



*Testing Standards in the Workplace*

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ScreenSafe UK Ltd**



CONTRACTORS  
HEALTH  
& SAFETY SCHEME



LINK-UP  
21737



REGISTRATION NUMBER 181112



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## Three things people ask

- Who?
- What?
- When?

## Who?

- Matt Taylor
- 10 years in Drugs and Alcohol industry
- Personal experience
- TV, Radio, National Press, Specialist Press/Media
- Forensic, Legal, Workplace, Criminal Justice
- Treatment, Rehabilitation, Counselling

## What do we do?

- Specialists in Drugs and Alcohol Policy and Screening services
- Policy writing
- Training and Education
- World leading testing and analytical services
- Support, Treatment and Assistance
- And much, much more.....

# ScreenSafe UK

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## What are we going to talk about?

- Drug and Alcohol testing – why bother?
- Legislation / Law – what you should know.
- What are the safeguards for employees?
- Is testing needlessly intrusive?
- How accurate & confidential can testing be?



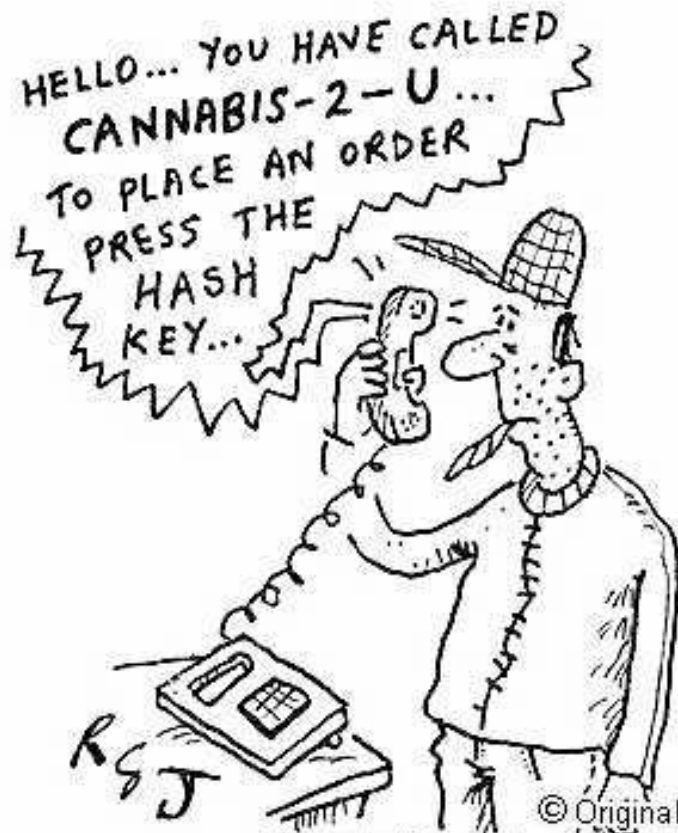
# UK Drugs and Alcohol Abuse



● How big is the problem in UK society?

# UK Drugs and Alcohol Abuse

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## Illegal Drugs

# UK Drugs and Alcohol Abuse

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## Drugs

- The UK officially has the worst drug problem in Europe – largest user of cocaine after the USA
- Over 5 million cannabis users and rising
- The incidence of drug use in young people has almost trebled since the 1990
- Over 3 million “E’s” are taken every week in the UK alone (conservative estimate)



# UK Drugs and Alcohol Abuse

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## Drugs

- The role of the traditional “drug pusher” changed to that of a “dealer” - dial-a-gram
- Line of cocaine cheaper than a cup of Espresso
- Cocaine - an accepted middle class culture
- 1 in 50 people in the UK are **addicted** to drugs
- Legal Highs - Bought/sold over the internet

# UK Drugs and Alcohol Abuse

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## Drugs

- 78% of workforce would prefer to work for a company that maintains a robust D&A policy (Guardian 2004)
- The CIPD's findings indicate that up to 21% of the workforce may be using drugs (2002)
- Of the illicit drug users interviewed by the CIPD, aged 18 or older in 2002, 74.6 percent were employed either full or part time

# UK Drugs and Alcohol Abuse

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## Non Prescription & Prescription Drugs

## Non/Prescription Drugs

- Pain killers / Analgesics
- Cough medicines and formulas
- Sleeping tablets
- Anti-depressants
- Anti-inflammatory / Muscle relaxants
- Heroin “substitutes” (Methadone, Subutex etc)

# UK Drugs and Alcohol Abuse

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## Alcohol



# UK Drugs and Alcohol Abuse

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## Alcohol

- MORI poll found that 78% of people worried about alcohol related problems
- Cabinet's office reported that Alcohol fuelled:
  - 1 million fights per year
  - 19,000 sexual assaults
  - 360,000 cases of domestic violence
- 1 in 25 people in the UK are dependent on alcohol
- 15% of drink drive convictions are 'morning after'

