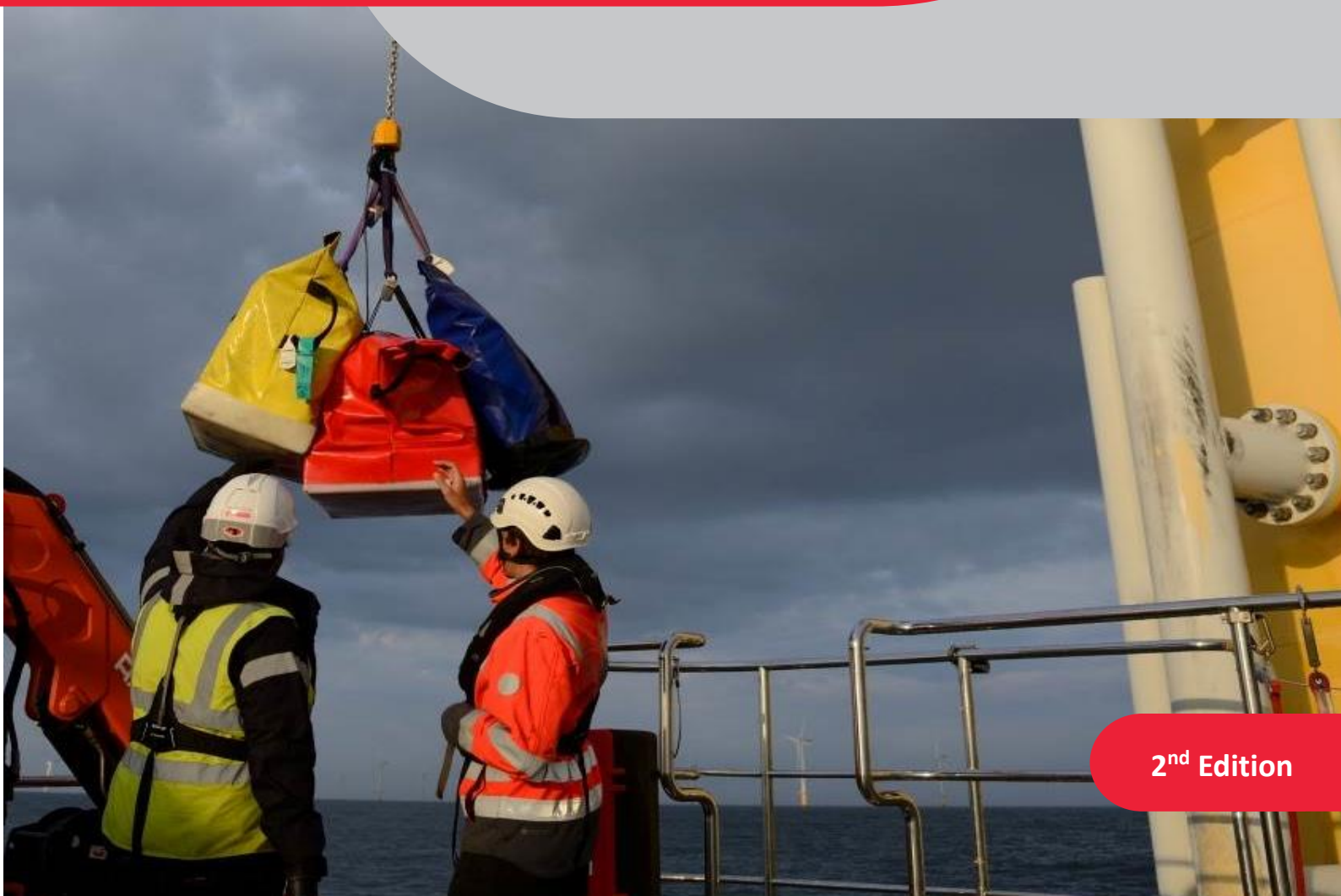




The control of alcohol and drug misuse within the workplace

Good Practice Guide



2nd Edition

The Workboat Association (WA) represents owners, operators, stakeholders and professionals of the workboat industry. This Good Practice Guide has been published to provide WA members and non-members alike, charterers and contractors of workboats the information needed to recognize the standards and best practice for the safe and lawful control of alcohol and drug misuse within the workplace. The guide covers regulation and implementation examples for operational management and documentation related to conformity of: the UK Merchant Shipping Regulations (incorporating STCW), as required by statute and advised by the WA for safe and lawful operations.

The WA's objectives promote safety, competency and the best and lawful practice of the services offered to the Industry. To do this the WA will:-

- Continue to work with stakeholder Flag States and other maritime authorities to develop standards and qualifications on behalf of the industry
- Establish relationships with external bodies to ensure recognition of current standards are met
- Seek to promote higher safety standards and a positive Safety culture within the workboat community
- Clearly identify standards and training requirements
- Provide relevant information regarding vessel crewing standards to other industry stakeholders
- Promote the Association as the leading authority on the safety, operation and manning of workboats
- Assist members to deliver appropriate standards
- Promote appropriate training to ensure we keep the safety of crews and passengers at the heart of what we do



Kerrie Forster
Chief Executive
The Workboat Association

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Preamble

This publication is intended to give all direct stakeholders and others involved in the operation of workboats a clear guide to the regulations concerning the control of alcohol and drug misuse in the workplace, and the operational management standards as expected by members of the Workboat Association (WA). It has been produced by WA members and related parties with experience and authority in the control of alcohol and drug misuse for the benefit of operators, employees and stakeholders.

