This manual has been produced as a guide for Managers to comply 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.

Issue 5
Date: 7th April 2003

These guidelines apply to all employees of London Underground.
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MAIN REVISIONS SINCE ISSUE 4</td>
<td>6</td>
</tr>
<tr>
<td>1.</td>
<td>INTRODUCTION</td>
<td>8</td>
</tr>
<tr>
<td>2.</td>
<td>DEFINITION OF DUE DILIGENCE</td>
<td>9</td>
</tr>
<tr>
<td>3.</td>
<td>GUIDANCE NOTES ON THE LU POLICIES AND STANDARDS</td>
<td>10</td>
</tr>
<tr>
<td>3.1</td>
<td>Alcohol Standards</td>
<td></td>
</tr>
<tr>
<td>3.1.2</td>
<td>Explanatory Notes – Alcohol Standard</td>
<td></td>
</tr>
<tr>
<td>3.1.3</td>
<td>Company Uniform and Establishments Selling Alcohol</td>
<td></td>
</tr>
<tr>
<td>3.2</td>
<td>Drugs Standard</td>
<td></td>
</tr>
<tr>
<td>3.2.1</td>
<td>Explanatory notes - Drugs Standard</td>
<td></td>
</tr>
<tr>
<td>3.3</td>
<td>Discipline</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>MEDICATION AND WORK</td>
<td>13</td>
</tr>
<tr>
<td>4.1</td>
<td>Guidelines on Medication</td>
<td></td>
</tr>
<tr>
<td>4.2</td>
<td>Working Whilst Taking Medication</td>
<td></td>
</tr>
<tr>
<td>4.3</td>
<td>Time off Work for Employees who are Taking Medication</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>SIGNS AND SYMPTOMS OF ALCOHOL AND DRUGS USE AND ABUSE</td>
<td>14</td>
</tr>
<tr>
<td>5.1</td>
<td>Irregular Attendance at Work / Absence from Place of Duty</td>
<td></td>
</tr>
<tr>
<td>5.2</td>
<td>Work Performance</td>
<td></td>
</tr>
<tr>
<td>5.3</td>
<td>Increased rate of Accidents (including 'near miss' incidents)</td>
<td></td>
</tr>
<tr>
<td>5.4</td>
<td>Mood / Personality</td>
<td></td>
</tr>
<tr>
<td>5.5</td>
<td>Other Signs</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>GUIDELINES FOR DEALING WITH EMPLOYEES WHO HAVE AN ALCOHOL OR</td>
<td>16</td>
</tr>
<tr>
<td>6.1</td>
<td>DRUGS PROBLEM</td>
<td></td>
</tr>
<tr>
<td>6.2</td>
<td>Dealing with Employees with an Alcohol Problem</td>
<td></td>
</tr>
<tr>
<td>6.3</td>
<td>Dealing with Employees with a Drugs Related Problem</td>
<td></td>
</tr>
<tr>
<td>6.4</td>
<td>Signs and Symptoms</td>
<td></td>
</tr>
<tr>
<td>6.5</td>
<td>If an Alcohol or Drugs Problem is Suspected</td>
<td></td>
</tr>
<tr>
<td>6.6</td>
<td>Interviewing the Employee</td>
<td></td>
</tr>
<tr>
<td>6.7</td>
<td>Working Whilst Being Treated for a Drugs / Alcohol Problem</td>
<td></td>
</tr>
<tr>
<td>6.8</td>
<td>Time off Work for Treatment of an Alcohol or Drugs Problem</td>
<td></td>
</tr>
<tr>
<td>6.9</td>
<td>Returning to Work after Treatment</td>
<td></td>
</tr>
<tr>
<td>6.10</td>
<td>Legal Considerations</td>
<td></td>
</tr>
<tr>
<td>6.11</td>
<td>Disciplinary Considerations</td>
<td></td>
</tr>
<tr>
<td>6.11.1</td>
<td>Notes for Interviewing Employees Suspected of Abusing Alcohol and/or Drugs</td>
<td></td>
</tr>
<tr>
<td>6.11.2</td>
<td>General Advice</td>
<td></td>
</tr>
<tr>
<td>6.11.3</td>
<td>Problem Admitted</td>
<td></td>
</tr>
<tr>
<td>6.11.4</td>
<td>Problem Denied</td>
<td></td>
</tr>
<tr>
<td>6.11.5</td>
<td>Key Points - Do’s and Don'ts</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>AN OVERVIEW OF THE LU ALCOHOL AND DRUGS SCREENING PROGRAMME</td>
<td>22</td>
</tr>
<tr>
<td>7.1</td>
<td>Pre-employment, Promotion and Transfer</td>
<td></td>
</tr>
<tr>
<td>7.2</td>
<td>'For Cause' Testing</td>
<td></td>
</tr>
<tr>
<td>7.3</td>
<td>Post Incident Testing</td>
<td></td>
</tr>
<tr>
<td>7.4</td>
<td>Unannounced Testing</td>
<td></td>
</tr>
<tr>
<td>7.5</td>
<td>Guidance on all Forms of Testing</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>'FOR CAUSE' TESTING PROCEDURES</td>
<td>25</td>
</tr>
<tr>
<td>8.1</td>
<td>Introduction</td>
<td></td>
</tr>
<tr>
<td>8.2</td>
<td>Definitions and Overview</td>
<td></td>
</tr>
<tr>
<td>8.2.1</td>
<td>'For Cause' Testing</td>
<td></td>
</tr>
<tr>
<td>8.2.2</td>
<td>The Urine Drugs Test</td>
<td></td>
</tr>
</tbody>
</table>
11.3 Management Duties
11.4 When Should the Police be Called?
11.5 What the Police need to know
11.6 When the Police need NOT be Automatically called
11.7 Action Pending the Arrival of the Police
11.8 Police Procedures
11.9 Management Procedures
11.10 Suspected Alcohol / Drugs Consumption - Various Circumstances
11.11 Contractors' Staff
11.12 Notes on Police Breathalyser Machine

12 DRUGS OR ALCOHOL TESTS CARRIED OUT BY LU APPROVED LABORATORY AT THE WORKPLACE - PROCEDURE / DISCIPLINARY ACTION FOR ALL POSITIVE RESULTS (FROM TESTS CONDUCTED AT THE WORKPLACE AND AT LUOH)
12.1 Arranging the tests
12.2 Actions Whilst Awaiting the Collecting Officer (Other than unannounced testing)
12.3 On Arrival at Site (All testing on site)
12.4 The Tests
12.4.1 The Test Process
12.4.2 The Breathalyser Test
12.4.3 The Urine Drugs Test
12.4.4 Employee Not Able to Produce a Sample
12.4.5 Employee Not Able to Operate Breathalyser
12.4.6 Meal breaks
12.4.7 Employee Admits to a Problem During/Just Prior to Testing
12.4.8 Employee does not Co-operate
12.4.9 Employee Books off Sick / Unfit for Duty or leaves before the end of the shift (Unannounced Testing only)
12.4.10 If Testing Cannot be done on Site (For cause / Post incident)
12.4.11 Post incident - Police and Medical Authority actions
12.5 Drugs Test Results and Actions by Managers
12.5.1 Negative Drugs Test
12.5.2 Positive Drugs Test
12.5.3 The Medical Review
12.5.4 Medical Review - Positive Changed to Negative
12.5.5 Medical Review - Confirmed Positive Sample - Disciplinary Action and Advice to Employee re Duplicate Sample Testing
12.5.6 Challenging the Results
12.5.7 Retention of Records
12.6 Breathalyser Test Results and Actions by Managers
12.6.1 Negative Breathalyser Result
12.6.2 Positive Breathalyser Results
12.6.2.1 The Charge
12.6.2.2 Alcohol Readings above 35 Micrograms / 100 ml
12.6.3 Contractor / Consultants or Agency Employees

13. DOCUMENTATION
13.1 Documents Required
13.2 Testing at LUOH
13.2.1 Referral Number
13.2.2 RS2
13.2.3 RS2a
13.2.4 At LUOH
13.3 Testing on Site by Approved Laboratory Collecting Officer
13.3.1 Referral Number
13.3.2 DAMSP Forms (Unannounced, For Cause and Post Incident)
13.3.3 Folio Sheets (Unannounced testing only)

14. DRUGS AND ALCOHOL ADVISORY SERVICE
15. TRAINING

16. CONTRACTORS, AGENCY STAFF AND CONSULTANTS

16.1 Contractors
16.2 Agency Staff
16.3 Consultants
16.4 Approved Laboratories for Contractors to arranging testing

APPENDICES:

APPENDIX A – USEFUL NAMES, ADDRESSES AND TELEPHONE NUMBERS

APPENDIX B – STANDARD LETTERS RE DUPLICATE DRUGS TESTS

APPENDIX B.1 – LETTER TO EMPLOYEE RE CHALLENGE TO DRUGS TEST

APPENDIX B.2 – LETTER TO EMPLOYEE’S CHOSEN LABORATORY TO ARRANGE TESTING OF DUPLICATE SAMPLE AND ATTACHMENT

APPENDIX B.3 – LETTER TO MEDSCREEN AUTHORIZING RELEASE OF SAMPLE TO CHOSEN LABORATORY

APPENDIX B.4 – APPROVED LABORATORY LIST FOR DUPLICATE SAMPLE TESTING

APPENDIX C – ADDITIONAL INFORMATION FOR MANAGERS ON LU DRUG SCREEN PROCEDURES PROVIDED BY LUOH

APPENDIX D – UNANNOUNCED TESTING - CHECKLISTS AND WHAT IF - QUESTIONS AND ANSWER SHEETS

APPENDIX E – GUIDANCE NOTES FOR DISCIPLINARY PANELS

APPENDIX F – DEFINITION OF SAFETY CRITICAL POSTS

APPENDIX G – STANDARD MEMORANDUM FOR ADVISING EMPLOYEES OF RESULTS OF DRUGS TESTS
**MAIN REVISIONS SINCE ISSUE 4**

**General**
This document is now LU specific. (The ‘Infraco’ companies are producing similar documents for their employees.)

The change from Alcohol and Drugs Policies to Alcohol and Drugs Standards has been reflected in the text. Similarly, the wording of the sample disciplinary charges have been amended.

**Sections 6, 7 and 8**
Amendments have been made to emphasise the fact that alcohol and drugs monitoring must be carried out in consultation with the Drugs and Alcohol Advisory Service.

**Section 7.2 – An overview of the LU Alcohol and Drugs Screen Programme**
Reference to the fact that contractors have their own arrangements for testing their employees has been inserted.

**Sections 8 and 9 – ‘For cause’ and ‘post incident’ testing.**
Further references have been made to the fact that contractors have their own testing arrangements.

**Section 8 - 'For cause' testing**
Responsibility for authorisation of tests has been clarified.

The fact that the Laboratory must be called to test in ‘for cause’ circumstances as well as the BT Police has been reinforced.

The need to ensure that the employee must be stood down from safety critical work has also been reinforced.

**Section 9 – ‘Post Incident’ tests**
More guidance has been inserted regarding the types of incidents after which post incident tests should be arranged.

**Section 10.3 – Unannounced Testing – Programme and Scheduling**
Advice revised to indicate that 48 hours’ notice should be given to cancel a test with Medscreen.

**Section 12 – Testing procedures**

**Section 12.4.1 – Unannounced testing process** – has been amended to include reference to the fact that the collecting officer should include the barcode or DAMSP reference number on the Medscreen chain of custody documents.

**Section 12.4.5 – Failure to operate breathalyser** - has been amended to clarify that if a person fails to operate the breathalyser, they must be referred to LUOH to ascertain the medical reason for such a failure.

**Section 12.4.6 (new) – Meal breaks** – has been added dealing with circumstances where booked meal breaks occur during a testing session. (Subsequent numbering in 12.4 revised accordingly.)

**Section 12.5.1 – Negative Drugs Test** – Reference has been included to a new Appendix G, which is a standard memorandum for advising employees of the negative result from a drugs test.

**Section 12.5.8 – now has some guidance on length of retention of testing records on staff files.**

**Section 16 – (Contractors) / Appendix B.4 - Duplicate Samples**
Omnilabs have been removed from the list of approved contractors.
Appendix B.4 – Duplicate Samples
The address of Corporate Pathology Services has been changed.

Appendix E – Guidance notes for Disciplinary Panels
This has been amended to refer to both alcohol and drugs and the fact that a panel must consult the Drugs and Alcohol Advisory Service before including in any penalty a provision for monitoring.

Appendix G – Standard Memorandum for Advising Employees of Result of Drugs Test – New Appendix, see 12.5.1
INTRODUCTION

The Transport and Works Act 1992 contains provisions relating to the use of alcohol and drugs by certain employees working on the railway (LU, Agents, Contractors and Consultants) defined as safety critical.

Those LU employees 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 employees suspected of being at work or attempting to work under the influence of or unfit for duty because of alcohol or drugs. It is a criminal offence to refuse a test.

The Act also places an obligation on LU to exercise 'all due diligence' to prevent any employee or Contractor/Agency employee covered by the Act from committing an offence. Managers must not allow an individual to work whom they suspect of being under the influence of/unfit for duty because of alcohol or drugs.

If an individual is found guilty, the Act allows for fines of up to £5,000 and/or six months' imprisonment.

Note: References to the HRS system relate to the Company’s electronic personnel data record system. This system will be replaced during 2003, but a similar random sorting mechanism will be available.
2. DEFINITION OF DUE DILIGENCE

The Transport and Works Act 1992 places a duty on LU to exercise 'all due diligence' to prevent employees from working whilst they are unfit for duty 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:

1. Having effective standards on alcohol and drugs at work.
2. Ensuring that employees are made aware of the standards expected.
3. Ensuring that managers know their responsibilities under the Act and the company's standards.
4. Requiring managers to deal with all incidents relating to employees and the misuse/abuse of alcohol and drugs.
5. Ensuring that managers are aware of the problems associated with the misuse/abuse of alcohol and drugs.
6. Reviewing booking-on procedures, changing them where necessary and consistently applying them.
8. Providing counselling and treatment services for those employees with alcohol and drug problems.
3. GUIDANCE NOTES ON THE LU STANDARDS

3.1 Alcohol Standard

The company has had a policy covering alcohol at work for many years, but as a result of the implications of the Transport and Works Act 1992, the opportunity was taken to review the position and introduce a new policy effective from September 1992. The current version has been issued as a Company Standard dated 28th October 2002.