# UK Drugs and Alcohol Abuse

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## Alcohol

- A survey by Alcohol Concern and the TUC suggests that one in four accidents are caused and around 40 million working hours lost through alcohol misuse
- A research document published by the Health Education Authority showed that **90% of the Personnel Directors** of large UK organisations surveyed considered that **alcohol consumption was a problem for their organisation**

## Binge Drinking

- In 2003 - binge drinking accounted for 40% of all drinking among men and 22% by women in the UK - figures rising
- In 2003 - 5.9 million people drank more than twice the recommended daily guidelines on some occasion - figures rising
- Socially accepted behaviour?

# UK Drugs and Alcohol Abuse

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## 1990's

- Drinking was very much part of work culture - liquid lunches and corporate entertaining
- Drug use had increased since the 1960's
- Drug street prices were high relative to income, tobacco and alcohol
- Drug culture - underground scene

# UK Drugs and Alcohol Abuse

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## 2010

- Incomes are higher
- Alcohol and tobacco duty are higher
- Binge drinking culture amongst young people is increasing
- Drugs (Illegal & Legal) & Alcohol – cheaper and more accessible than ever
- Drug culture - now socially acceptable scene



# UK Drugs and Alcohol Abuse

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## Law and Legislation

- Know your obligations
- Know your duty
- Know you are covered

# Law

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## Misuse of Drugs Act 1971

- There is a potential criminal liability for Managers and Directors who knowingly allow, or at the very least tolerate, the use of controlled drugs on company premises. This can lead to fines, imprisonment or both.

# Law

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## Health & Safety at Work Act 1974

- Employers have a duty to ensure the health, safety and welfare at work of all employees. Employers must manage employees in a way that ensures that people are not exposed to health & safety risks. If a Manager knowingly allows an employee under the influence of drugs to continue working and their behaviour places themselves or others at risk then they can be prosecuted.

# Law

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## Road Traffic Act 1988

- Any person who, when driving or attempting to drive a motor vehicle on the road or other public place, is unfit to drive through drugs or alcohol shall be guilty of an offence. An offence is committed if a person unfit through drugs or alcohol, is in charge of a motor vehicle in the same circumstances.

# Law

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## Transport and Works Act 1992

- It is an offence to knowingly allow certain workers to work on rail, tram and other guided transport systems when unfit through drugs or alcohol. Operators of such systems must exercise due diligence to avoid those workers being unfit for work.
- *NOTE: many companies CRB check but do not check if their staff are "fit or safe for work" (bus drivers taking our kids to school!)*



# Law

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## Management of Health and Safety at Work Regulations 1999

- The Management Regulations generally make more explicit what employers are required to do to manage health and safety; they apply to every work activity. The main requirement on employers is to carry out a risk assessment, record significant findings, make arrangements to implement necessary control measures, appoint competent people and arrange for appropriate information and training.

# Law

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## Corporate Manslaughter/Homicide Act 2007

- The Act sets out a new offence for convicting organisations where failure in the way activities are managed or organised results in a person's death. It applies across both public and private sectors.
- It means that those who disregard the safety of others at work, with fatal consequences, are much more vulnerable to extremely serious criminal charges.

# Safeguards for employees

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- Robust, detailed policy – sets rules and responsibilities
- PROTECTS their Human Rights – “your human rights stop where you start effecting someone elses” (Lord Faulkner)
- Come to work knowing they are “safe”
- Health risks, education, reason to say no
- Choosing a **Quality Assured** partner will ensure confidence in the process and policy

# Is testing needlessly intrusive?

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- **NOT IF CARRIED OUT CORRECTLY!**
- Choose the right partner
- Train and Educate – both managers & staff
- Choose the right testing methods
- Have robust procedures – Chain of Custody
- Steps in place to maintain donor's dignity

# Benefits of drug testing

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- Gives managers the tools to take **responsible** action
- Creates a healthier & safer workplace
- Give a reason to say “no”
- Helps prevent accidents
- Positive impact on wider community
- Can save lives
- Not the only answer – must be part of a multi-pronged strategy



# How Accurate and Confidential?

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- 2 parts to any test – screen and confirmation
- Screen – usually 95%+ accurate (dependent on methods)
- Confirmation – 100% accurate
- Medical Review
- If carried out **professionally** with full chain of custody – testing is 100% legally defensible
- Policy & Procedures must be robust – not open to challenge
- Random selection. Process. Audit trail

# How Accurate and Confidential?

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- Internal confidentiality – employers' and managers' responsibility
- External confidentiality – data protection (Registered with the ICO)
- Policy should set rules
- All should know their responsibility
- Details of drug & alcohol tests etc – kept in a separate file – not in personnel file

