

Throughout this document “the Company” refers to Yamazaki Mazak UK Ltd and/or Jonathan Lee Workforce Solutions Limited where appropriate.

Drug and Alcohol Policy & Procedure

Introduction

The Company has set out this policy to help ensure the health, safety and welfare of its colleagues and applies to all colleagues, contractors, and agency staff engaged in the duty of the business.

Purpose

This Policy aims to:

- Ensure that the Company complies with its legal obligations to provide a safe and healthy working environment.
- Raise awareness of the effects of drug and alcohol misuse and its symptoms.
- Ensure that colleagues are aware of their responsibilities regarding drug and alcohol abuse, and the related problems.
- Protect colleagues from the dangers of drug and alcohol misuse.
- Offer support to those colleagues who have asked for help with dependencies.

Legal Compliance

This policy supports the Company’s compliance with relevant appropriate legislation.

- Section 2(2)(e) of the Health and Safety at Work Act 1974 places a duty on employers to provide a safe and healthy working environment.
- It is an offence to supply, produce, offer to supply or produce non-prescription drugs.
- The Misuse of Drugs Act 1971 makes it an offence for the occupier of premises to permit knowingly the production or supply of any controlled drugs or allow the smoking of cannabis or opium on those premises.
- The Psychoactive Substances Act 2016 makes it an offence to produce, supply, offer to supply, possess with intent to supply, possess on custodial premises, import or export psychoactive substances; that is, any substance intended for human consumption that is capable of producing a psychoactive effect.
- The Road Traffic Act 1988 (RTA) states the prescribed limits for alcohol consumption, with regards to driving on a public highway. These limits are the basis for any alcohol testing that the company instigates. The Act states that, for drugs, where there is not a common medicinal use, a “zero-tolerance” approach to setting limits is adopted. Again, the company would use this statement with regards to drugs testing.
- It should also be noted that it is also an offence to aid or abet any of these offences.

Non -Prescribed Drugs

Any reference in this Policy to a non-prescription drug refers only to controlled or illegal substances and does not refer to medicines, supplements and similar substances that are legally and commercially available in the United Kingdom.

Testing

The policy covers the testing process for “for cause” (including where there is a reasonable suspicion that a colleague is under the influence of drugs and/or alcohol) testing and post incident testing.

This policy applies to all Yamazaki Mazak colleagues and all contractors and agency workers employed within the business, although in the event that disciplinary action is required for the latter category, it will be the responsibility of the agency to administer.

With regards to contractors, the Company will expect these groups to operate to the same drug and alcohol standards in regards “for cause” and “post incident” testing. As soon as a non-negative result is determined for drugs or a positive result for alcohol, the colleague’s managing organisation will be informed, and the colleague will be asked to leave the site. The Company reserves the right to exclude the colleague from attending the Company site in the future.

Definitions

Substances Abuse is divided into three categories:

- Alcohol dependence/impairment
- Taking or possessing illegal drugs (i.e., controlled under the Misuse of Drugs Act 1971)
- Solvent abuse (inhalation of glues and gases)

The drugs that are generally tested for will be:

- Amphetamines
- Benzodiazepines
- Barbiturates
- Cannabis
- Opiates.

This list is not exhaustive and other drugs under the Misuse of Drugs Act 1971 may be tested for.

Colleagues must not:

- Report or try to report for work when unfit due to the influence of alcohol, drugs (whether illegal or not), or substance abuse.
- Be in possession of alcohol, or illegal drugs (including but not limited to heroin, cocaine, ecstasy, amphetamines, and cannabis/marijuana) in the workplace.
- Consume alcohol or use illegal drugs or abuse any substances whilst at work or during break times.
- Possess or deal in illegal drugs on Company premises.

If a colleague tests positive for drugs (irrespective of they appear fit or unfit for work) then they may be subject to disciplinary action.

If the colleague is found in possession of alcohol or drugs, this will be considered a Gross Misconduct offence, potentially resulting in summary dismissal. If the colleague is in possession of drugs, the police will also be informed.

