drugs' (as defined in 5.2 above) in the body is not permitted at any time.
- 5.7 Whilst the use of cannabis oils may not show up on a drug test, there are documented side effects from their use, ranging from increased alertness

and insomnia through to drowsiness, which may impact an employee's ability to drive or undertake other work tasks safely. Given this information, the Company advises employees not to use cannabis oils if any side effects are likely to continue to affect the employee at the point that they begin their shift.

- 5.8 As health and safety is the Company's highest priority, employees who test positive for drugs or for alcohol above the legal limit, refuse to agree to a test, or refuse to wait for the arrival of the tester, or in any other way interfere with the reasonable undertaking of a test may, after a full investigation of all of the relevant facts, face disciplinary action up to and including dismissal as this may represent gross misconduct.
- 5.9 If any employee notices a change in a colleague's pattern of behaviour that may be attributable to alcohol or drugs, they should encourage that colleague to seek assistance through their Line Manager or through their Employee Relations Manager (ERM)/Employee Relations Adviser (ERA). If that individual will not seek this help themselves, the employee who identified the behaviour should draw the matter to the attention of their Line Manager or their ERM/ERA. Details of the areas covered by each ERM/ERA can be accessed [here](#).
- 5.10 Unfair or capricious application of this policy or untrue and malicious reporting of offences under this policy may be classed as bullying or harassment, which is contrary to the Company's [Dignity at Work Policy](#) and will be treated as a serious offence under the Company's [Disciplinary Policy & Procedure](#). However, requesting a test in good faith based on reasonable suspicion and in accordance with the guidelines set out in this document or in response to a report of drugs or alcohol misuse by an employee that subsequently proves to be negative, is not considered bullying behaviour or harassment.
- 5.11 If any individual, covered by this policy, believes that they themselves have an alcohol or drug-related problem, they should seek specialist advice and support as soon as possible. [Appendix 2](#) provides a list of specialist agencies, which employees may wish to contact.
- 5.12 To ensure the consistent application of this policy, Line Managers are encouraged to seek advice from their ERM or ERA. Details of the areas covered by each ERM/ERA can be accessed [here](#).

## 6. SOCIAL EVENTS

- 6.1 Employees who attend work-related functions and work-related social events where alcohol is served must not act in a way that has the potential to bring the Company into any form of disrepute.
- 6.2 If employees attend a social event organised by the Company, e.g. WaterAid Quiz night, that event may be deemed to have taken place during the course of the employee's employment and both the Drug & Alcohol Policy and the [Dignity at Work Policy](#) will apply. Employees are

expected to behave professionally and responsibly and may face disciplinary action if they fail to do so. Managers should act to prevent excessive consumption of alcohol by any employee and should take steps to deal with any unacceptable conduct. The use of drugs is strictly forbidden at any functions or social events organised by the Company.

- 6.3 The Company acknowledges that there may be occasions where employees socialise outside of work at events that are not organised by the Company, e.g. evening team meal after for work. In addition, these may be considered to have taken place in the course of employment and employees should continue to act in accordance with the Company's [Dignity at Work Policy](#) and Drugs and Alcohol Policy and the Company reserves the right to take disciplinary action in respect of any misconduct that occurs during the course of such events.

## **7. DRUGS AND ALCOHOL DEPENDENCY SUPPORT PROCEDURE**

- 7.1 Alcohol and drug-related dependencies may develop for a number of different reasons and over a long period of time. The Company is committed, in so far as possible, to treating these problems in a similar way to other health issues. The Company will provide support where possible with a view to a return to full duties.
- 7.2 Where an employee declares or acknowledges that they have a drug or alcohol dependency problem, the Line Manager should refer them for advice, guidance and support to Occupational Health, using the Company's on-line referral process or the employee can self-refer to the Company's mental health support if eligible, or contact the EAP which all employees can access. Contact details for the EAP can be found in [Appendix 2](#).
- 7.3 The Company aims to ensure that the confidentiality of any employee experiencing alcohol or drug-related problems is maintained appropriately. However, it must be recognised that, in supporting staff, some degree of information sharing is likely, particularly in situations where an employee is absent from work.
- 7.4 If the affected employee wishes to keep matters confidential from their line manager and colleagues, this will be respected unless there is reason to believe that this could put the employee, their colleagues or anyone else at risk or carries some other material risk for the business. In those circumstances, the Company will encourage the employee to inform their line manager and will give them sufficient time to do so before discussing the matter with them.
- 7.5 It is in the interest of the employee to be offered help as soon as possible, as prompt action carries the best hope of successful treatment. [Appendix 2](#) provides a list of specialist agencies, which employees may wish to contact.
- 7.6 In cases of confirmed dependency, it is expected that a rehabilitation programme, (including, for example, treatment and/or counselling), will be