All employees are issued with a personal copy of the Standard which is duly signed for. Standards are readily available from Human Resources (HR) Offices. Any manager or employee who has not been issued with a personal copy should contact their own HR office for a copy.

The company has decided that to minimise any safety risks to customers and employees, it will have a ZERO alcohol policy. This also ensures that employees will stay within the limits laid down in the Transport and Works Act.

The five key requirements on alcohol that ALL employees must meet are:

1. Not to consume alcohol whilst on duty, during breaks in the working day, including meal breaks spent away from company premises, or when rostered on call and thus liable to be required to work for the company at short notice.

2. Neither to buy alcohol whilst on duty nor bring alcohol on to company operational premises.

3. To limit their consumption of alcohol whilst off duty to ensure that they are not under the influence of alcohol in any way when reporting for duty or carrying out work for the company.

4. To avoid buying or consuming alcohol whilst off duty and wearing a company uniform, name badge or other form of company identification.

5. To co-operate fully with the company’s alcohol screening arrangements if they are involved in a dangerous incident at work or where there is reasonable suspicion that alcohol has been consumed.

3.1.2 Explanatory Notes - Alcohol Standard

- Operational premises are defined by LU as stations, depots, booking-on points, maintenance works, operational training facilities and administrative and support offices which are directly associated with these premises. Also included are track areas, trains and other company vehicles. Public areas of operational premises are excluded when the employee is off duty, not identifiable as an employee (e.g. not in uniform) and is using the system as a customer. (The majority of LU premises are 'operational' for the purposes of the Alcohol and Work Standard. The main exception is the 55 Broadway complex, excluding areas which are used for operational purposes. If in doubt, the local HR office should be consulted.)

- 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, i.e. Conference and Function Rooms / Suites at 55 Broadway and the LT Museum at Covent Garden or an external venue such as a hotel or conference centre, are excluded. However employees should always be mindful of the need to limit consumption.
• 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. The employee may offer advice but must make it clear to the person seeking advice that they have been drinking alcohol.

• To guarantee not reporting for work under the influence of alcohol, employees must not consume ANY alcohol in the eight hours immediately before booking on and no more than seven units of alcohol are to be consumed in the sixteen hours before that eight hour period commences. A unit is 10 millilitres of alcohol. The exact number of units in a drink can be obtained by multiplying the volume of the drink in millilitres (ml) by the % alcohol by volume (ABV) and dividing the resulting number by a thousand, e.g:

\[
330 \times 5 \quad 330 \text{ml bottle of lager with } 5\% \text{ ABV is } 1,000 = 1.7 \text{ units.}
\]

• Employees must not purchase or consume alcohol whilst wearing the company's uniform either when on or off duty. Uniform is defined as any article of clothing or badge which has the company's roundel on it.

3.1.3 Company Uniforms and Establishments Selling Alcohol

It is understood that employees who go shopping when off duty having completed their shift, but whilst still in uniform, must be allowed some flexibility to be able to enter an establishment that sells alcohol for a reason other than drinking or purchasing alcohol. The important point to consider regarding this policy, apart from the need to do all we can to improve safety, is that we do not want members of the public to have a perception that employees may be drinking or purchasing alcohol prior to going on duty.

The guidance which should be given to employees in uniform who wish to enter any establishment that sells alcohol, such as a supermarket, is to be as discreet as possible and not draw the attention of the public to the fact that they work for LU. An example of this would be not wearing a LU anorak or, alternatively, covering the jacket of the LU uniform.

It would be wrong to issue specific instruction on the measures that could be taken by an employee in such circumstances, as this would almost certainly mean the banning of employees from entering these establishments whilst in uniform, which is not a requirement within the spirit of the policy. The scope for interpretation of this is very limited because of the requirements of the Transport and Works Act, 1992 and therefore the company cannot be more specific.

3.2 Drugs Standard

The company issued a Drugs and Work Policy in September 1991 which totally bans the use, possession, consumption, storage and sale of illicit drugs on the company's premises. The current version has been issued as a Company Standard dated 28th October 2002. The Standard also requires employees not to report for work or undertake work whilst under the influence of drugs. The Drugs Standard also covers the use of medication, both prescribed and bought over the counter. The four key requirements employees must meet are:

1. Not to consume or use illegal drugs at any time so as to ensure they are not under their influence when reporting for duty, carrying out work for the company or when on company premises.
2. Not to possess, store or sell illegal drugs on company premises or bring the company into disrepute by being involved in such activities outside of work.
3. When requiring medication, to find out if there may be side effects likely to impair their work performance and safety from the drug or other medication concerned,
whether prescribed or available without prescription, and, where this is the case, seek advice regarding alternatives; additionally to advise their manager when reporting for work.

4. To co-operate with the company’s drugs screening arrangements if they are involved in a dangerous incident at work or where there is reasonable suspicion that drugs have been consumed or used.

3.2.1 Explanatory Notes - Drugs Standard

Employees must establish whether any prescribed or purchased medication will adversely affect performance by asking advice from the prescribing doctor, dentist or pharmacist. In most cases an alternative medication can be given. Care also needs to be exercised when taking home-made remedies or beverages, the content of which should always be checked.

3.3 Discipline

ALL breaches of the company's Alcohol and Drugs Standards will render the employee liable to referral to a Disciplinary Hearing under a charge of 'Gross Misconduct', and this will normally be the outcome. The manager MUST contact the local HR Office for advice when a breach occurs prior to taking disciplinary action.

Disciplinary procedures must be strictly adhered to.

The confession of an alcohol or drugs problem after breaching either Standard, or when it is apparent that an unannounced testing session is about to take place, does not absolve an employee from disciplinary action.

Employees who persistently refuse to undertake or continue with rehabilitation treatment are liable to disciplinary action.

Breaches of any of the provisions in the Alcohol and Work Standard or Drugs and Work Standard will be considered gross misconduct and, where proven, the normal decision will be DISMISSAL.
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 none 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 e.g.

- 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.

LU Occupational Health (LUOH) 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. They will need to know what effect the medication usually has on the individual and consider the possibility of the medication or its dosage being abused. Guidelines are available from LUOH to assist managers. A copy is on the LU Intranet.

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 LUOH guidelines, the manager must decide if the individual is fit either for their normal duties or for alternative work. If the individual is considered unfit for work in any capacity they should not be allowed to start work and should be sent home on sick pay (if entitled).

Medication affects people in different ways. The best judge of the effects is the individual, 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. If taking home-made remedies, the employee must also check the ingredients.

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 LUOH before reaching any decision.

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 guidelines for the attendance at work procedure. Managers may wish to consult LUOH for advice (Tel. No. 41046).
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.

Listed below are some typical signs in these areas which should alert managers and may require further investigation, including interviewing the employee.

Further information and advice is available from the Drugs and Alcohol Advisory Service (Auto 41698).

Abnormal Signs and Symptoms of Conduct, Behaviour and Appearance:

5.1 Irregular Attendance at Work/Absence from Place of Duty

(a) Multiple instances of unauthorised leave
(b) Excessive sick leave
(c) Frequent absences or lateness around rest days / weekends / meal breaks
(d) Excessive lateness, e.g. Monday mornings, returning from lunch, etc.
(e) leaving work early
(f) Peculiar and increasingly improbable excuses for absence
(g) Unusually high absenteeism rate for colds, 'flu, gastritis, etc.
(h) Frequent unscheduled short-term absence, with or without explanation
(i) Repeated absences from post, more than the job requires
(j) Overlong breaks/unexplained absences from place of duty
(k) Frequent single days with no reason given
(l) Short spells attributed to 'gastritis', 'diarrhoea', 'debility' or depression (whether or not these have been certified by a medical practitioner)

5.2 Work Performance

(a) Work seems to require greater effort than the manager expects
(b) Job takes more time than it normally should
(c) Alternate periods of high and low productivity
(d) Increasing general unreliability and unpredictability
(e) Increased errors and generally poor performance; unusually clumsy
(f) High rate of reported sickness on duty and physical incapability of performing the job

5.3 Increased rate of Accidents (including 'near miss' incidents)

(a) High incidence of accidents on and off duty (whether or not injury or absence from work results)
(b) Road traffic accidents, particularly if tested by police

5.4 Mood/Personality

(a) Difficulty in recalling instructions, details etc.
(b) Increasing difficulty in handling complex assignments
(c) Difficulty in recalling own mistakes
(d) Over-excitement/elation
(e) Deterioration of relationships with colleagues at work
(f) Lack of reliability, and the use of deception to cover mistakes and behaviour, e.g. avoiding supervisor or being seen when booking on duty
(g) Sudden personality and mood changes
(h) Irritability and depression
(i) Loss of interest in work, hobbies, sport etc.
5.5 Other Signs

(a) Coming to work in an obviously abnormal condition
(b) Aroma of alcohol or other unfamiliar substances, particularly in the early morning
(c) Tremors, especially of the hands
(d) Increasing unkempt appearance/lack of hygiene
(e) Flushed face and bleary eyes; pin point or greatly dilated pupils
(f) Drowsiness, loss of concentration and dizziness
(g) Domestic problems, e.g. in relationships with members of the family and financial difficulties
(h) Unusual smells, stains or marks on the body or clothes
(i) Evidence of drugs paraphernalia e.g. scorched tin foil, spoons, syringes, 'Rizla' packets with torn covers, square folds of paper

NB. 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.

Please refer to Section 6 for guidelines on interviews with employees whom you suspect may be using drugs or abusing alcohol.
6. GUIDELINES FOR DEALING WITH EMPLOYEES WHO HAVE AN ALCOHOL OR DRUGS PROBLEM

6.1 Dealing with Employees with an 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.

It should be remembered that managers also have a duty to recognise those who are under the influence of or unfit for work due to alcohol. In other words, where employees are abusing alcohol, but do not suffer from an alcohol problem.

This is a complex and difficult issue and managers MUST seek advice from the relevant departments within the company, i.e. LUOH, the Drugs and Alcohol Advisory Service and their local HR Office when presented with such problems. Managers should be clear, however, that a drinking problem is not a mitigating circumstance in a disciplinary case and one offence can merit summary dismissal.

The dangers that problem drinking, for whatever reason, can present, not only to the employee but to other employees and customers, are such that it is important for these employees to be identified and assessed so that suitable treatment can be arranged and any problems resolved.

However, in the end, it is inevitably the individual who MUST take the greater responsibility for overcoming a drink problem.

6.2 Dealing with Employees with a Drugs Related Problem

These guidelines are designed to assist managers mainly in dealing with employees who take drugs for NON-MEDICAL reasons.

They reflect the fact that the company is concerned with the wellbeing of its employees. However, in the end, it is inevitably the individual who must take the greater responsibility for overcoming a drugs related problem.

This is a complex and difficult issue and managers MUST seek advice from the relevant departments within the company, i.e. LUOH, the Drugs and Alcohol Advisory Service, and their local HR Office. Managers should be clear that a drugs problem is not a mitigating circumstance in a disciplinary case and that one offence can merit summary dismissal.

The dangers that drug taking, for whatever reason, can present, not only to the individual 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.

(For Guidance on Medication, see Section 4)

6.3 Signs and Symptoms

Signs and symptoms which may be associated with misuse/abuse of drugs or alcohol are contained in Section 5 of these Guidelines

Managers should be aware that the 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 in section 5 will require action regardless of the cause.
6.4 If an Alcohol or Drugs Problem is Suspected

It is important to remember that the purpose of talking with the employee is to ascertain the reason for the problem(s) that the manager has identified. These reasons may not necessarily arise from problem drinking or taking drugs, even if the features correspond to those in the check-list in Section 5.

Employees may inform their manager of a drinking or drugs problem or voluntarily seek the help of the Drugs and Alcohol Advisory Service (DAAS). 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.

If a manager suspects that an employee has a drinking problem or is taking drugs, the relevant departments within the company (e.g. local HR Office, DAAS, LUOH) should be consulted prior to raising the issue with the employee, unless urgent circumstances make it impractical to do so.

6.5 Interviewing the Employee

A discussion with the individual can go one of two ways:-

i) The employee admits to an alcohol or drugs problem.

Refer the employee to DAAS - with the reminder that, at this stage, help would be available on a confidential basis. 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 individual's staff file.

ii) 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.

AND/OR

Arrange for the employee to undertake a 'for cause' test (SEE SECTION 8).

NOTE: Employees MUST immediately be transferred away from safety critical work or stood down with pay where a manager feels that safety may be compromised.

(iii) 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 LUOH for medical examination and / or counselling. Managers who feel that safety may be compromised must suspend an employee from work with pay pending the outcome of the medical investigation. It may also become necessary to deal with the employee by following the long term sickness guidelines, which could ultimately lead to termination of employment.

6.6 Working Whilst Being Treated for a Drugs / Alcohol Problem

Where employees have a positive attitude towards solving a drugs or alcohol problem, managers should respond with an equally positive attitude. Consideration should be
given to whether an employee can carry on working (on non-safety critical duties) during treatment.

If an employee is to continue working the manager should consider the following two options:-

i) Should the employee continue in his/her own job but under closer supervision?

ii) Should the employee be moved to another job where there is less of a risk to customers, colleagues and themselves?

Before reaching a decision, the manager must consult with his / her local HR Office and the DAAS.

6.7 Time off Work for Treatment of an Alcohol or Drugs Problem

It may be necessary for an employee to take time off work to undergo rehabilitation or counselling. An employee undergoing rehabilitation will usually be eligible for normal sick leave and sick pay arrangements. An employee who is being counselled and is still able to continue working should be granted paid time off work for this.

