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**Safety**

We only do what is  
**safe and stop any  
unsafe behaviour.**

**National Express Coach Division  
Safety, Environment & Energy System**



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**Community**

We are active in the  
communities we  
serve to **generate  
economic, social and  
environmental value.**

**Section 11 – Health Hazard Controls  
and PPE**

**11.1 Drugs,  
Psychoactive  
Substances and  
Alcohol**



**Version 13**

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<b>Record of Amendments:</b>			
Date of Issue	Issue Number	Revised Pages	Details of revision
26 February 2010	1		Reviewed to reflect structure changes. Previously issued July 09. Amended to version 1 of Coach Safety Manual.
March 2010	2		Change to Alcohol testing form
21 April 2010	3		Typographical amendments
30 December 2010	4	1 and 7	Replacement of Managing Director name, and amendment to paragraph 7.1
1 March 2011	5	7	Re-word of paragraph 7.1.2
1 August 2011	6	Complete policy	Complete review of whole policy and change in limits
11 August 2011	7	8	Reword of paragraph 8.1.8 and movement of point 2 of 8.1.4 to 8.1.3
1 July 2012	8	12	Testing when Alcolock failure occurs and no hand held equipment is available. Inclusion of HR Director
1 August 2013	9	9	Section 9.2 Random Testing Procedure
5 December 2014	10	8,9 and 12	Scotland revised drink drive limits effective 5 December 2014 and clarification in section 9.2
9 April 2015	11	4, 5 and 8	Drug Driving Law Changes 2015
July 2016	12	All	Reviewed and re formatted to match current SEMS design. Psychoactive Substances Act 2016 added for clarification on company policy.
November 2017	13	9 point 8.2	Random Testing – rewording of paragraph 8.2



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## Glossary/Definitions

Abbreviation / Term	Meaning
Drug	Any substance that affects the way in which the body functions physically, emotionally or mentally and includes alcohol, solvents, over-the-counter and prescribed medicines as well as illegal substances.
Banned Drugs	Any drug or substance listed within this standard or a controlled drug as defined by the Misuse of Drugs Act 1971, Psychoactive Substances Act 2016 and subsequent amendments;
Psychoactive Substance	These substances are also commonly known as 'legal highs'. A chemical substance that acts primarily upon the central nervous system where it alters brain function, resulting in temporary changes in perception, mood, consciousness and behaviour.
Contractor	Includes any agency staff, contractor or subcontractor working on behalf of the Company.
Prescription medicine	A drug prescribed to a named individual by a medical practitioner that may impact an employees ability to carry out their role.
Over the Counter Medicine	A drug that has been purchased over the counter that may impact the employees ability to carry out their roles.
Collecting Officer	An employee trained to collect samples for drug or alcohol analysis or an approved agency nominated by the Company to collect samples for drug or alcohol analysis
Medical Review Officer (MRO)	A person appointed to evaluate laboratory confirmed positive drug test results. The MRO has knowledge of substance abuse disorders, and has the appropriate medical training to interpret and evaluate test results, together with the donor's medical history and any other relevant biomedical information.

## 1 Purpose

This document explains the requirements and arrangements for the protection of staff and customers from the risks associated with impaired performance caused by the use or misuse of Drugs, Psychoactive Substances and Alcohol.

The Company supports a policy of a drug-free workplace. To implement the policy, the Company has instituted a programme of drug and alcohol awareness education for employees, drug and alcohol testing for all employees and applicants for employment, a statement of prohibited behaviour(s), consequences for positive tests or a refusal to test, and resources for employee assistance and rehabilitation.

The Company recognises that its employees' use or misuse of drugs, psychoactive substances and alcohol pose a significant risk to public safety, as well as the employee's health and well being.

## 2 Scope

This document applies to National Express Ltd and its subsidiaries, The Kings Ferry and Eurolines UK Ltd (the Company).

The document also applies to Contractors employed to work on behalf of National Express and partner operators where under agreement.

