

Intro....

This policy manages the risk of Mitie employees, contractors and supply chain working while under the influence of drugs and/or alcohol. It prevents the recruitment of individuals who misuse drugs and alcohol and allows all testing for drugs and alcohol to be fairly managed.

We are committed to providing a positive working environment and to delivering a great customer experience and this procedure aims to support this by:

- Promoting employee health and wellbeing at work
- Helping you to identify at an early stage any possible problems which you may be experiencing which are related to the use of alcohol or drugs
- Offering you support and help if you have alcohol or drug related problems by encouraging you to get the advice and treatment you need
- Making you aware of your responsibilities, the standards we expect of you at work, and the consequences if these aren't met.

Who does this procedure apply to?

This procedure applies to anyone directly employed by Mitie in the UK, and any subcontractor, whether on a permanent or fixed term basis. It applies to any location or operation in which an employee is required to attend for the purposes of their employment, including travelling to and from such locations. It applies during working hours and includes any period of overtime, shift work, breaks/rest periods and periods of standby or emergency call out duty.

Any employee or contractor suspected of attending work whilst under the influence due to drugs and/or alcohol can be tested. This also applies to employees working from home. This procedure is non-contractual and may be amended or varied at any point.

Roles and responsibilities are included in Appendix A of this document.

What is meant by misuse of drugs and alcohol?

Misuse is the use of a substance that, when taken into the body, is capable of affecting mental or physical performance. This can include prescribed, non-prescribed and illicit substances.

What kind of D&A testing does Mitie carry out?

There are a number of reasons that D&A testing is carried out. This includes:

- Random Testing: to monitor compliance to this procedure, random testing is carried out.
- New Starter Testing: Testing required for specific roles, such as safety critical roles, prior to commencing employment with Mitie.
- 'Monitoring': Testing to monitor compliance for those that have declared that they have a substance issue.

- For Cause Testing: Testing where the behaviour of an employee or contractor gives cause to suspect that they are unfit to work due to drugs or alcohol misuse
- Post-Incident Testing: if you are involved in an incident or injury at work (whether you are the person who was injured or if you contributed to the incident in any way) in circumstances that suggest you are or may be under the influence of drugs and/or alcohol, you may be asked to submit to a test.

Drugs and alcohol testing should never delay treatment of injuries. In case of serious injuries and incidents, drug and alcohol testing may have to be at the discretion of the treating doctor and/or undertaken as part of a police investigation. If you have been involved in a workplace incident where a serious injury or fatality has occurred, you must not leave the scene without just cause and without submitting to a test. Testing in these circumstances is mandatory.

Testing shall either be carried out at the medical provider's clinical locations or in a location within the workplace where privacy, confidentiality and dignity of the individuals can be maintained.

If an employee is working from home, the responsible manager shall arrange a test at the closest suitable location to the employee's home address. The manager requesting the test will be responsible for arranging safe transport for the employee, both to and from the test location.

Appendix B sets out what to expect when undergoing a D&A test.

What methods of testing do Mitie use?

Alcohol Testing:

Alcohol testing will be carried out by use of a breath alcohol testing instrument (commonly referred to as a breathalyser).

Drug Testing:

Mitie will use either Urine or Oral fluid Point of Care Tests (POCT) or Urine or Oral Fluid 'Back to Lab' testing kits. POCT tests will provide a result within 10 minutes of the test being carried out. Back to Lab kits will require laboratory analysis and will not provide an instant result.

The decision to use either a POCT or Back to Lab test kit will be determined by legislative and customer specifications. In exceptional circumstances, Mitie may use alternative testing processes.

All drug and alcohol tests shall be carried out by an approved and qualified agent of Mitie's Occupational Health supplier. Laboratories selected for urine sample analysis are United Kingdom Accreditation Service (UKAS) accredited to BS EN ISO/IEC 17025:2017 and/or BS EN ISO 15189:2012.

All Point of Contact Test (POCT) devices shall be registered with the Medicines and Healthcare products Regulatory Agency (MHRA) to quality control POCT devices used for drugs and alcohol testing.

What are you testing for and what are the limits?