agreed with the employee. Where appropriate the Line Manager will be informed of the employee's progress in relation to this programme.

- 7.7 Where an employee suffers a relapse following a programme of rehabilitation, further interventions may be offered if considered appropriate.
- 7.8 An employee will be monitored following a return to full duties and may be subject to a compliance testing programme.
- 7.9 Where an employee is not able to return to their full duties on medical grounds the Company's Ill Health Capability procedure will be followed in accordance with the Company's [Supporting Attendance Policy](#).
- 7.10 Where an employee who is reasonably believed by the Company to have a drug or alcohol dependency problem unreasonably refuses to accept treatment or refuses to co-operate with a rehabilitation programme, their behaviour and/or conduct will be managed in accordance with the Company's [Disciplinary Policy & Procedure](#).

## **8. DRUGS AND ALCOHOL TESTING PROCEDURE**

- 8.1 In order to help maintain a safe and healthy working environment for its employees and operations, the Company undertakes drug and alcohol testing as follows:

### **8.1.1 Pre-employment**

All new joiners (permanent or fixed term) and existing employees moving into a new 'safety critical' role where they:

- a. drive a commercial vehicle, qualify for a company car or are estimated to drive over 5,000 miles a year on company business;
- b. operate machinery or testing equipment or work with hazardous substances (e.g. Laboratory workers / electricians); or
- c. manage employees who meet the criteria in a and b above;

will be asked to agree to participate in a drug screening programme. Any refusal to agree is likely to lead to either the withdrawal of their job offer or disciplinary action for existing employees. The Company considers that a refusal to agree to a drug test is an act of gross misconduct and may lead to the termination of the employee's employment.

Offers of employment will be conditional upon negative test results. Agency Agreements and all recruitment literature will clearly state that the Company operates an alcohol and drugs testing policy.

### **8.1.2 With cause**

Employees will be tested where a Line Manager, having observed an employee's behaviour or having received reports of an employee's behaviour, believes that they may be unfit to carry out their duties safely and effectively due to the use/misuse of alcohol or drugs, or has reason to

believe that they have consumed or are in possession of drugs or alcohol whilst at work.

In these circumstances the Line Manager should interview the employee in order to determine whether to stop the employee from working, and call for a test. Where possible and practical, the Line Manager should seek advice from their ERM/ERA to verify that their grounds for suspicion are reasonable.

#### 8.1.3 Post-accident or incident

Employees will be tested as part of the standard safety investigation process where there has been a potentially serious incident (including near misses), a dangerous occurrence or a major accident in order to determine whether drugs or alcohol were a contributory factor.

#### 8.1.4 Random

To ensure compliance with this policy random drugs and alcohol testing will be carried out. A programme of random testing will be undertaken, in conjunction with the external testing company.

8.2 Testing will not be carried out without the agreement of the employee. However, for absolute clarity, any employee that refuses to take part in testing may face disciplinary action, up to and including dismissal.

8.3 Drugs and alcohol testing will be carried out by qualified and competent personnel only from an external testing company, who will independently decide which testing methods to use. The detailed testing procedure can be found in [Appendix 1](#).

### **9. ACCOMPANIMENT**

9.1 Employees may request the presence of a recognised Trade Union representative or workplace colleague during a drugs and/or alcohol test. Whilst best endeavours should be made to accommodate this request, the testing procedure must not be delayed unduly.

