

Reference

R2692 A3

Alcohol and drugs at work information for managers and employees

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1 Purpose

This reference document has been produced to provide information to managers and employees to support compliance with the Transport and Works Act 1992 and the London Underground (LU) alcohol and drugs standards.

It is intended to be both a source of information and a practical guide for dealing with alcohol and drugs issues for both managers and employees.

2 Scope

This document applies to all employees (agency staff and consultants) of London Underground.

3 Information

3.1 The Transport and Works Act 1992

The [Transport and Works Act 1992](#) contains provisions relating to the use of alcohol and drugs by certain individuals working on the railway, LU employees (agency staff and consultants) and sub contractors defined as safety critical.

Those employees (agency staff and consultants) and sub contractors who are categorised as safety critical will be guilty of a criminal offence if they are unfit to carry out their duties through alcohol or drugs or if they are under the influence of/unfit because of alcohol or drugs whilst carrying out their duties.

The police have powers under the Act to carry out alcohol and drugs tests on safety critical LU employees (agency staff and consultants) and sub contractors suspected of being at work or attempting to work under the influence of or are unfit for duty because of alcohol or drugs. It is a criminal offence to refuse a test.

If an individual is found guilty, the Act allows for fines (level 3 or level 5 on the standard scale) and/or up to six months' imprisonment.

The Act places a duty on LU to exercise 'all due diligence' to prevent LU employees (agency staff and consultants) and sub contractors defined as safety critical from working whilst they are unfit for duty through alcohol and or drugs or where an individual's ability to work is impaired through the use of alcohol or drugs.

The company has decided to show 'all due diligence' by undertaking the following activities:

- having effective standards on alcohol and drugs at work
- ensuring that LU employees (agency staff and consultants), suppliers and sub contractors are made aware of the LU standards on alcohol and drugs and the Transport at Works Act 1992
- ensuring that managers know their responsibilities under the Act and the company's standards
- requiring managers to deal with all incidents relating to individuals and the misuse/abuse of alcohol and drugs

- ensuring that managers are aware of the problems associated with the misuse/abuse of alcohol and drugs
- reviewing booking-on procedures, changing them where necessary and consistently applying them
- using screening processes properly
- providing counselling and treatment services for those employees with alcohol and drug problems.

The [Transport at Works Act 1992](#) contains detailed information.

3.2 Standards

3.2.1 Alcohol and drugs

The following standards apply to all LU employees, suppliers, sub contractors, agency staff and consultants:

- [Alcohol and Work Standard](#)
- [Drugs and Work Standard](#)

The standards have been developed to:

- minimise the risk of damage to passengers, staff and property
- comply with relevant legislation
- protect LU's reputation as a provider of safe public transport.

The purpose of the alcohol and drugs standards is to ensure that all LU employees (agency staff and consultants), suppliers and sub contractors are aware that LU has a zero tolerance approach to alcohol and drugs at work and forbids the consumption, use, possession, storage and sale of alcohol or illicit drugs on the company's premises.

3.2.2 Safety critical work standard

Safety critical tasks shall be understood to be tasks defined as safety critical in [Part 4 of the Railway and Other Guided Transport Systems \(Safety\) Regulations 2006](#).

Part 4 lists those activities which are deemed to be safety critical when carried out on the London Underground railway and includes activities that are not required to be designated safety critical by the Regulations. However, London Underground considers the risk from these additional activities to be equivalent to the risk from activities within the scope of the Regulations.

Detailed information on additional activities is included in the [Safety Critical Work standard](#).

4 Medication and work

4.1 Guidelines on medication

Any employee who is taking medication has a responsibility under the company's Drugs and Work Standard to check with their doctor (or other medical practitioner); dentist or pharmacist if the medication they are taking could reduce vigilance or adversely affect their work performance. If it does they should request an alternative. However if no alternative is available they must inform their immediate manager of the medication and the effect it has on them before booking on duty or commencing work.

There are other situations which could indicate that an employee is taking medication, for example:

- an employee is seen taking medication
- the employee has been on sick leave and has now returned
- the employee has known health problems but is still attending work.

In such situations, the manager must discuss with the employee if medication is being taken and ascertain whether there are any side effects which might adversely affect their work performance.

Occupational Health (OH) are available to give professional advice, but it is the responsibility of managers to decide whether it is safe to allow an employee to start or to continue work in the first instance. They will need to know what effect the medication usually has on the employee and consider the possibility of the medication or its dosage being abused. Guidelines are available from OH to assist managers.

Where an employee is working on safety critical duties and the manager is in any doubt about their fitness for work through medication which is not covered by the OH guidelines, the manager should seek guidance from OH as to what work the employee can do. If contact with OH can not be made then the employee should not be allowed to start their normal duties, and a decision to find alternative work or send home for that shift should be made (a continued attempt to seek guidance from OH on the medication must be made).

Medication affects people in different ways. The best judge of the effects is often the employee, with guidance from their doctor, dentist or pharmacist, and everyone has a responsibility to provide a safe working environment and safe service to our customers. This guidance applies to all medication including prescribed, non prescription or over-the-counter preparations. If taking home-made remedies, the employee must also check the ingredients.

Employees under Drugs and Alcohol Assessment and Treatment Service (DAATS) Monitoring Agreements are subject to additional requirements regarding medication.

4.2 Working whilst taking medication

If an employee taking medication is to continue working, the manager should consider the following questions:

- for how long will the employee be required to take the medication?
- can the employee take similar medication which would not prevent normal working?
- is the employee fit enough to continue working in the present job?
- should the employee be temporarily transferred to another job, if available?

If in any doubt, the manager should consult with OH before reaching any decision. A meeting should then be arranged with the employee to discuss the best way forward if they are unfit in any capacity as a result of the effects of the medication. Decisions regarding medical suitability to work will also depend on any underlying condition i.e. the condition they are taking medication for.

4.3 Time off work for employees who are taking medication

Any employee who is unfit for work in any capacity as a result of the effects of medication will normally remain on sick leave. Managers will consider the absence in accordance with the [Attendance at work procedure](#). Managers may wish to consult OH for advice.

5 Signs and symptoms of alcohol and drugs use and abuse

The physical signs of an employee being under the influence of drugs are less obvious than those for alcohol. Managers will need to consider both the long and short term changes in conduct, appearance, behaviour and work performance.

Managers should be aware that the following symptoms listed may not necessarily be as a result of alcohol or drug misuse, but in the absence of an acceptable explanation being offered by an employee, this may indicate to the manager concerned that there is a potential problem to be investigated. The behaviours described will require action regardless of the cause.

Further information and advice is available from the DAATS, see section 6.1.

5.1 Abnormal signs and symptoms of conduct, behaviour and appearance

Irregular attendance at work/absence from place of duty:

- multiple instances of unauthorised leave
- excessive sick leave
- frequent absences or lateness around rest days / weekends / meal breaks
- excessive lateness, e.g. Monday mornings, returning from lunch, etc.
- leaving work early
- peculiar and increasingly improbable excuses for absence
- unusually high absenteeism rate for colds, flu, gastritis, etc.

- frequent unscheduled short-term absence, with or without explanation
- repeated absences from post, more than the job requires
- overlong breaks/unexplained absences from place of duty
- frequent single days with no reason given
- short spells attributed to gastritis, diarrhoea, debility or depression (whether or not these have been certified by a medical practitioner).

Work performance:

- work seems to require greater effort than the manager expects
- job takes more time than it normally should
- alternate periods of high and low productivity
- increasing general unreliability and unpredictability
- increased errors and generally poor performance; unusually clumsy
- high rate of reported sickness on duty and physical incapability of performing the job

Increased rate of accidents (including 'near miss' incidents):

- high incidence of accidents on and off duty (whether or not injury or absence from work results)
- road traffic accidents, particularly if tested by police.

Mood/personality:

- difficulty in recalling instructions, details etc.
- increasing difficulty in handling complex assignments
- difficulty in recalling own mistakes
- over-excitement/elation
- deterioration of relationships with colleagues at work
- sudden personality and mood changes
- irritability and depression
- loss of interest in work, hobbies, sport etc.
- lack of reliability, and the use of deception to cover mistakes and behaviour, e.g. avoiding supervisor or being seen when booking on duty.

Other signs:

- coming to work in an obviously abnormal condition
- aroma of alcohol or other unfamiliar substances, particularly in the early morning
- tremors, especially of the hands

- increasing unkempt appearance/lack of hygiene
- flushed face and bleary eyes; pin point or greatly dilated pupils
- drowsiness, loss of concentration and dizziness
- domestic problems, e.g. in relationships with members of the family and financial difficulties
- signs of stress
- financial problems
- unusual smells, stains or marks on the body or clothes
- evidence of drugs paraphernalia e.g. scorched tin foil, spoons, syringes, 'Rizla' packets with torn covers, square folds of paper.

Many of these signs and symptoms could be explained by a variety of factors, not necessarily connected with drugs or alcohol, but in the absence of an acceptable explanation being offered by the employee, they may indicate to the manager that there is a potential or actual problem to be investigated.

Refer to Section 7 for guidance on interviews with employees whom you suspect may be using drugs or abusing alcohol.

6 Dealing with employees with a drugs or alcohol problem

These guidelines are designed to assist managers in dealing with employees who have a drinking problem which is defined as any form of drinking, intermittent or continual, which adversely affects the health, safety, performance, conduct or efficiency of an employee as well as the safety and wellbeing of other employees and customers. Additionally these guidelines should be followed for employees who take drugs or substances for non-medical reasons.