This document has been created to;

- Introduce UK law in regards to Drugs and Alcohol within the workplace
- Highlight the risks associated with Drug or Alcohol consumption within the workplace
- Provide guidance on at what point alcohol consumption is to be considered a health risk and the time taken for alcohol to leave the bloodstream
- Inform Workboat Operators what a Drugs and Alcohol Policy should cover and how it might be adopted
- Provide guidance on the regulations concerning; Drugs testing, Personnel Searches and Monitoring within the Workplace
- Outline the International Maritime Regulations regarding Drugs and Alcohol, namely the STCW convention;

In 2006, following an official investigation report into two separate crew deaths on board a WA member vessel connected with Alcohol, the WA safety forum in discussion agreed that there was some confusion surrounding the application and monitoring of an effective Drugs and Alcohol Policy. The forum agreed that a WA guidance document should be developed to outline the regulations, implementation and correct monitoring of such policy so that Workboat operators understand clearly what must be practised in order to comply with the law. This is the second edition.

The Maritime Accident Investigation Branch (MAIB) who investigate marine incidents related to alcohol and drug misuse within companies working for, or in the UK have expressed their support for the development of this guide to ensure appropriate standards of vessel operation, including the training and understanding of shore staff and vessel crews alike are maintained.

This publication is intended to be a live document and will be updated in line with regulation, industry trends, technical advancement and improved practices – we welcome any comments or suggested additions you may have. Any comments should be sent to;- admin@workboatassociation.org

July 2022

MCA Guidance

Following the Manila amendments, STCW Regulation VIII/1, among the requirements for fitness for duty, sets a blood alcohol limit of 0.05% and an alcohol in the breath limit of 0.25mg/l.

The current UK blood alcohol limit of 0.08% and alcohol in the breath limit of 0.35mg/l is set by Part 4 of the Railways and Transport Safety Act 2003, and is the same as that for drink-driving in the UK. Testing is currently done by the police, using the same equipment and protocols as for drink drivers.

The UK limit applies to the following groups:

- Professional staff on duty
 - A professional master of a ship
 - A professional pilot of a ship, and
 - A professional seaman of a ship while on duty
- Professional staff off duty
 - *If in the event of an emergency they would or might be required by the nature or terms of their engagement or employment to take action to protect the safety of passengers .*

MCA "A Master's Guide to the UK Flag" rev.5 is not currently updated to reflect this

Ref: MCA MSF 5011

In the UK, onshore, there is no direct legal requirement for employing organisations to implement alcohol policies per se. However, health and safety at work legislation requires both employers and employees to maintain a safe working environment, and were an alcohol-related accident to occur, then, depending on circumstances, the employer, the employee concerned or both could be liable.

The Transport and Works Act 1992* introduced the 80mg (0.08% BAC) legal limit for operational staff at British Rail. The Railways and Transport Safety Act 2003 now establishes the framework for the limits and offences that can be committed by people working in the field of aviation, transport and shipping.

Driving while under the influence – whether for work or leisure purposes – is covered by the 1988 Road Traffic Act, which stipulates a legal blood-alcohol limit of 80mg (0.08% BAC) while behind the wheel of a motorised vehicle (for more information on drink-driving limits, please visit the Drink driving section of the Alcohol Knowledge Centre). In some industries such as rail and maritime, alcohol testing is already mandatory and necessary as a regulatory requirement. For the majority however, there is no right to mandatory alcohol testing.

Ref: Institute of Alcohol Studies/ Legislation

Ninety percent of personnel directors from top UK organisations surveyed in 1994 stated that alcohol consumption was a problem for their organisation. Most regarded alcohol as a fairly minor problem, involving a small number of employees.

Despite a slight overall decline in recent years, alcohol consumption in the UK remains at a high level. Since 1990, the average amount drunk each year by adults (aged over 15) in the UK increased from 9.8 litres of pure alcohol per head to a peak of 11.5 litres in 2004, and subsequently declined to 9.8 litres in 2012. Survey data has found that a significant proportion of the UK adult population consume alcohol above recommended amounts.

Ref: British Medical Association

17% of personnel directors describe alcohol consumption as a major problem for their organisation. What concerns directors most, in order of priority, is:

- serious safety concerns;
- loss of productivity and poor performance;
- lateness and absenteeism;
- effect on team morale and employee relations;
- bad behaviour or poor discipline;
- adverse effects on company image and customer relations.

Before thinking about what you can do to prevent alcohol-related problems for your business, it is worth looking briefly at how drinking alcohol affects people and your legal responsibilities as an employer.

