



PETERHEAD PORT AUTHORITY

DRUG AND ALCOHOL REGULATIONS – THIRD PARTIES

1. AIM

Peterhead Port Authority (**PPA**) has legal duties in relation to the health and safety of all personnel working or entering its premises. If a person is under the influence of drugs or alcohol, this will lead to an increased risk of that person causing an accident. The aim of these Regulations is to confirm PPA's "zero tolerance" approach to drugs and alcohol, to provide a framework for monitoring compliance by third parties entering PPA premises and to create awareness of the sanctions which may be imposed for a breach of these Regulations.

2. DEFINITIONS

In these Regulations, the following defined terms shall apply:-

"drugs" means controlled drugs as defined in applicable legislation and includes legal substances such as prescribed drugs and solvents which have been misused.

"PPA Premises" means all land, premises, vessels and other property owned or operated by PPA including, without prejudice to the foregoing generality, all ship repair facilities, the fishmarket and all office premises.

3. APPLICABILITY

These Regulations apply to all those who are not employees of PPA who enter PPA Premises including contractor, supplier, customer and vessel personnel and all other non-employees of PPA. All of those referred to in this paragraph are called **Third Parties** in these Regulations.

4. COMPLIANCE

(a) Each Third Party entering PPA premises is responsible for their compliance with these Regulations. Employers of Third Parties are also responsible to co-operate with PPA in relation to compliance by their employees and other workers to the extent required by these Regulations.

(b) The PPA Health, Safety and Environment Officer (**HSEO**) is responsible for the implementation and enforcement of these Regulations. The HSEO may delegate any part of such responsibilities to any other PPA employee.

5. REQUIREMENTS

The core part of these Regulations is that Third Parties:-

- (a) must not enter PPA Premises in possession of drugs or alcohol;
- (b) must not engage in the sale, purchase or other supply of drugs or alcohol on PPA Premises;
- (c) must not enter PPA Premises whilst under the influence of drugs or alcohol;
- (d) must agree to a search of their property when required in accordance with these Regulations; and
- (e) must agree to drugs and/or alcohol testing when required in accordance with these Regulations.

6. SEARCH

- (a) For the purpose of monitoring compliance with these Regulations, PPA shall be entitled to search, and by entering PPA Premises Third Parties consent thereto, the property of any Third Party whilst on PPA Premises. Property for this purpose includes clothing, bags, work equipment and vehicles. Any drugs or alcohol found during any such search will be confiscated and in the case of any controlled drugs will be referred to the Police.
- (b) A search in accordance with paragraph (a) above may be carried out on a random, on a suspicion or on a with cause basis as referred to in paragraph 7(a) below.

7. TESTING

- (a) **Conduct** - PPA may conduct testing for drugs and/or alcohol on the following basis:-
 - (i) **Random** – prior notice of testing does not require to be given to Third Parties and random testing may be carried out “on the spot”.
 - (ii) **On Suspicion** – if it is suspected that a Third Party is in possession of or under the influence of drugs or alcohol, testing may be carried out.
 - (iii) **With Cause** – in the event of an accident or other incident on PPA Premises, those involved may be subject to testing.
- (b) **Medication** - a Third Party who is taking prescribed or non-prescribed medication should notify the tester of such medication prior to commencement of the test.
- (c) **Consent** – a Third Party to whom a test request has been made will be asked to consent to the test and if the Third Party refuses to consent to the test, that refusal shall be a breach of these Regulations.
- (d) **Testing Procedure**– testing will be carried out in accordance with PPA’s testing protocol (a copy of which is available from PPA and will in any event be made available to a Third Party to whom a testing request has been made).

- (e) **Result** – the Third Party will be notified of the result of the test as soon as reasonably practicable.

8. TEST RESULT

- (a) Until the test result is known, the Third Party may continue working or, at PPA's direction, may be required to cease work activity at PPA Premises.
- (b) There shall be a breach of these Regulations if:-
 - (i) there is a positive result from a drugs test; or
 - (ii) there is a positive result for alcohol above 22ug/mg per 100ml of breath, 50mg per 100ml of blood or 67mg per 100ml of urine.

9. BREACH

- (a) **Suspicion** - if a Third Party is suspected to have breached these Regulations:-
 - (i) the Third Party will be escorted from the worksite by a PPA employee. The nature of the suspected breach will be advised to the Third Party and the Third Party will be given an opportunity to respond. If PPA is satisfied, at its discretion, that a breach has occurred, the Third Party will be required to depart the PPA Premises with immediate effect. If PPA is satisfied that no breach has occurred, the Third Party will be permitted to return to the worksite; and/or
 - (ii) the Third Party may be subject to a drugs and /or alcohol test.
- (b) **Breach** - if after testing it is established that the Third Party has breached these Regulations or if PPA is otherwise satisfied that the Third Party has breached these Regulations, the Third Party will be required by PPA to depart the PPA Premises with immediate effect.

10. SANCTIONS

- (a) **Withdrawal of Permission** - as soon as reasonably practicable after the Third Party departure from the PPA Premises in accordance with paragraph 9(a) above, PPA will notify the Third Party (and the Third Party's employer if applicable) whether the Third Party will be permitted to return to work at PPA Premises thereafter. Any such withdrawal of permission to work at PPA Premises will be for such duration (which may be unlimited) as shall be notified to the Third Party.
- (b) **Appeal** - the Third Party may appeal against any such withdrawal of permission by notice of appeal sent to the Chief Executive of PPA within 7 days of receiving the notice of withdrawal of permission. The notice of appeal must state the grounds of appeal. The PPA Chief Executive shall consider the appeal and issue a decision. For the purpose of such consideration, the PPA Chief Executive may request the Third Party to attend a meeting with the Chief Executive.

11. EMPLOYERS

- (a) **Awareness** – employers of Third Parties are required to ensure that their employees or other workers who may enter PPA Premises are aware of the requirements of these Regulations and to encourage compliance.
- (b) **Co-operation** – at the request of PPA, Employers will be required to co-operate with PPA in the implementation and enforcement of these Regulations. That requirement includes that if a Third Party has been required to depart PPA Premises, the Third Party’s employer shall, so far as within its control, procure such departure. The employer shall also recognise any withdrawal of permission to work at PPA Premises.
- (c) **Failure** – If an employer fails to co-operate with PPA in the implementation and enforcement of these Regulations, PPA shall be entitled to require that the employer and its other employees cease working on PPA Premises to such extent and/or for such duration (which may be unlimited) as PPA shall notify the employer. The employer shall be entitled to appeal against any such requirement by notice of appeal to the Chief Executive of PPA within 7 days of receiving the notice of the requirement. The notice of appeal must state the grounds of appeal. The appeal shall be considered by the PPA Chief Executive who will issue a decision. Prior to issuing the decision, the PPA Chief Executive may request the employer to attend a meeting with the Chief Executive.

By authority of the Board of Peterhead Port Authority

.....
Simon G. Brebner, Chief Executive

Date: ____ January 2021