

Ref. No:	IMS-POL-06	Substance Abuse Policy (See QA-M-01)	
Rev. Status:	06		

Policy Statement

- **Nicol of Skene Ltd** strictly forbids the unauthorised use, possession, concealment, transportation, promotion or sale of any prohibited substances on **Nicol of Skene Ltd** premises, on sites or on the premises of customers.
- **Prohibited substances are defined as** any substance which an individual may not sell, possess, use, or distribute under applicable UK legislation, any other legal but unlawfully used substance, including Prescription Drugs/Medicines, any solvent used or intended to be used for the purposes of intoxication and any alcoholic beverage.
- **Nicol of Skene Ltd** or its customers may require testing, searches, or inspections of individuals, including their effects, lockers, baggage, desks, toolboxes, clothing, vehicles and equipment, should there be reasonable cause to suspect breach of this policy.
- **The company reserves the right** to complete Pre-Employment Screening for substance abuse as part of the company induction process and we may also carry out periodic 'Random' in-house testing across the workforce as well as 'with cause' testing where there is a reasonable suspicion that someone may be under the influence of drugs or alcohol and 'Post Incident' testing as part of the accident and incident investigation procedure. All workers may also be subject to 3rd party testing on Client or Principal Contractor sites.
- **Refusal to submit to testing**, searches and inspections, or the discovery of prohibited substances will be treated as a positive result from testing and may result in the individual being prohibited from company or customer premises, being excluded from further involvement with company or customer business and being excluded from further involvement in company business and activities of any kind.
- Should a test result in a 'non-Negative' result the worker shall be removed from site and suspended with immediate effect. The company shall then arrange a follow-up test with a designated Occupational Health provider to verify the result as soon as possible after the initial test. Should the result of this test be negative the worker will be reinstated, and no further action will be taken. Should the result of this test be Positive this will be treated as gross misconduct and the worker shall be subject to the company disciplinary procedure. Should a positive test be recorded, and the worker still maintain their innocence, the worker can appeal and request that the sample is sent for laboratory testing to confirm the result. This is the final stage of the process.
- **This policy applies to all personnel** in the employment of the company either as direct employees or engaged by some other method by the company including as contractors or sub-contractors.
- **This policy statement** has the complete support of the Board of Directors of **Nicol of Skene Ltd**.

Procedure

1. SUBSTANCE MISUSE

The Company are committed to providing a safe, healthy and productive workplace for all individuals. The Company recognises that alcohol, drug or other substance misuse by individuals will impair their ability to perform properly and could have serious adverse effects on the safety, efficiency and productivity of other individuals and the Company as a whole.

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Substance Misuse not only affects individual health. It can also affect work performance in terms of safety, efficiency, productivity and attendance and it can have a detrimental effect on colleagues and dependents. Health and Safety is an area of paramount importance to the Company, and for performance reasons the Company aims to:

- Prevent substance misuse in the workplace and encourage individuals to seek help at an early stage
- Detect at the earliest stage, individuals with substance misuse problems.
- Educate Line Managers and Colleagues in early recognition of problems affecting work performance.
- Provide reasonable support to those with substance abuse issues in gaining help and during recovery.
- The Company policy is to provide a safe working environment free of substance misuse.

Definitions

The following definitions are given for the purposes of this Substance Misuse Policy and Procedure.

Substance Misuse:

A substance is defined as any substance which chemically modifies the body's function resulting in physical, psychological or behavioural change. In this context substance includes but is not limited to drugs, alcohol and solvents.

Substance misuse is the use of these substances in an improper way, and also the use of any prohibited substance.

Prohibited Substance:

Any controlled drug as defined in local legislation relating to the misuse of drugs, including but not limited to cannabinoids, cocaine, opiates, amphetamines (unless pursuant to a doctor's current prescription), barbiturates, benzodiazepine, phencyclidine, propoxyphene, methadone.

Any other legal but unlawfully used substance e.g. prescription drugs being used without permission or not being used for their intended purpose, or solvent misuse.

Any item or paraphernalia associated with the use or consumption of the foregoing.

Any alcoholic beverage.

Substance Misuse Testing:

Substance misuse testing means testing for the presence of Prohibited Substances in the appropriate manner. The test may require the provision of breath, blood and/or urine samples.

Duty of Care:

Duty of Care means that individuals should be aware that the Company has a duty of care in respect of health and safety of all individuals working on its premises. Individuals also have a duty not to endanger the lives or safety of others. It is, therefore, important that anyone who is aware that they (or a fellow colleague) may have a problem relating to alcohol, drugs, solvents or any other substance approaches their line manager in confidence. Each case will be considered on an individual basis and, where health and safety is not considered to be a risk, counselling may be provided if appropriate. If an individual is believed to be unfit for work, they may be removed from the workplace whilst any investigations take place, to minimise risks to themselves and other colleagues.