For alcohol testing, unless testing is subject to specific sector or client requirements, a result recorded at or above the relevant national drink driving limit detailed below be deemed to be a positive result. These requirements apply to all UK workers working and operating within the UK or whilst working overseas where the relevant country limits will apply if lower than those shown below:

| Breath ($\mu\text{g}/100\text{ml}$) | Blood ($\text{mg}/100\text{ml}$) | Urine ($\text{mg}/100\text{ml}$) | Cut off levels in industry sectors or national drink driving limits |
|------------------------------------------|---------------------------------------|---------------------------------------|------------------------------------------------------------------------------|
| 9 | 20 | 27 | International air transport sector |
| 14 | 30 | 40 | Strategic Highways and UK Rail Sector |
| 18 | 40 | 54 | Maritime and Oil Sectors |
| 22 | 50 | 67 | Scotland & Most EU countries Drink Driving Limit |
| 35 | 80 | 107 | England, Wales & N. Ireland Drink Driving Limit |

The standard workplace drug screen that Mitie uses include the below substances:

- Amphetamines (including Methamphetamine and MDMA)
- Benzodiazepines
- Cannabis
- Cocaine
- Ketamine
- Methadone
- Opiates
- Tramadol
-

Additional substances may be included subject to specific sector or client requirements.

What are the possible test outcomes?

There are two possible outcomes from a POCT test:

- Negative: the POCT test has not detected any possible substances within the provided sample. The site contact will be advised of the outcome on the day.
- Non-Negative: the POCT test has detected a substance which requires further analysis at an accredited laboratory. The site contact will be advised on the day that the sample will be sent to the laboratory for further analysis.

IMPORTANT: A POCT TEST WILL NOT PROVIDE A POSITIVE TEST RESULT

All non-negative POCT results will be analysed at an accredited laboratory, and results will be reviewed by a Medical Review Officer (MRO) prior to a 'Positive' outcome being reported back to the business.

Back to Lab Test results will only provide a Positive or Negative test result:

- Positive: the laboratory analysis reveals the presence of an illicit substance which is not in line with any declared medication use.
- Negative: the sample tested does not indicate the presence of an illicit substance.
-

D&A results will be reported to Mitie via the QHSE and ER team, with results released to the site contact who arranged the D&A test. Results are sent password-protected by the D&A testing provider.

D&A testing outcomes are retained in line with Mitie's retention schedule.

What about prescription medications?

Where prescribed or Over the Counter (OTC) medication has been declared by the employee being tested, a POCT test may provide a Non-Negative result, which will need to be sent to an accredited laboratory for further analysis.

The laboratory identify the appropriate level within the sample. Where the declared medication dosage matches the level within the sample, the laboratory will provide a Negative test result. The MRO may request to speak to the employee before reporting results. For prescribed medications, employees may be required to provide evidence of their prescription to the MRO.

Employees and contractors are expected to declare all medication that may impact upon their ability to work safely to their responsible manager. If there are concerns about the impact of any prescription medication on an employee's ability to carry out their role, the line manager should refer to Mitie's occupational health provider for further advice.

Medicinal cannabis: In line with other prescription medication, the dose declared by the employee aligns with their prescription issued to them, it is likely to be reported as a “negative – consistent with declared medication”.

What happens if the test is positive?

You will remain suspended and invited to a disciplinary hearing to discuss the positive test. You should be aware that being under the influence of drugs or alcohol at work is usually considered to be gross misconduct and could therefore lead to summary dismissal. This means dismissal without notice or pay in lieu of notice.

If the laboratory report indicates that your sample has been adulterated or is not consistent with human urine, you will be suspended. If you are found to have deliberately tampered the sample, this will be treated as a positive result and the disciplinary process invoked.

Can I appeal against the results of the test?

Yes, if you wish to appeal against the laboratory confirmed positive – positive, then the “B” sample is tested at your expense, (The cost will be refunded should the analysis result indicate a negative result).

The “B” sample will be tested at an approved independent test house, selected by you from the approved list, it will be sent there under full “Chain of custody” for analysis, at your own cost. The B test shall be analysed to the same process and standard as the “A” sample.