## 3 References

- The Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Road Traffic Act 1988
- The Misuse of Drugs Act 1971
- Psychoactive Substances Act 2016
- The Human Rights Act 1998
- The Transport and Works Act 1992
- National Express Global Safety Standard 6 – Safety of Premises

## 4 Compliance

This document is implemented from 30<sup>th</sup> July 2016 and the contents **must** be complied with from 30<sup>th</sup> July 2016.

## 5 Allocation of Responsibilities

The Head of Safety and Environment **must**:

- ensure that any issued alcohol testing equipment is maintained and calibrated in accordance with requirements.

The Human Resources Director **must**:

- monitor the random testing regime that forms part of this standard
- ensure that sufficient resources and equipment are available to support this standard
- ensure that appropriate training or refresher is arranged for those with specific responsibilities under this standard, and that appropriate records of training are kept
- maintain a list of Collecting Officers

- maintain and review this standard

**Local Managers / Supervisors must:**

- ensure implementation and maintenance of the standards, including the management of the random testing regime
- ensure that they are familiar with the contents and requirements of this standard and that their employees are appropriately informed on the requirements contained within
- be aware of, and monitor changes in work performance, attendance, sickness and accident patterns that may be drugs, psychoactive substances and/or alcohol related and take appropriate action
- seek advice, as appropriate, from the Human Resources Department where an employee shows identifiable symptoms of drug and/or alcohol misuse
- arrange for drug and alcohol testing post incident, or when identified for cause or belief
- arrange drug and alcohol testing for new employees and those newly promoted.

**Collecting Officers must:**

- ensure that any issued collecting equipment is maintained and calibrated in accordance with requirements
- ensure that tests are completed in accordance with the requirements of this standard and that the authorised forms are used

**All Employees, Contractors or Sub-Contractors must:**

- comply in full with the requirements of this standard
- advise their Doctor or Pharmacist of the nature of their job and ascertain whether, as a result of taking prescribed or purchased medication, there could be side effects that may affect work performance
- inform their manager or supervisor if they are taking any medication that has the potential to affect their work performance. If in doubt to consult with their manager or supervisor
- not cover up or collude with colleagues whose behaviour and performance is, or could be affected by the taking of drugs, psychoactive substances and/or alcohol
- seek to help themselves, or to urge colleagues to seek help if they have drug and/or alcohol related problems
- approach their manager without delay if they believe they have or may be developing a drug and/or alcohol related problem
- notify their Manager immediately if they are involved in court proceedings arising from any drug and/or alcohol related offences.

## **6 Policy Guidelines**

- No employee or contractor will report for work while unfit due to the use or misuse of drugs, psychoactive substances or alcohol.
- No employee or contractor will possess (either in person, in personal property or lockers at work), sell or give away banned drugs whilst on duty.
- No employee or contractor will possess opened containers of alcohol unless authorised to do so.
- No employee or contractor will consume illegal drugs, khat (*Catha edulis*) or abuse solvents whilst on duty, including during breaks or 'paid for on-call' duty.

- No employee will supply, offer to supply, possess or consume psychoactive substances (commonly known as 'legal highs') whilst on duty, including during breaks or 'paid for on call' duty.
- No employee will consume alcohol whilst on duty, including during breaks or 'paid for on-call' duty, unless attending an official Company function. An employee consuming alcohol at such a function **must not** return to work for the remainder of the day.
- No employee or contractor will take prescribed or non-prescribed medication that has the potential to impair their ability to work safely, without informing their manager or supervisor.
- Employees or contractors involved in Court proceedings arising from a drug or alcohol related offence must report the matter immediately to their manager or supervisor.
- Any employee testing positive for drugs or alcohol will be considered unfit for work due to the use or misuse of drugs or alcohol. Failure to comply with these rules will be regarded as gross misconduct. The individual will be dealt with in accordance with the Company's Disciplinary Procedures which may lead to dismissal.
- Nothing in this policy or its application shall be construed so as to prevent or inhibit the law.

## **7 Levels**

### **7.1 Alcohol**

In the interests of safety employees entering Company premises whilst not on duty may be treated in the same way in relation to the Drug and Alcohol Policy as if they were on duty

No employee is permitted to consume alcohol on Company premises or in Company vehicles. Employees are not permitted to consume alcohol during working hours.

