

1. PURPOSE

The purpose of this procedure is to specify the management arrangements necessary to ensure VolkerRail have processes in place to demonstrate “due diligence” in their management of the risks associated with the misuse of drugs, alcohol and medication likely to impair the safety performance of individuals whilst at work.

2. SCOPE

The scope of this procedure applies across the VolkerRail group of companies irrespective of who any particular client maybe. Industry and individual client standards are taken into consideration in the maintenance of this procedure, although legal compliance with legislation is the priority.

This procedure applies to the following groups of persons:

- Employees of VolkerRail;
- Self-employed persons engaged directly by VolkerRail, or through any third party;
- Any person who is employed by a Contractor engaged by VolkerRail.

All visitors to VolkerRail worksites or offices must be advised of the Drug and Alcohol Policy, and the implications of failing to comply as part of the site or office induction process. Visitors required to access Railway Infrastructure must receive a documented briefing and sign an acknowledgement. This can be carried out as part of the normal COSS briefing arrangements.

Compliance with the contents of this procedure is necessary to ensure the company is able to demonstrate “due diligence” as required under section 28 of the Transport & Works Regulations. In addition compliance with the contents of this procedure should prevent any individual from committing offences under section 27 of the same legislation.

This procedure underpins the management commitment and arrangements specified within element 9.23 of the Integrated Management Systems (IMS).

3. REFERENCES (INPUTS) / RELATED DOCUMENTS

- London Underground Ltd Drugs and Alcohol Policy
- Transport and Works Act
- Misuse of Drugs Act
- Network Rail Standard NR/L1/OHS/051 – Drugs and Alcohol Policy
- Network Rail Standard NR/L2/OHS/00120 – Testing for Drugs and Alcohol
- Railway and other Guided Transport Systems (Safety) Regulations 2006
- Railway Group Standard RIS-8070-TOM – Testing Railway Safety Critical Workers for Drugs and Alcohol
- OHS03 – Drugs and Alcohol Testing
- SAF07 – Management of Safety Critical Certification, Withdrawal and Reinstatement
- SAF04 – Reporting and Investigation

4. DEFINITIONS

Definition	Meaning
Accident	Unplanned, uncontrolled event giving rise to death, ill health, injury or other loss.
Chain of Custody	A process used to maintain and document the chronological history of a [drugs & alcohol] sample in order to guarantee the identity and integrity of the sample from collection through to reporting of the test results, and leads to the production of a legally defensive report.

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Definition	Meaning
Drug	For the purpose of this document, a drug means a 'controlled drug' as defined in the Misuse of Drugs Act 1971 and its subsequent modification orders, or other substances that could affect a relevant person's ability to carry out their duties safely. This includes either medication either prescribed by a medical practitioner or purchased over the counter.
Drugs & Alcohol Testing	For the purpose of this document, this means testing to identify whether or not drugs or alcohol are present in any person (see also definition 'for cause' drugs and alcohol testing).
'For Cause' Drugs & Alcohol Testing	Drugs and alcohol testing to identify whether or not drug or alcohol is present in a relevant person where there are reasonable grounds to suspect the fitness of that person: <ul style="list-style-type: none"> a) Has contributed to, or is likely to have contributed to, the cause of an incident or accident. b) Is likely to compromise the safety of the relevant person or others through adverse behaviour.

5. PROCESS

The HSQES Director is responsible for the maintenance of the following management arrangements and guidance relating to the management control of the risks associated with the misuse of drugs, alcohol and medication. The company policy will be maintained and communicated using the various communication methods available to the company.

The Senior Management Team and their managers are responsible for the implementation of the arrangements and use of the guidance in controlling the risk of their employees reporting for work under the influence of drugs, alcohol or medication which may/will impair their safety performance.

5.1 Consumption of Alcohol

5.1.1 Prohibition on consumption of alcohol

It is strictly prohibited for any member of staff to:

- a) Report for duty in an unfit state due to the use of alcohol;
- b) Consume alcohol whilst at work;
- c) Consume alcohol whilst 'On Call' to undertake work for VolkerRail;
- d) Consume alcohol whilst on railway infrastructure, other than as a passenger while off duty.

5.1.2 Fitness when reporting for duty

VolkerRail operate a zero tolerance towards drugs and alcohol and employees must not report, or attempt to report for duty having consumed alcohol.

If an employee (or sub-contractor) is suspected of having consumed alcohol when reporting or attempting to report for duty they must be subjected to "for cause" screening in accordance with this procedure and the requirements of VolkerRail procedure OHS03 Appendix A.

5.1.3 Employees suspected of having consumed alcohol at work

Employees who give cause to suspect that they may have consumed alcohol whilst on duty must be screened for the presence of alcohol under 'For Cause' screening arrangements specified in VolkerRail procedure OHS03 Appendix A.

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5.1.4 Consumption on alcohol on company business / not at work

Senior Managers of VolkerRail who are considered to be on company business but not on call or carrying out safety critical activities, and who are on premises not considered as part of the Railway Infrastructure, or property owned or managed by Network Rail, LUL or other clients or partner companies, may consume alcohol which is included as part of corporate hospitality given to or received from clients.

This will also apply when attending official events organised or sponsored by the company such as 'long service awards' or 'retirement functions'.

The above arrangements will also apply to other VolkerRail employees provided that this has been approved by a member of the Senior Management Team.

Personnel who have consumed alcohol whilst on company business as set out above must not thereafter:

- a) Return to their normal place of work;
- b) Enter any depot, worksite of other property owned or managed by VolkerRail, Network Rail, LUL or other clients or partner companies;
- c) Go on or about the Railway Infrastructure other than as a passenger on a train;
- d) Act in the capacity of 'on call' manager, or offer themselves to assist in any safety critical activity or incident.

5.2 Possession and Use of Drugs
5.2.1 Misuse of drugs and other substances

It is strictly prohibited for any member of staff to:

- a) Possess or use drugs as defined in the Misuse of Drugs Act or;
- b) Possess or use any other drugs other than prescribed or non-prescribed medication;
- c) Use any drug or other substance at any time in such a manner as to constitute abuse likely to impair the safety performance of the user (or put others at risk) when at work.