The guidelines are in place to reflect the fact that the company is concerned with the wellbeing of its employees. However, it is ultimately the employee who must take the greater responsibility for overcoming a drugs or alcohol related problem. A drug related problem includes any use of drugs or substances that are legal but may be subject to abuse, including those referred to as "legal highs" which adversely affect the health, safety, performance, conduct or efficiency of an employee as well as the safety and wellbeing of other employees and customers.

Managers have a duty to recognise those who are under the influence of or unfit for work due to drugs or alcohol.

This is a complex and difficult issue and managers must seek advice from the relevant departments within the company, i.e. OH, DAATS, and HR Representatives. Managers should be clear that a drugs or alcohol problem is not a mitigating circumstance in a disciplinary case and that one offence can merit summary dismissal.

The dangers that drug or alcohol abuse, for whatever reason, can present, not only to the employee but to other employees and our customers, are such that it is

important for these employees to be identified, assessed, and for suitable treatment to be arranged and any problems resolved.

Refer to section 4 for guidance on medication.

6.1 The role of DAATS

DAATS was established to provide assistance for employees who are experiencing problems with alcohol and/or drugs with the aim of returning them safely back to the workplace.

Specifically, it provides:

- assessment
- referral to formal treatment where necessary
- ongoing monitoring
- advice and support to managers and other stakeholders to ensure the safe management of employees with alcohol and/or drug problems
- training
- support for family members where appropriate.

It is the company's policy to provide appropriate treatment facilities for those employees who come forward believing that they have, or are developing, a drink or drug problem. Any approach to DAATS will be treated sympathetically and in confidence. However, where safety could be compromised, liaison with the employee's immediate manager will be maintained throughout the process.

A referral is made to DAATS either directly by the individual or by the manager.

Referrals can also come in from Counselling and Trauma Service (CTS), OH Medical and the AXA PP help service.

Once DAATS receive a referral, an initial assessment appointment is made with the employee (this is usually done within five working days).

DAATS will not take a referral if there is a pending or active CDI disciplinary process being undertaken.

Following initial assessment, if appropriate, the employee will be required to attend the formal three week assessment process. The employing manager will be informed by email of this.

The employee would then sign the assessment agreement and is suspended from all duties.

At the end of the assessment a formal outcome meeting is arranged between DAATS, the employee and the employing manager,

The DAATS can be contacted on 0845 600 1776 Auto 1776 (option 3).

6.2 If an alcohol or drugs problem is suspected

If a manager at any level and in any part of the company, suspects that an employee has a drinking problem or is taking drugs, the relevant departments within the company (e.g. HR Representative, DAATS) should be consulted prior to raising the issue with the employee, unless urgent circumstances make it impractical to do so.

Employees may inform their manager of a drinking or drugs problem or voluntarily seek the help of the DAATS. However, some may be reluctant to do so (especially those who take illegal drugs) and it will therefore fall upon the manager to identify the problem at work.

However, there is a legal responsibility upon managers to take appropriate action to ensure the safety of staff and customers. Failure to do so may be regarded as collusion with the employee.

6.3 Interviewing the employee

A discussion with the employee can go one of two ways:

- The employee admits to an alcohol or drugs problem. In this circumstance the manager should refer the employee to DAATS immediately. Later, following assessment, disciplinary action may be the only course open if the employee refuses to undertake or continue with treatment. If such advice is given it should be recorded on the employee's staff file. The employee should be informed that as long as they follow the instructions of DAATS and comply with the treatment, their employment will be safeguarded though they will not return to work until authorised to do so by DAATS.
- The employee denies a drinking problem and does not give a satisfactory reason for unsatisfactory work and/or conduct.

Depending on what prompted the discussion, the manager can initiate disciplinary action.

This course of action would be appropriate in cases of unsatisfactory work performance and/or conduct.

The manager should arrange for the employee to undertake a 'for cause' test (see section 8).

In all circumstances where a drugs or alcohol problem is suspected and advice from DAATS is pending, employees must immediately be transferred away from safety critical work or stood down with pay where a manager feels that safety may be compromised.

Where a manager considers that an employee may have a medical problem or other domestic problems which could be as a result of drinking he or she should refer the employee to DAATS in the first instance.

Managers who feel that safety may be compromised must suspend an employee from work with pay pending DAATS advice. Depending on the circumstances it may also become necessary to deal with the employee by following the Attendance at

Work Procedure (Fitness for Work) or the Discipline at Work Procedure, which could ultimately lead to termination of employment.

6.4 Working whilst being treated for a drugs / alcohol problem

All employees under the care of DAATS are suspended from all duty.

Whilst under the care of DAATS all contact with work should be done through DAATS and managers should not contact the employee directly.

6.5 Time off work for treatment of an alcohol or drugs problem

Employees under assessment suspended from all duty will be regarded as on special leave.

Employees on drugs or alcohol rehabilitation should be recorded on SAP code 0540. This code will not affect existing absence rates as it will fall under special leave.

Managers will be consulted regarding DAATS advice before an employee goes on residential treatment. Managers will also be party to drawing up the treatment planning contracts / documents which will define the nature and timescale of any treatment.

All employees are contracted to comply with the treatment requirements, and managers will be updated appropriately by DAATS of the employee's progress.

6.6 Returning to work after treatment

Upon completion of treatment the employee will return to DAATS as per the agreement. The manager will meet with DAATS and the employee at a return to work meeting, which will involve the signing of a post treatment monitoring certificate.

This certificate outlines the conditions under which an employee can return to safety critical duties. Typically this would involve regular random drugs and alcohol testing together with compulsory attendance of a weekly support group at OH. These agreements remain in force for 6 months.

Non safety critical staff will also be governed by the conditions of a post monitoring agreement.

All employees that are referred and receive residential treatment will be required, as part of their post treatment monitoring certificate, to remain abstinent from drink and drugs for the duration of their continued employment.

Any cases where relapse occurs, managers are to contact DAATS in the first instance, who will advise on the appropriate course of action.

6.7 Employees who are assessed but do not undergo treatment

In cases where treatment is not appropriate for the employee, DAATS will give the necessary advice and where safe to do so return the employee to work under a monitoring agreement.

In cases where the employee is not safe to be returned back to work this will be referred back to the employing manager for appropriate action.

7 **Guidance for managers, what to do if you receive information that an employee has a problem with drugs or alcohol**

Periodically, allegations (tip-offs) are received concerning an employee's use of drugs or alcohol. These may be in writing or by phone, and often these allegations are made anonymously.

Usually, these kinds of allegations come direct to the DAATS. Often, the person to whom it was made will channel it through to the DAATS team. In some instances the allegation will be made directly to the manager. This guidance provides advice to managers on how best to respond; advice is also available from the HR Representative and DAATS.

Firstly we suggest that managers who receive a 'tip-off' of this nature contact the manager of DAATS who can offer advice and support on what to do.

The DAATS can be contacted on 0845 600 1776 Auto 1776 (option 3).

For non safety critical staff, DAATS will normally suggest that the referrer writes to the employing manager of the employee concerned and would not normally suggest any further action.

For safety critical staff the situation is more complex. The first step would be to make a judgement about the likely authenticity of the claim. In order to make a judgement, a number of factors should be taken into consideration and if there is opportunity for contact with the referrer the following questions should be asked:

- Is the referrer willing to identify themselves and/or to make themselves available if further inquiries were necessary?
- What are the details of the allegation? Particularly where drugs are concerned - what kind of drugs, what quantity of drugs, method of use etc?
- Does the referrer have evidence as to whether the person has ever booked on at work with alcohol or drugs in their system?
- What is the referrer's motivation for intervening in this way?

The DAATS team have found that in most instances the referrer is an angry partner or relative of the employee concerned. This does not necessarily invalidate the referral but should be taken into account when considering the appropriate action.

Managers are advised that in all instances they discuss the case with DAATS who can advise on what the most appropriate action might be. If, having considered the available information, the DAATS manager considers that a 'for cause' test is indicated, and then the employing manager is wholly within their rights to insist on such a test taking place. 'For cause' testing is designed for exactly this type of circumstance and the considered opinion of a treatment professional would completely justify a 'for cause' test.

Remember that the DAATS team is here to support you with managing these issues.

8 For cause testing

For cause testing applies to all LU employees (agency staff and consultants). Employees may be subject to testing when a manager has reasonable cause to believe that an individual is under the influence of alcohol or drugs, or is unfit / impaired for duty because of alcohol or drugs.

Suppliers and sub contractors have their own arrangements for conducting tests (see Section 13).

8.1 Reasonable cause / suspicion

Where managers suspect an employee to be under the influence of alcohol they should confirm their suspicions by observations of the employee's speech, eyes, appearance, behaviour, gait, co-ordination, movements, and principally by the smell of alcohol on their breath. They should, as far as practicable, obtain a second opinion from another manager (if necessary asking one to attend from another location). If in doubt use the GUESS acronym used by the Police:

G	Gait
U	Unsteady
E	Eyes Glazed
S	Speech Slurred
S	Smell

Situations where a manager could have reasonable suspicion that an employee may be under the influence of drugs, will include instances such as:

- an employee is in possession of illicit drug(s) and/or drugs paraphernalia or drug taking equipment
- an employee is in close proximity to drug taking equipment
- an employee has been witnessed taking illicit drugs or misusing medication
- an employee has been witnessed taking liquids/pills/powders and is unable to prove that they are prescribed or bought from a chemist
- a manager believes that the conduct, behaviour or appearance of an employee is in any way unusual with regard to the normal pattern of behaviour of that employee (whenever possible, a second opinion of another manager should be sought to confirm this)
- a manager considers that conduct, behaviour or appearance of the employee does not have a logical explanation
- a manager believes that the ability of the employee to carry out their work is or will be impaired because of the use of drugs
- a manager believes work performance is causing concern and the employee can offer no acceptable explanation.

