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**"A warm welcome with pub grub - at our tables or delivered to yours"**

## **ALCOHOL AND SUBSTANCE MISUSE POLICY**

### **Policy**

This policy is designed to give clear guidance on the management of alcohol and substance misuse in the workplace.

In compliance with the Health & Safety at Work Act 1974 (Section 2) Inn Cornwall Limited is committed to providing a safe working environment. This includes, as far as is reasonably practicable, promoting the good health and wellbeing of all of our employees.

It is the purpose of this policy to ensure that the use of alcohol or substances by any employee or any other person(s) associated with Inn Cornwall Limited does not impair the safe and efficient running of the business or put at risk the health, safety or welfare of its employees, customers, suppliers or members of the general public.

Inn Cornwall Limited also recognises the importance of balancing respect for individual privacy with the need to maintain a safe, secure and productive working environment free of substance misuse.

Inn Cornwall Limited is aware that in some instances, alcohol and/or drug dependency is defined as an illness. Inn Cornwall Limited actively encourages those employees who are experiencing difficulties with alcohol, drugs or any other substance to seek help. Where appropriate, we will offer assistance in seeking relevant and evidence based treatment. In these cases normal sickness absence procedures will apply. Confidentiality is assured in all cases.

### **Scope**

This policy applies to all employees of Inn Cornwall Limited regardless of their job function. This policy is applicable to all Public House premises and vehicles.

The Public House will undertake and regularly review risk assessments to identify and assess the risks associated with alcohol and substance misuse. The risk assessments will consider the scope of all work



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activities undertaken by the Inn Cornwall Limited (in particular any safety critical operations) to determine the appropriate policies and arrangements for managing the risks associated with alcohol and substance misuse by employees and, where relevant, contractors, customers and the public.

It is considered gross misconduct for an employee to be impaired due to alcohol, drugs or substances on Public House premises.

**Definitions of terms used in this Policy**

Alcohol - Includes, but is not limited to distilled spirits, liquor, beer, wine, malt liquor, or any other intoxicants used for beverage purposes.

Public House Premises - To include all premises the Company/Public House has responsibility for and includes all Company/Public House vehicles. This policy also applies to all occasions where employees are on Public House premises, unless suspended with the agreement of a member of the Senior Management team.

Drugs - Any psychoactive substance (those drugs that affect mood, thought process or perception), available both legally and illegally. A non-exhaustive list would include all those drugs covered by the Misuse of Drugs Act (1971) and The Medicines Act (1968).

Dependency - Where the user has adapted physically and/or psychologically to the presence of alcohol, drugs or substances and would suffer if they were withdrawn abruptly.

Illegal Drugs - All those drugs covered by the Misuse of Drugs Act (1971).

Impaired (Alcohol) - In terms of this policy any person who has Breath Alcohol Concentration that exceeds 35 micrograms per 100 ml (to be confirmed by an appropriate test) is deemed to be impaired due to alcohol and therefore in breach of this policy.

Impaired (Drugs) - In terms of this policy, any person found to have consumed illegal drugs or used drugs in an unsanctioned or unreported way (to be confirmed by an appropriate test) is deemed to be impaired due to drugs and therefore in breach of this policy.

Misuse - This applies to using alcohol, drugs or substances in an unsanctioned way. For example any illegal drug use, or using drugs for non-medical purposes without proper direction to do so from an appropriately qualified person such as a medical doctor or pharmacist. It also applies to using alcohol, drugs or substances in a way that are harmful / hazardous to the individual or to others and which are likely to distort perception and response when at work.

Substances - Includes but is not limited to alcohol, drugs and solvents.



## Guidelines and Rules

Inn Cornwall Limited policy is that the working environment should be free from the influence of alcohol, drugs or substances. This policy will help to ensure that the health and safety of our employees, and others with whom they come into contact, maintain the efficient and effective operation of the business, and to ensure our customers receive the quality service they require. For those reasons the following rules will be strictly enforced.