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Rehabilitation

The Company recognises that alcohol and drug dependency is a treatable condition. Individuals who suspect they have alcohol or drug dependencies are encouraged to seek advice and to follow appropriate treatment promptly before it results in job performance problems. Where appropriate, the Company can provide support through Company appointed Health Advisors who will advise and assist in securing treatment. Those individuals who follow approved treatment will normally receive sickness benefits in accordance with the Sickness Absence Policy and/or under the terms and conditions of their employment.

During treatment it may be necessary to alter the employee's work duties until their condition has improved to a level which satisfies both the Company and the Company appointed Health Advisors and meets appropriate requirements in relation to fitness for work.

Nothing in this policy shall prevent the Company from taking appropriate action, up to and including dismissal, in accordance with the Company's Disciplinary Policy and Procedure.

Any individual returning from rehabilitation will be required to participate in a company-approved after-care program and/or be subject to testing on a randomly timed basis. If an individual fails to comply with this policy appropriate action will be taken, up to and including dismissal, and such action cannot be avoided by a request at that time for treatment or rehabilitation.

If an individual suffering from alcohol or drug dependency refuses rehabilitation or fails to respond to treatment or fails to meet satisfactory standards of effective work performance, appropriate action up to and including dismissal in accordance with the Company Disciplinary Policy and Procedure may be taken. This procedure does not require and should not result in any special regulations, privileges or exemptions from normal job performance requirements.

Prohibitions

Prohibition during Working Hours:

- Individuals shall not attend work under the influence of any Prohibited Substance.
- Individuals shall not consume or use any Prohibited Substance, including alcohol, during working hours including during any scheduled meal or other breaks.

The use, possession, distribution or sale of Prohibited Substances on Company (or client) premises is strictly prohibited.

The possession, use, distribution or sale of alcoholic beverages on Company premises is not allowed without prior approval of appropriate senior management.

The Company may report any breach or any suspected breach of the provisions under this clause to any relevant authority in the event that the Company reasonably believes that a criminal offence has occurred or that it is otherwise under a duty to make a report.

Breaches of this policy may be classed as gross misconduct.

Prohibitions outside Working Hours

- Any abuse of alcohol or involvement with any kind of Prohibited Substance outside working hours that may damage the reputation of the Company and/or undermine the Company's trust and confidence in individuals is prohibited.
- The breach of any prohibition set out in this procedure will be dealt with via the Company's Disciplinary Procedure and may result in action, up to and including dismissal.
- Any individual found to be in possession or under the influence of Prohibited Substances may be subject to immediate suspension from work until the matter is investigated.

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Exceptions

Prescribed Medication

Medication prescribed by a registered doctor or bought from a pharmacist for normal use is not prohibited under this procedure, provided the following conditions are met:

- The medication is prescribed by a doctor or other licensed medical professional to treat a current condition or illness and is not being misused.
- The prescription has been issued by a licensed pharmacist and is in the individual's name.
- The individual's line manager has been advised of the requirement to take such medications, whether prescription or over the counter, to allow the necessary assessment or re-assignment of duties to account for any likely impairment, side effects of taking the medication may cause and other safety implications.

Criminal convictions

In the event that an individual is convicted of a Prohibited Substance related offence, if such a conviction affects the individual's ability to carry out their duties (e.g. disqualification from driving) or may damage the reputation of the Company, the individual will be subject to action, up to and including dismissal, in accordance with the Company's Disciplinary Policy and Procedure.

Substance misuse testing

The Company may undertake Substance Misuse Testing under the following circumstances:

- Post Incident Testing
- Post Search Testing
- With Cause Testing
- Random Testing

If the results of such testing are positive, or the individual refuses to undergo testing (which, as a refusal to obey reasonable work instructions, will be regarded as behaviour constituting Gross Misconduct), they shall be subject to action, up to and including dismissal, in accordance with the Company's Disciplinary Policy and Procedure.

Post Incident Testing

Post Incident testing may be carried out following an actual or potentially serious incident. Post Incident testing may be used as part of an investigation following an incident:

- That has caused, or could have caused, serious personal injury, financial loss, property damage, and involvement of external authorities or an environmental concern.
- That has resulted in an individual requiring medical treatment of which the cause is uncertain, or does not make sense, or could involve carelessness or negligence.

Post Incident testing should be regarded as normal Company procedure and not viewed as a presumption of misconduct. The decision whether or not to conduct a Post Incident test will be taken by the appropriate Line Manager, following review of the circumstances (where appropriate).

All individuals may be subject to Post Incident testing.

If the results of such testing are non-negative, or the individual refuses to undergo testing (which, as a refusal to obey reasonable working instructions, will be regarded as behaviour constituting Gross Misconduct), they shall be subject to action, up to and including dismissal, in accordance with the Company's Disciplinary Policy and Procedure.