5.2.2 Example of prohibited drugs and substances

Set out below are some examples of drugs and substances of abuse. This list is not exhaustive and is not limited to:

- a) Amphetamines (e.g. MDMA, Ecstasy, LSD, Methiopropamine (MPA) etc.)
- b) Barbiturates
- c) Benzodiazepines
- d) Cannabis
- e) Cocaine
- f) Methadone
- g) Methaqualone
- h) Opiates
- i) Phencyclidine (e.g. Angel Dust)
- j) Propoxyphene
- k) Solvents
- l) Glues

5.2.3 Employees suspected of being under the influence of prohibited drugs or substances

Should an employee give reason to suspect that they may be under the influence of a prohibited drug or substance of abuse or it is suspected that they have consumed such; the employee concerned will be screened for the presence of prohibited drugs and substances of abuse under 'For Cause' screening arrangements specified in VolkerRail procedure OHS03 Appendix A.

Where staff are employed to carry out safety critical work, they will have the necessary certification removed in accordance with VolkerRail procedure SAF07 and will not be allowed to carry out safety critical duties until the results of the screening prove negative.

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5.3 Medication

5.3.1 Declaration of Prescribed and non-prescribed medication

It is the responsibility of the person taking prescribed or non-prescribed medication to declare these to your Line Manager using VolkerWessels Form H81-03 before commencing work activities.

If you should need to declare any medication ‘out of hours’ then VRCC must be contacted in the first instance. This information will be checked via the ‘Chemist On-Call’ system provided by the approved Occupational Health Provider.

This is required because medication may, in some circumstances, contain one or more of the substances or drugs set out in Section 5.2. Some medication also includes alcohol as a constituent part.

It is important to remember that the medical condition a person may be suffering from may well impair their safety performance, including driving, irrespective of any prescribed/non prescribed medication, again this must receive consideration by the Doctor/Medical Practitioner and Line Manager.

5.3.2 Guidance

VolkerWessels Occupational Health team have produced a guidance document that Line Managers may refer to for further information.

The guidance has been developed to assist managers in deciding if an individual can undertake their duties when they report to work with new medication to treat symptoms or a medical condition. The list covers basic medications which the Occupational Health Team are happy for Managers to use to make decisions about medication (if listed) rather than submitting the medication form H81-03 Records of Medication Taken to Occupational Health.

When making your decision, you should consider the following:

- The medication being taken
- The underlying medical condition it treats and their symptoms
- The employee’s subjective view of whether they feel able to carry out their full duties

5.3.3 Prohibition on the use of medication

It is strictly forbidden to use any medication whilst on duty that may cause a person to suffer from any of the following conditions:

- a) Drowsiness / sleepiness
- b) Loss of concentration
- c) Reduced awareness
- d) Blackouts
- e) Fits
- f) Seizures
- g) Any other condition that may create a risk to the safety of the individual and / or the safety of others

If no alternative medication is available the person concerned must report the circumstances to their Supervisor or Manager **BEFORE** commencing duty.

5.3.4 Results / Side Effects

The Supervisor or Manager will, based upon advice from Occupational Health or ‘Chemist On-Call’ facility, inform the individual on whether they are permitted to continue with their normal duties, or if any restrictions have been put in place for the duration of the medication regime.

All persons should inform their line managers of any side effects which are experienced during the course of their treatment in order that their fitness for work can be re-assessed accordingly with the Occupational Health Nurse / Occupational Health Provider.

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5.3.5 Medication likely to produce a positive drug screening test

It will be the responsibility of the person taking prescribed or non-prescribed medication to bring this to the attention of the collecting officer (during any drugs and/or alcohol test).

Where an individual is permitted to continue their normal duties whilst taking medication that contains alcohol or any of the substances or drugs set out in clause Section 6.2 above, a certificate will be issued to this effect. In the event of any incident or unannounced drugs and alcohol test, this certificate must be produced to the person in charge.

This certificate will have no other purpose than to bring to the attention of the screening organisation the fact that a course of medication which may affect the outcome of the test is being taken.

5.3.6 Failure to notify of medication likely to produce a positive drug screening test

Any person who is detected to be taking any medication that may impair their ability to work safely, or may affect the safety of others, will be subject to disciplinary measures if they have failed to notify their Supervisor or Manager **BEFORE** commencing duty. This will normally result in the termination of employment.

5.4 Requirement to Demonstrate Due Diligence

5.4.1 Requirement

Under section 28 of the Transport and Works Act VolkerRail has a statutory duty to exercise 'due diligence' to prevent an offence being committed under this Act. A failure to do so will result in those responsible for allowing the offence to be committed to be prosecuted. It is vital therefore both for the protection of the Company, its managers and supervisors, and for the preservation a safe working environment, that adequate controls are in place to prevent a person from reporting for work under the influence of drugs or alcohol or consuming such whilst on duty. The arrangements set out below will allow all concerned to discharge this duty.

5.4.2 VolkerRail's responsibility

All employees must be made aware of:

- a) VolkerRail's policy on Drugs and Alcohol
- b) The consequences of disciplinary action resulting from a breach of that policy and prosecution under Section 27 of the Transport and Works Act if a criminal offence is committed
- c) The occasions when a drugs or alcohol screening test is required

5.4.3 Communication of VolkerRail's drug and alcohol policy statement

Copies of VolkerRail's Drug and Alcohol Policy must be:

- a) Communicated to all new employees as part of the HSQES Induction
- b) Displayed on all HSQES Notice Boards at all depot / site offices

5.5 The Drugs and Alcohol Screening Criteria

Drug and alcohol screening must only be carried out by organisations approved to undertake this testing on behalf of VolkerRail. The screening procedure undertaken by these organisations ensures a 'Chain of Custody' process is in place.

5.5.1 Pre-employment / Periodic

All prospective candidates for operational employment within VolkerRail must undergo a pre-employment screening for drugs and substances of abuse. This will normally be in the form of a urine test.

Office workers are subject to a D&A screening which must be completed within 3 weeks of them commencing employment.

Screening will be carried out by organisations approved by Network Rail and/or LUL and who are contracted to VolkerRail to provide this service.

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Drug & Alcohol Screening will be carried out routinely with periodic medicals.

VolkerRail’s Human Resources Department must stipulate in the offer of employment that the offer is subject to a satisfactory result from the medical examination for operational employees and screening process. Alternatively offers should be held until that process is complete. It must be understood that whilst results of screening may be available within 24 hours, it is possible the process may take 4 – 5 days. Employment may not commence until a satisfactory result is established.

VolkerRail HSQES will advise all candidates in writing in advance of the requirement to provide a sample of urine to staff of the testing agency for the purpose of screening for substance abuse. The results will be treated in strict confidence.