No employee shall:-

- report or try to report to work whilst impaired due to alcohol or drugs (whether illegal or not)
- Be in possession of alcohol or illegal drugs on Public House premises. Unopened containers of alcohol will be permissible where alcohol is purchased for consumption outside of work
- Consume alcohol, illegal drugs or take any substance in an unsanctioned way whilst at work or whilst representing Inn Cornwall Limited
- Attempt to sell, distribute or supply alcohol whilst on Public House premises or whilst representing Inn Cornwall Limited unless in the capacity for which you are employed
- Attempt to sell, distribute or supply drugs which contravene the Misuse of Drugs Act 1971 and the Medicines Act 1968, whilst on Inn Cornwall Limited premises or whilst representing the public house. Any contravention of this, without exception, will be reported to the Police.

Employees may consume alcohol:-

- At public house arranged functions where such consumption has been authorised by the Senior Management Team. Such functions will, where possible, be arranged for times when employee(s) do not have to return to work having recently consumed alcohol. However, if alcohol is consumed they must not drive a vehicle or return to work on any of the Public House premises/sites whilst over the statutory driving limit
- If it is in the necessary performance of their duties (for example during production, at a networking event, marketing or as part of a Public House social event)
- If it is authorised by the owner.

Authorised drinking of alcohol on Public House premises must be undertaken in a moderate and sensible fashion. Employees must also be aware that their behaviour should remain within acceptable boundaries even if on an organised or impromptu work social.

The Public House supports sensible drinking initiatives.

Employees must remember that they are acting as ambassadors of Inn Cornwall Limited and their behaviour is appropriate, lawful and does not offend, harass or irritate others present, nor does it in any way, bring Inn Cornwall Limited into disrepute or undermine our brands.



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Contravention of these rules is a very serious matter and the Public House will take disciplinary action in the event of an infringement under the Public House's disciplinary procedures, which may include dismissal.

### **Employer Responsibilities**

Within this policy, there are specific responsibilities to be undertaken by all managers and supervisors. Action needs to be taken in the event of an incident/accident or an individual showing signs of impairment due to alcohol, drugs or substances. All managers have a responsibility to ensure that the procedures of this policy are properly enforced and followed.

### **Senior Management**

- To ensure that this policy is implemented throughout Inn Cornwall Limited
- To notify all employees and workers of this Alcohol & Substance Misuse Policy and supporting procedures
- To monitor the effectiveness of this Policy on an ongoing basis.

### **Line Managers, Supervisors and Team Leaders**

- To ensure that the health and safety of those individuals under their management or supervision is not endangered through the misuse of alcohol or substances in the workplace
- To take the appropriate action against those individuals whose job capability is impaired due to alcohol or substances
- To take the appropriate action against those individuals who are in contravention of this Policy.
- To refer to the owner those individuals who volunteer that they may have an alcohol, drug or other substance dependency.

### **Employee Responsibilities**

- Under the Health & Safety at Work Act 1974 (Section 7a) all employees have a duty of care not only for their own health and safety, but the health and safety of others who may be affected by their acts or omissions.
- Employees should familiarise themselves with this policy and the implications arising from a breach of this policy.

It should be recognised that prescribed and over-the-counter medicines may cause impairment to an individual's performance at work. It is therefore the employee's responsibility to seek advice from their GP or pharmacist on any medicines they are taking. They should inform their line manager or any other manager they wish, of any possible side effects of their medication. Any medical information will be treated in strictest confidence.

Employees with genuine concerns about any colleague in relation to alcohol and substance misuse or dependency should be made aware of their responsibility for taking those concerns to their Line Manager,



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with the relevant supporting evidence. Such concerns will be taken seriously and mechanisms for dealing with them are in place. Any persons working for Inn Cornwall Limited should feel able to raise genuine concerns appropriately without fear of victimisation however, this must be done with proper regard to principles of veracity and confidentiality.