The manager should consider the following with the Drugs and Alcohol Advisory Service before making a decision:-

- Whether time off work is essential or whether there are alternatives.
- How long the treatment is likely to take.
- The employee's awareness of their problem and resolve to do something about it.
- The employee's work record.

Some evidence of attendance at appointments and some formal record of treatment being received will be required and the employee will be bound by the conditions of an agreement drawn up by the DAAS relating to the period of rehabilitation. Where appropriate this will include the period during which LUOH counselling takes place prior to the employee going on to a period of full rehabilitation treatment.

Once rehabilitation has started, the manager should give the employee a fair opportunity to show co-operation and not terminate employment unless there has been a relapse or a disciplinary offence has been committed and / or the terms of the agreement referred to above have been breached.

Note: LUOH may also be involved if an employee has developed a medical problem as a result of their drinking.

6.8 Returning to Work after Treatment

Standards need to be set with which the employee has to comply before he / she can be permitted to resume in his / her former job. These standards must be recognised as necessary and fair, but not punitive. The return to the former job will be determined by

- The nature of the work
- The employee's work record
- The employee's response to treatment.

Before reaching a decision on any of the above, the manager MUST consult with his/her local HR Manager and the Drugs and Alcohol Advisory Service.

When an employee returns to work (or to their normal job as appropriate), the manager MUST monitor the employee's work performance for a period determined in consultation with the DAAS. This must also include periodic 'for cause monitoring' alcohol or drug testing which must be arranged with the Drugs and Alcohol Advisory Service Manager.
Returning employees will be bound by the conditions of 'The Employee Post Treatment Monitoring Certificate' issued by the Drugs and Alcohol Advisory Service on completion of treatment and must comply with them for at least three months.

The company is aware that relapses may occur, and in these instances the employment situation will be determined according to the circumstances of each case.

Wherever possible, employees will return to their substantive grade/post, although there may be occasions when a transfer to other duties or to another location will be appropriate. Employees who are placed in alternative posts on medical grounds will be subject to the prevailing alternative employment arrangements.

6.9 Legal Considerations

In addition to the provisions of the Transport and Works Act 1992 (See Sections 1 and 2) relating both to alcohol and drugs, it is an offence under the Misuse of Drugs Act, 1971 for the company to knowingly allow a person to consume, supply or be in possession of illegal drugs on company premises.

If an employee possesses, supplies or produces illicit drugs on company premises, the company is required by law to notify the police. This is also the case for tranquillisers and sleeping tablets, except when medically prescribed.

Managers should contact LU Legal Services if they have any doubts concerning their legal responsibilities.

Instances where an employee is charged with or convicted of a criminal offence concerning drugs should be dealt with in accordance with normal disciplinary standards and procedures.

6.10 Disciplinary Considerations

In the following situations, employees who take illicit drugs may render themselves liable to disciplinary action:-

- Breach of Drugs Standard.
- Failing a drugs test.
- Failing to improve after undertaking recommended treatment or refusing to undertake treatment.
- Other conduct amounting to a breach of discipline.
- Committing a criminal offence, either on or off company premises.

NOTE: The consumption, production, possession or supply of illicit drugs, as well as being illegal, is also considered by the company as an act of gross misconduct.

In the event of any breach of the Alcohol or Drugs Standards, the normal disciplinary procedures will apply. The confession of an alcohol or drugs problem does not absolve an employee and automatically entitle him/her to a period of rehabilitation; that will depend on individual circumstances. Breaches of any of the provisions in the Alcohol and Work Standard or Drugs and Work Standard will be considered gross misconduct and, where proven, the normal decision will be DISMISSAL.

The company will endeavour to assist employees to overcome their alcohol or drugs problems. However, if an employee is unable to make sufficient progress despite the assistance available, the company cannot guarantee to retain such an employee in employment.

Employees who persistently refuse to undertake or continue with treatment, or breach treatment agreements, may render themselves liable to forfeiture of sick pay. Depending
on the circumstances of each case, disciplinary action and/or termination of employment may also follow.

Managers MUST abide by the disciplinary standard and appropriate procedures.

6.11 Notes for Interviewing Employees Suspected of Abusing Alcohol and/or Drugs

6.11.1 General Advice

- Learn about alcoholism and drug abuse
- Learn to recognise withdrawal symptoms
- Advertise DAAS - by use of booklets and posters
- Know what the DAAS does and how confidentiality works
- Know the company's position on 'help'
- Keep notes
- Be aware of all the facts
- Be clear what the problem is/may be
- Be consistent and fair
- Be concerned about 'non face-to-face booking on'
- Remember DAAS is there for advice - USE IT!
- Be prepared to listen to explanations
- Does the explanation fully explain concerns?
- Set a clear framework in writing for expected outcomes and consequences of failure.

6.11.2 Problem Admitted

- Stand the employee down
- Refer to DAAS for assessment and help
- Explain the support and treatment available
- Express a real interest
- Reinforce seriousness of issue
- Explain what will happen next

6.11.3 Problem Denied

- Have a good look - Is this person fit for work?

IF YOU ARE REALLY CONCERNED:

- Voice your concern - not accusingly but 'I'm worried about you'
- State policies - self referrals; confidentiality
- Give the individual the company DAAS leaflet
- If you are really worried but there is no smell of alcohol, screen 'for cause' or state your intention to screen 'for cause'
6.11.4 Key Points - Do's and Don'ts

**DO**

1. Keep written records. Document it - who, what, where, when, why, how, etc.
2. Stick to the facts. Focus on performance, attendance, standards.
3. Speak in private only. Acknowledge employee's past achievements.
4. Listen carefully. The employee may have underlying problems. Offer support.
5. Be specific about future performance requirements. Agree objectives.
6. Confer with your local HR Office, LU Legal Services, LUOH and DAAS, particularly where substance misuse is suspected.
7. Make sure that the employee is aware of the alcohol and drugs standards and the company's rules and regulations.
8. Adopt the same basic standards in ALL CASES.
9. Read up on the written standards on alcohol and drugs.

**DON'T**

1. Rely on your memory for important facts.
2. Make statements or allegations you cannot justify.
3. Accuse anyone of being drunk/drugged or having an alcohol/drugs problem.
4. Comment on employees' private lives or adopt a moralistic position.
5. Ignore the employee's efforts and achievements or monopolise the conversation.
6. Be put off. You may be dealing with an expert in blame, sympathy etc.
7. Tackle anyone in front of an audience or argue with anyone who appears to be intoxicated or 'high'.
8. Lose your temper (keep things on a professional level).
9. Get involved in deals with the employee, such as seeking promises to be good in the future or cover up.
10. Make exceptions.
7. AN OVERVIEW OF THE LU ALCOHOL AND DRUGS SCREENING PROGRAMME

7.1 Pre-employment, Promotion, Transfer

Drug screening must be undertaken for all recruitment, promotion and transfer into safety critical posts, including secondments. Employees already in a safety critical post need not be screened when transferring within, or being promoted to, another safety critical post. (See Appendix F for Definition of Safety Critical Posts.)

Key points to remember:

- Screening is carried out at appointments made with LUOH by an authorised manager from the recruitment area or local HR office. (Any grade may be an authorised manager by prior arrangement with the local HR Manager.)
- Results can take up to seven days and will be notified to the authorised manager.
- The company will permanently refuse to consider employing an external applicant who once fails a drug test.
- Care must be taken with the paperwork to ensure accuracy because of possible challenges to any disciplinary action and legal proceedings. Therefore, managers must not use any forms which have been altered and must always start afresh if errors are made.
- Pre-employment screening must be concluded before any individual commences employment.

7.2 'For Cause' Testing

'For cause' tests can be carried out when a manager has a reasonable cause to believe that an employee is under the influence of alcohol or drugs, or is unfit for duty because of alcohol or drugs. The manager can request the employee to undergo breathalyser and/or urine tests, but it is recommended that tests are undertaken for both.

'For cause' testing covers all LU employees and encompasses contractors and agency staff. (See Section 16 relating to Contractors and Agency Staff – Note that testing for contractors is arranged by the contracting company not by LU, using a laboratory approved by LU.)

'For cause' testing will also be used as part of on-going post treatment monitoring. This is known as ‘for cause monitoring’ and is arranged and overseen by the Drugs and Alcohol Advisory Service.

Section 8 of these guidelines gives details of 'for cause' testing.

Section 11 of these guidelines gives information regarding dealing with the police during 'for cause' testing.

7.3 Post Incident Testing

All employees of LU, contractors' employees and agency staff 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.

Section 9 of these guidelines gives details of how to undertake 'post incident' testing.

Section 11 of these guidelines gives details on dealing with the police during 'post incident' testing.
7.4 Unannounced Testing

The unannounced testing programme is intended to monitor compliance with the company's Drugs and Alcohol Standards and provide data on the extent of alcohol and/or drug use amongst the workforce.

Unannounced testing is not 'random', but a planned programme of urine and breath tests to defined standards on a selected sample of employees, who will not be informed in advance.

Testing is carried out at work locations during the course of employees' duties.

Section 10 of these guidelines gives details of unannounced testing.

Section 11 of these guidelines gives details on dealing with the police during unannounced testing.

7.5 Guidelines on all Forms of Testing

- A failed breathalyser test will be any reading of 13 micrograms or more of alcohol in 100ml of breath. The legal limit under the Transport and Works Act is 35 micrograms of alcohol per 100ml in breath or 80 milligrams of alcohol per 100ml in blood or 107 milligrams of alcohol in 100ml of urine).

Note that the LU Alcohol Standard is zero but it is possible for some individuals to generate up to 5 micrograms of alcohol in 100ml of breath.

Where an employee registers a reading of over 5 micrograms of alcohol per 100ml 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 informal discipline, e.g. oral warning confirmed in writing, might be appropriate according to circumstances.

- Following a positive breathalyser test result (13 micrograms per 100 ml of breath or above) and confirmation by a second test, the employee must be stood down immediately and the matter referred to a disciplinary hearing.

- The urine test will detect the use of cannabis, narcotics, cocaine, amphetamines, barbiturates, benzodiazepines and ecstasy. Additional drugs may be included on advice from LU's specialist advisers.

- HR Managers MUST ensure compliance with the testing procedures and will support managers in dealing with actions required following positive tests.

- Contracts of employment allow for alcohol and drug testing and a refusal to undergo such tests will be referred to a disciplinary hearing on a charge of gross misconduct.

- All forms of testing are governed by Chain of Custody standards which have been approved by medical and legal authorities. This involves:

  1. Specimen being collected under controlled conditions
  2. Identification of the individual
  3. Sealing of urine samples
  4. An individual and unique bar code affixed to the specimen bottles
  5. Correct completion of paperwork

- Tests are conducted in private with a laboratory or LUOH collecting officer in attendance. Managers will not be present at the actual sample collection unless specifically requested to be there by the employee.
To minimise the opportunity for substitution or adulteration, various safeguards are in place in respect of removing outer clothing and the emptying of the employee's pockets.

The urine sample is divided into two equal parts and sealed in the presence of the employee. One portion of the sample is used for testing, the other remains sealed in secure conditions. If the result is negative, both the samples are destroyed after two weeks. If the result is positive, the second sample is retained for a maximum of twelve months. If the employee wishes to challenge the result, the second sample will be made available for testing on behalf of the employee. The employee will be expected to pay all costs involved in testing the second sample, which will be reimbursed if the second test ultimately results in a different outcome.

All employees are informed of the results of drugs tests (normally within 5-7 days).

The only information managers will receive on the test will be the reference or bar code number, name of employee and whether the result is negative or positive. Managers will not be told what substance has been found.

Where the test is positive, LUOH will telephone the manager and request that the individual be stood down from safety critical duties. The individual may only be identified by the referral or bar code number. No name will be given over the telephone. A medical review appointment will need to be made.

The medical review appointment is an interview between the employee and an LU Doctor. The review will examine the reasons for the test result and any claim by the employee that they had taken a substance for sound medical reasons which may have led to a positive test result. The employee will also be offered a copy of the test results and will be required to sign that they have received a copy.

The result of the medical review will be given in writing. LUOH will telephone the manager to inform him or her that the result is available for collection. In some cases further investigation will be required. LUOH will inform the manager if this is the case.

The medical decision of the LU Doctor will be final. If a positive result is confirmed, the matter must be referred to a disciplinary hearing.
8. 'FOR CAUSE' TESTING PROCEDURES

8.1 Introduction

'For cause' tests to confirm whether or not an individual is under the influence of or unfit for duty because of alcohol or drugs, are part of the company's initiative to meet the due diligence requirements of the Transport and Works Act 1992.

In addition, they help to ensure compliance with the company's Alcohol and Drugs Standards and are a safety check.

'For cause' testing applies to ALL LU employees whether classified as safety critical or not, and ALL employees of Contractors, Consultants and Agencies while they are working for LU or in premises occupied by LU (see Section 16 re Contractors and Agency Staff. Note that contractors have their own arrangements for conducting tests, using a laboratory approved by LU).

Tests are also used to ensure continued compliance in respect of individuals who have recently undergone treatment. In this case the test is called 'for cause monitoring'. 'For cause monitoring' must be carried out in liaison with the Drug and Alcohol Advisory Service and a special code (MN) is used in the DAMSP referral number.

Note: All LU employees and contractors working in safety critical posts are covered by the provisions of the Transport and Works Act 1992. Managers who suspect any such employees are under the influence of alcohol and/or drugs whilst on duty MUST call the BT police - in accordance with the Guidelines for Managers dealing with the Police (see Section 11).

8.2 Definitions and Overview

8.2.1 'For Cause' Testing

'For cause' testing is carried out when a manager has a reasonable cause to believe that an employee is under the influence of alcohol or drugs, or is unfit/impaired for duty because of alcohol or drugs use or misuse. The manager will require the employee to undergo testing for the presence of drugs and alcohol.

8.2.2 The Urine Drugs Test

The urine drugs test will comprise the donation and analysis of a urine sample to detect use of cannabis, narcotics, cocaine, amphetamines, barbiturates, benzodiazepines and ecstasy. Additional drugs may be included on advice from LU's specialist advisers.