8.2 Additional circumstances

Such situations will include:

- where an employee has no smell of alcohol on their breath but is displaying the other signs described above and/or their work performance/behaviour is not normal for that employee
- the employee is displaying the behavioural appearance, conduct, attendance, or characteristics associated with a drinking problem
- the employee is in possession of alcoholic drinks or empty containers
- the employee has taken and not failed a police breath test

Section 5 contains further advice on signs and symptoms of drugs use/abuse.

8.3 Discrimination

The authorised manager must adhere to the LU Equality Standard and must not engage in any form of unlawful discrimination, prejudice, victimisation or any action which could be reasonably interpreted as either revenge tactics or targeting specific employees or groups.

8.4 Safety critical employees on duty

Managers who suspect any LU employee (agency staff or consultant) who is under the influence of alcohol and/or drugs whilst on duty must call the British Transport Police (BTP), in addition to the LU approved laboratory if the employee is in a safety critical post.

Section 14 of this document gives information regarding dealing with the police

If in doubt always call the Police!

8.5 Safety critical employees booking on / non-safety critical employees

Where a safety critical employee (agency staff or consultant) is booking on, or in all instances where an employee is in a non-safety critical post and you suspect that they may be under the influence of alcohol or drugs do not call the BTP.

Follow these actions:

- do not allow the employee to start/continue work as appropriate
- carry out a fact finding interview with the employee to establish an explanation
- arrange a 'for cause' test as soon as possible
- stand the employee down with pay and send them home until the 'for cause' result is known.

8.6 Authorised manager

During 'for cause' testing, the authorised manager will be the employee's manager or, in their absence the manager's manager or the manager covering that area of responsibility.

An authorised manager should request the tests.

An authorised manager must be available while testing takes place.

Section 11 gives information on how to request tests.

8.7 Alcohol test

Administration of breath tests to detect alcohol will be undertaken by the trained collecting officer (or trainee under the strict supervision of the trained collecting officer) from the LU approved laboratory and / or the BTP (if the employee is in a safety critical post). Testing will take place at the workplace. A test by the LU approved laboratory must be arranged as well as one carried out by the BTP to confirm the reading, which may be under the legal limit but in contravention of the LU limit.

8.8 Drugs test

Collection of urine samples to detect drugs will be undertaken at the workplace by a trained collecting officer (or trainee under the strict supervision of the trained collecting officer) from the LU approved laboratory.

8.9 Actions awaiting 'for cause' drugs results

In all cases (safety critical / non safety critical) employees must be stood down with pay until the result is known.

9 Post incident testing

Post incident testing applies to all LU employees (agency staff and consultants). Employees may be subject to alcohol and drugs testing following any incident which caused or had the potential to cause death or major injury, or substantial damage to property.

Suppliers and sub contractors have their own arrangements for conducting tests (see Section 13).

The definition of a dangerous incident is generally:

'An incident causing or having the potential to cause death or major injury or substantial damage to property'.

Post incident testing should occur as soon as possible after every dangerous operational incident. Such tests will also provide information which can be used during incident investigations.

The following (non-exhaustive) lists of types of incident are covered by this definition.

Operational incidents:

- train collision - this includes collisions with stationary/fixed objects, including buffer stops and fixed red lights
- derailment on the running line
- failure of station crowd procedures - this would be a significant failure of crowding procedures

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- high potential near misses
- serious operational errors; signals passed at danger (SPADs) would not normally be included in this category. However depending on the nature of the SPAD it might be appropriate in some cases to carry out a post incident test i.e. where a SPAD has taken place and the train operator has carried on without seeking authority.

Post incident testing should always be considered where irregularities in the signalling system are reported.

Incidents of regulatory or public interest:

- where a prosecution could be an outcome
- where subject to regulatory interest
- where public and / or media interest would be high.

9.1 Police

The BTP must be called, in addition to the LU approved laboratory, to undertake post incident tests, if the employee is in a safety critical post.

The BTP normally attend major incidents and may wish to test those involved even if alcohol and drugs are not suspected by the manager.

If the police arrive before the LU approved laboratory collecting officer and make arrests, the laboratory must be informed immediately that the collecting officer will no longer be required.

Section 14 gives information regarding dealing with the police.

9.2 Authorised manager

For post incident testing, the authorised manager will be the employee's manager or, in their absence the manager's manager or the manager covering that area of responsibility.

An authorised manager should request the tests.

An authorised manager must be available while testing takes place.

Section 11 of this document gives information on how to request tests.

9.3 Alcohol test

Administration of breath tests to detect alcohol will be undertaken by the trained collecting officer (or trainee under the strict supervision of the trained collecting officer) from the LU approved laboratory and / or the BTP (if the employee is in a safety critical post). Testing will take place at the workplace. A test by the LU approved laboratory must be arranged as well as one carried out by the BTP to confirm the reading, which may be under the legal limit but in contravention of the LU limit.

9.4 Drugs test

For post incident testing only a Point of Collection Test (POCT) will be used to detect drugs. The POCT replicates the process in the LU approved laboratory. The collection officer will use a split – specimen cup where a quantity of urine will be utilised from the first sample in order to provide an indication as to whether it is negative or non negative.

The authorised manager will inform the employee of the result of the POCT once it is known on site.

If the POCT is negative there will be no further tests on the urine and the employee will be able to go back to work. The LU approved laboratory will provide confirmation of the negative result to OH and the Human Resources Services (HRS) Senior Advisor (Drugs & Alcohol) through secure sources. The HRS Senior Advisor (Drugs & Alcohol) will provide the employing manager with confirmation of a negative drugs result.

If the POCT gives a non negative reading the remainder of the sample will be further analysed at the LU approved laboratory to determine the nature of the drug involved. The employee must be stood down from safety critical work until the result is known.

9.5 Incident reporting

Normal LU incident reporting procedures should be followed after a dangerous incident.

If sub contractors, agency staff or consultants are involved, the LU manager in charge should also contact the supplier.

The outcome of tests must be included in incident report forms and investigation reports.

10 Unannounced testing

Unannounced testing for alcohol and drugs forms part of the company's initiative to meet the due diligence requirements of the Transport and Works Act 1992.

The programme of testing enables the company to monitor data and compliance with its alcohol and drugs policies and enables the extent of alcohol and/or drugs use in the workplace to be established.

Unannounced testing applies to all LU employees who are classified as safety critical.

LU has decided a minimum of 5% of safety critical staff are tested per annum, but no maximum number has been set.

Unannounced testing is not random but a planned programme for carrying out urine and breath tests in accordance with medical practices, standards and ethics. This is to detect drug and alcohol use on a selected sample of employees, who will not be informed in advance that such tests are to be carried out.

10.1 Alcohol test

Administration of breath tests to detect alcohol will be undertaken by the trained collecting officer (or trainee under the strict supervision of the trained collecting officer) from the LU approved laboratory. Testing will take place at the workplace.

10.2 Drugs test

Collection of urine samples to detect drugs will be undertaken at the workplace by a trained collecting officer (or trainee under the strict supervision of the trained collecting officer) from the LU approved laboratory. Testing will take place at the workplace.

10.3 Planning unannounced testing

The HRS Senior Advisor (Drugs & Alcohol) will be responsible for planning and organising unannounced testing. They will determine the programme and ensure that testing dates and locations are kept confidential and, where it is necessary to give advance notice, managers will be alerted within a minimum time scale.

The most appropriate time to conduct the tests will be determined by the HRS Senior Advisor (Drugs & Alcohol), bearing in mind the need to minimise any disruptions to operational requirements.

The HRS Senior Advisor (Drugs & Alcohol) is also responsible for supplying the LU paperwork and for producing the random testing list using SAP.

10.4 Compliance

The tests will be carried out in suitable areas approved by the HRS Senior Advisor (Drugs & Alcohol).

The collecting officer from the LU approved laboratory (or trainee under the strict supervision of the trained collecting officer) will prepare the designated test areas and be responsible for the correct application of the tests in accordance with the standards specified by the Head of OH, and in accordance with the LU approved laboratory's Chain of Custody procedures.

The toilet area must be made secure whilst testing is taking place and will not be available for normal use. Alternative toilets must always be available for normal use.

The HRS Senior Advisor (Drugs & Alcohol) will arrange for the employees selected to report to an office separate from the toilet area to complete the necessary LU paperwork prior to testing taking place.

Tests will normally be carried out in the workplace; however there may be occasions when employees have to travel to an approved test location.

The HRS Senior Advisor (Drugs & Alcohol) must ensure compliance with these procedures and be the initial contact point for any queries about the tests.

Managers of locations where testing takes place will be responsible for dealing with any issues arising out of this process and must ensure that no employee books off duty without obtaining their permission to do so.

A manager must always be available whilst testing takes place.

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Managers will arrange any cover required whilst testing is being carried out.

Testing of train staff - separate arrangements will apply in that the SAP list of employees will still be used, but account will be taken of the duty rosters and train operational arrangements.

10.5 Method for selection of employees

Managers will not be responsible for the selection of the employees to be tested.