Should the test return a positive – positive, HR shall be informed, and any disciplinary action will be resumed. If however the result is negative, you will be returned to your substantive post, and the disciplinary action will cease.

Please note that the appeal against a positive test result is separate from any investigation of disciplinary procedure which you may be subject to.

What if I think I have a problem with drugs or alcohol?

If you’re concerned that you’re dependent on drugs or alcohol, then please talk in confidence to your manager so we can try to help you. There is support available for employees if they have, or believe they might be developing, a drug and/or alcohol misuse concern and they will be treated fairly. Further advice for line managers is available in [Drugs, Alcohol & Substance Misuse - A Manager’s Guide MG\(HR\)531G](#).

We’ll support you wherever we can and if we think that the best course of action is to put a support plan in place for you, then you’ll need to make a commitment to get help. We’ll put together a support plan with you, your manager and Occupational Health. Occupational Health might contact

your GP for further information but rest assured that any information about your treatment or progress will be kept completely confidential.

Employees can access emotional support from the **Employee Assistance Programme (EAP)** which provides confidential advice on **0800 111 6387**. There are other organisations that can help you, contact details are in the 'Need more info?' section below.

If you're confirmed as being dependent on drugs or alcohol, then your GP or healthcare professional may recommend that you attend rehabilitation. If so, any time off will be treated as sick leave in line with the **Sickness Absence Procedure**. We expect you to take personal responsibility if you have an alcohol or drug-related problem and do everything you can to help rehabilitate yourself with our support.

What happens if I come to work under the influence?

Mitie strives to create a safe, drug and alcohol-free environment for its employees, clients, visitors, and other partners. If you come to work under the influence of drugs or alcohol, consume drugs or alcohol at work, or it is suspected that you are under the influence of drugs or alcohol then you will be required to submit to testing as outlined in your contract or employment and/or the Company Handbook. This is called 'for cause' testing and will take place in the following situations (although this list is not exhaustive),

- Evidence of drugs or alcohol in the vicinity which we can reasonably attribute to you
- Evidence of drugs or alcohol on or about your person or in personal baggage, lockers etc.
- Unusual conduct on your part that suggests impairment or influence of drugs or alcohol

If you're involved in any criminal activity relating to the supply or use of illegal drugs or substance-related violence or any unacceptable behaviour relating to drugs and alcohol it will result in disciplinary action in line with the **Disciplinary procedure**, which may lead to dismissal. We may report criminal activity to the police.

In accordance with your employment contract and/or the Company handbook we reserve the right to carry out random searches of all our people and property (including vehicles).

You may be asked at any time to show an authorised manager or other person acting on their behalf, the contents of parcels, cases, bags, lockers, clothing (including pockets) etc. that you have on or are taking from, the workplace.

What if I'm concerned about a colleague's safety or wellbeing due to drug or alcohol use?

If you think someone you work with has a drink or drug problem and you're concerned about their safety or the safety of others, then speak to their manager or HR in confidence, so they are aware

of the situation and can deal with it sensitively. All cases which are thought to involve alcohol or drug misuse should be referred to People Support.

If you are aware that others are engaged in unlawful or inappropriate behaviour, then you can use Mitie's confidential [whistleblowing service](#), which is managed independently by our partners, EthicsPoint. You can call the 24-hour hotline 0800 949 6388 or use the whistleblowing portal [here](#) and you can remain totally anonymous if you wish.

Could I be subject to a random test?

Yes, we aim to test up to 20% of all employees and sub-contractors each year on an unannounced random basis. You will be selected randomly and will be given no advanced notice of the test. The random selection process utilises a computer-based random number generator and give all present at any given location an equal chance of being selected without influence or bias from Mitie. Any subcontractor who tests positive for drugs and/or alcohol will be removed from site and your employer may be informed of the outcome; but will not be subject to our disciplinary procedure. If you have come via an agency, then any action taken against you will be at the discretion of the agency.

There are certain client contracts that require random testing more frequently such as those where our employees carry out safety critical roles, i.e. Network Rail, see the '[Network Rail specific rules](#)' in Appendix C.