Employees are prohibited from being in licensed premises in work uniform except to make use of toileting facilities through a prearranged agreement. Employees should make every effort not to wear Company uniform in licensed premises outside working hours. Employees may consume alcohol at official Company functions, however if employees do consume alcohol they **must not** return to work under any circumstances. This exception does not excuse drinking to excess.

All employees are under a duty to ensure that they drink responsibly at any work related function or event and to ensure that they represent a professional image on behalf of the Company on such occasions. Inappropriate behaviour caused or contributed to by alcohol consumption during any work related function or event is regarded as a potential act of gross misconduct and will be dealt with under the Company's disciplinary procedure.

#### **The unacceptable level for alcohol is defined below:**

- A breath alcohol sample equal to or above 8 micrograms in 100 millilitres of breath;
- A blood alcohol sample equal to or above 18 milligrams in 100 millilitres of blood
- A urine alcohol sample equal to or above 24 milligrams in 100 millilitres of urine.

#### **Consequences of a positive alcohol test**

If the individual tested registers a reading equal to or above 8 micrograms per 100 millilitres of breath, the individual will be re-tested between 5 and 20 minutes later. If the reading still shows equal to or above 8 micrograms per 100 millilitres of breath, the individual will be suspended from

duty and referred to the Disciplinary Procedure, which will result in dismissal on grounds of gross misconduct.

In the event of a positive alcohol result that is above that permitted by law, (22 micrograms per 100 millilitres of breath in Scotland or 35 micrograms per 100 millilitres of breath elsewhere in the UK) the employee will be requested to surrender the keys to their vehicle if they have one and will be offered transport to their home. If the employee refuses and insists on driving, the police will be advised.

**Where a test registers alcohol but below that specified above, then the following will apply:**

If the individual tested registers a reading above zero and below 8 micrograms per 100 millilitres of breath, the individual will be allowed to start or continue to work, however, where there is a concern that a pattern maybe emerging the individual may be re-tested on a random basis and if necessary the individual may be referred to the Disciplinary Procedure, depending on the circumstances.

## **7.2 Drugs**

No employee is permitted to use or be in possession of Banned Drugs whilst on Company premises or in company vehicles. Possession of or dealing in illegal drugs on Company premises will be regarded as gross misconduct and, without exception, will be reported to the police.

Employees should also be aware that driving whilst taking certain prescription drugs (especially those that may affect alertness and coordination) may be illegal and employees have a duty to be aware and inform their manager.

In the event of a positive test the individual will be suspended from duty and referred to the Disciplinary Procedure, which will result in dismissal on grounds of Gross Misconduct.

The Company may choose to test for any of the following:

- Opiates (including Morphine, Heroin etc)
- Cannabinoids (includes cannabis and THC)
- Amphetamines (includes Speed)
- Cocaine and Metabolites (including Crack Cocaine)
- Methamphetamines (include Ecstasy)
- Benzodiazepines (including Valium)
- Barbiturates
- Methadone
- Buprenorphine
- Propoxyphene
- Catha Edulis (commonly known as Khat, Chat, Qat or Gaat)
- Consequences of a positive drug test

## **7.3 Psychoactive Substances**

No employee is permitted to use or be in possession of psychoactive substances (commonly known as 'legal highs') whilst on Company premises or in company vehicles. Supply, offer to supply and possession of or dealing in psychoactive substances on Company premises will be regarded as gross misconduct and, without exception, will be reported to the Police.

In the event of psychoactive substances being used or possessed, the individual will be suspended from duty and referred to the Disciplinary Procedure, which may result in dismissal on grounds of Gross Misconduct.

## **8 Types of Testing**

### **8.1 Pre-employment Testing**

As part of the recruitment process all successful candidates **must** undertake drug and alcohol testing. Candidates who refuse testing or test positive will not be employed.

### **8.2 Random Testing**

All Employees will be eligible for random drug and alcohol testing, with the exception of Drivers subject to Alcolock checks, who will be random drug tested only.

A minimum of 10% of employees will be tested for drugs each year.

The Payroll department will generate on a monthly basis a list of employees to be tested using a random number generator. Sufficient names will be chosen to ensure that enough candidates are chosen to cover any absences. A list of employees to be tested will be sent to the appropriate manager at their site/business area who will arrange for the testing to be completed.