National Insurance numbers logged on the SAP system are used to generate and produce a random list of names of safety critical staff to be tested at the location concerned. The HRS Senior Advisor (Drugs & Alcohol) will call off the employee's names commencing strictly from the top of the list, taking into account those employees who are not available and until such time as the required quota for that session at that location has been identified.

A note with reasons must be made on the random list against the names of those employees not available. The list will be returned to the HRS Senior Advisor's (Drugs & Alcohol) office at the end of the session. The list will be retained for statistical and administrative purposes.

11 Drugs and alcohol testing

11.1 Arranging drugs and alcohol tests

The Senior Advisor (Drugs & Alcohol) will arrange unannounced testing sessions. In all other cases, the locally based authorised manager will contact the LU approved laboratory on telephone no. 01827 65 999. This is a 24 hour on-call hotline.

You will be asked to provide:

- company name
- the LU pin number (which is 1966)
- the caller's name
- contact telephone number(s)
- address of location to which the collecting officer should report
- any additional information required such as road numbers, map references, landmarks, car parking facilities etc.
- a brief indication of any access problems
- who the collecting officer should report to
- category of incident triggering the call out, i.e. 'for cause' or post incident
- number of employees to be tested
- confirmation of date and time.

11.2 Actions whilst awaiting the collecting officer (other than unannounced testing)

The collecting officer will telephone the authorised manager to confirm their estimated arrival time, their identity and seek any further clarification of details required.

Whilst awaiting the arrival of the collecting officer the authorised manager must organise facilities and supervision arrangements. The employee must not be allowed to resume work and should be removed to a nearby office where they should be accompanied at all times.

If the employee wishes to use the toilet, they should be supervised as closely as possible in the circumstances. They should be discouraged from taking any bag or other object into the toilet with them. They should be asked to empty their pockets first. Any possessions not returned immediately to the employee should be listed and secured - LU will be liable should anything be lost.

The employee should not be allowed to consume any substance(s) or smoke before the collecting officer arrives.

However, if an employee awaiting the arrival of the LU approved laboratory collecting officer asks to take medication prescribed by a doctor, they should be allowed to do so but the manager must make a note of the name of the drug (including the dosage), the quantity taken and the exact time. Any bottles, tablets, wrappings etc. should be kept and not thrown away, and shown to the collecting officer on his/her arrival.

11.3 When the collection officer arrives

The collecting officer will report to the manager of the location in accordance with the normal reporting arrangements for that area.

The collecting officer will prepare the designated test area including dyes in toilet, and securing of cisterns and taps.

The collecting officer will be responsible for the correct application of the tests in accordance with the standards specified by the Head of OH and in accordance with the recognised Chain of Custody procedures. Authorised managers (or the Senior Advisor – Drugs & Alcohol for unannounced testing) are responsible for the accurate completion of LU documentation (DAMSP forms).

11.4 Test process

The authorised manager (or Senior Advisor – Drugs & Alcohol for unannounced testing) should complete the relevant LU documentation (DAMSP forms) before accompanying the employee to the testing area. They should then leave.

The collecting officer will explain the testing process for collection of a breath sample and a urine sample. They will then ask the employee to complete and sign the LU approved laboratory's Chain of Custody form, which is additional to the London Underground paperwork. The breath test for alcohol will be done first. The employee will then be asked to choose a urine testing pack and the collection of the urine sample will take place. The employee will then be asked to sign the container labels to be affixed to the containers into which their urine sample has been decanted and

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sign the donor consent part of the Chain of Custody form to confirm their consent for their urine sample to be analysed. The employee will also be asked to declare any medication that they are currently taking, or have taken within the previous ten days, either prescribed medication or over-the-counter medication, which will be recorded on the Chain of Custody form.

Unannounced testing only: in the presence of the employee, the collecting officer will affix on the folio sheet the bar code number allocated to the employee's urine sample, against their name and referral number. The collecting officer will sign and date each record on the sheet. The Senior Advisor (Drugs & Alcohol) will be responsible for despatching this sheet and the DAMSPS RS2a to OH by hand immediately upon completion of the testing session (or first thing in the morning if testing occurs during the night).

11.5 Alcohol breathalyser test

Employees must not consume any alcohol in the 8 hours immediately before booking on and no more than 7 units of alcohol in the 16 hours before that 8 hour period commences.

Administration of breath tests will be undertaken by the trained collecting officer (or trainee under the strict supervision of the trained collecting officer) from the LU approved laboratory. Testing will take place at the workplace.

The collecting officer will ask the employee if they have consumed any substance by mouth within the last 20 minutes. If they have, the employee will be asked to wait until 20 minutes have elapsed since the substance was finished before the breath test commences.

Alcohol testing will be by breathalyser which will test for the number of micrograms of alcohol in 100 millilitres of breath. The breathalyser test will normally be administered first and the results will be available immediately. A print-out will be produced and if the reading is zero the test will be deemed negative and no further action is required.

If the breathalyser reading is less than 13 micrograms per 100 ml of breath but more than zero the print-out will be handed to the authorised manager (or Senior Advisor – Drugs & Alcohol, during unannounced testing). The authorised manager will interview the employee immediately to ascertain an explanation for that reading and to decide whether there has been a breach of the alcohol policy. The LU alcohol policy is zero but it is possible for some employees to generate up to 5 micrograms of alcohol in 100 ml of breath. Where an employee registers a reading of over 5 micrograms of alcohol per 100 ml of breath, and under 13 micrograms of alcohol per 100ml of breath, it may indicate that alcohol is present. In these circumstances employees should be reminded of the company's policy on alcohol and referred to a Local Disciplinary Interview where a warning should be given.

If the breathalyser reading is 13 micrograms of alcohol per 100 ml of breath or above the authorised manager (or Senior Advisor – Drugs & Alcohol, during unannounced testing) will witness a second test which will be carried out to confirm the first test as soon as the machine has returned to zero. If the second test reading is below 13 micrograms the readings will be treated as though they were below 13 micrograms

of alcohol per 100 ml of breath. If the second test reading is 13 micrograms of alcohol or above per 100 ml of breath the employee will not be allowed to return to duty and the authorised manager will stand them down with pay pending a disciplinary hearing. The authorised manager must follow the disciplinary procedures and refer the matter to a disciplinary hearing.

A sample charge may be as follows: Gross misconduct in that on..... at..... you failed the company breathalyser test which is part of the company's drugs and alcohol medical screening programme, contrary to the LU Code of Conduct and your LU contract of employment and the Alcohol and Work Standard.

If the reading is 35 micrograms or above of alcohol per 100 ml of breath and the employee is on duty and safety critical, the authorised manager (or Senior Advisor - Drugs & Alcohol, during unannounced testing) must inform the BT Police immediately of the incident and the circumstances in which the test took place.

In all cases the employee should continue with the urine drugs test.

If the police decide to take action, the guidelines for dealing with the police must be followed (see Section 14).

11.6 Urine drugs test

The use of drugs will be determined by the donation of a urine sample for some or all of the following drugs:

Amphetamines, Ketamine, Benzodiazepines, Cannabis, Cocaine, Methadone, Opiates, Phencyclidine and Propoxyphene.

Additional drugs may be included on advice from TfL's specialist advisors.

Collection of urine samples will be undertaken at the workplace by a trained collecting officer (or trainee under the strict supervision of the trained collecting officer) from the LU approved laboratory.

Analysis of the urine samples will be carried out by the LU approved laboratory. All samples will be tested and analysed in the strictest confidence in accordance with accepted national and international standards.

The collecting officer will ask the employee if they are taking any medication, or have done so within the last 10 days. This information will be recorded on the Chain of Custody documents and used in the analysis of the sample to screen out / eliminate any positive result from that medication.

As part of Chain of Custody requirements, and to ensure an employee cannot try to substitute a sample from someone else or has substances that could adulterate the urine sample, the employee must empty their pockets and place the contents in a secure bag / container. The employee will retain the key of the secure container until they retrieve their possessions at the end of the testing process. If a lockable bag / container isn't available the local manager will arrange for secure storage of items.

For the donation of a urine sample, the employee will also be asked to remove their coat, jacket, overall, hi-vi or other protective clothing.

The employee will be asked to choose a urine testing pack, and then provide the required 60 ml of urine in the specimen collection cup in the hearing/presence of the collecting officer. If the employee is embarrassed because, for instance, the collecting officer is of the opposite sex, the authorised manager (or the Senior Advisor – Drugs & Alcohol, during unannounced testing) may take the place of the collecting officer for this part of the procedure where this would overcome the difficulty. If the employee is unable to provide the required amount of urine s/he will be offered drinks of water (approximately half a pint of water every half hour) under supervision by the authorised manager (or the Senior Advisor – Drugs & Alcohol, during unannounced testing) until such time as a sample is produced.

The collecting officer will immediately test the sample for temperature to ensure that it is a fresh urine sample.

In the presence of the employee, the specimen will be divided into two separate containers in equal portions which will be sealed. The employee will be asked to sign container labels and these will be affixed to the containers to confirm that it is the sample given by that employee. Duplicate container labels (bar codes) will be placed on the employee's Chain of Custody paperwork and DAMSP forms. One portion of the urine sample will be used for testing purposes. The duplicate sample will be destroyed after two weeks if a negative result is confirmed, or held for a maximum of 12 months if a positive test result is confirmed.

The employee will then retrieve their outer clothing and their possessions from the secure bag / container.