### **10. FURTHER ASSISTANCE**

Please contact your Employee Relations Manager/Employee Relations Advisor for further assistance. Details of the areas covered by each ERM/ERA can be accessed [here](#).

### **LAST REVIEWED**

February 2024





## Appendix 1: Drugs and Alcohol Testing Procedure

### 1. Introduction

- 1.1 In accordance with its Drugs & Alcohol Policy, the Company undertakes drugs and alcohol testing on employees as follows:
- **pre-employment** testing for those applying for/holding safety critical roles;
  - **random** testing; and
  - **for cause** and **post-accident/incident** testing as/when required.
- 1.2 The procedure detailed below applies in whatever circumstances a drugs and alcohol test is deemed necessary. A flowchart of the procedure is provided at [section 7](#).

### 2. Arranging Tests

- 2.1 The Company currently uses an independent specialist testing firm, Hampton Knight, to carry out drugs and alcohol tests in accordance with this policy. [The service operates 24/7 all year].
- 2.2 Pre-employment and random testing programmes: are agreed with Hampton Knight in advance by the Recruitment team and Employee Relations team respectively.
- 2.3 For cause and post-accident/incident tests: are arranged on an individual basis by the appropriate manager. The tester should arrive within two hours of the manager's request. The test will be carried out in the form of a breath test (alcohol) and/or urine test (drugs). The testing process must not be delayed unduly. To arrange a test, the manager should telephone Hampton Knight on 01827 65999 and confirm:
- they are requesting a call out on behalf of Anglian Water;
  - their own name and contact number (or deputy if appropriate);
  - the PIN number of 0784;
  - the full site address and directions if necessary;
  - the type of test required (drugs and alcohol, drugs alone or alcohol alone); and
  - the number of people to be tested.

### 3. Agreement to Testing

- 3.1 The manager must ask the employee, preferably in the presence of a witness, whether they are prepared to undertake a test for the potential use/misuse of alcohol and or drugs. If the employee declines, a short period of reflection (no more than 15 minutes) will be allowed before the question is repeated. The employee will not be prevented from speaking to or telephoning a colleague or trade union representative during this period but must be discouraged from leaving the vicinity and should remain visible throughout. The non-availability of a colleague or trade union representative will not delay the test.

### 3.2 Refusal to take a test

3.2.1 If, following a period of reflection, the employee refuses to take the test, the manager should keep a record of the incident and in accordance with the Company's Disciplinary Policy, must suspend the employee from duty pending a disciplinary investigation (see guidelines for suspension provided in the Company's [Disciplinary Policy & Procedure](#)).

### 3.3 Agreeing to take a test

3.3.1 If the employee agrees to the test, they must be withdrawn from normal duties by the line manager and be required to remain in a private room until the tester arrives. The employee must be accompanied by the manager or an appropriate deputy at all times during this period. If waiting for this testing process necessitates staying on outside normal working hours, any additional time will be paid at the appropriate overtime rate.

### 3.4 Taking the test

3.4.1 The tester will bring a form to site to be completed by the tester and employee prior to the sample being provided. The employee will be given a copy of this form and all other copies will be retained by the tester. **The manager must not take any of the copies of this form.**

3.4.2 The test will be undertaken in an appropriate and private place (with lavatory facilities) and only the employee, tester and manager need to be present.

## 4. **Types of Test**

### 4.1 Alcohol Testing

4.1.1 The tester will carry out the alcohol test using a calibrated digital alcometer (similar to the Police roadside instrument). If the level is 0.00mg/It BrAC the alcohol is negative and the alcohol testing process will end. Normally, a drugs test will follow.

4.1.2 If the level recorded is above 0.00mg/It BrAC the tester will re-test. If the second test result is lower than the first and is under the Company limit (35mg/It BRAC), the alcohol testing process will end. If the second test result is over the Company limit, the alcohol testing process will end and the result deemed to be positive.

4.1.3 If the test result is positive, i.e. above legal limit for alcohol, the manager should suspend the employee from duty immediately on full pay (see guidelines for suspension provided in the Company's [Disciplinary Policy & Procedure](#)).