5.5.2 Pre-appointment

Screening for the presence of drugs will be carried out prior to any member of staff transferring or being promoted into a post that requires the holder to be qualified in PTS or is designated as a safety critical work post. However the company reserve the right to screen as and where it is deemed appropriate.

5.5.3 Unannounced / Random

The HSQES Director is responsible for the management of the unannounced screening process.

The SMT are responsible for establishing an annual programme of unannounced screening in consultation with the HSQES Department.

The HSQES Department will implement the established programme of unannounced screening using the VolkerRail Occupational Health Nurse or a competent external resource as and where necessary.

The Occupational Health Nurse/Practitioner will maintain appropriate records of unannounced screening and provide details to the Competence and Training Manager for inclusion in monthly performance reports.

5.5.4 Rehabilitative

This screening can be implemented as part of a drug and/or alcohol rehabilitation programme and post treatment monitoring for employees with alcohol or drug related problems who voluntarily seek help at an early opportunity.

5.5.5 For Cause

This will be carried out by an external Occupational Health Service provider where there is a mandatory requirement as per Appendix C or reasonable suspicion that drugs or alcohol may have been taken by an individual.

Managers/Supervisors may request “for cause” screening through VRCC (who will then seek advice from H&S On-Call) or the H&S On-Call when notified of an incident may request ‘for cause’ screening.

- After an accident or incident when there are reasonable grounds to suspect that safety has been compromised through the consumption of drugs or alcohol list of abnormal signs of conduct, behaviour and appearance
- Due to a person’s conduct, behaviour or appearance – a full list of examples of abnormal signs of conduct, behaviour and appearance is detailed within Appendix B.

The person concerned must be advised by the Manager/Supervisor that it is suspected that they are unfit to work as a result of being potentially under the influence drugs or alcohol and that, in accordance with this policy it is intended to undertake “For Cause” screening.

5.5.6 Point of Contact/Induction testing

VolkerRail recognises that Point of Contact (POC) testing for drugs and alcohol on certain major alliance schemes can prove beneficial when combined with a project induction program. Any proposal for the implementation of POC testing will be authorised by the HSQES Director who will review the proposal to

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ensure it is robust and is used as an indication only and the results are used, where applicable, as a trigger for the formal process as defined in this procedure.

5.6 Individuals refusing to attend screening or provide a sample

5.6.1 Pre-employment

Candidates who refuse to attend screening or provide a urine sample will be advised by VolkerRail’s Human Resources Department that their application for employment will not be considered any further. A signed statement will be obtained from the candidate on the testing agencies required form confirming the refusal.

5.6.2 Pre-Appointment / Unannounced

Any employees who refuse to attend a screening, or provide a sample as requested for a pre-appointment or unannounced drug and alcohol test, without good cause, or in the opinion of the collection officer is refusing to co-operate with the testing procedure will be treated as a positive result and action taken as detailed in Section 5.8

The employee must be advised by the Line Manager/Human Resources Manager of the implications arising from such refusal and be told that such they will be become subject to disciplinary proceedings and this will normally result in dismissal from employment with VolkerRail.

5.7 Reporting of test results

Reporting of test results will be carried out as detailed in VolkerRail procedure OHS03 – Drugs and Alcohol Testing.

5.8 Management Actions following a positive test

5.8.1 Alcohol

The company operates a zero tolerance approach to excess alcohol in the body. It is recognised that some medication may include alcohol as a constituent part. Provided the medication has been declared and has been correctly assessed through the Chemist On Call process this will be taken into consideration during the screening process.

Where an individual returns a positive screening result they will be subject to immediate disciplinary action in accordance with the company disciplinary procedures. The penalty for providing a positive screening result is dismissal from employment.

The company will consider any refusal (as a result of a reasonable request) to undergo alcohol and drugs screening as constituting a positive result. Individuals who refuse to undergo screening will be subject to immediate disciplinary action in accordance with the company disciplinary procedures. The penalty for refusing to undergo screening after a reasonable request will be dismissal from employment.

All documentation including print outs from alcohol screening equipment will be securely maintained by the Occupational Health Nurse/Practitioner. In the event of an investigation the information will be made available to the lead investigating officer and any subsequent disciplinary hearing.

All employees that are dismissed from employment for providing a positive screening result will not be considered for re-employment for a minimum period of 5 years. Any person applying for employment with VolkerRail will undergo checks (Sentinel etc) prior to employment, where it is found that they have provided a positive screening result in the last 5 years then their employment will not be progressed.

5.8.2 Positive drug testing

All documentation including print outs from drugs screening equipment will be retained by the Occupational Health Nurse/Practitioner and may be used in any investigation and subsequent disciplinary hearing.

VolkerRail will consider a refusal to undergo drug screening after a reasonable request as a positive result and implement the disciplinary action immediately.

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Medication which has been disclosed by an individual undergoing screening will not be considered as a positive result provided that it was disclosed **before** the screening sample was collected.

Where an individual returns a positive screening result they will be subject to immediate disciplinary action which will result in dismissal from service.

All employees that are dismissed from employment for providing a positive screening result will not be considered for re-employment for a minimum period of 5 years. Any person applying for employment with VolkerRail will undergo checks (Sentinel etc) prior to employment, where it is found that they have provided a positive screening result in the last 5 years then their employment will not be progressed.

5.9 Actions in the case of a person providing a positive drug and / or alcohol screen test, and / or no result

The following actions must be immediately taken when it is known that an employee has failed a drug and / or alcohol screening:

5.9.1 Suspension from duty

- a) The employee must be immediately suspended from duty, if this has not already been done.
- b) They must be instructed to remain at home until contacted and directed that they must not attempt to report for work, enter any VolkerRail worksite or contact members of staff/contractors, a designated point of contact will be established for the period of suspension.
- c) A full report of the circumstances must be prepared and made available to the manager who will be instituting the disciplinary hearing as quickly as possible.

In the case of screening carried out on site, if the person concerned is clearly unfit, or there is good reason to believe that there is a risk to their health and safety, the responsible manager must ensure, as a duty of care, that the person is conveyed to a place of safety. (E.g. home or lodgings) immediately after the screening result. If necessary, they must be accompanied by another member of staff to ensure that they reach their home or place of lodgings safely.

5.9.2 Removal of safety critical competency certification

All safety critical competency certification must be withdrawn by their Line Manager. This should be actioned in accordance with the requirements of VolkerRail procedure SAF07.

Safety critical certification must be forwarded to the Competence and Training Manager for retention and advice to NCCA/Sentinel where necessary.