For post incident testing only a POCT will be used. The POCT replicates the process in the LU approved laboratory. The Collection Officer will use a split – specimen cup where a quantity of urine will be utilised from the first sample in order to provide an indication as to whether it is negative or non negative.

11.7 Drugs test results and actions by managers

The test results may not be available for a period of up to seven days because the LU approved laboratory or OH may require further tests to be made or repeated for the purposes of correctness or confirmation.

In the case of unannounced and 'for cause' testing, the LU approved laboratory will inform OH and the Senior Advisor (Drugs & Alcohol) of a negative result through secure email. The Senior Advisor (Drugs & Alcohol) will inform the employing manager of the result(s). The employing manager must then inform the employee(s) and decide what (if any) further action needs to be taken. This will normally be no further action in the case of 'unannounced' testing.

If the test result is positive following unannounced and 'for cause' testing the LU approved laboratory will inform OH only by secure email. OH will contact the HRS Senior Advisor (Drugs & Alcohol) and request that the employee be stood down from safety critical work (or if none is available stood down with pay) pending a medical

review. The Senior Advisor (Drugs & Alcohol) will inform the employing manager of the result and will liaise directly with OH to arrange the medical review.

For post incident testing only a POCT will be used. The POCT replicates the process in the LU approved laboratory. The Collection Officer will use a split – specimen cup where a quantity of urine will be utilised from the first sample in order to provide an indication as to whether it is negative or non negative.

The authorised manager will inform the employee of the result of the POCT once it is known on site.

If the POCT is negative there will be no further tests on the urine and the employee will be able to go back to work. The LU approved laboratory will provide confirmation of the negative result to OH and the Senior Advisor (Drugs & Alcohol) through secure email. The Senior Advisor (Drugs & Alcohol) will provide the employing manager with confirmation of a negative drugs result.

If the POCT gives a non negative reading the remainder of the sample will be further analysed at the LU approved laboratory to determine the nature of the drug involved. The employee should be stood down from safety critical work (or if none is available stood down with pay). Once further analysis is complete the LU approved laboratory will inform OH only of the result by secure email. If deemed positive OH will contact the Senior Advisor (Drugs & Alcohol) and request that the employee remains stood down from safety critical work (or if none is available stood down with pay) pending a medical review. The Senior Advisor (Drugs & Alcohol) will liaise directly with OH to arrange the medical review and inform the employing manager of the outcome.

In all cases other than unannounced testing, until the drugs test result is known, the employee must be stood down with pay. S/he must not be allowed to return to his/her normal duties. Where there is concern as to the employee's ability to return home safely, arrangements must be made for the employee to be accompanied and taken home by taxi if necessary.

Results will be known only to OH, the Senior Advisor (Drugs & Alcohol), the employing manager, authorised manager and the employee. In the case of a positive test the HR Representative will also be informed.

The LU approved laboratory, OH and LU will not divulge this information to any other party unless properly required to do so by a court of law and OH is under no obligation under its contract with LU to enter into any further or detailed discussions.

11.8 Medical Review

OH will undertake a medical review for all positive drugs tests (a medical review is not required for positive alcohol tests).

A medical review appointment with OH will be made by the HRS Senior Advisor (Drugs & Alcohol) and they will advise the employing manager of the appointment details. The employing manager should write to the employee instructing them to attend on the specified date/time.

The medical review will include an interview by an OH Medical Adviser who will be acting in the capacity of Medical Review officer. They will give a copy of the

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toxicology report to the employee and if the employee accepts a copy of the results they will be required to sign a receipt. The advisor will then explain the contents of the report and assess whether there is an acceptable medical reason for the test result.

If OH confirms that the employee has taken a substance for a sound medical reason, they will advise the Senior Advisor (Drugs & Alcohol), the employee and the employing manager but will not disclose the substance. The employing manager will inform the employee of the outcome, however they may need to take some further action if the employee has not advised him / her that the substance has been taken.

In some cases, further investigations or drugs re-tests will be required. OH will inform the HRS Senior Advisor (Drugs & Alcohol), the employee and the employing manager if this is the case.

The medical review may identify a medical problem and employing managers will need to act on the advice of OH in such cases.

If OH deems that the drugs test result is a confirmed positive they will inform the HRS Senior Advisor (Drugs & Alcohol) the result is positive but will not disclose the substance. The HRS Senior Advisor (Drugs & Alcohol) will inform the employing manager and HR Representative then collect the yellow confirmed positive outcome memo from OH, then hand deliver it to the employing manager.

11.9 Confirmed positive drugs result - disciplinary action

On receipt of a confirmed positive result, the employing manager will refer the matter to a disciplinary hearing in accordance with normal disciplinary procedures. This must be done regardless of any Police action which may be taken.

The employing manager will refer the employee to a disciplinary hearing. A sample charge may be as follows: 'Gross misconduct in that on at you were tested for the presence of drugs which is part of the company's drugs and alcohol medical screening programme, and following a medical review the test proved positive contrary to the LU Code of Conduct and Drugs and Work Standards and your LU contract of employment.'

If requested a letter must be sent to the employee after the result is known advising him or her of the arrangements for having the duplicate urine sample tested independently (See Appendix A).

12 LU documentation

Unless stated otherwise, documents referred to can be ordered through SAP.

Testing cannot take place unless the correct documentation is available.

12.1 Pre-employment, promotion and transfer (normally dealt with by HR)

DAMSP RS1 (guidance notes for employees) and DAMSP RS1a

12.2 Unannounced, for cause, post incident and monitoring

DAMSP RS2 (guidance notes for employees) - the employee must be asked to read and sign form RS2.

DAMSP RS2a - the authorised manager (or HRS Senior Advisor - Drugs & Alcohol during unannounced testing) must complete all of the details on form RS2a for the employee to be tested. They must also complete the authorised manager's details and the HR manager's details to who tests results will be sent.

The employee to be tested must read and sign the consent statement on this form in the presence of the authorised manager (or the HRS Senior Advisor - Drugs & Alcohol during unannounced testing).

The forms must be fully completed and signed without errors or crossing out.

12.3 DAMSP numbers and barcodes

The authorised manager will not be provided with a DAMSP number for 'for cause', post incident and monitoring testing. The space for the referral number on the DAMSP form should be left blank. The collecting officer will write or affix a unique barcode number relating to the specific test to all copies of the DAMSP form with the exception of the pink copies.

Unannounced testing - the HRS Senior Advisor (Drugs & Alcohol) will supply a DAMSP number for each test and the collecting officer will also write or affix a unique barcode number relating to the specific test to all copies of the DAMSP form with the exception of the pink copies.

Folio sheets (unannounced testing only) - the HRS Senior Advisor (Drugs & Alcohol) will also provide the collecting officer with a folio sheet including DAMSP form referral numbers. The collecting officer must complete this sheet affixing a barcode next to each test undertaken.

12.4 What to do with documentation after the tests

DAMSP RS2:

- white copy - retain on the employee's staff file
- pink copy - give to the employee

DAMSP RS2a:

- white copy – must be taken by hand to OH as soon as possible
- pink copy - give to the employee
- blue copy - retain on the employee's staff file
- yellow copy - send to HRS Senior Advisor (Drugs & Alcohol).

If an alcohol test was conducted a copy of the signed breathalyser printout should be attached to the white copy of the DAMSP RS2a.

12.5 Retention of records

Copies of DAMSP forms RS2/RS2a and the test results should be retained on the employee's staff file for 2 years in the case of negative results. Where there is a positive result, they should be retained with the disciplinary papers in accordance with the current disciplinary procedure.

OH and HR will retain copies of DAMSP forms RS2/RS2a and the LU approved laboratory reports for 2 years for negative results and for 7 years in positive cases. The LU approved laboratory will retain laboratory reports for 7 years, both negative and positive.

12.6 Collection officer paperwork

Chain of Custody documentation will be brought by the collecting officer, together with testing packs and bar codes.

Collecting officers will be responsible for completing Chain of Custody paperwork, which s/he will require the employee to sign during the testing process, together with copies of the breathalyser print-out. All documentation will be delivered to the LU approved laboratory, together with the urine samples.

The collecting officer will also provide the employee with a copy of their Chain of Custody paperwork and provide the authorised manager (or the HRS Senior Advisor - Drugs & Alcohol during unannounced testing) with a copy of the signed breathalyser printout which should be attached to white copy of DAMSP form RS2a.

A collecting officer will draw it to the attention of the authorised manager (or the HRS Senior Advisor - Drugs & Alcohol during unannounced testing) if s/he observes that any of the forms have been tampered with / altered or have not been completed fully or signed.

It is not the responsibility of the collecting officer to ensure that the forms have been completed correctly.

13 Suppliers, sub contractors, agency staff and consultants

London Underground will commit an offence if it does not exercise all due diligence in relation to its suppliers, sub contractors, agency staff and consultants.

The Transport and Works Act 1992 contains provisions relating to the use of alcohol and drugs by workers working on the railway and carrying out safety critical activities.

Any worker who carries out safety critical work will be guilty of a criminal offence if they are unfit to carry out their duties because of alcohol and/or drugs or if they are under the influence of alcohol and/or drugs.

All suppliers, sub contractors, agency staff and consultants must comply with LU's alcohol and drugs standards and the Transport at Works Act 1992.

13.1 Suppliers and sub contractors

This document does not apply to suppliers and sub contractors who carry out work on London Underground infrastructure. Refer to the [procedure for suppliers and sub contractors working on LU infrastructure](#).