No advance notice will be given to any individual selected for random screening.

### **8.3 For Cause or Belief Testing**

Where a manager has reasonable suspicion that an individual may be unfit for duty due to the effects of drugs and/or alcohol, the responsible manager **must** instigate a drug and/or alcohol test.

The individual concerned **must not** be allowed to commence duty, or **must** be relieved from duty if they have already commenced work.

Whilst awaiting a test the individual suspected **must not** be permitted to consume any drink or food and **must** be escorted by a company representative at all times. Individuals **must not** be permitted to resume their duties unless they comply with the standard.

Testing for drugs and / or alcohol will take place in accordance with the methods laid out below in Alcohol Testing Methods and Drug and / or substance including Solvents Testing Methods.

Where Ignition Interlock Devices (IID) such as 'Alcolock' are fitted to vehicles, any breath sample that returns a "Fail" notification will be considered reasonable cause to suspect an individual may be under the influence of alcohol and manual breath testing arrangements **must** be followed as outlined in section 9.11 of this standard.

In the event of an IID fail and due to the location there is not facility for a drug and alcohol test to be carried out in line with the standard procedure described in 9.11, the Alcolock should be used to conduct the "with cause" controlled test following the procedure outlined in 9.12.

### **8.4 Post Incident Testing**

Drugs and/or alcohol testing **must** be completed following any incident where there are reasonable grounds or suspicion that drugs and/or alcohol misuse may be a cause or contributory factor.

Where serious injury or fatalities have occurred then drug and alcohol testing **must** be completed.

Tests post incident **must** be completed as soon as is reasonably practicable. Where it is not possible to complete tests within 2 hours, the reasons for the delay **must** be noted.

Individuals will not be permitted to resume their duties unless they comply with the standard.

## 8.5 Promotion Testing

An employee selected for promotion **must** be tested for drugs and alcohol. A positive result may result in disciplinary action and constitute gross misconduct.

## 8.6 Transfer Testing

The Company reserves the right to test for drugs and/or alcohol, any employee transferring from one position of employment within the Company to another.

# 9 Refusal to Consent to Testing

Any employee who refuses to undertake a drug or alcohol test will be suspended immediately on full pay pending a disciplinary interview. Refusal to undertake a test will be considered gross misconduct.

Any contractor who refuses a test will be removed from company premises and prohibited from any future work for the Company. The reason for this prohibition will be communicated to the contractor's employer.

Refusing to take a test includes:

- Failure to cooperate with any part of the testing process.
- Failure to appear for testing at a collection site at the time allotted.
- Failure to provide a sample without a valid medical explanation
- Failure to permit the observation or monitoring of sample collection when it is required.
- Leaving the scene of an incident in which a serious injury or fatality has occurred, without just cause and without submitting to a test.
- Failure to take a second test if required.

# 10 Medication

Certain medicines available either with or without a prescription can affect an individual's ability to complete their work activities safely. All employees **must**:

- inform their Medical Practitioner or Pharmacist of the type of work they do, so that appropriate guidance on medication may be obtained
- inform their manager or supervisor if they are taking prescribed or non-prescribed medication that has the potential to impair their ability to work safely.

During the drug screening process the donor **must** declare the details of any medication that they are taking. If there is a subsequent positive result the details of the declared medication will be taken into account by the Medical Review Officer.

# 11 Searches on Company Property

The Company reserves the right to conduct searches for banned drugs, psychoactive substances or opened containers of alcohol on company premises, company lockers or vehicles. Where suspected illegal drugs or psychoactive substances are found, the police will be notified.

Searches will only take place when there is good reason to suspect the presence of banned drugs or opened containers of alcohol. Searches will be conducted in the presence of a witness; this may include a trade union representative if available, supervisor or line manager or other appropriate manager.

Any individual that does not comply with a reasonable request for searching will be subject to disciplinary action.

## 12 Right of Appeal

An employee has the right to challenge, in accordance with the Company disciplinary policy and procedure, any decision taken as a consequence of a disciplinary investigation or hearing following a positive test result.