8.2.3 The Breath Test

Alcohol testing will be by breathalyser which will test for the number of micrograms of alcohol in 100 millilitres of breath. A print-out will be produced immediately and will be handed to the manager if the level is above zero. (A second copy will be taken to the laboratory by the collecting officer - See Sections 12 and 13 for procedure and documentation.)

If the alcohol reading is 13 micrograms of alcohol in 100 ml or above of breath, a second reading will be taken once the machine has returned to zero as a confirmatory test. Again, a print-out will be produced, which will be handed to the manager.

25
8.3 Roles and Responsibilities

8.3.1 Managers Authorised to Request Tests

Tests may only be requested and organised by Authorised Managers.

For 'for cause' testing purposes, the Authorised Manager who will organise tests is:-

The employee's manager (i.e. Centurion or equivalent) or, in their absence, the manager's manager or the duty manager covering that Centurion's area of responsibility.

8.3.2 Urine Sample Collection

Collection of urine samples will be undertaken either at London Underground Occupational Health (LUOH) or at the workplace by a trained collecting officer from the LU approved laboratory.

8.3.3 Breath Test Administration

Administration of breath tests will be undertaken by the trained collecting officer from the LU approved laboratory and / or the British Transport Police (if the individual 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 BT Police to confirm the reading, which may be under the legal limit but in contravention of the LU limit.

8.3.4 Analysis of Urine Samples

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

8.3.5 Medical Review Officers

LUOH will undertake a medical review for all positive results of drugs tests.

8.3.6 HR Managers

HR Managers will advise on the actions required following positive tests.

HR Managers MUST also ensure compliance with these procedures and be the initial point of contact for any queries about testing.

8.3.7 Authorised Managers - During Testing

An authorised manager MUST be available while testing of breath takes place.

8.4 Advice and Guidance

8.4.1 The Drug and Alcohol Advisory Service

The Drug and Alcohol Advisory Service should be contacted for more detailed information and advice on signs or symptoms of drug use. Their telephone number is 41698.

8.4.2 If In Doubt

If authorised managers do not feel confident or are hesitant to request an alcohol and drugs test because they suspect that the usual behaviour / appearance / impairment for
duty may be for a reason NOT connected with drugs or alcohol, they should follow current procedures to assess fitness for duties.

8.4.3 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 individuals/groups of employees.

8.4.4 Confirmation of Suspicion

If, following confirmation of the suspicion and an interview with the individual to investigate further, the manager requires the individual to undergo a 'for cause' test, the procedures contained in this section must be adhered to.

8.5 Reasonable suspicion

8.5.1 Drugs

Situations where a Manager could have reasonable suspicion that an employee may be under the influence of drugs will include where:

i) an employee is in possession of illicit drug(s) and/or drugs paraphernalia or drug taking equipment;

ii) an employee is in close proximity to drug taking equipment;

iii) an employee has been witnessed taking illicit drugs or misusing medication;

iv) an employee has been witnessed taking liquids/pills/powders and is unable to prove that they are prescribed or bought from a chemist;

v) 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);

vi) a manager considers that conduct, behaviour or appearance of the employee does not have a logical explanation;

vii) a manager believes that the ability of the employee to carry out properly his/her work is or will be impaired because of the use of drugs or where the employee is, or appears, unfit for duty;

viii) work performance is causing concern and the individual can offer no acceptable explanation;

Further advice on signs and symptoms of drugs use/abuse are contained in Section 5 of these Guidelines.

8.5.2 Alcohol

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.
8.5.3 Additional circumstances

Such situations will include:

i) Where an employee has no smell of alcohol on his/her breath but is displaying the other signs described above and/or their work performance/behaviour is not normal for that individual.

ii) The employee is displaying the behavioural appearance, conduct, attendance, or characteristics associated with a drinking problem.

iii) The employee is in possession of alcoholic drinks or their empty containers.

iv) The employee has taken and not failed a Police breath test, i.e. the reading is amber or amber/red. (See Section 11.12 for details of the readings given by Police breathalyser machines.)

8.5.4 Safety Critical Employees on duty

If there is reasonable suspicion that an employee is under the influence of either alcohol or drugs and is either in a safety critical post or carrying out safety critical work, AND is on duty, managers MUST stand the person down from safety critical work and call the Police in accordance with the Guidelines for Managers dealing with the Police (see Section 11).

8.5.5 Safety Critical Employees booking on / Non-Safety Critical Employees

Where a safety critical employee 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 BT Police.

Follow these actions:

i) Do not allow the employee to start/continue work as appropriate.

ii) Interview the individual for an explanation

iii) Arrange a 'for cause' test as soon as possible (See Section 12)

iii) Arrange a fact finding interview to be held before next duty

iv) Send the individual home (accompanied/by taxi if necessary)

8.6 Arranging Tests

It is recommended that both an alcohol and drugs test is carried out as reasons for unusual behaviour could result from consumption/use of either type of substance.

See Section 12 for tests carried out by LU Approved Laboratory at the Workplace - Procedure and Disciplinary Action.

See Section 13 for Documentation.

8.7 Procedure for Employees Refusing to Take a Test

Employees who refuse to take the tests will be advised of the company's Alcohol and Drug Standards, the approved screening programme, the terms of their contract of employment and the consequences of refusing. If the employee still persists in not taking the tests he or she will be told that the matter will be referred to a disciplinary hearing in accordance with normal disciplinary procedures.

The employee will be charged with '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 Alcohol and Drugs Medical Screening Programme contrary to your Contract of Employment with LU'.

8.8 Action Awaiting Results

Once referred for a drugs test and until the result is known, the employee MUST be transferred to non-safety critical work or, if none is available, he or she MUST be stood down with pay. The employee MUST NOT be allowed to return to normal duties. Where there is concern as to the individual's ability to return home safely, arrangement must be made for the individual to be accompanied, using taxis if necessary.
9. POST INCIDENT TESTING PROCEDURES

9.1 Introduction

Alcohol and drug tests after dangerous incidents are part of the company's initiative to meet the 'due diligence' requirements of the Transport and Works Act 1992.

Such tests will also provide information which can be used during incident investigations.

9.2 Scope and Definitions

9.2.1 Post Incident Testing

Post incident testing applies to all LU employees and the employees of contractors and agencies and consultants. (See Section 16 re Contractors' and Agency Staff. Note that contractors have their own arrangements for conducting tests, using an approved LU laboratory.)

9.2.2 A Dangerous Incident

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 incident.

The following (non-exhaustive) list 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
- 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 e.g. 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

9.2.3 The Authorised Manager

For post incident testing purposes, the Authorised Manager who will organise tests is:

The Duty Officer

or
The employee's employing manager (i.e. Centurion or equivalent) and in their absence the employing manager's boss or the Duty Manager covering that Centurion's area of responsibility.

9.3 Action by Managers

9.3.1 Arrange alcohol and drugs tests

See Section 12 for tests carried out by LU Approved Laboratory at the Workplace - Procedure and Disciplinary Action.

See Section 13 for Documentation.

9.3.2 When to Call the BT Police

The BT Police should be called, in addition to the LU approved laboratory, to undertake post incident tests if:-

Employees, contractors, consultants or agency staff involved in the dangerous incident are:

- covered by the Transport and Works Act, 1992 (safety critical); and
- it is suspected that they are under the influence of alcohol and/or drugs.

(See also Section 11 - Guidelines for dealing with the Police.)

Notes: BT Police 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 laboratory collecting officer and make arrests, the laboratory MUST be informed immediately that the collecting officer will no longer be required.

9.3.3 Awaiting the outcome of drugs test

The employee should be stood down from Safety Critical work until the result of the urine test is known.

9.3.4 Incident Reporting

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

If contractors, consultants or agency staff are involved, the LU Project Manager in charge or agency / consultancy concerned, as appropriate, should also be contacted.

Note - The outcome of tests must be included in Incident Report Forms and investigation reports.
10. UNANNOUNCED TESTING PROCEDURES

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

10.1 Definitions and Overview

As a result of an LU Executive Committee Meeting decision in November 1994, a minimum of 5% of safety critical staff are tested per annum, but no maximum number has been set. General Managers and HR Managers are responsible for setting the levels in each area and proving due diligence.

10.1.1 Unannounced testing

Unannounced testing is NOT RANDOM but a planned programme for carrying out urine and breath tests in accordance with medical practices, standards and ethics, in order 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.

10.1.2 The Urine Test

The urine test will detect the use of cannabis, narcotics, cocaine, amphetamines, barbiturates, benzodiazepines and ecstasy. Additional drugs may be included on advice from LU's specialist advisers.

10.1.3 The Breath Test

The breathalyser test will test for the number of micrograms of alcohol in breath. A print-out will be produced immediately and handed to the manager if the level is above zero. (A second copy will be taken to the laboratory by the collecting officer- See Sections 12 and 13 for procedures and documentation.)

If a test is 13 micrograms or above of alcohol in 100 millilitres of breath a second test will be carried out once the machine returns to zero for confirmation. Again a print-out will be produced, which will be handed to the manager.

10.2 Roles and Responsibilities

10.2.1 Planning Unannounced Testing

The authorised manager from each local HR area will be responsible for planning and organising the unannounced testing. The plan must be agreed by the HR Manager who, with the General Manager, will be responsible for ensuring that the company exercises due diligence in complying with the Transport and Works Act 1992.

The authorised manager from HR is also responsible for producing the employees' random testing list using HRS.

10.2.2 Sample Collection and Analysis

Collection of urine samples and administration of breath tests will be undertaken by the trained collecting officer from the LU approved laboratory.
The same laboratory will analyse the urine samples and report the results to London Underground Occupational Health (LUOH).

LUOH will receive details of all Chain of Custody errors and decide appropriate action in each case on behalf of LU.

10.2.3 Positive Tests

Employing Managers and HR Managers are responsible for arranging medical review appointments for all positive results. LUOH will undertake these medical reviews.

Results are only confirmed as POSITIVE after medical review. The result will be given by LUOH in writing, addressed to the authorised manager.

HR Managers will advise on actions required following positive tests.

10.2.4 Procedure Compliance

HR Managers 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 the overall operation of the testing, confidentiality of the testing programme and dealing with employees' disciplinary issues.

A Manager or an authorised Duty Manager must be available whilst testing takes place.

10.2.5 Administrative arrangements

The administrative arrangements involved with conducting unannounced testing may be delegated to nominated administrative staff, but will remain the responsibility of the authorised manager from the HR office.

10.3 Testing Programme and Scheduling

The testing programme will be determined by the authorised manager for each HR area following consultation with the HR Manager. It will also include the target number of tests for each grade at each location. Unless there are exceptional circumstances a minimum of 48 hours' notice should be given to cancel a test.

The authorised manager will inform the approved laboratory of the schedule at least one week in advance of the test including the name/title of the individual to whom the collecting officer will report.

10.4 Timing and Location of Tests

Tests will be carried out in the workplace and, in most cases, in the normal location of the employees being tested. However, there may be occasions when employees have to travel to an approved test location.

The tests will be carried out in suitable toilet areas approved by the authorised manager from HR.

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 most appropriate time to conduct the tests will be determined by the authorised manager from HR, bearing in mind the need to minimise any disruptions to operational requirements. HR Managers are responsible for ensuring that testing dates and locations
are kept confidential and, where it is necessary to give advance notice (e.g. to ensure a
duty manager is available), managers are alerted within a minimum time scale.

10.5 **Method for Selection of Employees**

Local managers will NOT be responsible for the selection of the employees to be tested or
the production of the list of potential employees for testing.

National Insurance numbers logged on the HRS system will be used to generate and
produce a random list of names of safety critical staff to be tested at the location
concerned. (Note: Safety critical employees are designated 'A' on the HRS system to
facilitate production of the random list.)

At the commencement of the testing session the list and the number of employees per
grade to be tested will be given to the manager of the location by the HR Manager (or
his/her representative). The manager will call off the employees commencing
STRICTLY from the top of the list for each grade to be tested, taking into account those
employees who are absent, sick, on leave and on other shifts until such time as the
required quota for the session at that location for that day has been identified and tested.
*(NOTE: Any employee tested who is not selected in this way (or in accordance with
10.5.1) will be able to claim unfair dismissal in the event of being dismissed following a
positive result.)*

A note with reasons MUST be made on the list against the names of those employees not
available. The list will be returned to the HR Office at the end of the session. The list
will be retained by the HR office for statistical and administrative purposes.

10.5.1 **Special Arrangements - Testing of Train Staff**

Separate arrangements for train staff will apply in that the HRS list of employees will still
be used, but account will be taken of the duty rosters and train operational arrangements.

10.6 **The Testing Process**

10.6.1 **Administration**

The laboratory collecting officer will report to the manager of the location in accordance
with the normal reporting arrangements for that area, at least half an hour before testing is
to commence.

The collecting officer will prepare the designated test area including dyes in w.c. systems
and securing of taps.

The collecting officer will be responsible for the correct application of the tests in
accordance with the standards specified by LU's Medical Adviser, the Head of
Occupational Health, and in accordance with the recognised Chain of Custody
procedures.

The manager will use the list provided to arrange for the employees randomly selected to
report to an office separate from the toilet area to complete the necessary LU paperwork
prior to testing taking place.

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

10.6.2 **Procedures for Employees Refusing to Take a Test**

Employees who refuse to take either of the tests will be referred to the Duty 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 test(s) will be told that the matter will be referred to a disciplinary hearing according to the normal disciplinary procedures.

The employee will be charged with '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 Contract of Employment with London Underground.

10.7 Procedure

See Section 12 - Tests carried out by LU Approved Laboratory at the Workplace - Procedure and Disciplinary Action.

10.8 Documentation

See Section 13.

NOTE:  SEE APPENDIX D FOR CHECKLISTS FOR HR OFFICES AND LOCAL MANAGERS AND 'WHAT IF - QUESTION AND ANSWER SHEETS'

SEE APPENDIX E FOR GUIDANCE NOTES FOR DISCIPLINARY PANELS IN DRUG RELATED CASES (POSITIVE DRUG TESTS)
11. GUIDELINES FOR DEALING WITH THE POLICE

11.1 The Transport and Works Act 1992 provides that:

(i) Railway workers in certain categories commit an offence if unfit to carry out work through drink or drugs.