In the event that they are unable to produce these certificates immediately, they must be instructed to return them to VolkerRail as quickly as possible and advised that they must not attempt to use them in the interim. The person concerned should receive a written confirmation of this preferably before leaving work, but in any case by next post under recorded delivery arrangements.

5.9.3 Removal of company vehicles

Employees supplied with VolkerRail company cars or vehicles must have the keys immediately withdrawn by the Line Manager.

In such circumstances it will be the responsibility of the person concerned to make their own transport arrangements. The one exception to this will be when the condition of the person who has failed an alcohol and/or drugs screening test is such that they need to be accompanied to a place of safety (see section 5.9.1).

5.10 Breach of the drugs and alcohol policy

Employees will be dismissed for any of the following breaches of conduct relating to drugs or alcohol:

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- a) Failing an alcohol test with a level more than 29 milligrams or above in 100 millilitres of blood.

Note: Individuals who fail a screening with a reading of 80 millilitres or more are also committing a criminal offence and may be liable to criminal prosecution if the provisions of Section 27 of the Transport and Works Act are contravened.

- b) Failing an alcohol test with more than 13 micrograms of alcohol per 100ml of breath, or
- c) Failing an alcohol test with more than 39 milligrams of alcohol per 100ml of urine
- d) Screening positive for drugs of abuse
- e) Refusing to undertake a screening test for drugs or alcohol
- f) Reporting, or endeavouring to report for duty on any occasion when unfit through drugs or alcohol
- g) Consuming drugs of abuse or alcohol whilst on duty
- h) Declining to undertake an approved course of treatment for a drug or alcohol -related problem or discontinuing treatment before satisfactory completion

Any person who provides a positive drugs and/or alcohol screening result and has been dismissed as a consequence of this, must not be re-employed for a minimum period of 5 years.

Any person who subsequently reapplies for employment after the 5 year period must undergo pre-employment drugs and alcohol screening and in addition agree to an individually tailored unannounced screening and medical assessment programme which is agreed by the HR Director and the HSQE Director

5.11 Police requiring a drug and alcohol screen – management interaction

5.11.1 Incidents where the police are in attendance

Where a safety critical incident is covered by the Transport and Works Act, and the British Transport or Civil Police attend, the police will assume control and will conduct the appropriate evidential tests where practicable. Staff who are required to be tested by the Police should be reminded by a manager prior to testing that they are required to provide VolkerRail with details (including a copy of computer print-outs where applicable) of any test result(s). They should be made fully aware that failure to do so will result in disciplinary action being taken.

Irrespective as to whether the police decide to proceed with evidential testing the responsible manager must also ensure that for cause screening is undertaken in accordance with the requirements of this procedure. This is to ensure the differing levels of screening results are established in relation to criminal offences and those applicable to company policy breaches.

Individuals required to undertake a police test must be reminded that refusal to provide a specimen to a police officer when requested to do so is an arrestable offence. In all other circumstances refusal will render them liable to disciplinary action.

If police attendance at a site is requested, Managers and Supervisors must provide any necessary details and all staff are to co-operate fully to prevent any allegations of obstruction which in itself is an arrestable offence.

Note: Police may arrive because of information from other sources – e.g. others on site, emergency services

5.11.2 Actions pending the arrival of the police

The person(s) should be:

- a) Relieved of duty

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- b) Accompanied at all times by a responsible person until the police arrive
- c) Removed to a safe location
- d) Not allowed to consume any substance before the police arrive.

Note: If an individual asks to take Medication prescribed by a doctor this should be allowed but the Manager/Supervisor must make a note of the name of the drug, the quantity taken and the exact time. Any bottles, tablet wrappings etc should be kept and handed to the police on their arrival.

All possessions held by the individual at the time of the incident should be retained with the individual and handed to the police on their arrival.

A request by an individual to visit the toilet should be declined, if possible, until the police have arrived. If the individual is not prepared to wait, the request should be allowed but the visit should be supervised as closely as possible in the circumstances. They should be asked to empty their pockets first and the items should be listed and secured for safekeeping. The taking of any bag or other object into the toilet by the individual should not be allowed.

If immediate medical assistance is required before the police arrive, the Manager or Supervisor should call an ambulance and obtain details of where the individual is being taken so that the police may be informed. A member of staff should accompany the individual if possible.

If the police do not arrive before the time an individual is due to finish duty, there is no right to insist that the individual remains on the premises against their will. The individual however should be encouraged to remain on the premises and be paid at the appropriate rate. If an individual leaves duty before the police arrive, the police will expect co-operation from the Manager/Supervisor in identifying the individual's whereabouts.

5.11.3 Additional action in respect of contractor's employees

The Contractor's representative must be informed by the Manager/Supervisor as soon as possible. The Contractor's Manager or Supervisor, if in attendance, must assume responsibility for the contractor's employee and give the individual any necessary instructions.

The individual must not be allowed back on site for that shift, and subsequent actions are a matter for determination by the contractor.

The HSQES Director must be advised who will then contact the contractor to ensure appropriate action is taken

5.11.4 Testing at the scene by police

If the test is negative, the **police** will relinquish control of the individual who must not be allowed to resume duty that shift.

If the test is positive the individual will be arrested and removed, with personal belongings, to a police station. Another evidential test by breathalyser with a print out and possibly a blood or urine test will be conducted.

Before being conveyed to the police station the police may allow the individual to be reminded by the Manager or Supervisor to retain the breathalyser print out for producing to management later, and to furnish the result of any analysis to VolkerRail in due course.

An individual who refuses to give police a breath test at the scene will be arrested and removed to the police station. On release, the individual should not be allowed to resume duty and the case will be considered under the disciplinary procedure.

5.11.5 Statements from staff

In the case of an individual being charged with an offence, the police will require statements from all staff, e.g. the Manager or Supervisor who remained with the employee. Staff may be required to give evidence at the court proceedings.

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5.12 Client notification

The HSQES Director is are required under Contractual conditions to ensure that Network Rail and LUL are informed of the details of any positive drug or alcohol test results (this includes notification to NCCA) which results in disciplinary action.

5.13 Drug or alcohol related criminal charge

VolkerRail require any employee who is charged with a drink or drug related criminal offence to declare, verbally and in writing, the details of the charge.

In the best interests of safety, employees charged with a drink or drug related criminal offence, and who report this matter must not be allowed to commence their normal duties related to safety unless the employee satisfies the Business Director, HR Director and HSQES Director.

