

Policy Title: Alcohol & Drug Policy

Policy Ref: PRB POL 004

Author: R Bell

Date: January 2024

Version: V12



Alcohol and Drug Policy

SCOPE

This procedure will be adopted for Network Rail contracts or subcontracts, or for other contracts, as may be specified by the PRB Consulting Managing Director.

EMPLOYEE ACKNOWLEDGEMENT

Any employee working under this policy will be required to sign an acknowledgement that they have been briefed and understood this procedure and its disciplinary implications and agree to be bound by it.

GENERAL & NETWORK RAIL POLICY

The general policy which applies to all PRB Consulting sites and offices is set out below.

- We will take appropriate steps to ensure that none of our employees or subcontractor's employees will:
- Report for work having just consumed alcohol or under the influence of drugs.
- Report for work in an unfit state due to the use of alcohol or drugs.
- Be in possession, while at work, of alcohol or drugs.
- Consume alcohol or take drugs at work.
- Drugs include: Heroin, Cannabis, Cocaine, Ecstasy, Amphetamines, and all other illegal drugs. Any substances that are legal in themselves but can be subject to abuse i.e. Glue and Solvents. In addition, many medicines, obtained without permission, which may affect employee's performance at work.
- Any person found breaking these rules will be isolated from the work activity and the appropriate disciplinary action taken up to and including dismissal.
- Where there are grounds to suspect that the use of alcohol or drugs by a person led to an accident/incident appropriate detection measures will be utilised to detect the abuse of alcohol or drugs.

NETWORK RAIL CONTRACT SPECIFIC POLICY

This policy statement describes PRB Consulting's compliance with the requirements of the Transport and Works Act 1992, Rail Industry Standard RIS-8070-TOM and the relevant Network Rail standards (NR/L2/OHS/00120)

The company will undertake its random screening programme based on a calendar year (1st January – 31st December)

The Railways and Other Guided Transport Systems (Safety) Regulations 2006 (SI2006/599)

The Definition of Safety Critical Works is:

- Work by a person who could affect the health or safety of persons on a transport system.
- This work may be carried out by someone who acts as:
 - A driver, guard, conductor or signaller or in any other capacity in which he can control or affect the movement of a vehicle
 - In a maintenance capacity or as a supervisor of or look-out for, persons working in a maintenance capacity

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Definition of maintenance: repair or alteration of

- the permanent way or other means of guiding or supporting vehicles,
- signals or any other means of controlling the movement of vehicles or
- any means of supplying electricity to vehicles or to the means of guiding or supporting vehicles or
- coupling or uncoupling vehicles or
- checking that vehicles are working properly before they are used on any occasion.

The Regulations require (among other things) that;

- No employer shall permit any of his employees to undertake any safety critical work unless:
- The employee is competent and fit to undertake the work
- There is in existence an adequate record of any relevant assessments undergone by the employee (this includes medical assessments)
- The employer has issued the employee with the means of identification
- The employer has made suitable arrangements for a railway operator (i.e. organisations who run trains) who is affected by the work to examine relevant records (as in 2 above)
- The Office of Rail and Road (ORR) approves such assessment regimes.
- The employee must carry with him issued means of identification, at all times.

The Regulations also require that the employer shall ensure that no employee should undertake any Safety Critical Work for such number of hours as would be liable to cause the employee fatigue which could endanger safety; the length of time between periods on duty must also be taken into account

THE TRANSPORT AND WORKS ACT 1992

Among other things, the Transport and Works Act 1992 has a section on Safety of Railways which deals specifically with offences involving drink and drugs.

The Act deals with transport systems such as railways and tramways (i.e. guided transport). If a person works on a transport system in a capacity (defined as safety critical work above) then he is guilty of an offence:

- If he is unfit to carry out that work through drink or drugs.
- If the proportion of alcohol in his blood exceeds the prescribed limit (Network Rail's gives a limit of 30 milligrams of alcohol per 100 millilitres of blood).
- If a person commits such an offence, then his employer shall also be guilty of an offence. Note that no offence shall be deemed to be committed if the employer can show that he has exercised all *due diligence* to prevent the commission, on the transport system by any of his employees, of any offence as listed above. Penalties include fines and imprisonment.

