

GENERAL

Data Tech [Holdings Ltd \(DT\)](#) is committed to providing a safe, secure and healthy working environment for all employees and those affected by our activities.

Drugs of any nature and even small amounts of alcohol can slow reactions, decrease vigilance and affect the ability to think straight when it really matters.

The Company expects employees and subcontractors to take a responsible approach to drinking alcohol and ensure that their alcohol consumption does not decrease safety or interfere with work duties.

Misuse of drugs or alcohol by individuals can lead to an increased risk of accidents or incidents; therefore DT operates a zero tolerance to drug and alcohol abuse within the workplace.

Any employee or subcontractor found intoxicated during working hours or on Company premises, vehicles or worksites will be escorted from the premises immediately. The Company will then take disciplinary action when the employee has had time to recover from the effects of intoxication.

SCOPE

This policy covers all employees and subcontractors in all premises and vehicles operated by the Company and all worksites in which the Company is engaged.

Additional conditions are imposed for those working in specific areas or infrastructures as detailed below.

DECLARATION OF PRESCRIBED AND OVER THE COUNTER MEDICATIONS

All employees and subcontractors are required to declare any medication being taken prior to commencing work.

Should it be deemed that the medication being taken could adversely affect safety or works, the employee or subcontractor will leave site and specialist medical advice will be sought.

WORKING ON LONDON UNDERGROUND & NETWORK RAIL

The Transport and Works Act of 1992 contains provisions relating to the use of alcohol and drugs by employees working on the railway and carrying out safety critical activities. These provisions apply to all Rail undertaking employees, their consultants, main contractors and sub-contractors.

Any of the above who carries out safety critical work if they are unfit to carry out their duties because of alcohol and/ or drugs or under the influence of alcohol and/or drugs is guilty of a criminal offence. The police (usually British Transport Police) have powers under the Act to carry out alcohol and drugs tests on safety critical employees who are suspected of working or attempting to work under the influence of alcohol or drugs (or where there has been an accident or dangerous incident).

It is a criminal offence to refuse to take the test and if found guilty the Act allows for fines of up to £5000 and/or six months imprisonment.

Additionally, where an employee or individual subcontractor commits an offence, their employer and any responsible operator of the railway is also deemed to have committed an offence unless they are able to show that they have exercised all due diligence to prevent the individual committing the offence. The Company and its clients have the right to carry out unannounced testing for drugs and alcohol and employees and subcontractors MUST comply with this request.

Activities defined as safety critical are normally identified within the contract conditions and all employees/subcontractors should make themselves aware of these before commencing an assignment. In the case of London Underground assignments are identified within standards [S1251](#) and [S1257](#) and contract QUENSH conditions.

All employees/contractors engaged in safety critical activities should ensure that they are in possession of a valid (DAMPS) Certificate – Drugs and Alcohol Medical Screening Certificate which must be carried at all times when undertaking safety critical work, and be produced as part of work site inspections and audits. The certificate is dated and is valid for one year from the date of testing.

This policy applies to all employees and subcontractors working for DT on London Underground or Network Rail infrastructure, and sets out the Company's policy in respect of any employee or subcontractor whose proper performance of their duties is impaired, or may be impaired as a result of drinking alcohol and/or taking drugs.

Employees or subcontractors on assignments where safety is critical have a particular responsibility to ensure that performance is in no way impaired as a result of alcohol consumption. **All should be aware that there is no safe level of alcohol consumption.**

In order to start work with zero or near zero alcohol levels, employees or subcontractors should not consume any alcohol at all in the 8 hours before starting work and not more than 7 units of alcohol in the 16 hours prior to that. In the case of non-medicinal drugs the Company has a zero tolerance policy, i.e. there should be no trace in the sample whatsoever. The majority of employees or subcontractors will have no difficulty in adhering to these standards, but those who fail to do so risk charges of misconduct, which may result in summary dismissal.