(ii) Those workers also commit an offence if tests show they have consumed more alcohol than the prescribed limit (the same as for car drivers).

(iii) The railway operator commits an offence unless he has exercised 'due diligence' to prevent his staff (or contractors' staff) from committing such an offence.

(iv) The police have powers to breathalyse or require other tests in given circumstances.

11.2 Police Duties

Police duties are to enforce the law. This includes the Act 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.

11.3 Management Duties

Management duties are to run a safe railway. This includes complying with the Act and the Health and Safety at Work etc. Act 1974 and is wider than not committing criminal offences.

There will be many occasions where management deal with suspected consumption of alcohol or drugs without calling the police. These guidelines are 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.

Note the Act applies equally to contractors' staff, agency staff and consultants, and they are covered by these guidelines with variations noted. (See Section 16.)

11.4 When should the police be called?

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

(i) When a person to whom the Act applies is actually on duty and suspected of having consumed alcohol or drugs. (The Manager/Supervisor 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).

(ii) 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;

a) either alcohol or drug consumption on the part of an employee involved is suspected;

or

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

IF IN DOUBT - CALL THE POLICE
11.5 **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, symptoms/reasons for suspicion, if an ambulance is required.

**Note:**

- The police may arrive as a result of information from other sources, e.g. passengers, emergency services.
- The Metropolitan/County Police may be asked by BT Police to attend in areas remote from the centre of London.
- If there are serious injuries involved to employees then it will not be appropriate for either management or police testing at the scene, although there are provisions in certain circumstances which allow for samples to be taken at the hospital.

11.6 **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 are not covered by the Act i.e. are not safety critical.

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

11.7 **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:-

a) The employee must be accompanied at all times by another employee, preferably a manager (or supervisor). The manager who first stays with the individual 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.

b) 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 and the results of the tests will be evidence for disciplinary proceedings only.

NOTE: If the Police arrive before the laboratory collecting officer and arrest the individual, the laboratory MUST be advised IMMEDIATELY that the collecting officer's attendance will not be required.

c) The employee should be removed to a nearby office - still accompanied at all times.

d) The employee should NOT be allowed to consume any substance including food or drink before the police arrive. They should not be allowed to smoke cigarettes, pipe or cigars etc. 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.

e) All possessions which the individual had with him/her e.g. driver's bag, tool bag, should be retained with the individual and handed over to the police on their arrival. Nothing should be discarded e.g. pieces of tinfoil in the driver's cab etc.

f) If the individual 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. (NB: any possessions not returned immediately to the individual 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.

g) 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 individual is removed from the scene by ambulance, the manager should get details of where the individual is being taken to tell the police immediately. Another employee should accompany him/her to the hospital if possible.

h) If the employee asks to do so, s/he can notify their trade union representative, solicitor and/or family. A contractor's employee may notify their employer. No procedures should be held up for such notification to be made and only the Trade Union Representative (or Contractor's Representative in the case of a contractor's employee) should be allowed on the scene and then only as an observer.

i) If the police do not arrive before the time when the employee's duty ends, there is no right to insist that the individual remains on the premises against their will. (Take the same action as for off-duty employee on LU premises - Section 11.10 (e).)

j) Contractors' employees should be dealt with as above. The LU contact named on the person's identification (the LU project contact) should be contacted as soon as possible so that s/he can inform the contractor of events.

11.8 Police Procedures

a) 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.

b) If the police are notified by e.g. a passenger, they will notify the Line Controller who will advise local staff on what action to take.

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

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

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

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

g) 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 a contractor's employee the matter should be discussed with the LU project contact.)

h) If the test on site is positive, the individual 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.

i) The police will allow the manager to tell the individual before his or her removal to the station that the individual must retain the breathalyser print-out for production to management later and must produce the result of any analysis to management in due course. (Contractors’ employees should be told that retention of the print-out and production to their employers is advisable.)

j) If the breath test at the station is positive, the individual 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.

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

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

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

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

o) The police will require statements from all employees, e.g. the manager who remained with the employee, and employees may be required to give evidence in court in due course.

11.9 Management Procedures

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

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

c) Where an employee is being removed to a police station, before s/he leaves the LU premises, the manager must stand the individual down from duty and tell him/her when to report back for duty. It may be appropriate to require the person to report back immediately on release in order to be interviewed but the individual must not be allowed to resume duty during that shift even if s/he has been released from the police station without charge.
d) Analysis of results can take eight weeks or more to be available. When the individual reports for work, management will have to decide whether to stand the individual down indefinitely pending receipt of the results, proceed to disciplinary action immediately or to allow the individual to return to duties pending further enquiries.

e) 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.

f) Where either management or the police suspect that the employee has taken drugs, the employee should be sent for a 'for cause' drugs test the day after the incident

g) Sub paragraphs 11.9 c) -f) inclusive above are not appropriate for contractors' employees. They must not be allowed back on to LU premises for that shift, but subsequent actions are a matter for determination between the contractor and the LU project contact.

11.10 Suspected alcohol/drug consumption - various circumstances

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

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

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

d) 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 individual should be removed from the premises and normal procedures (fact finding interview, disciplinary etc.) will apply.

e) If consumption is detected/suspected when a person is no longer on duty e.g. when booking off, an offence will have been committed and the police should be called. The individual 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 e.g. home address, vehicle registration number. Normal management and disciplinary procedures will apply.

11.11 Contractors' Staff

London Underground will commit an offence if it does not exercise all due diligence in relation to its contractors. The above procedures apply in respect of contractors' employees with the variation noted, but LU should ensure that:-

a) The LU project contact named in the individual's identification document is kept informed of events.

b) The contractor's employee is, if possible, accompanied by a contractor's supervisor or manager who is responsible for the employee and gives him or her the necessary instruction.

11.12 Notes on Police Breathalyser Machine

The Police generally use a Lion alchometer S-L2 which gives Green, Amber, Red/Amber and Red readings. According to the manufacturer's instructions the readings for these machines are:-
Green - The machine is switched on and ready for use.

Amber - A reading of between 2.2 and 30.6 micrograms of alcohol per 100 millilitres in breath.

Red/Amber - A reading of between 30.6 and 35 micrograms of alcohol per 100 millilitres in breath.

Red - A reading of over 35 micrograms of alcohol per 100 millilitres in breath.

Managers can act to discipline an individual based on a red/amber or red reading obtained by the Police. However, it is advisable to arrange a 'for cause' or 'post incident' test to ensure a reading is obtained in addition to calling the Police (see 11.7(b)).

The LU standard on alcohol is zero. Employees will fail a breathalyser test and be subject to disciplinary action where a reading of 13 micrograms or over of alcohol per 100 millilitres in breath is obtained.
12. DRUGS OR ALCOHOL TESTS CARRIED OUT BY LU APPROVED LABORATORY AT THE WORKPLACE - PROCEDURE
/ DISCIPLINARY ACTION FOR ALL POSITIVE RESULTS (FROM TESTS CONDUCTED AT THE WORKPLACE AND AT LUOH)

12.1 Arranging the tests

The HR Office authorised manager will arrange unannounced testing sessions. In all other cases, the locally based authorised manager will contact the LU approved laboratory (Medscreen) on telephone No. 020 7538 1133. This is a 24 hour on-call hotline.

During office hours (08.00 to 18.00 hours, Monday to Friday) the call will be answered by Medscreen's Customer Service personnel, who will ask for the details given below (a) to (k).

At any other time, the call will be diverted to 'CallCare' and the operator will ask for the details given below (a) to (e). The 'CallCare' operator will then contact the Medscreen Customer Service Department direct with the details given, and a Medscreen Customer Service representative will telephone the authorised manager back straightaway and request the details shown in (f) to (k).

a) Company Name
b) The pin number [which is 1966]
c) The caller's name
d) Contact telephone number(s)
e) Address of location to which the collecting officer should report

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f) Any additional information required such as road numbers, map references, landmarks, car parking facilities etc.

g) A brief indication of any access problems
h) Who the collecting officer should report to
i) Category of incident triggering the call out, i.e. 'For cause' or 'Post incident'.
j) Number of individuals to be tested.
k) Confirmation of date and time.

Note: On arrival on site, the collecting officer will advise the authorised manager of the Bar Code number, to be entered after the tests have been carried out on to the DAMSP forms RS2 and RS2a - See 13.3.1)

12.2 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 (including a secure storage area for the employee's possessions during the test) 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 individual 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. (N.B. any possessions not returned immediately to the individual should be listed and secured - LU will be liable should anything be lost.)

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

However, if an employee awaiting the arrival of the 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.

12.3 On Arrival at Site (All testing on site)

The Medscreen 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 w.c. systems and securing of taps.

The collecting officer will be responsible for the correct application of the tests in accordance with the standards specified by LU's medical adviser, the Head of LUOH and in accordance with the recognised Chain of Custody procedures. (LU Managers are responsible for the accurate completion of the DAMSP forms.)

12.4 The Tests

12.4.1 The Test Process

The employee will be accompanied to the testing area by the authorised manager (or HR representative in unannounced testing) who will 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 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 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 HR office representative will be responsible for despatching this sheet and the RS2a to LUOH by hand IMMEDIATELY upon completion of the testing session (or first thing in the morning if testing occurs during the night).

HR representatives should also ensure that the collecting officer has the LU unannounced testing reference number to record on the Medscreen chain of custody documents.
12.4.2 The Breathalyser Test

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 be administered first. A print-out will be produced immediately and will be handed to the manager if the level is above zero. (A copy will be returned to the laboratory by the collecting officer - See Section 13 for documentation.)

If the alcohol reading is 13 micrograms of alcohol in 100ml or above of breath, a second reading will be taken for confirmation once the machine has returned to zero and the previous test result sheet has been completed. Again a print-out will be produced immediately and will be handed to the manager.

12.4.3 The Urine Drugs Test

For the donation of a urine sample, the employee will be asked to remove their coat, jacket, overall, hi-vi or other protective clothing. They MUST empty their pockets and place the contents in a secure container. The employee will retain the key of the secure container until they retrieve their possessions at the end of the testing process. (Note: A lockable container may not be available in 'for cause' or 'post incident' tests. The local manager will, however, arrange for secure storage of these items.)

The employee will then provide the required 150 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 HR office representative 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 this amount of urine s/he will be offered drinks of water under supervision by the authorised manager until such time as a sample is produced (approximately half a pint of water every half hour).

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 equal portions and each put in separate containers which will be sealed and a number bar code put on each. The same number code will be put on the employee information/consent form. Also in the presence of the employee, the signed container labels and seals will be affixed to the containers to confirm that it is the sample given by that employee. (One portion of the urine sample will be used for testing purposes. The duplicate sample will be kept for two weeks if a negative result is confirmed, or 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 container.

12.4.4 Employee Not Able to Produce a Sample

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 new test MUST be arranged to take place at LUOH the following day if possible, or at the earliest opportunity if it is not possible to test the next day.

The authorised manager will ring 41046 to arrange an appointment and must obtain a NEW DAMSP referral number at the time of booking the test. RS2 and RS2a must be completed and signed by the employee who must be reminded to take the (pink) copy to the appointment. The top copy MUST be sent by hand to LUOH IMMEDIATELY to ensure that it arrives before the time of the appointment.
(In cases where LUOH facilities are not available the following day (e.g. weekends) the approved laboratory should be contacted to arrange for the 'for cause' to take place at the work location on 020 7538 1133. See 12.1 above.)

12.4.5 Employee Not Able to Operate 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 stood down from duty and interviewed by the employing manager with a view to finding out possible reasons for the failure. The employee should then be referred to LUOH (Auto. 41046) as soon as possible to ascertain the medical reasons for the failure. The manager should provide the LUOH 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.

12.4.6 Meal breaks

The question of an employee’s meal break becoming due during testing arises from time to time. In the case of unannounced testing, the tests can be deferred for half an hour after the meal break has been completed. In ‘for cause’ or ‘post incident’ situations, the employee may not leave the premises, but may be allowed to take their break under supervision. Again a half-hour period after taking food should be allowed to elapse before the tests take place.

12.4.7 Employee Admits to a Problem During/Just Prior to Testing

If during a testing process, an employee admits to either the authorised manager, HR representative or collecting officer that they have a drink/drugs problem the individual will continue with the tests and will then be stood down from duty. The normal disciplinary process should be followed.

12.4.8 Employee does not Co-operate

If an employee does not adhere to, or co-operate with, the testing process or tries to adulterate their urine sample, the collecting officer will call the Authorised Manager who will deal with the issue and if necessary, refer it to the disciplinary process.

12.4.9 Employee Books off Sick / Unfit for Duty or leaves before the end of the shift
(Unannounced testing only)

If, during a testing session, an employee books off sick / unfit for duty or leaves work prior to the end of the working shift, the individual will be interviewed by his / her employing manager immediately upon return to work. If the manager suspects that the employee has attempted to avoid being tested, he / she will arrange for that employee to have a 'for cause' test either at LUOH (41046), or on site (020 7538 1133).

Whatever the outcome of the ‘for cause’ test, if, as a result of the fact finding, the 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 local HR Manager. A sample charge may be as follows: ‘Gross misconduct in that on (date) at (location) 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’.
12.4.10 If Testing Cannot be done on Site (for cause / post incident)

If it is not possible to undertake a drugs test (collecting 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 as soon as possible.

12.4.11 Post incident - Police and Medical Authority actions

The Police may decide to make their own testing arrangements.

Also, the Police might specifically refuse to permit urine and breath tests to be taken or the medical authorities might advise that the condition of the individual is such that tests are not advisable at the particular time. Managers should heed this advice and not proceed with tests. (Any call made to the approved laboratory must be cancelled.)

