

## APPENDIX 2

### TRADE UNION FEEDBACK

Trade union feedback received post 12 September 2017 Employment Committee has resulted in further changes being incorporated into the draft policy. The feedback received has been summarised in the table below:

Summary of feedback from trade unions	Response	Impact on draft policy
View that the policy should stipulate that a small number of individuals at the Port be named as "Designated Persons".	The Health and Safety delegate(s) can undertake this role and this can be written into the policy.	Draft policy now includes reference to role of Health and Safety delegate(s) of the Port in terms of their responsibility. Responsibility for deciding whether or not to implement a with cause test following line manager identification of any concern and for undertaking any risk assessment necessary as a result of any random or with cause test result.
View that there is not an issue with substance misuse at the Port. Policy should not include random testing and should include only with cause testing - described as a 'light touch' approach by the trade unions.	Random testing is required in addition to "with cause" testing as this type of testing deters misuse and provides a pro-active approach rather than a reactive approach to health and safety.  Data collected shows that all 7 Ports that have shared their policy with Portsmouth City Council (PCC) extend their policy to both random testing and with cause testing.	No change to policy.
Random testing proposals have a disproportionate focus on operational staff. The policy is not equitable for night time staff as 8 people chosen would be higher than 10% due to	The random visits will be made at various times of the day and at weekends, which will ensure that shift workers are captured within the testing and are not disproportionately selected.	A statement has been added with regards to the timing of random testing to ensure the process is equitable.

Summary of feedback from trade unions	Response	Impact on draft policy
the smaller number of workers at night time.		
Concern that testing could be used to intimidate or bully staff.	<p>There is no potential for bullying as it is a random process.</p> <p>The Health and Safety delegate(s) of the Port have responsibility for deciding whether or not to implement a with cause test and for undertaking any risk assessment necessary as a result of any random or with cause test result.</p> <p>Normal PCC procedures would be followed for any incident of bullying.</p>	No change to policy.
Medical treatment should not be delayed to undertake with cause testing.	This follows normal management practice. Normal practice of duty of care, no one is placed at risk if requiring medical treatment. The driver for the policy is overall safety at the Port.	No change to policy.
Would it be more beneficial to test starters prior to commencing employment rather than after.	All new employees will be selected for testing as soon as is reasonably possible after recruitment. Therefore they will be part of the first available random testing session.	No change to policy.
Voluntary disclosure - The policy could do more to encourage individuals that may have a dependency issue to make themselves known.	<p>The policy references the support and assistance available. The policy refers to the Employee Assistance Programme and referral to occupational health as appropriate.</p> <p>The policy is also clear that line managers need to be informed about drugs that may impair</p>	No change to policy.

Summary of feedback from trade unions	Response	Impact on draft policy
	performance, conduct or attendance (e.g. cause drowsiness, impair reflexes or judgment) and/or affect their capacity to safely and effectively undertake the duties of their post.	
Concerned that it is not council wide.	The Leader confirmed at the Employment Committee of 12 September 2017 that there were no plans to extend the policy across the whole of PCC.	No change to policy.
Current corporate Substance Misuse policy refers to all staff.	The current policy will be updated once the Employment Committee decision is made.	Only minor changes will be necessary to the PCC corporate policy to reflect the implementation of the testing policy at the Port.
Where does advice come from out of normal working hours.	The Health and Safety delegate(s) of the Port. The Port Director (or Officer with delegated authority).	No change to policy.
How are positions manned when the testing is being completed.	Health and Safety will not be compromised. It will be managed in the normal way. Not all randomly selected staff will be removed from work at the same time.	No change to policy.