What about Company and social events?

You should not drink alcohol on Company premises or the premises of a client, unless the drinking of alcohol has been specially arranged and/or approved by the relevant Head of Department, Director or Regional Manager and is part of an organised corporate event.

We appreciate that you spend a lot of time at work, and you may want to socialise with your colleagues outside of the working day. There may also be occasions from time to time where you are able to attend social events as part of your role with Mitie to which clients, as well as staff, are invited.

Although social events usually take place away from the workplace and outside of normal working hours, the Mitie Handbook applies to all events in connection with your work. That means not just "official" events such as planned team drinks or client entertainment, but also "unofficial" events, such as where a group of colleagues decide to go out after work.

It is in everyone's interests to impose certain rules of conduct for the protection and comfort of all, even at social events. Employees who attend any work-related social events must adhere to the following:

- Consume alcohol sensibly, irrespective of whether you, Mitie or the client provides or pays for the drinks. You should be sensitive to those that choose not to drink or are not permitted to drink alcohol and ensure that you create an inclusive environment for all.

- It is strictly forbidden for you to use illegal drugs, including cannabis, at any work-related social event.
- The Company **Harassment and Bullying procedure** applies to all work-related social events.
- You should not say or do anything that could offend, intimidate, embarrass or upset any other person, whether as a joke or not.
- Swearing and offensive language are unacceptable at work-related social events.
- You must not behave in any way that could bring the Company's name into disrepute.
- You must be mindful of our **Entertaining procedure**, and ensure that you report any hospitality you give or receive where third parties are involved (e.g. clients)
- You must observe our **Expenses procedure** and should only claim expenses where you are permitted to do so.

Any breach of the above rules may lead to disciplinary action under our Disciplinary procedure, up to and including summary dismissal.

The above rules are in place for the benefit of all members of staff and to ensure that everyone can enjoy work-related social events in a comfortable atmosphere without fear of being made to feel uneasy by another employee's conduct.

What are the smoking rules?

Mitie operates a no smoking rule and complies with no smoking legislation. Smoking is not permitted either on Mitie or client sites except in designated areas. To be fair to all your colleagues, you can smoke during any scheduled breaks, but you are not permitted to take additional breaks to smoke.

Our no smoking rule is extended to include vaping or e-cigarettes.

You may not smoke in any company provided vehicle, see the **Fleet management procedure** for more information.

Need more info?

Employee Wellbeing

You can access the Wellbeing Hub for information and guidance on Health and Wellbeing support available, including how you can immediately access our EAP confidential advice service, our online GP service, and our OH services:

<https://mitiepeople.com/wellbeinghub/>

Alcoholics Anonymous If you need help with a drinking problem either phone the national help line on **0800 917 7650** or contact by email: help@aamail.org information can be provided about future meetings that are to be conducted in the local area.

Al-Anon Family Groups – 0800 008 6811 | www.al-anonuk.org.uk Offers help and support for people whose lives are affected by someone else's drinking.

NHS Drug support advice for families or carers of drug users, including where to find further information and support: www.nhs.uk/live-well/healthy-body/drug-addiction-getting-help/

Talk to Frank – 0300 123 6600 www.talktofrank.com Offers free and confidential advice about drugs and can refer people to local drug advice services. The website provides extensive information.

Scottish families affected by Alcohol or Drugs – Freephone helpline on **0808 010 1011** or email Helpline@sfad.org.uk

ADFAM – 0203 817 9410 www.adfam.org.uk Provides information for families and friends of drug users.

If you are a People Manager and need to open a case you can access support through the **ER Hub which can be accessed via the tile in People Hub**. Otherwise, you can **call 0330 1234 005** to speak to a member of the People Support Team.