# Legally sensitive areas – you must...

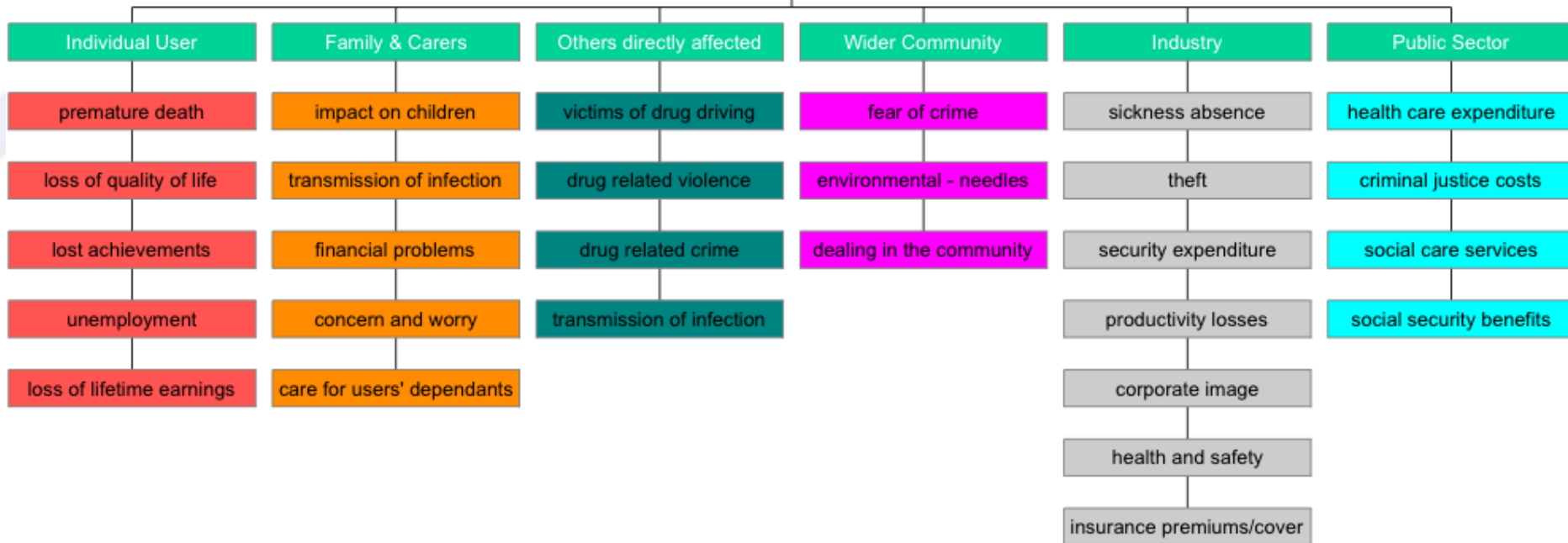
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- Safeguard employees' confidentiality
- Ensure the policy is clearly communicated
- Establish procedures to thoroughly investigate alleged violations
- Provide due process and ample opportunity for response to allegations
- Ensure quality control and confirmation of all positive screen tests (where testing is included)

# Scale of Consequences

## END USER CONSEQUENCES

### DRUG CONSEQUENCES



# Your company & employees could benefit

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## Ask yourself.....

- How many organisations are you aware of that pro-actively manage out Drugs & Alcohol abuse?
- What elements of their policy are most effective in the management of Drugs & Alcohol abuse?
- What parts of your organisation do you consider could be affected by Drugs & Alcohol abuse?
- Do you think your organisation could function better if you took your Drugs & Alcohol policy to the next level?

# In summary

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- Choose the right “accredited” partner
- Get your policy right – keep up to date
- Include ongoing training and education
- Include assistance and treatment
- Include testing – PreEmployment, Random, For-Cause, Employee Compliance etc
- Follow up all confirmed positive tests with a disciplinary procedure – testing will only work where people experience negative consequences if discovered

# In conclusion

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- With the wealth of statistics indicating drugs is a problem in our society, it seems illogical and costly for employers to think that drug and alcohol abuse stops at the employer's gates. A policy should be introduced and it should be embraced and implemented by the employer



# In conclusion

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- Your policy should clearly indicate to employees the employer's stance on drugs and alcohol abuse in the workplace and to be effective, such policies should include an element of screening (Pre-employment, Un-announced & For-cause), training and education

# Questions? Need Further Information?

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Thank you. Any Questions?

- 30 minutes is not enough!  
For an initial confidential chat contact:

ScreenSafe UK Ltd  
Tel: 08450 505590

to arrange a detailed, unbiased and professional discussion about the benefits (to both the employer and the employee) of introducing and maintaining a robust Drugs and Alcohol policy