Where a challenge relates directly to a drugs test result, the employee will be required to pay any laboratory fees for an independent analysis of the 'B' sample. Such fees will be reimbursed to the employee in the event that the sample 'B' result proves negative. Any challenge **must** be made within 7 days of the original results being notified to the individual. This time scale is to ensure the integrity of the second test sample. The second sample will have been kept securely under a strict chain of custody by the approved laboratory.

## 13 Alcohol Testing Method

- The method for alcohol testing will be the analysis of a breath sample using a breath metre. However where this method is not possible a blood or urine sample may be requested and will be collected by a suitably trained person.
- Breath testing equipment **must** be accuracy checked every 28 days or in accordance with the manufacturers' guidelines and if this accuracy check fails, the equipment **must** be recalibrated in accordance with the manufacturer's guidelines.
- The Collecting Officer will speak discreetly to the individual concerned and advise them of the reasons for the test (random, cause belief etc) and the principles of the test will be explained verbally to the individual. The test will be undertaken in a private area. The individual should be advised they may be accompanied to the test, but in any case, a company witness will be present.
- The Collecting Officer will request the individual to undertake a breath test using a recognised test device.
- The individual will be required to sign a consent form. (See appendix A)
- The test will be carried out by a manager/supervisor or approved agency trained in the use of the test device.
- If the individual refuses to consent to undertake the breath test then the procedure detailed in *Refusal to Consent to Testing* will apply.
- The individual will be given a copy of the written result of the test and the original will be placed on the individual's record, a copy will also be sent to Human Resources, the second form is kept with the Line Manager. Should the individual want a copy one would be made available. This will be signed by the manager/supervisor carrying out the test and by the company witness. The individual tested will be required to sign to acknowledge receipt of the result.
- If the test is negative the individual will be thanked for their assistance.
- If the test is above the limit or within the range outlined under the section Levels, the individual will be asked to remain in the testing area and be retested between 5 and 20 minutes later.
- If the second alcohol breath test is above the limit or within the range outlined under the section Levels, the appropriate disciplinary action will be taken.

## 14 Summary of Process in the Event of Alcolock Failure

- An initial Alcolock failure is the trigger that gives reasonable cause for suspicion that the driver of the vehicle may be unfit due to the effects of alcohol in their system.
- A controlled breath alcohol test **must** be conducted between 5 and 20 minutes later as defined in this standard, using an approved hand held breath alcohol testing device by a fully formally trained person.
- If the test result is 8 micrograms per 100 millilitres of breath or above, the driver of the vehicle will be removed from the vehicle and alternative arrangements will be made.
- If the test result is below 8 micrograms per 100 millilitres of breath, the person will be allowed to continue to drive the vehicle.
- If a manual or controlled test conducted following an alcolock failure is above that permitted by law, (22 micrograms per 100 millilitres of breath in Scotland or 35 micrograms per 100 millilitres of breath elsewhere in the UK), the driver will be requested to cease duty and arrangements will be made for transport home. If the driver refuses and insists on driving, the police will be advised.
- If an initial alcolock failure a hand held manual testing device and / or a fully trained authorised tester is not available the following process will be followed. It should be noted that all reasonable attempts **must** be made to implement a manual hand held breath test via suitable local coach station, garages or partner operator depots before consideration is given to the following process.
- Once it is established that a hand held device is not available, the Network Control Centre (SSC) or The Kings Ferry Control Centre (TKF) will be responsible for the process of testing the driver of the vehicle using the Alcolock equipment. The process will be talked through using the Alcohol Consent form as the basis of the conversation.
- A record of the conversation **must** be made and the driver of the vehicle **must** verbally consent prior to any testing commencing.
- The test will be recorded and conducted by the driver of the vehicle blowing into the Alcolock between five and twenty minutes after the first initial fail is recorded. A brand new mouth piece **must** be fitted prior to this test in order to ensure no mouth or mouthpiece contamination
- If the test result is a 'pass', the driver of the vehicle will be allowed to continue.
- During the 20 minute period, NCC or TKF will obtain the reading from the Alcolock website or following discussions with the partner operator.
- If the test is a 'fail', the driver of the vehicle will not be allowed to continue and alternative arrangements for the movement of the vehicle **must** be made.
- NCC request the partner operators to download the CCTV footage and send it to them as soon as possible so that visual confirmation of the tests can be used / retained for the incident records.