4.1.4 Where the test result is negative and where there are no on-going concerns, the employee may be returned to work immediately or as convenient.

4.1.5 If the manager continues to have concerns about the employee's fitness for work, the employee should be referred to Occupational Health, with the employee's agreement, for assessment of any external factors which led to the initial concerns.

#### 4.2 Drugs Testing

4.2.1 The tester will give the employee the opportunity to advise privately of any prescribed medication they may be taking to ensure the test result is accurate. The tester will carry out the drugs test by taking a urine sample. For cause tests will provide an initial on-site result; no on-site test results will be provided for random tests. In all cases the urine sample will be secured and sent to the laboratory for confirmation analysis. The result of the laboratory test will be conveyed to the Employee Relations Team and, normally, will be available within 5 working days.

4.2.2 In accordance with the Company's [Disciplinary Policy & Procedure](#), where an initial for cause test is positive for drugs, an employee should be removed from their normal duties by suspension or action short of suspension pending confirmation of the test results.

4.2.3 If the final result is positive, the manager should (if not done so already) suspend the employee pending a full investigation (see 5.3).

4.2.4 Where the test result is negative, the employee may be returned to work immediately or as convenient.

4.2.5 If the manager continues to have concerns about the employee's fitness for work, the individual should be referred to Occupational Health for assessment, with the employee's agreement, of any external factors which led to the initial concerns.

### **5. Random Testing**

5.1 Random testing will be managed by a member of the Employee Relations Team.

5.2 A Company site will be chosen for random testing.

5.3 In advance of the testing day, the Employee Relations Team representative will:

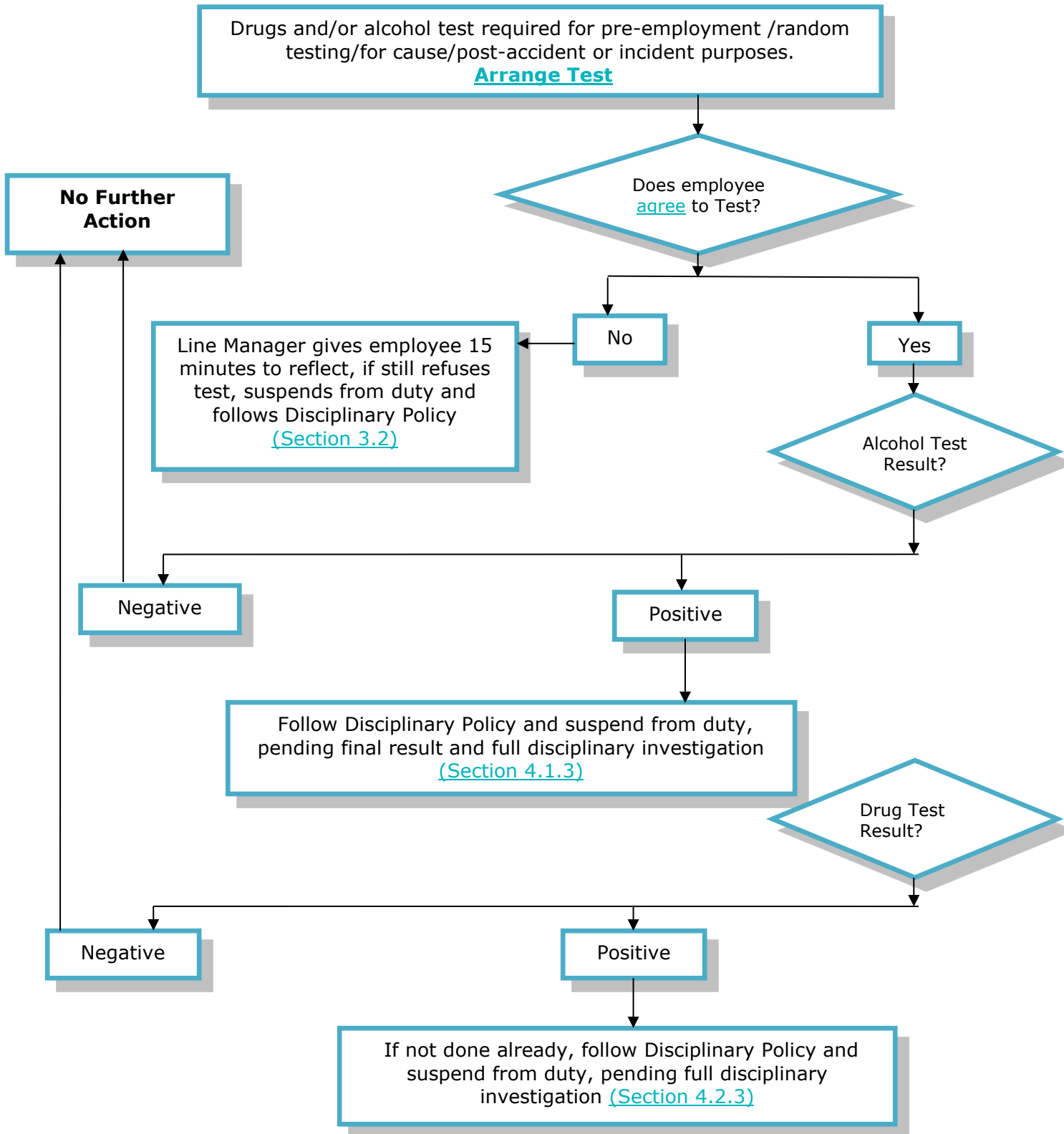
- ask People & Payroll Services for a list of all employees who are contracted to work at the chosen site, to include name, job title and payroll number;
- use this list to produce a list of payroll numbers only;
- organise a date for the testing and for the tester to be present;
- identify suitable on-site lavatory facilities; and
- ensure availability of sufficient managers/ER team members.