Further reading:

Disciplinary procedure (MG(HR)567)

Harassment and Bullying procedure (MG(HR)517)

Expenses procedure (MG(FI)001)

Entertainment procedure (MG(FI)002)

Company Handbook (MG(HR)500B)

Sickness Absence procedure (MG(HR)525)

Fleet Management procedure (MG(FL)740)

Appendix A - Roles and Responsibilities

Employees:

As the effects of drugs and alcohol can have a serious impact on your health and safety and the health and safety of others, the following key principles apply:

- Don't work under the influence of alcohol or drugs and always come to work fit to do your job.
- Check with your doctor, nurse or pharmacist about the side effects of any prescribed medicines and if you feel these may have an impact on your performance or behaviour at work make sure you talk to your manager so they're able to get advice from Occupational Health about any potential risks.
- Don't drink alcohol, use illegal drugs or recreational drugs during working hours including breaks. Nor shall you sell or give away drugs or alcohol whilst at work or during working hours.
- Alcohol for your own consumption at home should not be left at work for longer than is necessary. It should be stored away, unopened whilst on company or client premises.
- You should not carry out safety critical tasks if you're affected by alcohol or drugs either prescribed or otherwise that has the potential to affect your ability to work safely. If you feel this may be the case, you must inform your line manager without delay.
- Comply with any testing that Mitie may request of you.
- If you are involved in court proceedings arising from a drug or alcohol related offence you must report the matter immediately to your line manager.
- If you feel that you're becoming dependent and/or the situation is becoming beyond your control, ask for help. We'll support you as much as we can, provided you inform us. This should not be in anticipation of a positive result.

Managers:

- That employees comply with this procedure at all times.
- That if someone appears to be under the influence they are tested immediately.
- Support those who may declare that they have an issue with drugs and/or alcohol
- Raise AskHr ticket for non-negative results.

HR:

- Ensure that the relevant HR processes are followed after a positive drugs and/or alcohol test.

Occupational Health:

- Review data collected by Mitie's D&A testing provider to identify any issues or trends.
- Input into policy review on a regular basis so that testing is in line with best practice.

Appendix B - What happens if I have to take a test?

Your line manager or supervisor will instruct you to stop work immediately and submit to a drugs and alcohol test (this may mean you have to leave your current work station or worksite).

Your manager will arrange for a testing agent to attend as soon as practicable, unless this is a scheduled random test, and check their authorised ID card. Testing is carried out by an external provider.

The following arrangements will apply if you are waiting to be tested:

- You will be taken to a secure and safe place (either a room or a vehicle) and you will be accompanied at all times prior to the test
- You will not be allowed to smoke for 15 minutes prior to a breathalyser test, as this may interfere with the results.
- You will not be allowed to eat or drink anything other than water for 15mins prior to a breathalyser test, as this may interfere with the results.
- Whilst awaiting testing you, will be permitted to take any necessary prescription medication. You will need to declare all medications to the collection officer.
- You will be permitted to use toilet and washing facilities if necessary, but you should remember that you will need to provide a urine sample for testing

If you fail to either submit to testing or remain on site until the testing agent arrives, we will regard this as a positive (fail) result and will be dealt with accordingly. This includes leaving site after being informed a drugs and alcohol test is required.

The testing agent will collect a breath sample to measure alcohol using an electronic breath alcohol monitor. If the reading is anything other than zero, a second sample will be collected approximately 15-20 minutes later.

The testing agent will collect a urine or saliva sample using a chain of custody procedure.

They will also confirm your identity. The screening kit tests for a specific number of drugs and takes about 5 to 7 minutes to produce a result.

If the screen result is non-negative, further laboratory analysis of the sample will be required. In the case of urine, the sample will be split into two vials. In the case of oral fluid, a second urine sample will be collected and split into two vials, sample A and B. In both urine and oral fluid cases, you will be asked to initial and date two tamper evident seals, which will be placed over the two vials.

You will be requested to read the donor consent information and sign to consent to the test.

The sample and paperwork will be placed into a tamper evident transit bag and sent to the laboratory for confirmatory analysis. Results will normally be available within 7 working days. You will be suspended on full pay pending the laboratory test result. This is purely precautionary and does not constitute disciplinary action.

This is a handy guide from Mitie's D&A testing provider on what to expect from D&A testing.

Appendix C - Network Rail specific rules

If you are responsible for on any of our Network Rail contracts and carry out safety critical work you may be guilty of a criminal offence if you are unfit to carry out your duties because you are under the influence of, alcohol and / or drugs.