13.2 Agency staff and consultants

Agency staff and consultants who carry out safety critical work will be expected to attend a pre-employment medical assessment which will include a drugs and alcohol test. They will also be subject to unannounced testing.

For cause and post incident testing applies to all agency staff and consultants and will be arranged by the local authorised manager in the same way as for employees.

14 Guidelines for dealing with the police

14.1 Police duties

Police duties are to enforce the law. This includes the Transport at Works Act 1992 but also other statutory provisions concerning the running of the railway and public order, for example, the railway bylaws, legislation concerning trespass on the railway or obstruction of trains.

14.2 Management duties

Management duties are to run a safe railway. This includes complying with the Transport at Works Act 1992 and the Health and Safety at Work Act 1974 etc.

There will be many occasions where management deal with suspected consumption of alcohol or drugs without calling the police. This section is to give guidance to managers as to the circumstances in which the police should be involved and what managers should do, and expect the police to do, once the police are involved. The purpose is to ensure that nothing is done that will prejudice police investigations, whilst protecting the interests of LU and its employees.

The Transport and Works Act 1992 applies equally to sub contractors, agency staff and consultants carrying out safety critical work on LU infrastructure (see Section 13).

14.3 When should the police be called?

The BTP (or local police if BTP cannot be present in a reasonable timescale for outlying areas) should be called by the manager when an offence against the Transport and Works Act 1992 is suspected i.e.:

- When a person to whom the Act applies is actually on duty and suspected of having consumed alcohol or drugs. The manager should not attempt to judge whether an individual is or is not over the breathalyser limit - this should be left for the police test to show.
- When an accident or dangerous incident (i.e. an incident which causes or has the potential to cause death or major injury or substantial damage to property) occurs and either alcohol or drug consumption on the part of an individual involved is suspected.

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The police would normally be called for other reasons, i.e. because there is a fatality or some other criminal offence, such as obstructing the railway, is suspected.

If in doubt call the police!

14.4 What the police need to know

When the police are called they will need to know:

- location
- nature of the incident
- persons involved
- the name of the manager responsible on site
- the symptoms/reasons for suspicion.

The police may arrive as a result of information from other sources, i.e. passengers, and the emergency services. The local police may be asked by BTP to attend in areas remote from the centre of London and if there are serious injuries involved to individuals then it will not be appropriate for either management or police to test at the scene, although there are provisions in certain circumstances which allow for samples to be taken at the hospital.

14.5 When the police need not be automatically called

Where the person suspected of consuming alcohol/drugs is detected in the process of booking on; this is a management matter only.

Where employees suspected of consuming alcohol/drugs that are not covered by the Transport and Works Act 1992 i.e. are not safety critical.

In these circumstances, the manager should only call the police if other offences are being committed i.e. disorderly conduct, breach of the railway bylaws and/or possession of illegal drugs.

14.6 Action pending the arrival of the police

From the time of the incident/suspicion of alcohol or drugs consumption, the manager should ensure that the following procedures are adhered to:

- The employee must be accompanied at all times by a manager. The manager who stays with the employee should stay with him/her until the police arrive (even if it means remaining beyond their normal shift) unless it is absolutely necessary for that manager to leave, in which case s/he must hand over the responsibility to another manager.
- The manager should also arrange an on site 'for cause' or post incident test through the LU approved laboratory. This must be in addition to calling the police as the results of the tests will be evidence for disciplinary proceedings only.

If the police arrive before the LU approved laboratory collecting officer and arrest the employee, the LU approved laboratory must be advised immediately that the collecting officer's attendance will not be required.

- The employee should be removed to a nearby office - still accompanied at all times.
- The employee should not be allowed to consume any substance or smoke, including food or drink before the police arrive. However, if an employee awaiting the arrival of the police asks to take medication prescribed by a doctor, they should be allowed to do so but the manager must make a note of the name of the drug (including the dosage), the quantity taken and the exact time. Any bottles, tablets, wrappings etc. should be kept and not thrown away, and handed to the police on their arrival.
- All possessions which the employee had with him/her i.e. driver's bag, tool bag, etc. should be retained with the employee and handed over to the police on their arrival. Nothing should be discarded e.g. pieces of tinfoil in the driver's cab etc.
- If the employee wishes to use the toilet, they should be supervised as closely as possible in the circumstances. They should be discouraged from taking any bag or other object into the toilet with them. They should be asked to empty their pockets first. Any possessions not returned immediately to the employee should be listed and secured - LU will be liable should anything be lost. If the police are due to arrive shortly, any visits to the toilet should, if possible, be delayed until their arrival.
- If immediate medical assistance is required at any time the manager should either call an ambulance or ask the BT Police to do so. If the employee is removed from the scene by ambulance, the manager should get details of where the employee is being taken to tell the police immediately. Another employee should accompany him/her to the hospital if possible.
- If an employee asks to do so, s/he can notify their trade union representative, solicitor and/or family. No procedures should be held up for such notification to be made and only the trade union representative should be allowed on the scene and then only as an observer.
- If the police do not arrive before the time when the employee's duty ends, there is no right to insist that the employee remains on the premises against their will. Managers should take the same action as for an off-duty employee on LU premises.
- Sub contractors, agency staff and consultants should be dealt with as above. The suppliers contact should be contacted as soon as possible so that s/he can be informed of the events.

14.7 Police procedures

When notified by LU of an incident, the police will tell the manager whether they will attend and give an estimated time of arrival. If the arrival time changes, the police will notify the manager.

If the police are notified by a passenger or the emergency services etc, they will notify the Service Controller who will advise local staff on what action to take.

When the police arrive on the scene it becomes a police matter. The police are in control and management lose control over the employee (but not over the running of the train services or the safety of the railway).

On arrival at the scene the police will ask to be briefed by the manager on the scene in the presence of the employee.

The police will form a view as to whether an alcohol/drug test is appropriate.

If the police decide to breathalyse the employee they will usually produce a breathalyser and administer the test on the scene.

If the employee refuses to give police a breath sample on the scene they will be arrested and removed to the station and should not be allowed to resume duty that shift.

If the test on site is negative and no drug test is appropriate, the police will relinquish control of the situation and management procedures will apply. In the case of sub contractors, agency staff and consultants the matter should be discussed with the suppliers contact.

If the test on site is positive, the employee will be arrested and removed to a police station with his/her belongings. Further test(s) will be administered at the station i.e. a breathalyser with a print-out and possibly a blood or urine test. The police will allow the manager to tell the employee before his or her removal to the station that they must retain the breathalyser print-out for production to management later and must produce the result of any analysis to management in due course. Sub contractors, agency staff and consultants should be told that retention of the print-out and production to their supplier is advisable.

If the breath test at the station is positive, the employee will be charged or reported. The police station will not disclose the reading but will inform LU of the fact of the charge and details of court appearances.

If a blood or urine test is also administered (i.e. if the breath test at the station was borderline) the employee will be released pending outcome of the analysis, but should not be allowed by management to return to duty that shift.

If the breath test at the station is negative, the employee will be released by the police. Again, they should not be allowed by management to return to duty that shift.

If the police decide to administer a drug test, the employee will be removed to a police station. Before going, the police will allow the manager to ask the employee to produce the analysis result at a later date. When released from police custody they should not be allowed to resume duty that shift.

The police will require statements as employees may be required to give evidence in court in due course.

14.8 Management procedures

Once the police arrive on the scene, all employees should co-operate with the police. The police should be informed of all relevant matters (i.e. that the employee has taken medication), and given custody of all relevant items (i.e. bags, bottles). Managers should tell the police any information which the police would not otherwise know i.e. that the employee has a locker or car.

If the employee is to be removed to a police station for further tests, the manager must tell the employee to keep and produce to management any print-outs and any results of any analysis in due course.

Where the individual being removed to a police station is an employee, the manager must stand the employee down from duty and tell him/her when to report back for duty before s/he leaves the LU premises. It may be appropriate to require the employee to report back immediately on release in order to be interviewed but the employee must not be allowed to resume duty during that shift even if s/he has been released from the police station without charge.

Analysis of results can take eight weeks or more to be available. When the employee reports for work, management will have to decide whether to stand the employee down indefinitely pending receipt of the results, proceed to disciplinary action immediately or to allow the employee to return to duties pending further enquiries.

The employee should be interviewed as soon as possible after release from police custody in order to establish what has happened and to hand over any printout.

Where the individual is an employee and either management or the police suspect that s/he taken drugs, the employee should be subject to a 'for cause' drugs test the day after the incident.

Sub contractors must not be allowed back on to LU premises for that shift, but subsequent actions are a matter for determination between the supplier and the LU project contact.

14.9 Suspected alcohol/drug consumption - various circumstances

If the suspicion of consumption is before duty or during the booking on procedure, management procedures only will apply.

If suspected consumption is in the meal break and it is detected before the employee resumes actual duty, management procedures only apply.

If suspected consumption is by employees to whom the Transport and Works Act 1992 does not apply (i.e. non-safety critical) and no other offence is committed, i.e. a bylaw offence, management procedures only apply.

If suspected consumption is by an off-duty employee on LU premises there may be, for example, a bylaw offence, but if it is not appropriate to call the police, the employee should be removed from the premises and normal disciplinary procedures will apply. In the case of sub contractors, agency staff and consultants they should

be removed from LU premises and the matter should be discussed with the suppliers contact.