## 15 Drug Testing Method

- Drug testing will be undertaken using either an Oral Fluid sample or Urine sample.
- The Collecting Officer will speak discreetly to the individual concerned and advise them of the reasons for the test (random, cause belief etc) and the principles of the test will be explained verbally to the individual, the test will be undertaken in a private area. The individual should be advised they may be accompanied to the test; but in any case, a company witness will be present.
- The individual will be required to sign a consent form. The test will be carried out by a Manager / Supervisor or approved agency trained in the use of the test device.
- If the individual refuses to consent to undertake the test then the procedure detailed in *Refusal to Consent to Testing* will apply.
- The samples (Sample A and Sample B) will be sealed in the presence of the employee and a secure chain of custody will commence under the strict supervision of the Collecting Officer and will be forwarded to an approved laboratory for screening.
- The employee will be given a copy of the consent form for the test and all remaining copies **must** be forwarded to the appropriate departments. The sealed chain of custody envelope(s) containing the samples will be forwarded to the appropriate test facility.
- Test results will be confirmed to the employee as soon as possible.
- If the employee wishes to appeal against a positive test result they need to follow the process detailed in *Right of Appeal* above.

## 16 Assistance with Rehabilitation

In the event of an employee voluntarily approaching the Company, to advise of a dependency problem, in the context of this policy / procedure the Manager **must**:

- Hold an informal counselling discussion with the employee to ascertain the nature of the problem.
- Review if it is appropriate for the employee to continue in his/ her role and, if appropriate, redeploy or suspend the employee before determining a course of action.
- National Express Ltd, The Kings Ferry and Eurolines UK Ltd recognises that alcohol or drug dependency can be a treatable condition and where employees have a dependency and seek help, it is the intent to provide a reasonable level of assistance to secure their rehabilitation and subsequent effective return to work.
- Where dependency is shown, the employee will be expected to follow a course of rehabilitation. Failure to participate in a rehabilitation programme when offered, or to respond to treatment in the programme, may according to the circumstances, result in disciplinary action up to and including dismissal.

## 17 Information, Education and Training

- The Policy will be communicated to all employees through the appropriate means.

- All employees will be given information on the effects of drugs, psychoactive substances and alcohol on performance, factors that lead to dependency on drugs or alcohol, how to recognise the signs and symptoms of drugs or alcohol misuse, and information that can prevent them from inadvertently breaching this Drugs and Alcohol Policy.
- The Company will provide specific education, training, discipline and support programmes to managers and supervisors to help them deal with the consequences of drug and alcohol misuse in the workplace.
- Managers and Supervisors will be made aware of their responsibilities for fair implementation and monitoring of the Policy. Those with specific tasks, such as the collection of samples, will be given relevant training.

## **18 Contractors**

All contractors are required to comply with the requirements of this standard. Non compliance with this standard will be regarded as gross misconduct.

The contractor's employee will be removed from site and prohibited from undertaking any further work for or on behalf of the Company. The contractor's employer will be notified of the reasons for this action.

## **19 Partner Operators**

Partner Operators are required to have their own standards for drugs and alcohol which comply with the requirements of this standard, in particular these standards **must** include:

- A maximum breath alcohol limit below 8 micrograms in 100 millilitres of breath or equivalent in blood;
- Pre employment drug and alcohol testing;
- Random drugs screening of a minimum of 10% of employees / partner operator drivers per annum;
- Random alcohol screening of a minimum of 10% of employees / partner operator drivers ;
- Testing for cause (behaviour or appearance);
- Testing post incident.

## **20 Records**

All Records **must** be maintained in accordance with the requirements of Data Protection.

## **21 Audit and Review**

The Head of Safety and Environment **must** ensure this document is reviewed as a minimum every three years unless the following reasons necessitate an earlier review:

- a recommendation from an audit
- a recommendation from an incident or accident investigation
- a new or changed Global Standard or item of legislation
- a significant organisational change.