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With Cause Testing

With cause testing may be carried out where the Company has reasonable grounds to suspect that an individual may be under the influence of a Prohibited Substance, such as:

- Observable physical signs of impairment.
- Repeated behaviour that may be indicative of an underlying alcohol or drugs use problem.
- A heavy smell of alcohol on the breath.
- A report from a third party that the individual is suspected to be under the influence of a prohibited substance.
- A report from a third party that the individual is indulging in substance abuse on a regular basis either in work time, or outside working hours and causes concern for health and safety or Company reputation because of this.

It should be noted that this is not an exhaustive list and any other facts or circumstances giving rise to legitimate concern that an individual is under the influence of a Prohibited Substance will merit With Cause testing.

All individuals may be subject to With Cause Testing.

If the results of such testing are non-negative, or the individual refuses to undergo testing (which, as a refusal to obey reasonable working instructions, will be regarded as behaviour constituting Gross Misconduct), they shall be subject to action, up to and including dismissal, in accordance with the Company's Disciplinary Policy and Procedure.

Post Search Testing

The Company and/or its clients may, from time to time, conduct unannounced Prohibited Substance searches on owned or controlled property in operations where the use of Prohibited Substances could create an unsafe situation or where there is reasonable cause to suspect that Prohibited Substances may be present.

If Prohibited Substances are found during a search, the General Manager may request a Post Search test of any suspected individuals.

If the results of such testing are non-negative, or the individual refuses to undergo testing (which, as a refusal to obey reasonable working instructions will be regarded as behaviour constituting Gross Misconduct) they shall be subject to action, up to and including dismissal, in accordance with the Company's Disciplinary Policy and Procedure.

All individuals may be subject to Post Search testing.

Random Testing

The Company may carry out random drug and alcohol testing at any time. Individuals may be selected on a purely random basis, without the need for reasonable cause, concern of substance misuse, or the presence of a safety-critical factor. Random testing may be conducted unannounced and may include any individual covered by this policy.

For further advice or guidance on the random testing process, please contact your Line Manager.

Alcohol limits and drug cut-off levels

Alcohol

For the purposes of alcohol limits, the Company will consider a failed test where a sample provided shows test results with a level above the current Scottish drink driving limit.

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The Company recommends that individuals should avoid using dental mouthwashes which contain alcohol. Use of cough and cold remedies containing alcohol should be minimised and/or alternative treatments sought. Where an individual who fails an alcohol breath test asserts that this solely or partially attributable to the use of dental mouthwash or cold remedies which contain alcohol, such explanation -may not be considered valid (further testing will be completed by an approved medical testing provider).

Refusal to comply with substance misuse testing

Any refusal to comply with any form of testing will result in the removal of the individual from site where applicable. Such an individual will immediately be suspended from all duties and dealt with in accordance with the Company's Disciplinary Policy and Procedure.

Role of Company appointed health professional

Where necessary, the Company will engage Company appointed Health Professional/Health Advisors who employ licensed medical practitioners formally trained in Substance Misuse disorders, who will determine if there is a legitimate explanation for a non-negative test result. The Health Professionals will retain all medical files but will provide the results of Substance Misuse Testing to the Company.

Responsibilities of individuals

It is the responsibility of all individuals to report actual or suspected substance misuses by subordinates or colleagues to the appropriate Line Manager. Failure to do so and knowingly ignoring and/or condoning substance misuse may result in action in accordance with the Company's Disciplinary Policy and Procedure.

Responsibilities of the Line Manager

It is the Line Manager's responsibility to ensure that individuals are aware of and understand the Substance Misuse Policy upon commencement of employment, and to ensure the Substance Misuse Procedure is implemented and observed.

The HR Manager will ensure that all individuals are advised of the requirement for testing by the Company.

It is the responsibility of the Line Manager to ensure that reported actual or suspected substance misuse matters are handled in the appropriate manner and in accordance with this policy.

The Line Manager is responsible for coordinating with the appointed Company Health Professional in all substance misuse matters and is directly responsible for coordinating all testing.

Business related social events

It is recognised that individuals may be required, on occasion, to attend social events (for example Christmas parties, charity events) as part of their position within the Company.

In these circumstances, individuals will act responsibly and be fully aware of the consequences of their actions as these events will be considered as an extension of business activities. To act irresponsibly or to bring the Company into disrepute may subject those involved to action, up to and including dismissal, in accordance with the Company's Disciplinary Policy and Procedure.

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Data protection

All possible measures will be put in place to ensure confidentiality of test results, and checks will take place to avoid any false results. Test results are processed in accordance with the Company's data protection policy. Access to test results is strictly limited to the people for whom it is necessary, such as the employee's line manager, occupational health and HR Department. Unauthorised access to test results will be treated as a disciplinary matter and dealt with in accordance with the Company's disciplinary procedure.

The Company has in place arrangements with the external alcohol and drug testing company to ensure that it has measures safely and securely to process employees' test results.

Authorised by:



Peter-Jon Cowe
Chief Operating Officer

Date: 01st December 2025

Next Review Due: January 2027