If consumption is detected/suspected when an employee is no longer on duty i.e. when booking off, an offence will have been committed and the police should be called. The employee should be asked to remain on LU premises pending police arrival but they cannot be forced to remain beyond their normal shift. If they do not remain, the police should be told and given all co-operation i.e. home address, vehicle registration number etc. Normal management and disciplinary procedures will apply.

15 **Drugs and alcohol treatment and post treatment Q&A**

Q1 What conditions do employees have to comply with if they agree to treatment for a drugs/alcohol problem?

An employee entering into a formal treatment programme following assessment at DAATS will be required to sign a treatment agreement that specifies certain conditions that the employee must abide by. These are usually that:

- I will follow the instructions of staff at (treatment centre) and will remain abstinent from all mood-altering chemicals both while I am on the programme and for the rest of my continued employment with [LUL/TfL].
- I will not leave (treatment centre) except with the permission of the staff there.
- I will complete the period of treatment advised unless given leave not to do so by the DAATS manager.
- I will return to work when advised to do so by the people responsible for my treatment.

This agreement forms part of the employee's terms and conditions of employment, and breaching its provisions could be regarded as gross misconduct. This may lead to their employment being terminated summarily.

In addition, employees who are funded for treatment by TfL/LUL may be asked to repay a proportion of that funding, should they be deemed in breach of their treatment or continuing care contract.

Q2 Are all employees that go through DAATS required to sign monitoring agreements when they return to work?

This depends on the outcome of the assessment. In most cases, employees are required to sign monitoring agreements as part of their safe return to the workplace. This is not, however, a universal requirement and there will be occasions where this is not required.

Q3 What is the difference between the old and current paperwork that employees sign when treated for a drugs or alcohol problem?

The paperwork is similar but was revised to ensure that employees were clearer on the expectations at each stage of the treatment and post treatment process and what could happen as a result of failure to comply with these arrangements.

Q4 I have heard that an employee who goes to DAATS can never drink again. Is this true?

Not everyone assessed by DAATS is then required to be abstinent for the duration of their career at TfL/LUL. Every case is assessed on its own merits, and the outcome is suited to the individual and clearly defined by the clinical expertise of the DAATS team. However, all employees funded for and receiving residential treatment are required to remain abstinent for the duration of their continued employment.

Q5 Should staff be using their annual leave allocation to attend residential treatment?

Employees may be encouraged but cannot be forced to take annual leave to attend treatment.

Q6 Can an employee change their rest day to attend sessions at DAATS for the weekly support group on Mondays?

The issue of attendance and expectations at these sessions should be discussed at the outset between DAATS, the individual and the local manager as there are a number of items to address, including considering the facility to change rest days locally.

12 hours rest between shifts must be given if staff are carrying out safety critical duties prior to these sessions.

Where some appointments fall when the employee is not rostered on duty, or is working subject to a monitoring agreement they are required to attend in their own time.

(A monitoring agreement is a document all employees that have completed a period of residential treatment sign on their return to work. It will outline the conditions the employee agrees to adhere to).

Q7 If a CSA is off for the assessment or treatment of a drugs or alcohol problem, will they accrue banked rest days?

The usual arrangement for employees undergoing rehabilitation is for this to be taken as normal sick leave and with standard sick pay arrangements, where eligible. In some circumstances, the manager may choose to deal with this through special leave, however in either case, the member of staff would not accrue banked rest days as they would not be marked as attending work.

Q8 Can an employee continue working whilst being assessed or treated for a drugs/alcohol problem?

No.

Q9 What is the company's responsibility with regards to a drugs or alcohol problem if the employee is working under a fixed term contract?

Each case should be considered on an individual basis. Managers are advised to contact the Legal department for advice.

Q10 Can an employee seek their own assistance with a drugs or alcohol problem instead of utilising treatment offered by DAATS?

Managers are required to seek advice from DAATS.

Q11 What is considered by the company as a relapse?

A relapse involves the knowing use of any drugs and/or alcohol.

Q12 What happens if an employee leaves residential treatment before completion?

If an employee leaves treatment without the approval of the DAATS manager before the end for whatever reason, this could impact on their continued employment as they would breach conditions stipulated in the treatment agreement as per Q1. Employees who are funded for treatment by TfL/LUL may be asked to repay a proportion of that funding, should they be deemed in breach of their treatment or continuing care contract.

Q13 What happens if an employee fails to complete treatment to a satisfactory level or relapses whilst undergoing rehabilitation?

Employees currently sign an agreement which forms part of their terms and conditions of employment, prior to undergoing treatment in the treatment centre, which requires them to comply with a number of conditions. This includes the requirement to remain abstinent from all mood-altering chemicals both while they are on the programme and for the rest of their continued employment with TfL/LUL.

In the event that an employee fails to complete the treatment to the satisfaction of the DAATS Manager, they may not be in a position to recommend the employee's reinstatement to safety critical duties and/or their suitability for continued employment. If the employee breaches the agreement provisions, the matter could be regarded as gross misconduct and their employment may be terminated summarily.

Relapse during the period of a monitoring agreement which is not immediately notified to DAATS by the employee will result in the unit completely terminating involvement and formally recommending a permanent unsuitability to work within TfL/LUL.

Employees who are funded for treatment by TfL/LUL may be asked to repay a proportion of that funding, should they be deemed in breach of their treatment or continuing care contract.

Q14 What happens when an employee returns to work following treatment?

Upon completion of treatment the employee will return to DAATS as per the continuing care agreement. The manager will meet with DAATS and the employee at a return to work meeting, which will involve the signing of a monitoring agreement.

This agreement outlines the conditions under which an employee can return to safety critical duties. Typically this would involve regular random drugs and alcohol testing together with compulsory attendance of a weekly support group at Townsend House. These agreements remain in force for 6 months.

Non safety critical staff will also be governed by the conditions of a monitoring agreement.

All employees that are referred and receive residential treatment will be required, as part of their monitoring agreement, to remain abstinent from drink and drugs for the duration of their continued employment.

The agreement reminds employees that it is now a condition of their employment that they remain abstinent from all mood-altering chemicals, both in and out of work, for the rest of their continued employment with TfL/LUL. Breach of provisions within the monitoring agreement could be regarded as gross misconduct and may lead to their employment being terminated summarily.

All employees who are assessed by DAATS will be reviewed on the anniversary of their case. This review will be repeated annually for five years.

Q15 What happens if an employee, following treatment, informs a manager that they had a relapse?

Each case will be looked at on its own merits. Any cases where relapse occurs, managers are to contact DAATS in the first instance, who will advise on the appropriate course of action.

Q16 What happens if an individual refuses to sign any of the agreements that form part of the drugs/alcohol rehabilitation process?

Managers are advised to contact DAATS for advice and consider the issues on a case by case basis.

Important - DAATS is a specialist service with some specific and detailed intricacies that are beyond the scope of this document. Managers/HR/ other stakeholders are strongly advised to contact DAATS whenever a question regarding any aspect of the service provision arises.

16 General Q&A

Q1 What if an employee calls in sick before their booking on time? (Unannounced testing only)

Employees who are off work as a result of sickness will be bypassed on the SAP generated random list. Employees who have called in sick prior to their shift in the correct manner will typically be dealt with under the Attendance at Work Procedure.

If there is evidence that an employee has received information regarding unannounced testing prior to their shift start time, and the manager suspects that the employee has attempted to avoid being tested, the manager should interview the employee upon their return to work to explore why they went sick, remind them of the standard required and arrange for a 'for cause' test to be conducted as soon as possible.

Q2 What if an employee books off sick or leaves before the end of their shift? (Unannounced testing only)

If possible, before being allowed to leave, the manager should ascertain whether or not the person is genuinely ill and unable to take the tests. If it is considered that an employee is seeking to avoid the tests, the manager should advise the employee that avoidance may be regarded in the same way as refusal.

Where an employee books off sick or leaves work prior to the end of the working shift without the knowledge of their manager the employee should be interviewed by their employing manager immediately upon return to work and a 'for cause' test must be arranged.

Whatever the outcome of the 'for cause' test, if as a result of the fact finding, the employing manager considers there is sufficient evidence that the employee deliberately left work to avoid being tested, he or she may take appropriate action in accordance with the disciplinary procedure in consultation with the HR Representative.

A sample charge may be as follows: Gross misconduct in that on.....at you avoided taking a test, which is part of the company's drugs and alcohol medical screening programme, contrary to the LU Code of Conduct and your LU contract of employment and the Alcohol and Work Standard.

Q3 What if an employee is not able to operate the breathalyser?

This is rare and is unlikely to occur unless the employee has a medical problem affecting their ability to breathe. The urine test should proceed.

The employee should then be interviewed by their manager with a view to finding out possible reasons for the failure. The employee should then be referred to OH as soon as possible to ascertain the medical reasons for the failure. The manager should provide the OH doctor with a report of the interview and details of the circumstances surrounding the failure.

In the event that no medical reason for the failure can be ascertained, the manager should then carry out a further fact finding discussion with the employee to ascertain whether or not the employee was seeking to avoid taking the breathalyser test. Depending on the circumstances, this may result in disciplinary action being taken on the grounds of failing to co-operate with the company's alcohol screening programme.

Q4 What if an employee is not able to produce a sample or is at the end of their rostered duty?

The employee will be asked to sit in the manager's office. If after drinks of water the employee still cannot provide a sufficient sample of urine or they are at the end of their rostered duty and unwilling to remain to continue the test, a 'for cause' test must be arranged to take place the following day if possible, or at the earliest opportunity if it is not possible to test the next day.