The Police (usually the British Transport Police) have powers under the Transport Workers Act (1992) to carry out alcohol and drugs testing on safety critical people who are suspected of working, or trying to work, under the influence of alcohol and/or drugs (or if there has been an accident or dangerous incident). In the majority of cases, testing on railway infrastructure is carried out by a D&A testing provider. It could be considered a criminal offence to refuse to take a test.

If an employee is found guilty the Act allows for fines and / or imprisonment for the individual and Mitie would also be considered to have committed an offence unless we can show that we have exercised all due diligence to prevent you committing the offence.

Therefore, there are stringent requirements if you work on a Rail contract and it is a condition of your contract that you comply with this procedure. Managers should ensure that new starters are fully briefed on this procedure and should there be updates, the whole team.

If you are subject to a test your Sentinel card and /or Entry Permit will be confiscated and held by the QHSE manager, pending the results of the test. You will not be employed in a railway environment until the results of the test are known and any investigation completed.

Random testing within Rail may be performed at any time and may include all categories of employee. Random testing is genuinely random and is not discriminatory, the following applies:

- You will not normally be given prior notice that you have been selected for random testing. Testing can take place at any workplace or training event,
- At least 20% of people in posts requiring Personal Track Safety certification or designated as Safety Critical Work or Key Safety will be included annually. Five per cent of posts requiring the London Underground Entry Permit will also be subjected to testing, and
- Testing shall take place within an employee's working hours, and will respect flexible working arrangements that are in place.

The following principles shall apply in respect of all Drugs and Alcohol Testing within Rail,

- Random testing for drugs and alcohol shall be carried out by a suitably qualified agent of Network Rail's licensed Medical Service Supplier, approved by the Rail Industry Supplier Qualification Scheme (RISQS),
- Testing shall include an evidential breath test for alcohol and collection and testing for drugs of a urine sample using a strict chain of custody procedure,
- The employee or contractor being tested shall not be given prior notification that they have been selected for a random drugs and alcohol test,
- Where testing cannot be carried out without the release from duty, the Manager/Supervisor shall be given prior notice to facilitate release from duty,

- The date for testing will only be known to the Manager/Supervisor and the testing organisation. The employee or contractor will not be advised until the start of their shift on the scheduled day of testing. They will be advised by the nominated Manager/Supervisor and escorted to the location of the testing,
- Testing may take place at any workplace, including depots and at training centres/events and may be carried out in either mobile or fixed collection facilities; and
- As the alcohol limits for the rail industry are lower than the Transport and Works Act, testing will be carried out as soon as possible following an accident or incident, even if the police have tested an individual. Police might not be able to give a written confirmation of the test result and a drugs and alcohol test record would not be available to store.
- Testing shall be confined to employees and contractors in posts requiring Personal Track Safety Certification or designated as Safety Critical Work posts; testing shall be carried out in a way that minimises disruption to normal operations, and prevents health and safety being compromised.

If you test positive for drugs and/or alcohol PTS sponsorship will be revoked and you will not be permitted to undertake any work that requires PTS certification or is designated safety critical for at least five years from the date of the test. Your Sentinel card will need to be returned to Mitie.

Positive result consistent with declared medication

- If the analysis reveals a positive result for drugs and/or alcohol, but this is consistent with a therapeutic dose of declared medication, this will be recorded as a 'pass consistent with declared medication'; and
- In a Rail contract you will be able to return to work which requires PTS or Entry Permit certification or is designated as safety critical work.

Positive result consistent with undeclared medication

- The result shall be reported as 'No result – undeclared medication' if the laboratory analysis reveals the presence of prohibited substances consistent with a therapeutic dosage of undeclared medication.
- If after interviewing the employee and reviewing any necessary additional evidence requested, the MRO is not satisfied that this is a mistake or omission by the employee, the result shall be reported as positive.
- You will be suspended from all duties, on full pay, pending a disciplinary investigation.
- In a Rail environment you will not be allowed to undertake any work which requires PTS certification or is designated as safety critical until a disciplinary investigation has been concluded and a decision made.