The first priority for a manager should be to determine, as far as possible, the background to the charge and the relationship of the charge to employment practices policies. This should enable the manager to decide whether any action is necessary as a preliminary to the employee resuming normal duties. It may be deemed necessary to obtain the opinion of a medical practitioner at this early stage and to employ the individual in other than normal duties at the person’s substantive rate of pay pending the outcome of a medical examination and assessment. However, after the initial evaluation, the employee concerned should not automatically be placed under investigatory suspension or removed from their post.

Each case must be considered on its own merits.

A member of staff reporting such a charge should be kept under management surveillance until the case is heard. If the charge leads to conviction it may be necessary to consider dealing with the matter in accordance with the disciplinary procedure, taking due regard for the nature of the criminal offence and the duties and responsibilities of the employee’s post.

Where it becomes known that an employee has failed to declare details of a drink or drug related criminal charge the failure should be dealt with under the disciplinary procedure.

5.14 Arrangements relating to contractors engaged by VolkerRail

It is a requirement that any **Contractor** engaged by VolkerRail co-operates fully with the policy set out within this document.

All contractors must be made fully aware of VolkerRail’s policy on Drugs and Alcohol and the implications of the Transport and Works Act by the inclusion of the following standard clauses within commercial contracts:

- a) The requirements expected of their employees, and any sub-contractors, under VolkerRail’s policy on drugs and alcohol, and the implications of the Transport and Works Act.
- b) A requirement that they must have in place their own code of discipline on drugs and alcohol, which must be no less restrictive than that operated by VolkerRail.
- c) A stipulation that any employee who breaches the VolkerRail Drugs and Alcohol Policy will be prohibited from any work with VolkerRail in the future and that NCCA will be advised.
- d) A stipulation that any individual with a disciplinary record of a drug or alcohol related offence committed whilst working in a Safety Critical post, will not be employed by the Contractor or accepted on any VolkerRail worksite.

The Contractor is required to bring the contents of this document to the notice of all of their staff. This will include both direct employees and any person engaged on a self-employed basis.

In the case of a Contractor, sub-contracting work out to any other party, the Contractor will be responsible for ensuring that any sub-contractor engaged by him fully complies with the arrangements set out in this document.

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If the Contractor fails to comply with the arrangements set out in this document, VolkerRail will require the Contractor to immediately cease work and remove all staff from the site until such time as full compliance is achieved.

This will be in addition to any other remedy or sanction available to VolkerRail under the terms of any contract.

If any person employed by a Contractor contravenes the arrangements set out in this document, they will be required to immediately cease work and remove all staff from the site. The Contractor will be required to confirm in writing that the individual concerned will not be engaged on any further work for VolkerRail.

6. ASSOCIATED GUIDANCE & INFORMATION

- Appendix A – Guidance on detection of persons with drug or alcohol abuse problems
- Appendix B – Signs of abnormal conduct, behaviour and speech
- Appendix C – Guidance for ‘For Cause’ screening
- Appendix D – Drugs, alcohol and medication policy
- H81-G01 Approved Medications

7. DOCUMENTATION (OUTPUTS)

- H81-03 Records of Medication Taken

8. ISSUE RECORD

Issue	Date	Comments
1	13/05/2013	Formerly referenced as SQE/16. It has been separated from the Quality & Environmental section and Issue 8 will be withdrawn upon this issue. This procedure has undergone a full review to ensure compatibility with the VolkerWessels UK Drugs and Alcohol Policy. Minor change for responsibilities from HR to the HSQES Directorate. The requirement to include drug and alcohol screening with routine / periodic medicals. Changes to Appendix C to include guidance on screening in relation to behaviour and conduct and the inclusion of a flow chart to be used in the process of when a For Cause Screening may be required. Minor changes to the contact details on the Medication Declaration Form SAF/16/F/01 to reference VRCC as the out of hours contact and submission of forms to competence@volkerrail.co.uk Appendix D ‘Drugs and Alcohol Policy’ has been transferred to IMS element 9.23.
2	20/02/2015	Changes to wording to provide clarification on process for “for cause” screening. Additional paragraphs included to outline the process and minimum period before re-employment following a positive drugs or alcohol screening. Opportunity taken to transfer procedure and all associated appendices and forms into new format to align with VolkerWessels format.
3	18/10/2017	Changes to Appendix C, section 2: Operational Safety Incidents
4	21/12/2017	Include reference to MPA, update references and add section 5.5.6
5	13/07/2018	Section 5.3 amended to streamline the reporting of medication and to align the process with the rest of the VolkerWessels Group.

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Issue	Date	Comments
		Withdrawal of SAF16F01 Prescribed or Non-prescribed Medication Reporting form and SAF16F02 – Certificate of Authorised Medication.
6	08/10/2018	Section 5.10 amended to provide clarity on breaches of levels of drugs or alcohol in blood, breath and urine.
7	18/11/2020	Section 5.5 amended to reflect change in procedure for office workers requirement for a D&A test within 3 weeks of them commencing employment, rather than before they start. The requirement for operational workers remains unchanged.

9. WHAT HAS CHANGED IN THIS LATEST ISSUE AND WHY

Section 5.5.1

Amended to: All prospective candidates for operational employment within VolkerRail must undergo a pre-employment screening for drugs and substances of abuse.

Added: Office workers are subject to a D&A screening which must be completed within 3 weeks of them commencing employment

10. BRIEFING REQUIREMENTS

All new employees will receive an introduction to the Integrated Management System (IMS) at induction, according to the nature of the role.

All employees with an email address receive the 'Record of Revisions' each month, which details changes to the IMS. All Line Managers retain the responsibility to ensure their staff are briefed on changes as appropriate.

The following table defines how revised issues of this document are briefed to existing employees according to related specific responsibilities.

This is determined using the 'RACI' principle. Those roles identified as 'Responsible' and 'Accountable' should receive a formal awareness briefing facilitated by the Document Owner.

Discipline	Role	RACI	Type of briefing
All	All employees	Responsible	Detailed

11. IMS AUTHORISATION

Document owner approval:

Stuart Webster-Spriggs, HSQES Director, 18/11/2020

Approval for IMS:

Paula Roberts, IMS Coordinator, 18/11/2020

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1. Early detection of symptoms

As it is realised that not all those with an alcohol or drug related problem will voluntarily seek assistance, Managers and Supervisors should be aware of signs of abnormalities of behaviour which may indicate that an employee has an alcohol or drug dependency problem.

They should also be aware, however, that such signs may not necessarily be related to alcohol or drug abuse but in the absence of an acceptable explanation from the individual concerned, might indicate the need for positive intervention including “for cause” screening.