Q5 Can an employee take a meal break during testing?

The question of an employee's meal break becoming due during testing arises from time to time. The employee will be entitled to take their meal break during unannounced testing, however testing will commence immediately upon their return

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to duty. In the case of for cause or post incident testing the employee may not leave the premises, but may be allowed to take their break under supervision.

Q6 What if an employee admits to an alcohol or drugs problem during or just prior to testing?

If during a testing process, an employee admits to the authorised manager, Senior Advisor (Drugs & Alcohol) or collecting officer that they have a drink/drugs problem the employee will continue and complete the alcohol and drugs tests, but then must be stood down from duty irrespective of the result. The normal disciplinary process should be followed.

Q7 What happens if an employee refuses to take tests or does not co-operate?

Employees who refuse to take either of the tests will be referred to the authorised manager who will advise the employee of the company's alcohol and drugs standards, the approved screening programme, their terms and conditions of employment and the consequences of refusal.

Employees who still persist in not taking the tests will be told that the matter will be referred to a disciplinary hearing according to the normal disciplinary procedures.

A sample charge may be as follows: Gross misconduct in that on..... at you refused to obey a proper instruction contrary to the LU Code of Conduct in that you refused to take a test as part of the company's drugs and alcohol medical screening programme contrary to your LU contract of employment and the Alcohol and Work Standard.

Additionally if an employee does not adhere to, or co-operate with, the testing process or tries to adulterate their urine sample, the authorised manager will deal with the issue and if necessary, refer it to the disciplinary process.

Q8 What does Chain of Custody mean?

The test LU has selected is recommended by the US Federal Drugs Agency (FDA), and is widely used, accurate and reliable. The Chain of Custody is recommended by the FDA and its purpose is to avoid adulterations of samples by the donor, prevent switching or smuggling of samples and to stop allegations of a mix up or contamination of specimens.

The LU authorised laboratory has a rigorous and meticulous checking procedure. If a urine sample pack is damaged, tampered with or incorrect, an error report is made and OH informed. The Head of OH is authorised to decide wherever to carry on with the analysis, taking into account the nature of the error.

Q9 What if testing cannot be done on site?

If it is not possible to undertake a drugs test (collection of a urine sample) on site due to lack of available facilities, arrangements should be made for the test to take place at the nearest location with adequate toilet facilities.

Q10 What process should be followed in the event of a building evacuation?

If a test is in process it will be abandoned. The collection officer will follow evacuation procedures, taking (if possible) all completed samples with them. The testing session may be resumed after the all clear is given.

Q11 What about off-duty members of staff and on-call staff?

Not consuming alcohol whilst on call will apply only to formal rostered on call arrangements. If an employee is at home and receives a request to attend work, even though it is their rest day, the employee must not attend if they have consumed any alcohol whatsoever. An employee can offer advice, however they must clearly declare that they have consumed alcohol.

Q12 Can I drink alcohol at designated functions?

It is important to remember that employees are still on duty when representing the company at official functions or meetings, whether organised by LU or another undertaking, and when attending events such as training courses, workshops and seminars. Work related social functions, such as retirements and award presentations, which employees attend out of uniform after they have finished work and which are held at officially designated function suites or an external venue, are excluded. However employees should always be mindful of the need to limit consumption.

Q13 Is there such a thing as a false positive?

LU uses the Lion Alcometer to conduct alcohol breathalyser tests. This is the best method as it is not invasive and the results are directly comparable to blood levels. LU does not use blood tests for alcohol as they are invasive and unnecessary.

The Lion Alcometer does not give false positive results (an incorrect positive result). Additionally, no medical condition will give a false positive.

Diabetes will not lead to a false positive. Hypoglycaemia can lead to high levels of acetone, which can sometimes cause false positives in breathalysers that use semiconductors to detect alcohol. The testing equipment used by LU uses fuel cell technology to detect alcohol, which means they do not pick up acetone and other irrelevant substances, so there is no chance of a false positive.

Liver conditions will not lead to a false positive. In some types of liver disease caused by increased alcohol intake, the liver produces specific enzymes in order to break down the additional alcohol. In this case, blood alcohol levels would be lower compared with a similar person with a normally functioning liver who had consumed the same amount of alcohol. In more severe cases of liver disease where the liver is unable to produce these enzymes, alcohol takes longer to break down and therefore would lead to higher alcohol levels in the blood, which therefore can impact on task performance and safety.

No diet (including high protein diets, such as Atkins) will give a false positive, however a true positive might be possible if the person tested had eaten large amounts of food with very high alcohol content.

In the case of drug screening, if a false positive occurs, the urine sample goes forward for further testing using more sophisticated analysis machines. This confirms whether or not the substance being tested for is actually present in the urine sample.

Q14 Will taking codeine affect the outcome of a drug test?

This is present in many over the counter medications. The laboratory is able to tell us whether excreted products are consistent with declared medication, but codeine has a very definite effect on performance, even in prescribed quantities, and OH will not report 'no', until repeat tests indicate that the course of treatment is finished and there is no addiction.

Q15 What is the company's responsibility with regards to a drugs or alcohol problem if the employee is working under a fixed term contract?

Under current legislation, fixed term contract employees cannot be discriminated against and generally have the same rights and accessibility as permanent employees and in the same way are subject to the Alcohol at Work and Drugs at Work Standards. Once their contract ends, there is no obligation to retain their services and their contract could be terminated but this will depend on each individual case and managers are advised to contact the Legal department for advice before taking action.

Q16 What happens if the employee asks if passively smoking marijuana could result in failing the drug test?

This is the most commonly found drug of abuse, because of its prevalence and the fact that it can remain as an excreted metabolite in the urine for 4 weeks or more.

It is used by some people illegally for its alleged health benefits, but for whatever reason it is taken it does have an effect on performance, and quality of judgement. Since it is an illegal substance, it is always abused.

Warnings have been issued about the effects and constituents of, among other substances, 'bush tea'. The cut off point in the LU test is fixed so that, for a passive smoker to have absorbed that quantity of cannabis, they would have to have spent 4 hours in an enclosed telephone box with 3 chain joint smokers. In other words, passive smoking is no defence.

17 **Person accountable for this document**

Name	Job title
Martin Boots	Head of Employee Relations

18 Abbreviations

Abbreviation	Meaning
BTP	British Transport Police
CDI	Company Disciplinary Interview
CSA	Customer Service Agent
CTS	Counselling and Trauma Service
DAATS	Drugs and Alcohol Assessment and Treatment Service
DAMPS	Drug and Alcohol Medical Screening Program
FDS	Federal Drugs Agency
HRS	Human Resources Services
OH	Occupational Health
POCT	Point of Collection Test

19 References

Document no.	Title or URL
F5955	Template letter to employee – challenging a drugs result
F5956	Template letter to employee’s chosen laboratory to arrange testing of duplicate sample
F5957	Template letter to Alere Toxicology authorising release of sample to chosen laboratory
PR1010	Attendance at Work Procedure
PR0659	For suppliers and subcontractors, working on LU infrastructure, on drugs & alcohol
S1251	Alcohol and Work Standard
S1257	Drugs and Work Standard
S1548	Safety Critical Work Standard
5-258	Equality Standard

20 Document history

Issue no.	Date	Changes	Author
A1	March 2017	This reference document supersedes guidance G1241 as per Change no. 05404.	James Tidman
A2	February 2020	Roles updated – PMA replaced with HR Representative; no other content reviewed or updated. CR-12316.	Rob Woolf
A3	May 2021	Phone number updated in section 11.1 as per CR-14710.	Tom Morris

21 Appendix A - Challenging a drugs result

21.1 Overview

If an employee wishes to challenge the results of a urine test, this is a matter between the employee and the laboratories. The employee should be advised that part of the urine sample was retained. The employee must pay for the costs involved.

The company will refund the cost if the analysis of the second test ultimately results in a different outcome. It should be noted that there are a number of reasons for differences in the results obtained from the samples. If differences are observed these will be fully investigated before a decision is reached on the outcome of the tests.

If requested a letter confirming the right to have the duplicate urine sample tested should be sent to the employee as soon as possible after a confirmed positive result is known from OH.

21.2 Process

If an employee wishes to challenge a drugs result the manager will need to issue a letter to the employee as set out in the template F5955. Further to this the manager will provide the employee with:

- a template letter to the employee's chosen laboratory to arrange testing of the duplicate sample (F5956)
- a template letter to Alere Toxicology authorising release of the sample to the chosen laboratory (F5957)
- the list of approved laboratories for duplicate sample testing as details in 17.3.

The employee should choose which laboratory they wish to send the second sample to from the list below.

The employee needs to contact their chosen laboratory using F5956, advising them to contact the LU approved laboratory (Alere Toxicology) to release the second sample.

The employee then needs to contact the LU approved laboratory (Alere Toxicology) using F5957 to advise them that they are requesting release of the second sample and by enclosing a copy of F5956 that they sent to their chosen laboratory.

21.3 Approved Laboratory List for Duplicate Sample Testing

Corporate Pathology Services, PCL House, 20 – 22 Belmont Road, Wallington, Surrey, SM6 8TB. Tel: 020 8241 4251 (not RISQS approved)

The Laboratory of the Government Chemists, Queens Road, Teddington, Middlesex, TW11 0LY. Tel: 020 8943 7524

Synergy Health Laboratories, Gavenny Court, Brecon Road, Abergavenny, Monmouthshire, NP7 7RX. Tel: 01873 856 688