PROCEDURE

INTRODUCTION

These procedures apply to employees and subcontractors under the control of PRB Consulting who are engaged in Safety Critical Work as defined in the ROGS Regulations.

This policy is a positive response to a more demanding legal framework and to a growing national problem of alcohol and drug abuse. PRB Consulting regards its employees as its most important resource and has a duty to them, in turn, PRB Consulting and its employees have a duty to their clients and customers.

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A clear link exists between the abuse of alcohol and drugs and safety and reduced efficiency. Most of our employees are highly committed and disciplined. Some may think they can come to work while unfit through alcohol or drugs and escape detection. It is in the interest of everyone that any breach of the Policy should be prevented or detected.

The policy and its related procedures aim to:

- Prevent risks to employees, customers and the general public from abuses of alcohol and drugs by our employees.
- Protect health and welfare of the employees by offering rehabilitation and counselling to those with alcohol and drug related problems.
- Prevent the damaging effects of alcohol and drugs on good business performance.
- Comply with the Transport and Works Act 1992.

TYPES OF DRUGS

Substances such as Heroin, Cannabis, Cocaine, Ecstasy, Amphetamines etc. are deemed as illegal and should not be taken. The abuse of legal substances such as solvents and legal highs is also forbidden.

NOTE: Traces of some drugs can be detected days or even weeks after use. A TRACE of an illegal drug found during screening may lead to disciplinary proceedings.

PRESCRIBED AND "OVER THE COUNTER" DRUGS - NOTIFICATION

Many medicines prescribed by doctors and non-prescription drugs obtainable over the counter at chemists, supermarkets, etc. can affect performance at work. Some of these, particularly those given in a hospital, dentist or by the doctor in the surgery, can have effects that last for several days or have a delayed effect (e.g. some inoculations needed for foreign travel).

All employees must tell their doctor or chemist/counter staff that their job is safety critical and ask whether the medicine will affect their physical or mental state, what the effect is (e.g. cause drowsiness) and how long it will last.

Many people take drugs/medicines, often on a regular basis, to keep in check a medical condition (e.g. Beta Blockers for a heart condition) or compensate for a missing or faulty body function (e.g. Insulin for diabetes). Whilst these drugs may not, of themselves, affect performance, without them the individual could become a serious safety hazard to themselves or others; they might also be adversely detected during a drugs and alcohol test.

Staff taking any such drugs/medicines that have a potential to affect the safe performance of their duties, or whose absence could be a safety problem, must immediately advise their supervisor in writing of the situation. If they are in any doubt as to the implication, then they must act as if there will be an adverse effect.

SCREENING

The purpose of screening is to:

Detect any person who takes alcohol or drugs before coming to work.

To ensure compliance with the Transport and Works Act 1992 (where applicable).

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Pre-employment Screening - Any candidates selected for employment may be screened for drugs. Any candidate who refuses to be screened will not be employed by PRB Consulting. Any candidates who test positive will not be employed. All candidates for safety critical posts will be screened for drugs and alcohol before being employed in this role.

Transfer or Promotion - any employee who is transferred or promoted to a safety critical post will be screened for drugs, even if the employee already holds a safety critical post. If the result is positive, then the employee will be subject to disciplinary proceedings. If the employee refuses to be tested, the employee will not be appointed, disciplinary action could follow, and the employee could be dismissed.

For Cause - where there are reasonable grounds to suspect that an employee's actions or omissions contributed to the cause of a safety critical incident, or there are grounds to suspect a person is unfit to continue work, and then the employee will be tested for alcohol and drugs by the police, or by a recognised testing agency. While the results are being awaited, the employee will be removed from safety critical work.

