



Drug and Alcohol Policy

MRPOL002/01/0423

Last Reviewed: 04/2023

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Owner: David Hopley

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1 Introduction

This statement sets out MDA Rail Ltd.'s policy in respect of any staff/contractor/sponsored individual whose proper performance of their duties is or may be impaired as a result of drinking alcohol or taking drugs.

Our policy is supported by the Rule Book, Lifesaving Rules and Network Rail Standard NR/L1/OHS/00120 on Alcohol, Drugs, Substance misuse in the workplace and the Transport and Works Act 1992. It is a criminal offence under Section 27 of the Transport and Works Act 1992 to undertake safety critical work while unfit to do so through alcohol or drugs, you may also be subject to 'for cause' testing by a police officer. Provided that individuals adhere to the provisions of this Policy they will normally be able to demonstrate compliance with the Act.

2 Education and Training

All persons concerned will be made aware of this policy statement and become familiar with its content.

Briefings will be conducted with all new starters and the current Network Rail brief will be issued.

Drugs and Alcohol related matters will be focused within toolbox talks, safety campaigns and newsletters.

3 Policy

MDA Rail Ltd will take all reasonable steps to ensure that individuals are made aware of the contents of this statement, together with the relevant sections of the Transport and Work Act 1992 and the implications therein. Furthermore, MDA Rail Ltd will have in place procedures to prevent, in so far as is reasonably practicable, an offence under the Act and a monitoring process to measure the effectiveness of such procedures.

Individuals who are to undertake a safety Critical position or hold a position which could impact safety for MDA Rail, will be subject to all levels of Alcohol and Drugs testing and prove negative for alcohol as well as drugs.

Individuals will be Alcohol and Drugs tested when undergoing any SENTINEL medical examination, whether initial or subsequently and any routine age-related medical examination.

The following Network Rail standards on Drugs and Alcohol also apply.

- NR/L2/OHS/00120 Alcohol, Drugs, Substance misuse in the workplace
- RIS-8070-TOM Testing Railway safety critical workers for Drugs and Alcohol

4 General Rules

It is a requirement of MDA Rail Ltd that;

- All individuals should be aware that the consumption of Alcohol, even in small quantities, and the consumption of use of any drugs might adversely affect their safety, performance, conduct or efficiency, as well as the safety and wellbeing of others.

And no individual shall;

- Report or endeavour to report for duty having just consumed alcohol or be under the influence of drugs.

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- Report for duty in an unfit state due to the use of alcohol or drugs.
- Be in possession of drugs of abuse in the workplace.
- Possess or supply any illegal drug or other drug of abuse in the workplace or while at work/paid duty.
- Consume alcohol or take any illegal drug or other drug of abuse in the workplace or while at work/paid duty.
- Attend the work place, which includes but is not limited to training centres/events, signal boxes and Network Rail depots/property while under the influence of alcohol and or drugs.
- Shall not discontinue a course of treatment for a drug or alcohol related problem, that has been agreed with their Supervisor/ Consultant.

5 Screening

MDA Rail operates a programme of screening. This includes procedures to:

- Detect the use of drugs and alcohol by both existing and potential individuals.
- Detect the use of alcohol and /or drugs by any person(s) involved in a Safety Critical Incident where there are grounds to suspect that the actions of the person(s) led to the incident.
- Detect the use of alcohol and /or drugs where abnormalities of behaviour prompt managerial intervention (which may include a request for screening)
- Detect through pre-employment briefing, self-declaration and testing.
- Carry out random unannounced testing for Alcohol and drugs for a minimum of 20% of Safety Critical sponsored individuals or individuals that could impact safety annually between Audits
- Test individuals who are transferring to safety critical work posts or to posts which require PTS certification, through pre-appointment testing.
- Test by means of periodic (age-related) medical examinations.
- Monitor the rehabilitation programme and post treatment monitoring.

6 'For Cause'

- If you are tested 'for cause', you will be released from duty until the test result is known.
- If you are hospitalised as a result of an accident or incident at work you will only be subject to 'for cause' testing with the consent of the medical practitioner in charge of your case. A decision will be made on testing as soon as possible following the accident/Incident.
- Speak out; if you suspect that an individual on a worksite containing multiple employers may be under the influence/misusing alcohol or drugs or you have any concerns over fellow colleagues then you should report these to your Supervisor/ Consultant.

7 Random Unannounced Testing

- Random unannounced drugs and alcohol testing will be implemented following our non-discriminatory process. Testing could take place at any time while you are at work and will include an evidential breath test. Normally you will not be notified that you have been selected for testing until just before the test.
- Testing will be carried out in order to minimise disruption to normal operations, and prevents health and safety being compromised.

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- We will not require our rostered employees or contractors to remain at work past their booked hours.