There are two exceptions to this, with regards to being in possession of alcohol:

- 1) A colleague being allowed to consume alcohol on site is when it forms part of a customer or company event (and the employee does not partake in any hazardous activity) or has been given as a gift (i.e., Christmas, retirement, etc.). The alcohol must remain unopened and consumed offsite.
- 2) A colleague may be in possession of alcohol when taking part in a client visit, and the subsequent dinner / entertaining / team building that takes place afterwards.

Reasons for Testing

Where there is a reasonable suspicion that a colleague or contractor has drugs in their system or is found to be under the influence of alcohol, the Management Team will instigate drugs and / or alcohol testing.

Where such an occasion has arisen and, following an investigation, it is found to be correct, then disciplinary action will be taken.

In addition, drug and alcohol testing will also be carried out following any significant near miss or accident, where a Line Manager feels that it is warranted. In such a situation, the Line Manager will discuss the matter with the HR Department who will arrange any testing as appropriate.

The following list, which is not exhaustive, shows examples where the Company may require a colleague to be tested for drugs and/or alcohol:

- An accident, near miss, or speeding involving a company vehicle.
- An accident or a reported near miss involving equipment such as cranes, forklift trucks etc.
- Inappropriate use of plant machinery
- A reported incident under RIDDOR
- Assault, or any other significant incident
- Unusual behaviour such as inability to walk, stand, focus on a task, speak clearly.

Procedure for Testing

In all instances where a “for cause” or “post incident” test is required, including reasonable suspicion, the colleague will undergo a breath test for alcohol and a urine test for drugs. These will be conducted by a Collection Technician from a UKAS Accredited Collection Service. The Company’s Occupational Health Provider will ensure that a third-party provider is available to attend site at any time, as required, subject to a 2 hours ‘window’.

The colleague will not be allowed to leave site before the full drug and alcohol tests have been completed. If they leave the site before the tests are completed, this will be construed as refusal to partake in the testing process, and disciplinary proceedings will ensue as though a positive result following testing had been found. However, consideration should be given to the shift end times and the practicability of a colleague staying onsite beyond the end of their shift.

The test will be conducted in a private environment. From the time the need for a test is determined until the test is carried out, the colleague will be supervised at all times and not be permitted to continue working. The colleague will be afforded the opportunity to be accompanied by a colleague or a Trade Union representative to act as a witness. If the colleague is an Apprentice under the age of 18, then their parent / guardian / carer will be informed and invited to accompany them for the duration of the testing and any meeting held thereafter.

As part of the drug test, the third-party provider will ask about medications that the colleague may have taken or be taking. They will be required to list them accordingly on a questionnaire. In certain cases, medication taken on prescription may impact on the test result.

Two samples will be taken; one will be tested immediately; the second test is needed in the event of a non-negative or positive test result from the first sample.

Trained Mazak Colleagues

The Company may decide that certain colleagues within the business are to be trained to carry out drug and alcohol testing. This is solely in the event of the Occupational Health Provider not being available to provide a service on a specific date or time; for example, at the time of an alleged accident and testing for cause is needed.

Negative results for drugs and alcohol

Where a negative result is found for drugs and alcohol when tested, the colleague will be allowed to return to work and no further action will be taken in respect of the Drug and Alcohol Policy. It should be noted, however, that depending on the incident, other action, unrelated to drugs and alcohol, may be taken.

Positive results for alcohol

As stated, the Company will follow the current UK limits as outlined in the Road Traffic Act 1988 for alcohol within the body.

If the colleague has tested positive for alcohol, the colleague will be immediately sent home from work for the remainder of that shift / working day. As the colleague is in excess of the drink drive limit, the colleague must not be allowed to drive a vehicle from the site. The Company will provide transport to the colleague's home address (at the Company's expense if required). The colleague will be suspended on full pay pending a disciplinary process, which will be scheduled as soon as possible. The Company may regard this matter as Gross Misconduct and may take disciplinary action up to and including dismissal.