Identification of employees with alcohol or drug related problems is considered to be in their own interests and should be a necessary element of the policy of treatment and rehabilitation. Managers must put their responsibility for the safety of operations first and foremost and any action to help individuals must be taken within this context.

Listed in Appendix B are signs of abnormalities, which should assist Managers and Supervisors in recognising alcohol and drug problems at an early stage, when treatment is likely to be most effective.

2. Confidentiality

If an employee is suspected of having an alcohol or drug related problem because of characteristic signs, it is essential that tact and diplomacy is used and total confidentiality practised in any approach.

3. Where suspicious circumstances are observed

Where suspicious circumstances are observed but there is no admission of a problem by the individual the matter should be referred to the Human Resources Department who will arrange for referral to approved OHC centre. A confidential report detailing the facts of the case, i.e. absence dates, copies of any self-certification or Doctor’s certificates, details of un-punctuality and description of abnormal behaviour traits must be sent with the request for an appointment.

4. Where a specific problem is admitted

If an employee, during counselling by a Manager or Supervisor, admits to a problem of alcohol or drug abuse, or voluntarily comes forward with such an admission, the employee must be referred, in consultation with the HSQE Director to an approved OHC centre via the Human Resources Department who may decide to make formal work limitations in such cases.

5. Rehabilitation

Any employee who knowingly has, or may be developing, an alcohol or drug related problem should be allowed to approach their Line Manager or Human Resources Department at any time.

Self-declaration of an alcohol or drug related problem after involvement in an incident or after selection for drug and alcohol screening will remove the option of involvement in the rehabilitation process for an individual and will lead to disciplinary measures.

Where persistent or recurrent heavy drinking or drug abuse is diagnosed the Doctor/OHC will advise on a course of treatment, which will be agreed with the individual, the HR Manager and the HSQE Director.

The individual’s manager should be given advice on the type of work on which the individual should be employed in the interests of safety and efficiency pending restoration to good health. The HR Manager will issue a medically restricted card to the individual in accordance with the requirements of VolkerRail procedure OHS04 to ensure they are not requested to undertake any safety critical/key safety tasks. Safety Critical certification will be withdrawn in accordance with VolkerRail procedure SAF07.

Respect for the individual’s right to confidentiality must be maintained and restricted to those who have an absolute need to know.

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APPENDIX B: SIGNS OF ABNORMAL CONDUCT, BEHAVIOUR AND APPEARANCE SAF16

The following signs together with other evidence can be indicative of:

- Drug abuse and/or;
 - An alcohol related problem, which can be considered to be of a level serious enough to be classed as alcohol dependency.
1. **Irregular attendance at work / absence from place of duty**
 - Multiple instances of unauthorised leave
 - Excessive sick leave
 - Frequent Monday and/or Friday absences
 - Excessive lateness
 - Leaving work early
 - Peculiar and increasingly improbable excuses for absences
 - Unusually high absenteeism rate for colds, flu, gastritis etc.
 - Frequent unscheduled short-term absences with or without explanation
 - Repeated absences from post, more than the job requires
 - Overlong breaks / unexplained absences from place of duty
 - Frequent single days with no reason given
 2. **Work performance**
 - Work seems to require greater effort than the manager expects
 - Job takes more time than it normally should
 - Alternate periods of high and low activity
 - Increasing general unreliability and unpredictability
 - Late for work
 - Unexplained absences from place of work
 - Increased errors and generally poor performance
 - High rate of reported sickness on duty and physical incapability of performing the job
 3. **Increased rate of accidents (Including near miss incidents)**
 - Accidents on the job
 - Accidents off the job, e.g. At home, travelling to work
 - High incidence of accidents on and off duty
 - Road traffic accidents, particularly if breathalysed by police
 4. **Mood / personality**
 - Difficulty in recalling instructions, details etc.
 - Increasing difficulty in handling complex assignments
 - Difficulty in recalling own mistakes
 - Over excitement / elation
 - Deterioration of relationships with colleagues at work
 - Lack of reliability, and the use of deception to cover mistakes and behaviour, e.g. avoiding supervisor when booking on duty
 - Deterioration of personal appearance and dress
 5. **Other signs**
 - Coming to work in an obviously abnormal condition
 - Aroma of alcohol or other unfamiliar substances, particularly in the early morning
 - Tremors, especially of the hands
 - Increasing unkempt appearance / lack of hygiene
 - Flushed face and bleary eyes
 - Drowsiness, loss of concentration and dizziness
 - Domestic problems, e.g. in relationships with members of the family and financial difficulties.

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1. Occupational Safety Incidents

As a general rule, drug and alcohol screening should always be carried out when there is reason to suspect that drugs or alcohol MAY have played a contributory part or on receipt of a reasonable request from another infrastructure manager or railway undertaking. Examples of this would include situations where:

1.1 Failures in Supervision

Examples:

Where it is clear that there has been inadequate supervision of activities, such as:

- Inadequate instructions given to the people involved;
- Instructions that were contrary to VolkerRail’s established safe systems, given to the people involved;
- A failure to apply, correctly, established safe systems of work
- Overall poor or inadequate supervision of the site activities;
- A failure to exercise correct control over the staff on site;
- A failure to institute ‘For Cause’ screening where it could reasonably have been assumed that staff were unfit to take up duty;
- Knowingly permitting staff to work in an improper manner.

1.2 Failure of Staff to Work in a Safe and Proper Manner

Examples:

- The personnel involved have not complied with the safe system of work set up;
- The personnel on site have not complied with instructions as to how an activity should have been carried out;
- PPE was not worn correctly, or worn at all;
- The personnel on site have acted in a reckless manner;
- The personnel on site, by virtue of their actions, have contributed considerably to the circumstances that led to the incident;
- Errors, for which it is not possible to provide an adequate explanation, have occurred;
- The accident has been brought about by the acts or omissions of personnel who have been trained in the correct method of work;

1.3 Failure to Operate Plant and Equipment Properly

Examples:

- Personnel have operated plant or equipment for which they have not been trained and certificated as competent to operate;
- Personnel have operated plant or equipment that is not in a proper state or condition;
- Personnel have failed to undertake pre-work or pre-start checks on equipment;
- Personnel have operated plant and equipment in an unsafe or improper manner that could have led to an incident;

1.4 Failure of Staff to Obey Safe On Track Working Procedures

- Failures to wear high visibility clothing;
- Failure of a COSS to set up the safe system of work, brief staff of the arrangements or apply the arrangements correctly, or at all;
- Failure of a COSS to communicate effectively, or at all, with the Signaller in a line blockage situation;
- Failure of a COSS to communicate effectively, or at all, with the Signaller, Shunter or Person in Charge of Sidings in a possession of sidings situation
- Failure of a COSS to communicate effectively or at all, with the Person In Charge of Possession, or the Engineering Supervisor, in an engineering possession
- Failure of a COSS to react to changed working circumstances on site;
- Failure of a Lookout to warn of an approaching train when working within a safe system of work using lookout warning.