Following an Accident or Incident - regardless of any individual grounds for cause, a general drugs and alcohol screening may be required for any or all persons involved.

Unannounced Sampling - An unannounced drugs and alcohol screening will be carried out during each calendar year on 20% of all Primary Sponsored Sentinel card holders and Collection Officers (selected randomly by PRB Consulting) to which this procedure applies (e.g. staff who hold a Network Rail certification for carrying out work and/or safety duties on the railway - COSS, PTS, etc.), whether or not they are actively engaged on a Network Rail contract.

Records of Random Sampling will be kept in a separate file from normal drugs and alcohol results for audit purposes.

NOTE

Disciplinary action for staff not engaged on Network Rail work who fail the random drugs and alcohol screening will result in the immediate withdrawal of their Network Rail certification and availability for Network Rail work. They will then only be subject to the standard PRB Consulting disciplinary procedures, not those laid down in this Network Rail-specific procedure. The record of their failure will, however, remain associated with their name on the Sentinel database.

Medication: Any person being tested must advise the collection officer the full details of any medication they are taking whether prescribed by a doctor or bought from a chemist.

RECORDS

Records of all drugs and alcohol screening will be maintained Competency Database which will be used to provide the names for random sampling.

DISCIPLINARY ACTION

An employee will be dismissed if he/she:

- fails an alcohol test with 80 milligrams or more per 100 millilitres of blood or the equivalent in the employee's urine or breath.
- tests positive for drugs (at a level over a trace).

An employee will *normally* be dismissed if he/she:

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- fails an alcohol test with 29-79 milligrams or more per 100 millilitres in blood, or the equivalent in the employee's urine or breath.
- refuses to take an alcohol or drugs test without good cause.
- reports or tries to report for duty when unfit through alcohol or drugs.
- consumes alcohol or drugs while on duty.
- possess illegal drugs while on duty.
- decline or discontinue without good cause an approved course of treatment for an alcohol or drug problem.

***NOTE:** In addition to the above, if an employee seeks help for an alcohol or drugs problem after he/she has been called for a test and then he/she fails the test then he/she will normally be dismissed.*

In the above cases where an employee will normally be dismissed, if in the event the employee is not dismissed, then:

- the personal record of the employee will always show an account of the event and the disciplinary action taken,
- the employee will receive a Final Warning in writing if an alcohol test shows 29-79 mg per 100 ml of alcohol in the employee's blood, or the equivalent in breath or urine.

INFORMATION ON UNITS OF ALCOHOL

One unit of alcohol is approximately equivalent to:

- a half a pint of beer or,
- a single measure of spirit or,
- a glass of wine

The difference between passing and failing an alcohol test is one milligram per 100 ml of blood.

COUNSELLING AND REHABILITATION

If an employee thinks that he/she might have a drugs or alcohol problem, then he/she should report this to the Managing Director. The employee will be treated sympathetically and in confidence. The employee should note that it will be too late to seek help if he/she is involved in an incident, called for a test or fails a test.

TESTING AGENCIES

PRB Consulting is approved to undertake Alcohol and Drug Screenings. It may also use the services of other approved organisations e.g., Abbot Toxicology to undertake screening and testing.

THE USE OF THIS PROCEDURE ON WORK WHICH LIES OUTSIDE THE REQUIREMENTS OF THE TRANSPORT AND WORKS ACT 1992

This policy may be introduced on any project with the following provisos: -

The policy of the project must be made known to every employee prior to starting on that site. Each employee should be asked to sign a form confirming he/she has been briefed on the policy and the appropriate disciplinary procedures which will be employed.

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The procedures should be shown in the Construction, Health and Safety Plan, Site Procedures, which under the CDM Regulations, should be made accessible to all employees.

Subcontractors should be made aware of the policy of the project, at the latest, before they start on site and preferably during the subcontract tender period.

The policy, procedures and disciplinary action should be explained in all induction meetings.

Signed

A handwritten signature in purple ink, consisting of a series of loops and strokes.

Managing Director

Date: January 2024