Where the rules of this policy are contravened, dismissal may result on the grounds of gross-misconduct under the Public House's disciplinary action. Employees should refer to the Public House's disciplinary procedures for information.

### **Accepting drinks from customers**

As a rule it is not permissible for staff to consume alcoholic drinks whilst on duty. Any drinks bought for them by customers should be consumed when off duty. No money can be taken in lieu of the drink offered.

### **Help and Support**

Inn Cornwall Limited will endeavour to ensure that advice and specialist help are made available to any employee who feels they have a problem relating to alcohol, drugs or any other substance and seeks help from the Public House.

Any employee who seeks the assistance of the Public House in obtaining help and support for an alcohol, drug or other substance problem is assured of their confidentiality being respected.

Early identification and treatment is essential to ensure that problems for both the employee and the public house are avoided. It is very important therefore that employees who feel that they may have a problem with alcohol, drugs or substances should come forward and seek assistance at the earliest possible opportunity. Employees should contact their line manager or the owner who will arrange for the appropriate course of treatment or rehabilitation programme to be made available.

During any period of absence from work for agreed treatment, the Public House's normal sick pay arrangements will apply and absence for treatment will be treated as normal sickness.

If an agreed or recommended course of treatment is not followed by an employee or is ineffective and occurs concurrently with lapses in the employee's performance, conduct or attendance then they will be dealt with in accordance with the Public House's normal disciplinary or sickness absence procedures as appropriate. This includes any matter arising prior to the disciplinary procedure being suspended.

Testing may be carried out to ensure compliance with the treatment and recovery programme. This option will be agreed with the employee before the commencement of the treatment and recovery programme.



The aim of treatment and rehabilitation is to ensure optimum recovery and return to work.

Any employee with a dependency to alcohol, drugs or substances who only declares they have a dependency when a serious misconduct issue has arisen or before a test takes place or where they are proven to be in breach of this policy will be subject to the same disciplinary procedures as any other employee who breaches this policy.

### **Screening and Testing**

Screening and testing applies to all employees of Inn Cornwall Limited. The purpose of screening and testing is to ensure that due diligence is exercised and to deter and/or detect individuals working on Public House premises whilst being impaired due to alcohol, drugs or substances.

Screening and testing will take place in the following circumstances:-

**Intervention Testing** - Where it is suspected that an individual is in breach of this policy or where it is suspected that an individual is impaired due to the use of alcohol, drugs or substances, testing may be used as part of an assessment process.

**Post-Accident/Incident Testing** – As part of an accident/incident investigation, testing may be carried out on those individuals involved, where possible, to determine whether or not alcohol, drugs or substances may have been a contributory factor.

**Help and Support** - If an individual's performance is affected through a dependency to alcohol, drugs or substances or where they are being supported by the Public House for an alcohol, drug or substance dependency they may be required to undergo monitoring testing.

The Public House will use breath testing for alcohol and saliva testing for drugs but reserves the right to use other approved methods of testing if necessary.

Should an employee refuse to consent or provide a sample for testing they will be suspended immediately on full pay, pending the outcome of disciplinary proceedings. The Public House reserves the right to treat a refusal the same as a positive result.

### **Screening and Testing Procedures and Protocols**

#### ***Alcohol – Intervention/Post Accident/Incident***

The test will be carried by a nominated Public House representative who has received certificated instruction.

The test will comprise of a breath sample collection using a calibrated digital alcolmeter, similar to those employed by the police.



The procedure for the administration of this test is as follows:-

The employee will be removed from their duties and asked to wait in a private area/room, where the nature of the test will be explained and the implications of a positive test result or a refusal to consent to the test.

Upon the arrival of the nominated Public House representative, the employee will be asked to complete and sign a consent form to enable the test to take place. Failure or refusal to complete this will be viewed as a positive test result and the appropriate disciplinary proceeding will be implemented.

If the test shows a breath alcohol level of zero, then the alcohol test will be deemed a negative result.