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1.5 Serious Accidents

In the case of a serious accident occurring, that results in a Reportable Accident, drug and alcohol screening **MUST** be undertaken of all persons involved in the activity immediately prior to the accident **UNLESS** the circumstances clearly suggest that drugs or alcohol was not a constituent factor.

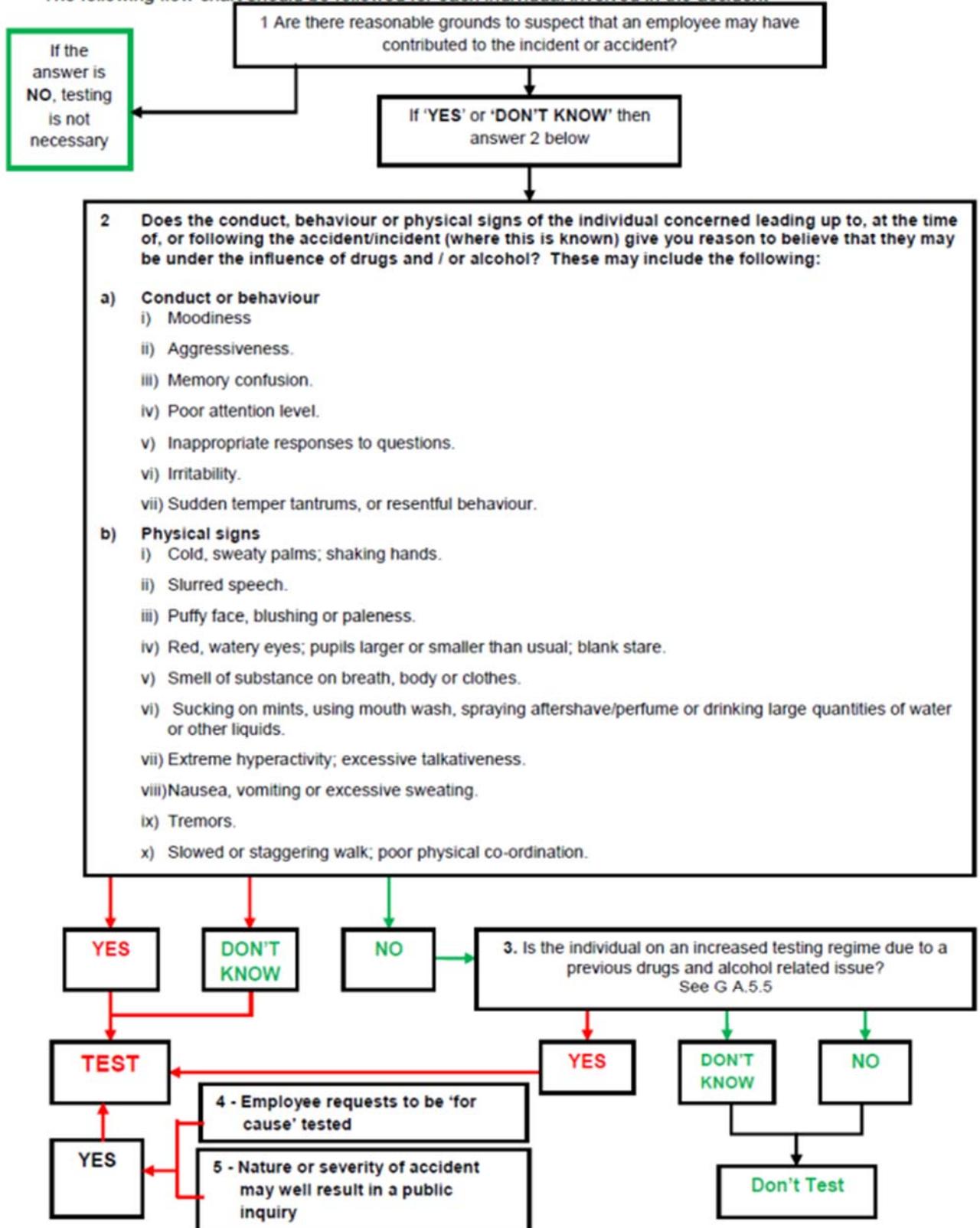
In addition, the following in relation to behaviour and conduct either preceding or following an accident may lead to further grounds for drug and alcohol screening to take place:

- a) Moodiness.
- b) Aggressiveness.
- c) Memory confusion.
- d) Poor attention level.
- e) Inappropriate responses to questions.
- f) Irritability.
- g) Sudden temper tantrums, or resentful behaviour.

The following chart should be used in the decision making process:

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The following flow chart should be followed for each individual involved in the accident



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2. Operational Safety Incidents

Screening of staff directly involved with Operational Safety Incidents will be carried out in accordance with the following matrix, unless there are circumstances that determine that drugs & alcohol were not a factor and agreed with the HSQE Director:

No.	Incident Type	Person to be tested
1	Signals Passed at Danger	
	Where: <ul style="list-style-type: none"> the incident is disputed the cause is disputed the indication of the signal is disputed there is reason to believe that drugs or alcohol may have been a factor 	On Track Machine Driver or Road/Rail Machine Operator concerned
2	Failures in Protection Arrangements, where:	
2(a)	protection has been incorrectly placed on the line by the Hand signaller	
2(b)	Marker boards placed on wrong line	
2(c)	Marker boards removed from wrong line	Hand signaller unless incorrectly instructed by PICOP
3	Train Movement Irregularities, where	
3(a)	a train movement has been incorrectly instructed to: - <ul style="list-style-type: none"> proceed into a worksite over a level crossing out of the possession 	PICOP or Person who instructed the Driver
3(b)	a train movement has been incorrectly instructed to proceed out of a worksite	Engineering Supervisor
3(d)	a train movement has been authorised to pass over a controlled level crossing that had not been ‘closed’ to road users	Signalman, or Level Crossing attendant and/or Hand signaller
3(e)	a train movement has been authorised to pass an automatic level crossing that had not been ‘closed’ to road users.	Level Crossing attendant and/or Hand signaller
4	Points ‘Run Through’	
4(a)	incorrect movement instructions given by Hand signaller	Hand signaller