12.5 Drugs Test Results and Actions by Managers

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

In all cases other than unannounced testing, until the DRUGS TEST result is known, the employee MUST be transferred to non-safety critical work or if none is available stood down with pay. She 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 individual to be accompanied and taken home by taxi if necessary. (Similarly, contractors, consultants or agency staff must not be allowed to recommence safety critical work whilst awaiting the results of tests.)

In the case of unannounced tests, the HR Manager will be informed of the result of the urine test by LUOH by sealed notification. (A copy will in any case be sent to the Unit HR office by LUOH.) This notification will contain only the employee's name and whether the test was negative or positive.

Where the test is 'for cause' or 'post incident', LUOH will telephone the HR Manager identified on the DAMSP form and quote the bar code and/or referral number from the form. The HR Manager (or delegated deputy) will be required to confirm the name of the member of staff. Providing the details match, LUOH will ask the HR Manager to stand by the fax machine to receive the test results. On receipt of the results, the Manager will telephone LUOH to confirm receipt. (Note: It is ESSENTIAL that the local manager sends a copy of the DAMSP form (yellow copy) with the bar code and/or referral number on it to the local HR Office.)

LUOH is under no obligation under its contract with LU to enter into any further or detailed discussions.

The result will be known only to LUOH, the HR Manager, the Employing Manager and the employee. The laboratory, LUOH and LU will not divulge this information to any other party unless properly required to do so by a court of law.

12.5.1 Negative Drugs Test

If the result is negative, the authorised manager or HR Manager, as appropriate, will advise the employee's manager who MUST then inform the employee and decide what (if any) further action needs to be taken. (This will normally be no further action in the case of unannounced testing.)

A standard memorandum for advising employees of a negative result is attached at Appendix G. A copy must be retained on the employee’s staff file.
12.5.2 Positive Drugs Test

If the result indicates positive the authorised manager will be advised by LUOH that the employee is required to discuss the result with an LU Medical Officer at a Medical Review. The Manager will inform the employee who will either be stood down from duty or will continue to be stood down from duty with pay, pending the Medical Review. (LUOH will only give the bar code and / or DAMSP referral number over the telephone, not the name.) The result will not formally be confirmed as positive until after the Medical Review has taken place.

12.5.3 The Medical Review

An appointment for a Medical Review with LUOH will be made by the Employing Manager or the local HR Office and the employee instructed in writing to attend on the specified date/time. The Medical Review will include an interview by a Medical Adviser from (or appointed by) LUOH who will review any claim by the employee that they had taken a substance for SOUND MEDICAL REASONS, which may have led to a positive test result.

The employee will be told what substance has been found and offered a copy of the positive test results. If the individual accepts a copy of the results they will be required to sign a receipt.

The medical decision of LUOH at the end of the review will be final. In some cases, further investigation will be required. LUOH will inform the authorised manager if this is the case.

If LUOH confirm a positive result they will inform the authorised manager in writing. A copy will be sent to the local HR Manager.

12.5.4 Medical Review - Positive Changed to Negative

If LUOH confirm that the final result after Medical Review is negative i.e. that the employee has taken a substance for a sound medical reason, they will advise the authorised manager. The employing manager will inform the employee that this is a true negative with no stigma attached/implied and will be recorded as such. (The manager may however need to take some action if the employee has not advised him / her that the substance has been taken.)

The review may have identified a medical problem and managers will need to act on the advice of LUOH in such cases and liaise with their HR Manager.

12.5.5 Medical Review - Confirmed Positive Sample - Disciplinary Action and Advice to Employee re Duplicate Sample Testing

On receipt of a confirmed positive result, the 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 employee will be informed of this course of action in writing and will be charged with 'Gross Misconduct in that on ............ at ............ you were tested for the presence of drugs and following a Medical Review the test proved positive contrary to the LU Code of Conduct and Drugs and Work Standards'.

Also, a letter must be sent to the employee as soon as possible after the result is known advising him or her of the arrangements for having the duplicate urine sample tested independently. (See 12.5.6 and Appendix B.)

Note: In cases where the employee claims that he or she had consumed food or drink which had been 'spiked' with an illegal substance by someone else without his or
her knowledge, the case should still be referred to a disciplinary hearing at which stage the burden of proof will be assessed by the panel, with advice as appropriate from the LUOH medical officers.

12.5.6 Challenging the Results

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 (see 12.5.5). The employee must pay for the costs involved.

(Notes: 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.)

A standard letter and forms for employees to challenge a drugs test result are contained in Appendix B to these Guidelines. The letter confirming the right to have the duplicate urine sample tested should be sent to the employee as soon as possible after a positive result from a medical review is known. (See also Appendix E - Guidance Notes for Disciplinary Panels.)

12.5.7 Retention of Records

Copies of the consent forms and record of the test results should be retained on the employee's staff file for three years in addition to the current year 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.

The authorised laboratory will retain laboratory reports and LUOH will retain RS2/RS2a forms and laboratory reports for 1 year for negative results and for 6 years in positive cases.

12.6 Breathalyser Test Results and Actions by Managers

The results will be available immediately.

12.6.1 Negative Breathalyser Result

No further action.

12.6.2 Positive Breathalyser Results

If the alcohol test is 13 micrograms of alcohol per 100 ml of breath or above, a second test will be carried out to confirm the test. If the second reading is below 13 micrograms the readings will be treated as though they were below 13 micrograms per 100 ml of breath. If a second confirmation test of 13 micrograms of alcohol or above per 100 ml of breath is obtained, the employee will continue with the drugs test. The Duty Manager will be informed immediately after the testing process. The employee will not be allowed to return to duty at the end of the tests and will be stood down with pay pending a disciplinary hearing. The Duty Manager MUST follow the disciplinary procedures and refer the matter to a disciplinary hearing.

If the breathalyser reading is less than 13 micrograms per 100 ml of breath but more than zero, the Duty Manager will be informed immediately after the testing process. The Duty 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 individuals 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 informal discipline, e.g. oral warning confirmed in writing, might be appropriate according to circumstances.

12.6.2.1 The Charge

The HR Manager will be informed of the incident by the Employing Manager. For a disciplinary hearing, the employee will be charged with 'Gross Misconduct in that on ................. at ................. you failed the Company breathalyser test contrary to the LU Code of Conduct and Alcohol and Work Standards'.

12.6.2.2 Alcohol Readings above 35 Micrograms/100 ml

If the reading is above 35 micrograms of alcohol per 100 ml of breath and the employee is on duty and safety critical, the Duty Manager will inform BT Police of the incident and the circumstances in which the test took place immediately after the testing process. If the police decide to take action, the Guidelines for dealing with the Police must be followed (see Section 11).

LU would be in breach of the Transport and Works Act 1992 by not proving due diligence and allowing safety critical employees to continue to work whilst under the influence of alcohol or drugs.

12.6.3 Contractor / Consultants or Agency Employees

If contractors, consultants or agency employees are involved in post incident testing, Project / Contract Managers must deal with consequential actions with the Companies concerned. (See also Section 16.)

NOTE: SEE APPENDIX E - GUIDANCE NOTES FOR DISCIPLINARY PANELS
13. DOCUMENTATION

Unless stated otherwise, documents referred to can be obtained from your local HR Office. (A separate chain of custody document will be brought by the collecting officer for on site testing, together with the testing packs and bar codes.)

13.1 Documents Required:

DAMSP (Drug and Alcohol Medical Screening Programme)

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

RS1 - Guidance notes for employees (2-Part Set)
RS1a - DAMSP form (4-Part Set)

Unannounced, For Cause, and Post Incident Testing

RS2 - Guidance notes for employees (2-Part Set)
RS2a - DAMSP form (4-Part Set)

Other (Normally Unannounced Testing only) (Provided by HR via LUOH)

Folio Sheet - Reference sheet completed by Laboratory Collecting Officer with bar codes of urine samples taken

13.2 Testing at LUOH

13.2.1 Referral Number

On booking the appointment, LUOH will give a referral number which must be included on all copies of Forms RS2 and RS2a.

13.2.2 RS2

The employee must be asked to read and sign form RS2. The top copy (white) is retained with any interview/fact finding notes. The second copy (pink) must be given to the employee.

13.2.3 RS2a

The authorised manager must complete all of the details on form RS2a for the employee and the authorised manager details. The details will include the name of the HR Manager to whom tests results will be sent. The employee must sign the consent statement on this form in the presence of the authorised manager.

The top copy (1) of RS2a MUST BE TAKEN BY HAND to LUOH by the individual concerned. Copy 2 must be given to the employee to retain. Copy 3 - Interview / Fact-Finding Notes, then staff file. Copy 4 - Unit HR Office (AS SOON AS POSSIBLE for 'for cause' and 'post incident' to enable HR personnel to verify identity of person to receive results - see 12.5).

Remember:

Copy 1 (White)  -  to LUOH
Copy 2 (Pink)   -  to Employee
Copy 3 (Blue)  -  to Employee's Staff File
Copy 4 (Yellow) -  to Local HR Office file

The forms MUST be fully completed and signed WITHOUT ERRORS OR CROSSING OUT (except where specified).
13.2.4 At LUOH

When employees report for the appointment at LUOH, they MUST take:

- Their (pink) copy of RS2
- The LUOH copy of RS2a (white) plus their own copy (pink)
- Identification (staff pass, with ID card or driving licence) to verify their signature.

LUOH will not undertake any tests if the employee cannot produce the required documentation OR produces a form which has been tampered with / altered or has not been completed and signed fully.

Note: LUOH will not answer any queries directly from employees on any subject matter and particularly not relating to queries regarding the appointment date or time, or requests for alternative appointment dates or times. Any information or alterations must be arranged by the authorised manager.

13.3 Testing on site by Approved Laboratory Collecting Officer

13.3.1 Referral Number

(a) For cause / post incident

On booking a test, the authorised manager will NOT be given a referral number. The space for the number should initially be left blank when the rest of the forms are completed and signed. On completion of the tests on site, the collecting officer will write or affix the bar code number relating to the specific test to all copies of the forms. The authorised manager must ensure this happens.

(b) Unannounced

The HR representative will supply the referral numbers on arrival on site to administer the tests.

13.3.2 DAMSP Forms (Unannounced, For Cause and Post Incident)

The authorised manager will ask the employee to read and sign form RS2. The top copy must be retained with any interview / fact finding notes. The second copy (pink) will be handed to the employee.

The authorised manager (HR Office representative for unannounced testing) will complete all of the details on form RS2a for the employee and authorised manager (with the exception of the referral number for 'for cause' and 'post incident' tests - see 13.3.1). The details will include the name of the HR Manager to whom tests results will be sent. The authorised manager must sign the form in the appropriate places. The employee must sign the consent statement on this form in the presence of the authorised manager or HR Office representative as appropriate.

The top copy (white) of RS2a MUST be given to the laboratory collecting officer and then taken to LUOH following the test (arranged by the local manager or, for unannounced testing, by the HR representative). Copy 2 (pink) must be given first to the collecting officer, who will either affix or write on the number of the bar code (see paragraph below), and then to the employee. Copy 3 should be retained with any interview/fact finding notes and then the staff file with a copy of the print-out from the breathalyser test. Copy 4 must be sent to the HR office.

The collecting officer will either affix or write on the number of the bar code relating to the employee's urine sample to all copies of the RS2 and RS2a forms. This is in addition to the referral number supplied by HR offices for unannounced testing.
**Remember:**

Copy 1 (White) - to LUOH
Copy 2 (Pink) - to Employee
Copy 3 (Blue) - to Employee Staff File/Fact Finding Notes
Copy 4 (Yellow) - to Local HR office file (AS SOON AS POSSIBLE for 'for cause' and 'post incident' to enable HR personnel to verify identity of person to receive results - see 12.5)

THE FORMS MUST BE FULLY COMPLETED AND SIGNED WITHOUT ERROR OR CROSSING OUT (EXCEPT WHERE SPECIFIED).

TESTING CANNOT TAKE PLACE UNLESS THE CORRECT DOCUMENTATION IS AVAILABLE.

THE COLLECTING OFFICER WILL DRAW IT TO THE ATTENTION OF THE MANAGER IF HE OR SHE OBSERVES THAT ANY OF THE FORMS HAVE BEEN TAMPERED WITH/ALTERED OR HAVE NOT BEEN COMPLETED AND SIGNED FULLY. (NOTE - IT IS HOWEVER NOT THE RESPONSIBILITY OF THE COLLECTING OFFICER TO ENSURE THAT FORMS HAVE BEEN COMPLETED CORRECTLY.)

The collecting officer will take the chain of custody documentation which he or she will require the employee to sign during the testing process, together with a copy of the breathalyser print-out to the laboratory, together with the urine samples.

**13.3.3 Folio Sheets (Unannounced Testing Only)**

The HR representative will provide the approved LUOH documentation (folio sheet) and the DAMSP referral numbers. The title and telephone numbers of the relevant authorised manager MUST be entered on this sheet together with the names and telephone numbers of the local HR Manager. The top two copies of the folio sheet (white and blue) must be taken by hand to LUOH with the white copy of the RS2a chain of custody form. The yellow copy of the folio sheet will be retained by the local HR Office.
14. **DRUGS AND ALCOHOL ADVISORY SERVICE**

The Drugs and Alcohol Advisory Service was established to raise awareness amongst employees and managers of the problems associated with the misuse of alcohol and drugs and to provide counselling and treatment services.

Specifically, it provides:

- Advice and support to drink/drug misusers and their families and to managers.
- Assessments of individuals, following self-referrals or referrals by their manager.
- Counselling, including help and self-help and referral to local and specialist treatment agencies, if required.
- Referrals to detoxification and rehabilitation facilities.
- Education and training.

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 the Service 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.

Employees who are unfit for work and are having treatment to overcome their drink or alcohol problem will be regarded as being on sick leave and will be eligible for normal sick pay arrangements (if entitled). This treatment may include the need for regular progress screening.

The Drugs and Alcohol Advisory Service can be contacted on Auto: 41698.
15. TRAINING

Workshops for managers are available covering the following areas:

- An overview of the Alcohol and Drugs Standards
- The Alcohol and Drugs Screening Programme
- Testing Procedures
- The Role of the Drugs and Alcohol Advisory Service

These can be booked with Learning and Development, Auto. No. 45566.