Non-negative and positive results for drugs

On occasion, a result may be non-negative. This is where the result is not a clear positive. In the event of a non-negative result for drugs, the second of the two samples taken will be sent by the approved screening company to an approved laboratory for confirmation analysis.

If the colleague states that they are not taking any medication (when questioned), they should be immediately sent home from work for the remainder of that shift/working day and must not be allowed to drive a vehicle from the site. The Company will provide transport to the colleague's home address and will be at the Company's expense if required. The colleague will be suspended on full pay pending further investigation.

The laboratory investigation will return either a positive or negative result once they are in receipt of the sample. This will confirm whether the result is consistent with any prescribed medication as stated. If the drugs test result is subsequently found to be negative and the colleague is on suspension, they should be asked to return to work as soon as possible.

Where there is a positive drugs test result, disciplinary proceedings will be instigated as soon as possible. The Company may regard this breach of policy as Gross Misconduct and may take disciplinary action up to and including dismissal.

Refusal to take test or attempt to frustrate the process

The following may also be construed as a positive result:

- Refusal to provide a urine sample or take part in a breath test, or failure to do either within a reasonable period of time.
- Any attempts to frustrate the process.
- Refusal to sign a consent form.
- Any attempt to tamper with or adulterate a sample in these cases the matter may be regarded as Gross Misconduct. Following an appropriate investigation, sanctions may be applied up to and including dismissal.

Colleagues with drug and/or alcohol dependency issues

Colleagues with drug and/or alcohol dependency issues are encouraged to seek help and support before a breach of this policy has occurred. Raising dependency issues at the time of a 'for cause' test, may not impact upon any subsequent disciplinary action. Those colleagues with dependency issues should contact the HR Department to arrange for support and guidance from the Occupational Health Provider. The Company will be fully supportive in this matter where colleagues are open and honest about their dependency. Following an agreed rehabilitation plan, if the colleague continues to be a risk (i.e. still dependant), then they may be subject to disciplinary action, which could include dismissal.

Available help

The Company will try to ensure that advice and specialist help are made available to a colleague if they have a dependency to alcohol, drugs or substance abuse. This is also the case for anyone that considers themselves to be a "casual user." The colleague's situation will be dealt with confidentially, as above with support from the company's Occupational Health Provider.

Prior to commencing employment, all new colleagues should be made aware of this policy.

Confidentiality and document control

The Company will treat all incidents where a drugs and alcohol test is required with respect for the privacy of the colleague. The matter will always be considered confidential and will only be discussed with people on a strict need to know basis. All documents related to the drugs and alcohol testing process and, in the event that it is necessary, any subsequent disciplinary action will be kept confidentially and securely.

Results from laboratory analysis of drug tests will be emailed by the Occupational Health Provider to the Human Resources Manager, who, having taken action as necessary, will ensure positive results are filed securely by the Occupational Health Provider.

Negative results for drug and alcohol will be destroyed, however, a record that the test took place will be kept by the HR Department.

Colleagues with underlying medical concerns

The disciplinary procedure may be suspended for a reasonable period of time, pending investigation as to whether the colleague has a medical problem which is amenable to treatment and, if so, for that treatment to be undertaken. Whether the disciplinary procedure is suspended will depend on:

- the nature of the alleged offence
- evidence of a health-related problem
- the colleague's willingness to be treated and to participate in any required medical assessment
- whether or not the colleague is in their probationary period

If the colleague declines to undergo appropriate treatment or discontinue treatment before it is satisfactorily completed, the colleague will be subject to the normal disciplinary procedure.

Any period of absence from work for treatment as agreed will be treated as normal sickness and normal sick pay arrangements will apply.

If the colleague does not follow the agreed/recommended course of treatment or if it is ineffective, lapses in the colleague performance, conduct or attendance will be dealt with in accordance with the normal disciplinary procedure or sickness absence procedure as appropriate.

Appendices:

DRUGALCIF01 Drug and Alcohol Testing information Sheet

Procedure:	Drug and Alcohol Policy
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