

## APPENDIX 4

### TRADE UNION CONSULTATION

The trade unions have provided comments on the draft policy during the consultation period which has resulted in some of their views being incorporated into the policy.

The main trade union comments and employer responses have been summarised in the table below:

<b>Trade union comments</b>	<b>Response</b>
The policy should apply equally across all areas of the City Council and should not just apply to the Port.	The Port policy is in response to the issues raised and the specific requirements of the Port. Further consideration of other areas could be made once the policy for the Port has been implemented and reviewed if the City Council deems this necessary.
The policy should only apply to safety critical roles at the Port.	The policy applies to all roles because it is deemed that all roles have access to areas where the individual's own safety or others may be at harm if their judgement is impaired due to substance misuse. As a result of trade union consultation, the policy has been changed to provide clarification by including a statement at paragraph 1.2 of the policy.
If a manager can take a range of action for a reading of between 0 and 35 micrograms ( $\mu\text{g}$ ) of alcohol per 100 millilitres of breath, the policy has scope for ambiguity which could result in an inconsistent management approach.  The trade union has suggested that a value of 25 micrograms ( $\mu\text{g}$ ) should be imposed and the policy should state that no action will be taken if the test is at or below 25 micrograms ( $\mu\text{g}$ ) of alcohol per 100 millilitres of breath.	This request is not included in the policy as when the policy states "a range of action", this refers to all types of action including appropriate support depending on the circumstances of the case. This is already stated in the policy.
Once an individual has been selected for random testing they should be excluded from the random selection process on the next occasion as being selected more than once may lead to an individual feeling that they are being specifically targeted.	This viewpoint is not included within the policy as this would not capture changes to an individual's lifestyle and would also impact on the random nature of the selection as the pool of workers would constantly reduce in size.

Trade union comments	Response
<p>Questions raised regarding how managers will differentiate between behaviour relating to substance misuse and behaviour due to a medical condition.</p>	<p>The external testing company will be providing training at the Port. It has been agreed that union representatives will be able to attend the initial training run by the external testing company during the implementation period.</p>
<p>A request for clarification in the policy in order to show that additional hours will be paid if an individual is expected to attend a test once their working hours have finished.</p>	<p>It has been agreed that the line manager may authorise additional paid working time so that the testing procedure can be completed in these circumstances and a statement has been added to the policy to reflect this.</p>
<p>Dismissal in the situation of misuse of prescribed drugs would be unfair and formal action should only occur if there is a proven detrimental effect on the person to do the job.</p>	<p>The proposed policy states a zero tolerance approach, however, the policy allows for voluntary disclosure and also includes a 30 day amnesty period for employees to declare these types of issues. This enables individuals to disclose issues they may have with prescription drugs.</p>
<p>The following statement requires rewording as it implies that giving a colleague a paracetamol could be in breach of the policy.</p> <p>"Misuse of and/or distribution of legal substances such as prescribed or over the counter medication"</p>	<p>This is not the intention of the policy, however, the misuse of these drugs needs to be highlighted and therefore the word "distribution" has been removed to provide clarification.</p>