In addition, the Drugs and Alcohol Advisory Service provide Drugs and Alcohol Awareness Courses on request. These take the form of short presentations on awareness of illegal substances, what they look like and their effects, and signs and symptoms of alcohol / drug abuse.

The telephone number for the DAAS is 41698.
16. CONTRACTORS, AGENCY STAFF AND CONSULTANTS

All employees of contractors are covered by the provisions of the Transport and Works Act, 1992, if they carry out safety critical work. This will mean that LU managers will call the police if they suspect such employees are under the influence whilst at work. This also applies to agency staff and consultants.

All contractors' employees, agency staff and consultants must comply with LU's Alcohol and Drugs Standards and are subject to LU's 'for cause' and 'post incident' alcohol and drug testing.

Any LU manager can refuse entry/access to company premises to any contractor's employee, agency staff or consultant suspected of being under the influence of/or unfit for duty because of alcohol or drugs. If such individuals are already working on site, they can ask the individual to leave the premises. In either case, managers should liaise with the relevant Project or Contract Manager as appropriate.

16.1 Contractors

LU expects contractors to demonstrate their own 'due diligence' in respect of pre-employment and unannounced testing for employees carrying out safety critical work. Also, contractors are expected to arrange 'post incident' and 'for cause' testing for their employees. (The definition of safety critical for contractors' staff is ‘Posts where the occupant is required to hold Safety Critical Licence/s as defined in the Safety Critical Licensing Handbook’.)

Where contractors’ employees are undertaking safety critical activities and are involved in a dangerous incident or are suspected of being under the influence of alcohol or drugs, the BT police will be called by the appropriate Duty Officer who will carry out the testing.

Separate guidelines for Contractors are available, and are also contained in an attachment to the QUENSH (Quality, Environment, Safety and Health) Contract Conditions manual.

16.2 Agency Staff

For agency staff carrying out safety critical work the agency concerned will be expected to arrange pre-employment tests. Unannounced testing of safety critical agency staff will be undertaken by the local LU / Infraco HR Office, who will devise a suitable method of ensuring the selection is random. (A small number of agencies supplying considerable numbers of staff for safety critical activities arrange their own unannounced testing.)

'For cause' and 'post incident' testing will be arranged by the local authorised managers in the same way as for employees and the agency concerned will be advised of the outcome.

16.3 Consultants

'For cause' and 'post incident' testing will be arranged by the local authorised managers in the same way as for company employees. Where appropriate the consultancy firm concerned should be advised of the outcome.

In the event that a Consultant is to be employed to undertake safety critical work, arrangements must be made by the manager concerned, in liaison with the local HR Office, for pre-employment and unannounced testing to take place.
16.4 Approved Laboratories for Contractors to use for arranging testing

LU has approved four laboratories for alcohol and drugs screening as follows:

Medscreen Limited, Laboratory of the Government Chemist,
1A Harbour Quay, Queens Road,
100 Preston's Road, Teddington,
London, E14 9PH. Middlesex. TW11 0LY.

Tel: 020 7712 8000 Tel: 020 8943 7000

Scientifics Limited,
500 London Road,
Derby, DE24 8BQ.

Tel: 01332 264619
USEFUL NAMES, ADDRESSES AND TELEPHONE NUMBERS

Medscreen Limited,
Harbour Quay,
100 Preston's Road,
London,
E14 9PH.

Tel: 020 7712 8000
On-call Hotline 020 7538 1133

Drugs and Alcohol Advisory Service
Employee Assistance
4th Floor
Griffith House

Tel: 41698

LUOH
Medical Advisory Service
2nd Floor
Griffith House

Tel: 41046

LU Legal Services
Employment Law Section
8th Floor, East Wing
55 Broadway

Tel: 43266 or 39708
APPENDIX B

STANDARD LETTERS FORMS RE DUPLICATE DRUGS TESTS

B.1 Letter to Employee re Challenge to Drugs Test
B.2 Letter to Employee's Chosen Laboratory to Arrange Testing of Duplicate Sample
B.3 Letter to Medscreen authorising release of sample to chosen laboratory.
B.4 Approved Laboratory List for Duplicate Sample Testing
Dear

CHALLENGING A DRUGS TEST RESULT

You have recently undergone a medical review following receipt of a drugs test result conducted in accordance with the company's Drugs and Work Standard.

I understand that following the medical review the result has been declared positive and, in accordance with the company's Disciplinary Procedure, you have been stood down from duty awaiting an investigation and a subsequent Disciplinary Hearing.

As outlined to you at the time of the drugs test, you are entitled to have your duplicate urine sample tested independently at your own expense at an accredited and approved laboratory by a qualified practising toxicologist, the sample being transferred and tested under strict Chain of Custody conditions. In the event that a test of the duplicate sample ultimately results in a different outcome, the cost will be reimbursed by the company.

A list of approved laboratories which could undertake this work on your behalf is attached. I also enclose a standard letter for you to use to confirm you requirements to your chosen laboratory once you have contacted them, and a standard letter to the company's external laboratory to request the release of your duplicate sample. Your chosen laboratory will need to know the substance identified by Medscreen Limited in your original sample.

Please let me know as soon as possible if you wish to have your duplicate sample tested independently and if you require assistance with completing the paperwork.

Yours sincerely,

HR Manager or Centurion Manager
Dear Sir / Madam,

DRUGS TESTING - ANALYSIS OF DUPLICATE URINE SAMPLE

I confirm that I wish you to undertake a test of the duplicate urine sample taken on behalf of London Underground on ……date of test …………………. The sample is to be analysed for the presence of the substance(s) identified in my original sample by Medscreen Limited, which was ………employee to insert details………………. The analysis should include qualitative identification and an estimate of concentration.

Please proceed with arrangements to obtain my duplicate sample from Medscreen Limited, address given below, under strict Chain of Custody conditions and return the results to me with a copy to London Underground Occupational Health, 2nd Floor, Griffith House, 280 Old Marylebone Road, London, NW1 5RJ.

I accept full responsibility for any charges arising from the process and undertake to make payment within 30 days of receipt of the invoice.

I enclose full details to enable my duplicate sample to be identified.

Yours faithfully,

Signature: ........................................

Copy to: Challenge Department,
Medscreen Limited,
Harbour Quay,
100 Preston's Road,
London E14 9PH
Details of Employee (IN BLOCK CAPITALS) .................................................................
Sample Unique Identification (Barcode Number) ......................................................
Ethnic Origin: ......................Date of Birth: ...................... Male/Female:................
Full Name: .................................Job Title: ................................................
Employee No: .............................Work Location: ............................................
Business Unit: ............................................................... ...........................................
Home Address: ......................................................................................................

............................................................

ATTACHMENT TO APPENDIX B.2
APPENDIX B.3

PRIVATE AND CONFIDENTIAL

EMPLOYEE'S HOME ADDRESS

Challenge Department,
Medscreen Limited
Harbour Quay,
100 Preston's Road,
London E14 9PH

Date:

Dear Sir / Madam,

DRUG TESTING - LONDON UNDERGROUND LIMITED

In accordance with the London Underground Limited Standard on Drugs and Work, I have chosen to exercise my right to have my duplicate urine sample independently tested at my own expense. I am aware that this must be by an accredited and approved laboratory chosen from the authorised list and that strict Chain of Custody conditions will apply to both the transportation and testing of the second half of my sample.

I enclose a copy of a letter I have sent to my chosen laboratory, ………….name of chosen laboratory ……………which includes details to enable identification of my duplicate sample, and authorise you to release the sample to them under strict Chain of Custody conditions.

Yours faithfully,

Signature: ……………………………………….

NAME (BLOCK CAPITALS) ………………………………………………………………………….

Copy to     Chosen Laboratory
APPENDIX B.4

APPROVED LABORATORIES FOR DUPLICATE SAMPLE TESTING

Corporate Pathology Services,  
PCL House,  
20-22 Belmont Road,  
Wallington,  
Surrey. SM6 8TB

Tel: 020 8241 4251

The Laboratory of the Government Chemists,  
Queen's Road,  
Teddington,  
Middlesex,  
TW11 0LY.

Tel: 020 8943 7524

Scientifics Limited,  
500 London Road,  
Derby, DE24 8BQ.

Tel: 01332 264619
ADDITIONAL INFORMATION FOR MANAGERS ON LU DRUG SCREENING PROCEDURES PROVIDED BY LUOH

1. **The Test**

The test we have selected is recommended by the US Federal Drugs Agency (FDA), and widely used, accurate and reliable. There can be delays of up to a week in getting a result through but this is unavoidable. We do turn results round as quickly as possible.

2. **Why are DAMSP / Bar code Numbers Used**

LU uses a number as well as the name for identification. Because results are analysed anonymously this cannot be the employee number, but is either a specially produced one, the 'DAMSP' number, which relates to each test or the bar code number unique to the urine sample. To avoid duplication, the 'DAMSP' numbers are created and allocated by the appropriate HR office for unannounced testing. Unique bar code numbers are used for 'for cause' and 'post incident' tests. We use these number and the other details on the referral papers to verify the need for a test, and to help identify the person. LU has asked us to turn away anyone with incomplete or inaccurate paperwork, or lack of other identification.

3. **Collection - What is a 'Chain of Custody'**

The 'Chain of Custody' is recommended by the FDA - it is not LUOH mystique! Its purpose is to:-

- avoid adulteration of samples by the donor
- prevent switching or smuggling of samples
- stop allegations of a 'mix-up' or contamination of specimens.

There are some incredible stories about switching and smuggling of samples. It really is necessary for employees to empty their pockets and remove their outer clothing.

4. **The Laboratory Analysis and Results**

The laboratory has strict procedures for all its medical analysis, including labelling of each test with a bar code sticker. There is also a report identity number. All numbers must match, and the results cannot be verified unless there is a bar code sticker on the DAMSP form and the LUOH appointment sheet. This is especially important for site testing.

Each test is returned to LUOH as an individual medical report sheet. After verification the doctor will either give a negative result, or call for a Medical Review.

5. **Medical Review**

When there is evidence of drug ingestion, an LUOH doctor undertakes the review:-

- to confirm identity of the report
- to inform the donor personally of the findings
- to assess whether there is drug abuse, or another reason for intake
- outcome can be: - 'negative'
  - 'positive'
  - 'refer for medical attention, not drug abuse'
In the case of 'refer for medical attention, not drug abuse', any subsequent review is under conditions of medical confidentiality.

The process is devised by the FDA, and recommended. It causes a delay for you, but at least 10% of LU 'positive' reports become 'negative' results after Medical Review, so it is valuable.

It may seem a waste of time to review a positive cannabis report, as there can never be justification for its use, but the donor is entitled to see confirmation of the identity when a job is at stake, and we find they accept the result more readily.

6. Cannabis and Passive Smoking

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. LU screening has discovered a profile of use not previously noted by the toxicologists and others, and 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!

If cannabis is legalised for prescription purposes, the indications for its use will be for very seriously ill people; safety critical LU staff will not have any medical indication to take legally prescribed cannabis.

7. Poppy Seed Bread

The LU test for narcotics analyses a mixture of morphine and other metabolites. The toxicologist has a shrewd idea from the proportions of these excreted products whether they could be derived from the poppy seed. This is also backed up by other very sophisticated tests on the same sample, and they will if necessary provide us with an expert opinion.

8. Codeine

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 LUOH will not report 'no', until repeat tests indicate that the course of treatment is finished and there is no addiction.

The laboratory continually monitors drugs of abuse being used throughout the UK and are in touch with us to discuss reports, on at least a weekly basis.
APPENDIX D

UNANNOUNCED TESTING

CHECKLISTS AND 'WHAT IF - QUESTION AND ANSWER SHEETS'

1. Preparation for Unannounced Testing

1.1 Before the test session (HR Office representative)

a. Ensure employee list and DAMSP Referral Nos. have been prepared.

b. Enter Referral Nos, the Duty Manager's name (if known beforehand) and telephone number(s), and the HR Office contact names and telephone numbers on to the LUOH Folio Sheet as required.

c. In cases where it is necessary to give notice (e.g. to ensure a Duty Manager is available), advise the Location Manager with a minimum notice period that testing will be conducted in his/her area. To ensure security of the information, this should be done as near as possible to the time the test is to start.

d. Check that a secure container with a key is available for employee(s) possessions.

e. Check the number per grade and per location to be tested.

f. Check that you have sufficient stocks of DAMSP forms for the test session.

1.2 Just prior to testing commencing (HR Office representative)

a. Ensure toilets/testing area are:
   • in a satisfactory state (clean, tidy and suitable for the purpose)
   • secured
   • have a notice of closure/alternative toilet facilities on the door

b. Check actual testing area (private room near but separate from toilet if possible) has:
   • table and 2 chairs
   • paper towels
   • waste bin and bin liners

c. Ensure a Duty Manager is dedicated to the session and understands the process and the role he or she is required to undertake. Complete DAMSP form and folio sheets with the Duty Manager's details.

d. Give LUOH Folio Sheet and secure container, with key, to laboratory collecting officer.

e. Check that a separate office/room is available for employees to report to and has:
   • Tables
   • Chairs
   • Drinking water and cups (employees can choose their own water)

f. Give Duty Manager the HRS list and the target number per grade to be tested.

g. Explain the call off process.

h. Give the Duty Manager the RS2a forms to sign.

i. Ensure that whilst the first employee is in the test area, the second employee is called up and completing the documentation (and so on to the end of the session).
1.3 At the end of the session (HR Office representative)

a. Check LUOH Folio Sheet is fully completed/collecting officer signed/bar codes entered. WHERE DETAILS ARE MISSING THEY MUST BE FILLED IN.

b. Ensure employee's grade details are on the Folio Sheet.

c. Check that all RS2a forms have been **properly completed with no errors and fully signed.**

d. Take the LUOH Folio Sheet (white and blue copies) and the white RS2a forms by hand to the Site Testing Collator, LUOH, Griffith House, on the same day if possible but no later than the following morning if undertaking an evening test or the first working day after a weekend testing session.

e. Check employees' HRS list is completed fully detailing who was tested and why individuals above the cut off line were not tested (e.g. off sick, off site) - take to Local HR Office to hold on file.

f. Ensure the white RS2 and the blue RS2a are filed on employees' staff files. Yellow RS2a form to HR Office.

g. Collect the secure container and key.