- 5.4 On the testing day, the Employee Relations Team representative will provide the tester with the list of payroll numbers.
- 5.5 The tester will select the payroll numbers to be tested and give these to the Employee Relations Team representative.
- 5.6 The Employee Relations Team representative will identify the employees from the payroll numbers and will have these employees called for alcohol and drug testing. Refusal to attend will be managed as per [3.2 above](#).
- 5.7 Where an employee is selected and they are not on duty, the tester will be asked to select a further payroll number to be tested.
- 5.8 The Drug and Alcohol testing procedures will be followed for those employees who attend testing.
- 5.9 Employees who refuse the test will be managed as per [3.2 above](#).
- 5.10 Employees who fail the test should be removed from their normal duties by suspension or action short of suspension pending confirmation of the test results.
- 5.11 If appropriate, an Occupational Health referral may be submitted if further information is required or to ascertain whether there are any mitigating circumstances.

## **6 Confidentiality**

- 6.1 All test results will be treated in confidence. Breaches of confidentiality may result in disciplinary action.

**7. Flowchart of Drugs & Alcohol Testing Procedure**



## APPENDIX 2: SOURCES OF INFORMATION AND ADVICE

### Employee Assistance Programme [EAP]

The Company's independent Employee Assistance helpline is a confidential service available 24 hours a day, 7 days a week. They provide health and wellbeing support for employees during their employment.

They can be contacted on freephone **01480 323323 (option 4)** and further details are available on [Lighthouse](#).

### Alcoholics Anonymous

[www.alcoholics-anonymous.org.uk](http://www.alcoholics-anonymous.org.uk)

This website provides details of the support to be found in local areas, including meeting venues.

### FRANK

[www.talktofrank.com](http://www.talktofrank.com)

**FRANK** helps you find out everything you might want to know about **drugs** (and some stuff you don't). For friendly, confidential advice, **Talk to FRANK:**

**0800 77 66 00**

### NHS Choices

[www.nhs.uk/livewell/drugs/pages/drugshome.aspx](http://www.nhs.uk/livewell/drugs/pages/drugshome.aspx)

This web page provides useful advice and guidance about the effects of drugs and alcohol and where to get help.

### Turning Point

[www.turning-point.co.uk](http://www.turning-point.co.uk)

**Turning Point** is a national health and social care provider, who can provide specialist help and advice on substance misuse.