If the test shows a breath alcohol level above zero, whether over or under the Public House limit of 35 micrograms per 100 ml breath alcohol concentration a further test will be performed at least 20 minutes later to validate the first test result.

If the second test is positive, (over 35 micrograms per 100 ml breath alcohol concentration) and therefore confirms the first, the employee will be suspended on full pay and safely removed from Public House premises pending the implementation of disciplinary proceedings.

If the second test is not higher than the first and is below 35 micrograms per 100 ml then the result will be recorded and the Public House will review the test result before determining the next stage of the investigation. For example, where the employee has been at work for more than one hour the Public House reserves the right to use the test result to determine whether the employee would have been above the Public House limit of 35 micrograms per 100 ml when attending work.

Employees will not be allowed to resume any work which the Public House considers to be safety critical or otherwise likely to be affected by the consumption of alcohol but will either be deployed to other work or be sent home on full pay. Depending upon the circumstances action may be initiated under the disciplinary procedures.

#### ***Drugs – Intervention/Post Accident/Incident***

The test will be performed by a nominated Public House representative who has received certificated instruction.

The procedure for the administration of this test is as follows:-

The employee will be removed from their duties and asked to wait in a private area where the nature of the test will be explained and the implications of a positive test result.



Upon the arrival of the nominated Public House representative the employee will be asked to complete and sign a consent form to enable the test to take place. Failure or refusal to complete this will be viewed as a positive test result and the appropriate disciplinary proceeding will be implemented.

The nominated Public House representative will collect the saliva sample in accordance with strict chain-of-custody procedures. The drug test requires that the individuals provide a sample of their own saliva.

The saliva sample will be tested on site using an approved rapid saliva test and where a non-negative reaction is obtained two further samples will be required and both will be delivered to an approved laboratory following strict chain-of-custody procedures, where it will undergo confirmation analysis to ascertain the exact identity of the substance(s) found following the onsite test. The employee will be suspended from work on full pay pending the outcome of the laboratory result.

If the approved rapid saliva test is negative, the employee will be informed accordingly and, if appropriate to do so, will return to work. However, where impairment is still an issue they will be referred to the owner.

If the laboratory confirmation analysis result is positive then the employee shall remain suspended from work on full pay pending the implementation of disciplinary proceedings. The samples will be stored by the laboratory where a positive confirmation analysis result is recorded.

### **Misuse of Testing Equipment**

The equipment must only be used in the circumstances listed within this policy it is not to be used for personal use. Misuse of the equipment may lead to the implementation of the Public House Disciplinary procedure.

### **Alcohol/Drugs Appeals Procedure**

An employee may appeal against the positive result of an alcohol or drugs test at any time within 5 working days of the initial test date or result. The employee may only appeal against a positive result on the grounds either that they:-

- Believe the alcohol test result is inaccurate in which case they will be responsible for all costs for the checking of the calibration of the instrument; or
- Believe the drug test result to be incorrect, in which case they will be responsible for all costs for testing the B sample; or
- Can demonstrate that they were not aware at the time of the alcohol or drug test that they had consumed alcohol or drugs.

If an employee wants to instigate the appeals procedure against a positive test result, they must put their appeal in writing and include in the appeal letter their reasons for the appeal with any information that

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they believe could have affected the test result, and any supporting evidence they intend to use as part of the appeal.

**Alcohol** - At the employee's expense a written request will be made to the manufacturer of the calibrated digital alcoholmeter to have a calibration check carried out on the instrument to ensure the instrument's result was valid and accurate. A copy of the report will be sent to the employee and another copy sent to the employer.

**Drugs** - At the employee's expense the samples will be resent under strict chain-of-custody procedures directly from the original UK accredited testing laboratory to a second UK accredited testing laboratory where it will undergo analysis. A copy of the result will be sent to the employee and another copy sent to the employer.

You may appeal against disciplinary action taken against you following breaches of this Policy through the normal disciplinary process.

Policy updated March 2021

Mark Holden – Company Director

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