Standards expected from the employees, subcontractors and their managers on safety critical assignments include:-

- Not reporting for duty if under the influence of alcohol or non-medicinal drugs.
- Not purchasing, consuming or possessing alcohol or non-medicinal drugs, whilst on duty or about to report for duty, on Company or its client's operational premises.
- Not consuming alcohol or non-medicinal drugs prior to duty or during breaks in the working day, including meal breaks spent outside of the Company's or its client's premises.
- Not consuming or being under the influence of alcohol or non-medicinal drugs if you are on call and may be required to report for duty.
- Not abusing prescription or over the counter drugs.

RESPONSIBILITIES

All employees and subcontractors shall understand and accept their responsibilities under this policy and:

- Never report for duty having taken or whilst under the influence of alcohol or non-medicinal drugs.
- Be familiar with all aspects of this policy and the disciplinary implications resulting from a breach.
- Identify employees or subcontractors whose performance is impaired by alcohol or drugs and resolve any problems that may arise.
- Encourage any employee or subcontractor with a drink or drugs related problem to come forward and seek help.
- Avoid covering up or colluding with colleagues whose behaviour and performance is affected by alcohol or drugs.
- Ensure that employees and subcontractors are aware that to use, possess, consume, store or sell illicit drugs on either the Company's or its Client's premises or to report for work having taken such drugs will result in disciplinary action which may lead to summary dismissal.
- Ensure that employees and subcontractors are aware that the taking of drugs, including those medically prescribed or over the counter, can impair work performance and increase safety risks.

Where employees/subcontractors are using medically prescribed drugs they shall inform their immediate manager or Compliance in writing.

All employees & subcontractors will be required to confirm in writing that they have not failed a Drugs and Alcohol test in the last 2 years.

Staff or subcontractors working for, or about to work for, LUL/Network Rail will be required to take a Drugs and Alcohol test prior to starting work.

IDENTIFICATION AND ASSISTANCE

Employees who recognise that they have or are at risk of developing a drink or drug problem are encouraged to come forward for help and should speak to their line manager or Human Resources in confidence.

DRUG AND ALCOHOL TESTING

The Company reserves the right to have employees and subcontractors tested for drugs and alcohol for the following reasons:

- pre-employment.
- unannounced and random testing.
- use of prescribed and non-prescribed medication.
- as part of ongoing medical assessments.
- for cause screening (generally following an incident).
- annual testing (safety critical and specific functions).
- client specified / project required.

DISCIPLINARY PROCEDURES – SEE HRS003

In the event of any breach of discipline as a result of alcohol or non-medicinal drug consumption, the normal disciplinary procedures will apply.

The following will be considered as Gross Misconduct under the Company's disciplinary procedure.

- Being under the influence of alcohol or non-medicinal drugs during working hours or on Company premises, or worksites.
- Being under the influence of alcohol or non-medicinal drugs whilst driving Company vehicles.
- Operating Company plant or equipment, or plant or equipment hired by the Company whilst under the influence of alcohol or non-medicinal drugs.
- Refusal to provide samples (breath or urine) for drug and alcohol analysis.
- Failure to provide a testable sample or providing a false sample.
- Failure to attend a Drug and Alcohol test without a demonstrable reasonable cause.
- Possession of non-medicinal drugs or alcohol during working hours, on Company premises, worksites or in Company vehicles.
- The selling, buying or transportation of non-medicinal drugs during working hours, on Company premises or worksites or in Company vehicles.
- Testing positive for drugs or alcohol when sent for a drugs and alcohol test.

The confession of an alcohol or drug related problem does not absolve an employee or subcontractor nor give entitlement to a period of rehabilitation. The appropriate action will be taken dependent on individual circumstances following a full investigation.

The Company will endeavour to assist employee or subcontractors with drink/drug problems, however, should they be unable to make sufficient progress despite the assistance available, the company cannot guarantee their employment.

Employees who persistently refuse to undertake or continue treatment are liable to forfeit Company sick pay. Depending on the circumstances of each case, disciplinary action and/ or termination of employment may also follow.

ADDITIONAL DOCUMENTATION

Further requirements and explanations in respect of Network Rail works are detailed within P03 of Data Tech Rail Manual.



Bob Jacobs
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