8 Sample Collection

- Collection of urine samples shall only be undertaken by a Network Rail approved provider who is accredited under the RISQS supply chain system in the relevant product groups.
- Specimens are collected using a strict 'chain of custody' procedure. This protects your safety, health, confidentiality and dignity.
- Testing will be carried out on urine and breath samples or blood and hair, when a sample cannot be provided due to medical reasons.

9 Prescribed and un-prescribed medication

- It should also be noted that MDA's policy forbids the abuse of substances that are legal in themselves, but are subject to misuse such as glue, solvents etc. In addition, many medicines obtained with, or without a prescription can affect performance at work. Examples include tranquillisers, anti-depressants, sleeping pills, some anti-histamines for hay fever, and some medicines for coughs, colds and indigestion.
- In compliance with the policy, you must, before taking or reporting for work, check that any medication whether purchased over the counter or prescribed is not going to affect your work performance and the requirements of this policy. Therefore, you must inform your GP or Pharmacist as to the type of work you undertake and seek their advice, then, you must report this to your client representative / consultant giving details of what you are taking, how much and any side effects listed and the recommendations of the Pharmacist or GP. The client representative / consultant will then seek further advice from the client's/ company's medical advisor and give you clearance to work or not as the case may be.

10 Declaring Medication

- Before your sample is taken you will be given the opportunity to declare to the testing provider any medication you may have taken.
- It is important you declare all medication details to the testing provider.
- If you do not declare medication at this stage, it cannot be taken into account once the results have been confirmed.
- You will be notified of the test result, including details of any positive result, and given a copy of the certification.

11 Refusal

- Refusal to take an Alcohol and Drugs test will be treated as an automatic positive result. Sentinel will be informed and your sentinel card will be cancelled forthwith and should be surrendered to MDA Rail as soon as possible.

12 Results

- Results of Alcohol and drugs will be recorded as follows
 - A. A Reported 'negative' result will be recorded as a pass

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- B. A reported 'positive' result will be recorded as a fail
- C. No result – Undeclared medication will be recorded as No result
- D. No result – Reason specified will be recorded as No result
- For all cases of “No result” you will be retested at the discretion of MDA Rail Ltd.
- Results of all Drugs and Alcohol tests will be automatically recorded on the sentinel database and will be disclosed to both existing and potential rail industry employers who have access to sentinel.
- If a “Positive” result is reported you shall be considered in breach of the policy and therefore shall not be permitted to undertake any work which requires PTS certification or is designated as Safety Critical Work post for a period of at least 5 years from the date of the test.
- You have the right to appeal your positive result within 30 days of confirmation of your result. All appeals must be in writing to your Primary Sponsor. Any appeal after this shall not be considered.
- Your consent shall be obtained prior to other confidential medical details being shared. Breaches of confidentiality will be subject to our fair culture investigation process.

13 Alcohol

You are considered 'unfit through alcohol' and in breach of the policy If you have:

- 1) More than 29 milligrams of alcohol per 100ml of blood or
- 2) More than 13 micrograms of alcohol in 100ml of breath or
- 3) More than 39 milligrams of alcohol in 100ml of urine

If you are not at work and are called in unexpectedly, you should not go if you have recently consumed alcohol – you are not exempt from the alcohol and drugs policy.


Remember, you are responsible for the amount of alcohol in your body.

14 Cannabis

Modern drug tests can tell the difference between passive and active smoking of cannabis, so claiming that you have accidentally inhaled it will not be accepted as an explanation for a positive test.

15 Rehabilitation

- MDA Rail Ltd has a policy of assistance with the rehabilitation of anyone who voluntarily seeks help for alcohol or drug related problems. Individuals must, however, seek assistance at the earliest possible opportunity.
- If you don't get help and subsequently fail a drugs or alcohol test, your dependency cannot be taken into account and we will not be able to provide you with support or counselling.
- It will be too late if you:
 - A. Are involved in an accident or incident at work
 - B. Are called for a test
 - C. Fail a drugs or alcohol test

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- If you have concerns about a colleague, tell your supervisor, manager, or consultant. They will treat your report in confidence and will make arrangements to discuss the matter with your colleague.

MDA Rail Ltd will not tolerate any departure from these rules and will take the appropriate disciplinary action in the event of any infringement.

Anyone who refuses to sign to confirm their understanding and acceptance of this policy and the testing arrangements, shall not undertake safety critical work, or work requiring PTS certification.

16 Policy Review

This policy will be reviewed annually, when circumstances indicate a change is needed or when legislation is introduced that necessitates change.

Signed by:

David Hopley

Title: Managing Director

Date: April 2023

Any personal data collected in line with this policy will be stored and used in line with our Data Protection Policy, Retention Policy and Privacy Notice.