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No.	Incident Type	Person to be tested
5	Collisions	
5(a)	between train movements under the control of the Engineering Supervisor, unless 6(d) applies	Engineering Supervisor and Driver(s)
5(b)	as a result of unauthorised movements	Driver(s) and any person who instructed the movement
5(c)	as a result of the Driver failing to control the speed, or the braking, of the movement	Driver
5(e)	as a result of a defect on an OTM or Road/Rail Vehicle	Driver/operator if preparation / pre-service checks not undertaken properly
6	Hand signalling Irregularity (Not Possession)	
6(a)	where the Hand signaller has instructed a Driver to pass at signal at Danger without permission	Hand signaller
6(b)	where the Hand signaller has instructed a Driver to proceed over a controlled level crossing without the permission of the Signaller or Level Crossing Keeper/attendant	Hand signaller
6(c)	where a Hand signaller has given incorrect or incomplete instructions to the Driver	Hand signaller, unless incorrect instructions were given by Signaller
6(d)	where a Hand signaller has failed to exhibit the correct hand signal, or any hand signal	Hand signaller
6(e)	where a Hand signaller has failed to speak to the correct Signaller or other person	Hand signaller
7	On Track Machine (OTM) Operation	
7(a)	signals Passed at Danger without authority	See - No. 1 (above)
7(b)	passing into or out of the limits of a worksite without the authority of the Engineering Supervisor/PICOP	Driver
7(c)	passing into or out of an Engineers Possession without authority	Driver unless incorrectly instructed by Hand signaller
7(d)	failing to travel at reduced speed after being authorised to pass a signal at Danger	Driver, unless incorrectly instructed by Hand signaller or Signaller
7(e)	Passing over an automatic level crossing without receiving a proceed indication or checking that it is safe to do so	Driver, unless incorrectly instructed by authorised person
7(f)	over-speeding 10 MPH or more above the maximum permitted line speed	Driver

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No.	Incident Type	Person to be tested
7(g)	exceeding a temporary speed restriction by more than 10 MPH above indicated speed	Driver
7(h)	travelling at excessive speed within an Engineers Possession, (e.g. at a speed in excess of that sufficient to be able to be able to stop short of any obstruction)	Driver
7(i)	any collision with another train	Driver
7(j)	collision within an Engineers Possession	See - No. 6 (above)
7(k)	collision with a road vehicle at a level crossing	Driver
8	On Track Plant Operation	
8(a)	signals Passed at Danger without authority	See - No. 1 (above)
8(b)	passing into or out of the limits of a worksite without the authority of the Engineering Supervisor/PICOP	Operator/machine supervisor
8(c)	Passing over an automatic level crossing without receiving a proceed indication or checking that it is safe to do so	Operator, unless incorrectly instructed by authorised person
8(d)	travelling at excessive speed within an Engineers Possession, (e.g. at a speed in excess of that sufficient to be able to be able to stop short of any obstruction)	Operator/machine supervisor
8(e)	collision within an Engineers Possession	Operator/machine supervisor
8(f)	collision with a road vehicle at a level crossing	Operator/machine supervisor
8(g)	striking any member of staff working on site	Operator/machine supervisor
8(h)	striking lineside infrastructure	Operator/machine supervisor
8(i)	striking any wagon or train with a load	Operator/machine supervisor
8(j)	dropping a load being lifted or carried	Operator/machine supervisor
8(k)	overturning or becoming unbalanced whilst working	Operator/machine supervisor

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VolkerRail Group has produced this policy (and the associated management arrangements contained in VolkerRail Standard SAF16) on drugs and alcohol to control the risks of employees and/or contractors who may attend work under the influence of drugs and alcohol. This policy has taken into account the legal requirements of the Transport & Works Act and the Rail Industry Standards applicable to our various operating licences.

This policy and the detailed arrangements contained in VolkerRail Standard SAF/16 seek to ensure:

- 1) Employees do not report for duty when unfit through alcohol or any drug, nor consume alcohol or any drug of abuse while on duty.
- 2) The company discharges its responsibilities under the Transport and Works Act by preventing its employees and employees of other companies contracted to the VolkerRail from working on the Railway in Safety critical activities while unfit through alcohol or drugs.
- 3) Other persons who work on railway premises are neither unfit through alcohol or any drug nor consume while on railway premises alcohol or any drug which might impair their ability to work safely and efficiently.
- 4) Candidates for employment or transfer or promotion to safety critical posts are screened as negative for drugs of abuse.
- 5) Assistance with the rehabilitation of employees who voluntarily seek help for alcohol or drug related problems before any consequential drugs & alcohol screening identifies a problem.
- 6) Contractors to VolkerRail have an equally rigorous policy.
- 7) The SMT establish an annual programme of unannounced 'random' screening in consultation with the HSQE Department based upon the risk that Drugs and Alcohol use impacts on the business. The minimum unannounced testing of a random sample of the workforce engaged in Safety Critical Work or other work on or near the line will be 5% per year.

Breaches of the Policy

Employees will be dismissed for any of the following breaches of conduct relating to drugs or alcohol: -

- a) Failing an alcohol test with a level of 30 milligrams or above in 100 millilitres of blood (or equivalent in urine or breath). It should be noted that individuals who fail a screening with a reading of 80 millilitres or more are also committing a criminal offence.
- b) Screening positive for drugs of abuse.
- c) Refusing to undertake a screening test for drugs or alcohol.
- d) Reporting, or endeavouring to report for duty on any occasion when unfit through drugs or alcohol.
- e) Consuming drugs of abuse or alcohol whilst on duty.
- f) Declining to undertake an approved course of treatment for a drug or alcohol -related problem or discontinuing treatment before satisfactory completion.

An employee may also be liable to criminal prosecution if the provisions of Section 27 of the Transport and Works Act are contravened.

Rehabilitation Policy

Employees with an alcohol or drug related problems who voluntarily seek help at an early opportunity will be assisted in their restoration to good health and general rehabilitation in every reasonable way.

Any employee who knowingly has, or may be developing, an alcohol or drug related problem should approach their local manager or Human Resources Department at any time.

Self-declaration of an alcohol or drug related problem **after** involvement in an incident or after selection for drug and alcohol screening will negate the option of involvement in the rehabilitation process and will lead to disciplinary measures.



Steve Cocliff
Managing Director
VolkerRail Group Limited

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