2. Unannounced Testing - Checklist for Local Managers

a. Date/time of testing session - where notice is necessary, the local manager is advised by HR office with the minimum notice possible but no sooner than late on the day before testing is to commence.

b. Dedicated secure toilet facilities: Notice 'Out of Use' placed on door just prior to testing session. If possible, arrange a separate private room near the toilet for the testing to take place.

c. Toilets MUST BE clean, tidy and cleaning materials removed.

d. Alternative toilet facilities made available and all concerned notified (including leaseholders).

e. Check access to cistern for blue dye block - inform the collecting officer where the area is when he/she arrives.

f. Toilets or separate room to be used for testing must have:
   - Table
   - 2 Chairs
   - Paper towels
   - Waste bin with bin liner

g. Inform collecting officer of visitors' booking on/evacuation procedures.

h. Ensure staff to be tested have their staff pass with them and reading glasses if required.

i. Number of employees by grade to be tested - advised by HR Office representative.

j. List of staff to be tested - provided by HR Representative at start of testing session.

k. LU information sheets RS2 and Consent forms RS2a - provided by HR Representative at start of testing session.

l. Secure box with key - for employee's possessions - provided by HR Representative.
m. Roster sheets/staff on duty list must be made available.

n. Desk and chairs in separate office for employees to report to and complete LU forms together with drinking water and cups.

o. Copies of LU Alcohol and Drugs Standards.


3. **Employee Interview Checklist**

   a. Employee reports - Introductions

   b. Unannounced testing here today

   c. Part of programme in this area

   d. Testing covers all areas of the company where safety critical work is being carried out.

   e. Testing safety critical staff including managers.

   f. How you were selected
   - HRS list
   - Random sort by N.I. No.
   - Eliminate those not here

   g. Check that the employee has their staff pass and reading glasses (if required).

   h. RS2 Form
   - Read through
   - Sign and date
   - Employee 2nd copy
   - Top copy to staff file

   i. RS2a Form
   - For Admin records plus your consent
   - Complete employee details
   - Employee sign
   - Authorised Manager signs
   - White and pink copies to collecting officer

   j. Testing carried out by collecting officer from approved external laboratory.

   k. Breathalyser result - immediate. If a reading of 13 micrograms or above is obtained a second confirmation test will be carried out. If this result is confirmed as positive the individual will carry on and undertake the drugs test. If the reading is over 35 micrograms/100ml in breath, the Duty Manager will inform BT Police.

   l. Drug Test Result
   - sent to LUOH
   - then to HR
   - then to your Manager
   - you will be told by your Manager whether negative or positive
   - If the result is positive you will be required to attend a Medical Review with an LUOH doctor to decide if the drugs found have been taken for sound medical reasons.

   m. The results of the drugs test takes between 5 to 7 days.

   n. Explain the reason for the employee emptying his/her pockets i.e.:
   - check against adulteration or substitution/fraud
   - not done in front of the Duty Manager
• employee retains key of secure container

o. Does the employee have any questions?

p. Double check that the employee has his/her Staff Pass.

q. The Duty Manager or HR rep. takes the employee to the test area.

4. Information for Donors

4.1 The samples that are provided will be used for testing for the presence of alcohol and drugs abuse.

4.2 The samples should be produced as specified. Failure to co-operate with the collection process will be reported to management.

4.3 The samples are treated as evidence and are therefore subject to 'Chain of Custody'.

4.4 'Chain of Custody' requires you to produce the specimen under a set of controlled conditions and you will be asked to sign various seals and documents confirming that the specimens are yours.

4.5 You will be given an opportunity to ask any questions that you wish about the procedure.

PROCEDURE

1. You will be introduced and identified to the collecting officer.

2. Please read all the instructions and make sure that you fully understand the procedure. You will be asked to sign a Chain of Custody document and the labels which will be affixed to the urine containers.

3. In the presence of the collecting officer you will be asked to wash your hands.

4. You will be asked whether you have taken any substance by mouth in the previous 20 minutes which might affect a breathalyser result (e.g. nicotine).

5. You will be asked to provide a breath sample into a breathalyser for analysis.

6. You will be required to remove your outer clothing (e.g. jacket, overalls) and leave those in the custody of the collecting officer, together with personal items including bags and briefcases. You will be asked to turn out your pockets, the contents of which will be kept in a secure place.

7. If located within the toilet area, the wash basin taps will be taped to prevent use. Blue dye will be put into the cistern and the flush mechanism will also be taped.

8. You will be asked to produce a sample into the collection container provided after the collecting officer has left the toilet area.

9. Immediately after you have passed the specimen you should give your sample to the collecting officer and you should not flush the toilet.

10. In your presence the collecting officer will authenticate the sample with a temperature test. (If the sample is not within defined limits, it will be disposed of and a second sample collected as soon as possible.)

11. The sample will be transferred from the collection cup into two specimen bottles (an equal amount in each) and the lids will be screwed on securely.
12. You will be asked to sign tamper evident seals, which have a bar code number unique to the test. These will be placed over each specimen bottle. A matching bar code number is already printed on the Chain of Custody document. The bar code number will be also be put on the pink copy of the RS2a form and given to you for your personal records.

13. You will be asked if you have taken any medication recently or within the previous ten days. You should mention any prescribed medicines and remedies that can be purchased without a prescription e.g. cough/cold cures, hay fever, travel sickness, stomach upsets etc. The information will be written on the Chain of Custody document. You will then be asked to sign the donor consent to test part of the document.

14. Both sealed urine bottles will be placed in a tamper-evident bag along with the completed Chain of Custody paperwork. The bag will be sealed in your presence and you will be asked to initial the bag to confirm it is your sample.

15. The residue sample will be discarded and the collection cup destroyed.

WHAT IF - QUESTIONS AND ANSWERS

The first employee on the list of names for testing is on another shift?
A. The Duty Manager will continue down the list for each grade to be tested (produced from HRS) disregarding those who are on another shift (i.e. not on duty), on leave, off sick, or absent for other reasons etc. until the target number of employees to be tested is attained.

Employee reports sick/unfit for duty during testing session?
A. Before being allowed to leave the premises, the Duty Manager should ascertain whether or not the person is genuinely ill and unable to take the tests (if required to do so). If it is considered that the 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 the employee books off without the knowledge of the Duty Manager concerned, the employing manager should interview the individual upon return to work to explore why they went sick, to ascertain if they have an alcohol or drug problem and to remind the employee of the standard required. The Duty Manager may also arrange a 'for cause' on return to duty and the employee's fitness for duty upon reporting and during work should be closely monitored thereafter. (See 12.4.9.)

Employee refuses to take either test?
A. The individual will be referred to the manager in charge who will advise them of the company's standards and their employment contract. Those who still refuse will be referred to a disciplinary hearing and charged with gross misconduct.

Employee does not adhere to/co-operate with process or tries to adulterate sample?
A. The collecting officer will call the manager in charge who will deal with the issue and refer it to the disciplinary process.

Employee is taking medication either prescribed by GP or bought from chemist?
A. The collecting officer will ask what medication the employee is taking and has taken in the last ten days after the urine sample is given. This 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.
Employee questions if passive smoking of marijuana could result in failing the drug test?
A. We have received medical advice that the levels of cannabis inhaled through effects of passive smoking of marijuana are not significant and will not result in a positive test.

The employee has had a cigarette before being called for a breathalyser test?
A. The employee will be asked to wait until ten minutes has elapsed since the cigarette was finished before the breath test commences.

There is a positive breath test above 35 micrograms/100ml of breath?
A. The collecting officer will continue with the urine sample collection but will summon the manager in charge who will refer the matter to a disciplinary hearing. The individual will be immediately stood down with pay. The Manager will also notify BT Police of the test result and the circumstances (a random unannounced test, individual was not suspected to be under influence, reading of breathalyser, being dealt with by LU procedures). The Police will decide the action, if any, they will take.

Employee questions why they have to empty their pockets prior to giving a urine sample?
A. This requirement is part of the 'Chain of Custody' standards that govern drug testing. It ensures that the individual cannot try to substitute a sample from someone else or has substances that could adulterate the urine sample.

The employee is embarrassed/feels uncomfortable by giving a urine sample in the WC cubicle in the hearing/presence of either a female or male collecting officer?
A. The manager in charge or the HR Representative can take the place of the collecting officer during this part of the test.

Employee cannot produce either required amount of urine or any?
A. The individual will be asked to sit in the manager's office and be given approximately half a pint of water every half hour. (Greater amounts could dilute the sample given.)

It is found, upon receipt at the Laboratory, that the urine sample pack has been tampered with?
A. The laboratory have a rigorous and meticulous checking procedure. If anything incorrect is discovered an error report is made and LUOH informed. The Head of Occupational Health is authorised to decide whether to carry on with the analysis taking into account the nature of the error.

Employee wants to carry out own analysis of their urine sample?
A. The laboratory always retains part of the urine sample if the result is positive and this will be available if the employee wishes to arrange a further test. (See Section 12.5.6.)

The station/office etc. has to be evacuated because of bomb or fire alert?
A. If a test is in process it will be abandoned. The collecting officer will follow evacuation procedures taking, if possible, the case with the completed samples with her or him. The testing session may be resumed after the all clear if there is sufficient time.

There is no suitable testing area at my station, workshop or depot?
A. This is only expected to be a problem at stations and if it occurs employees will have to travel to the nearest suitable testing facility within the Station Group.
APPENDIX E

GUIDANCE NOTES FOR DISCIPLINARY PANELS

POSITIVE DRUG TEST

When an employee has been charged with gross misconduct for breaching the company's Drugs and Work Standard, having given a urine sample which tested positive, the following processes have taken place:

- The urine sample has been tested by the company's approved laboratory and LUOH advised of the positive reading.

- LUOH have notified the appropriate manager that the employee is required to attend for a Medical Review with one of the company's Medical Advisers to review any claim by the employee that he / she has taken a substance for sound medical reasons, which may have led to a positive test result.

- The Medical Review has taken place and the Medical Adviser confirmed that illicit drugs have been taken or other drug abuse has occurred.

- The Medical Adviser has offered a copy of the positive test result, naming the substance and, if accepted, required him / her to sign a receipt for it.

- A letter has been issued to the employee shortly after the Medical Review advising him / her of the right to challenge the result of a test by seeking a second test on the retained half of the sample.

Other points to bear in mind:

- The amount of substance involved is not relevant. The company's policy is clear in that employees who present themselves for work having taken illicit drugs or having abused any other drug will be liable to charges of gross misconduct.

- The fact that the Panel may not have been advised of the substance concerned (because the employee has declined to reveal this information during the fact finding interview or at the hearing itself) is not relevant. The case under consideration is whether or not the employee has come to work having taken illicit drugs or abused any other drugs.

- An employee has the right to challenge the result of a urine test. This is a matter between the employee and the laboratory, although assistance will be given by the local manager regarding the procedures. A disciplinary hearing may be deferred pending the outcome, but it must be made clear to the employee that the deferral will not normally be for longer than four weeks from the date of the Medical Review. Declaration of an intention to seek a second test at the hearing itself will not preclude the panel from hearing the case.

- Advice should be sought from LUOH on any technical matters regarding the substances concerned.

POSITIVE ALCOHOL AND / OR DRUGS TEST

- Medical or expert evidence produced in defence which conflicts with advice given by LUOH should not be accepted without referral to LUOH for comment.

- A confirmed positive finding will normally result in dismissal. However, the individual circumstances of each case, including any mitigating factors, should be considered fully. Procedural irregularities are not sufficient grounds on their own to warrant a lesser penalty.

- In cases where the panel / person conducting a hearing or appeal considers that there are sufficient mitigating circumstances not to dismiss, the panel MUST NOT include alcohol or
drug monitoring as part of or as a rider to the penalty imposed without prior reference to the Drugs and Alcohol Advisory Service (Auto. No. 41698) regarding an appropriate testing regime once they have made their decision either not to dismiss or, in the case of an appeal, to reinstate.

- Your HR Office are available to give advice and guidance on these issues.
ALCOHOL AND DRUGS STANDARDS –
DEFINITION OF SAFETY CRITICAL POSTS

Posts where the occupant is required to hold Safety Critical Licence/s as defined in the Safety Critical Licensing Handbook.

In addition, the Management Boards of individual companies may declare employees in other categories to be safety critical, and therefore subject to unannounced testing, who may not automatically be covered by the above definition.

Within London Underground, these categories are:

- All Operational Managers and Operational Staff.
- Employees who may be required to cover or train Operational Managers / Operational Staff from time to time. (This includes the Managers of Trainers of Operational Managers/Staff.)
- In the Trains and Stations Customer Services Directorates only - Manager posts and above where the occupant has responsibility for the actions of safety critical employees.

Note:
A post-holder classified as safety critical remains safety critical whether or not carrying out specific safety critical tasks (unless specifically advised otherwise in writing, e.g. if seconded for a period to a non-safety critical post).

Where an employee whose substantive grade is non-safety critical is seconded to a safety critical post, they become safety critical for the duration of the secondment and the requirement for pre-employment and unannounced testing applies.
STANDARD MEMORANDUM FOR ADVISING EMPLOYEES OF RESULT OF DRUGS TEST

To:  

From:  

Date:  

DRUGS MEDICAL SCREENING PROGRAMME  
REFERENCE NO.  (Insert Relevant Bar Code number or DAMSP Referral Number)  

I am pleased to inform you that the results of your drugs test, sample taken on (insert date) was Negative.  

Thank you for your co-operation in this matter.  

Signed ................................. (Manager’s Name)  

.................................  (Manager’s Title / Location)  

Copy to: Employee’s Staff File