



Equality Impact Assessment

Preliminary assessment form v5 / 2013

www.portsmouth.gov.uk

The preliminary impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Directorate:

Director of HR, legal and performance

**Function e.g. HR,
IS, carers:**

HR

Title of policy, service, function, project or strategy (new or old) :

Substance Misuse - Drug and Alcohol Testing Policy (Port)

Updated for Special Employment Committee

Type of policy, service, function, project or strategy:

- ☐ Existing
- ☒ New / proposed
- ☐ Changed

Q1 - What is the aim of your policy, service, function, project or strategy?

The aim is to introduce a drug and alcohol testing policy at Portsmouth International Port (the Port) for all employees and third parties in all roles working on the Port premises due to the safety critical nature of the work undertaken at the Port. The policy provides information regarding the rules and the procedure for testing.

Employees and third parties (as defined in the policy) at the Port:

- Must not consume alcohol or have the smell of alcohol on their breath while on duty.
- Must not present themselves for duty under the influence of alcohol.
- Must comply with the Port's zero tolerance approach to illegal drugs. Any use, possession or trafficking of illegal drugs and the misuse, whether intentional or not, of prescription or over the counter medication, new psychoactive substances, glue and solvent abuse is prohibited while on duty. All civil and criminal legislations apply to City Council policy.
- Must undertake a breath test for alcohol and/or an oral fluid (mouth swab) for drugs when requested.

Any breach of these rules will result in the application of the City Councils Formal Action Policy which could lead to summary dismissal.

Q2 - Who is this policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

The policy applies to all Portsmouth City Council (PCC) employees working at the Port. It also applies to third parties working on the Port premises, namely, contractors, consultants, agency staff and individuals participating in a secondment, internship, or work experience placement.

The implementation of the policy will benefit all employees and third parties at the Port by making the workplace safer. The new measures actively encourage individuals to manage their lives in such a way that safety at work is not jeopardised.

In order to effectively implement this policy, the City Council will contract an external testing company to perform the tests under appropriately controlled conditions and in accordance with industry standards.

Privacy and confidentiality:

No practical difficulties have been identified as the chosen types of testing procedure are less invasive than other types of testing available. The policy states that a "suitable location" will be chosen for testing - this will ensure privacy for staff and confidentiality.

The revised draft policy now includes the wording "private and suitable location" to emphasise the importance of privacy.

The tests are suitable to be undertaken in the workplace in a private and suitable location and are undertaken by trained representatives using approved testing devices and methods.

No data protection issues have been raised from the use of an external company for testing. The selection will be made at random by the testing company representative using an anonymised list of employees and third parties.

Dependency/addiction/medical issues:

Those with a drug or alcohol dependency are provided with the opportunity to voluntarily disclose this information.

Those taking prescribed or over the counter medication are informed in the policy of what to do in these circumstances.

Anyone taking prescribed or over the counter medication are requested via the policy to check with their medical practitioner or pharmacist whether the medication will impair performance, conduct or attendance (e.g. cause severe drowsiness, impair reflexes or judgment) and/or affect their capacity to safely and effectively undertake the duties of their post. The policy states that they must inform their line manager and always follow the prescribed dose carefully.

This part of the policy helps ensure that anyone taking medication is given the opportunity to raise it with their line manager.

The support section of the policy provides information that can be utilised by staff taking prescribed medication. The policy states:

All employees have access to the Employee Assistance Programme (EAP). Information is available on the intranet.

The City Council strongly encourages employees to seek assistance from the EAP for any substance misuse problem before reaching a point where their judgment, performance, conduct, attendance or positive drug or alcohol test has led to disciplinary action under the Formal Action Policy.

Employees have a responsibility to inform their line manager and engage with their own medical practitioner regarding any substance misuse problem or issues relating to prescribed or over the counter medication.

A referral to Occupational Health will be made as and when deemed appropriate by management.

The implementation period will contain a 30 day amnesty where an employee can disclose information prior to any testing being introduced.

Q3 - Thinking about each group below, does, or could the policy, service, function, project or strategy have a negative impact on members of the equality groups below?

Group	Negative	Positive / no impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "negative" or "unclear" consider doing a full EIA

Q4 - Does, or could the policy, service, function, project or strategy help to promote equality for members of the equality groups?

Group	Yes	No	Unclear
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transgender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy or maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q5 - Do you have any feedback data from the equality groups that influences, affects or shapes this policy, service, function, project or strategy?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q6 - Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, service, function or strategy?

☐ yes ☒ No

Q7 - How have you come to this decision?

Initial consultation took place in July with union representatives at the Port. The issue was discussed at the HR/TU meeting in July 2017. Full consultation took place during August 2017 and included representatives from all recognised unions across the council.

Feedback has been received and changes to the policy implemented where necessary. During the consultation, the trade unions have raised a number of points, including requesting how supervisors/managers will be trained to differentiate between behaviour attributed to substance/alcohol misuse or behaviour attributed to the many other possible causes illness/disability.

To resolve this issues it has been agreed that trade unions may attend initial training with the chosen testing company.

The trade unions have raised that the employer is not qualified to dictate what course of treatment an employee may choose. The trade unions have been informed that the policy is not suggesting that the employer dictates to the employee on their course of medical action/support/advice as this would not be appropriate action by the employer. However, it is stating that formal action may be considered if an employer is aware that a set course of action or contact with relevant agencies is not undertaken where conduct for example continues at an unsatisfactory level.

Formal consultation for the draft drug and alcohol testing policy took place with the recognised trade unions between the dates of 3 to 17 August 2017. Discussion regarding introducing drug and alcohol testing at the Port took place at the monthly HR/Trade union meeting in July, August and September 2017. Discussion took place at the Port Joint Negotiating Forum of 30 May 2017 and 26 September 2017 and the Port Director further discussed the draft policy with trade union representatives on 3 October 2017.

The trade unions have provided comments on the draft policy during the August consultation period which resulted in some of their views being incorporated into the draft policy. The main trade union comments and employer responses raised prior to Employment Committee of 12 September 2017 were summarised in the report of that date.

The areas of concern raised as a deputation at the Employment Committee of 12 September 2017

have been responded to in writing and the trade unions have been given the opportunity to provide feedback prior to the Special Employment Committee meeting.

Trade union feedback received post 12 September 2017 Employment Committee has resulted in further changes being incorporated into the revised draft policy, specifically in terms of including that the decisions made are taken by the Health and Safety delegate(s) of the Port who will be responsible 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. A statement has also been added with regards to the timing of random testing to ensure the process is equitable. 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.

Trade union feedback received post 12 September 2017 Employment Committee has been summarised in the report to EC and a response has been provided to the trade unions in writing with the revised draft policy.

In 2017 the Port Director introduced monthly Drop-In sessions, in which he would spend time at a selected mess room or meeting room with the staff to have a general discussion and allow feedback. These commenced in February 2017 and the Port Director has discussed the intention to introduce a Drug and Alcohol Testing Policy at these sessions.

If you have to complete a full EIA please contact the Equalities and diversity team if you require help
Tel: 023 9283 4789 or email:equalities@portsmouthcc.gov.uk

Q8 - Who was involved in the EIA?

Anna Buxcey
Karen Everitt

This EIA has been approved by: Jon Bell

Contact number: 02392841962

Date: Updated 06/10/17

Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your preliminary EIA.

Telephone: 023 9283 4789

Email: equalities@portsmouthcc.gov.uk