Ref: Institute of Alcohol Studies/ Legislation

Executive Summary:

Alcohol use increases the risk of problems in the workplace, such as absenteeism, presenteeism, and inappropriate behaviour. Use of alcohol or illicit drugs can impair a person's performance at work through poor decision making and impaired reaction times causing lost productivity, inferior goods/services, errors and accidents.

Ref: British Medical Association - Use of alcohol or illicit drugs in the workplace research

2.0

MAIB Data

Data provided by the Marine Accident Investigation Branch informs us that during the years of 2020 and 2021, there were **1567** maritime accidents involving **1672** commercial vessels that involved actual or potential casualties to vessels.

Of the 1567 accidents recorded, **17** involved Drug or Alcohol misuse, leading to **18** fatalities and **6** injuries.

In comparison; Edition 1 of this guidance (2015), captured that during the years of 2013 – 2014 there were 1664 maritime accidents involving 1880 commercial vessels, 35 of those involved Drug or Alcohol misuse, leading to 7 fatalities and 19 injuries.

The 2020 – 2021 Incidents involving Drugs or Alcohol misuse are broken down in the following overview:

Workplace Casualties and Incidents 2019 to 2021 reported to MAIB as involving drugs or alcohol

	Casualties & Incidents:	Fatalities:	Injuries:
2019	9	6	2
2020	7	0	4
2021	1	2	0
Total	17	8	6

*Source : MAIB
26 July 2022*

Alcohol or Drug misuse doesn't necessarily need to be illegal nor malicious, as the overleaf case study from the MAIB Safety Digest 1/2021 describes:

A Fatal Fall

Narrative

While in port awaiting the evening tide, the skipper of a fishing trawler went to a public house with one of his crew. Having consumed several rounds of alcoholic drinks they returned on board. On arrival at the vessel, each helped the other to safely embark the vessel down the quay ladder. The crew member then went below to make a cup of tea, while the skipper finished his cigarette on deck.

Having finished his cigarette, the skipper entered the wheelhouse. Once inside, he crossed over to the hatch leading down to the

mess area. However, as he lent across the hatch to grab a hand-hold, he lost his balance and fell head-first through the hatch opening. The crew member in the mess deck heard the fall and rushed to attend to the skipper, but could find no sign of life. He then swiftly climbed the ladder to the wheelhouse and raised the alarm on VHF radio.

Emergency services attended the vessel, but were unable to resuscitate the skipper, who had suffered a fatal head injury as a result of his fall.

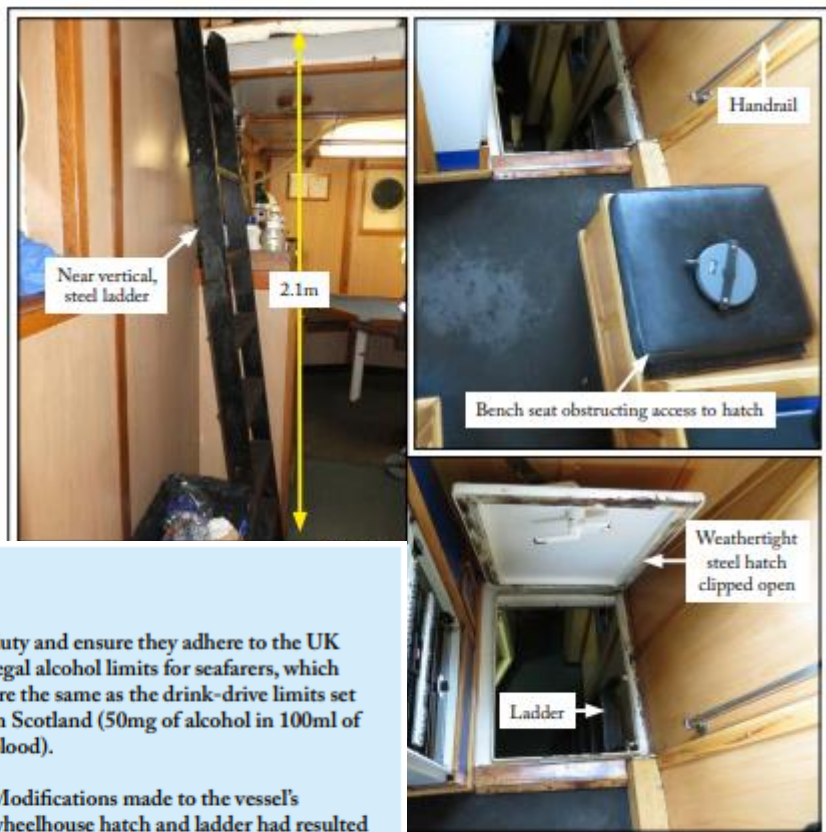


Figure: Access via the wheelhouse hatch

MAIB Safety Digest 1/2021

The Lessons

1. MAIB accident statistics indicate that, since 1992, alcohol was a contributing factor in 62% of the 42 fishing vessel fatalities that have occurred while in port. While limited alcohol consumption by crew may be acceptable when off duty, excessive consumption can severely compromise an individual's judgment and coordination. In this case, the skipper's significant alcohol consumption contributed to his fall and the severity of the injuries he suffered.
2. A clear drug and alcohol policy issued by the owner, defining alcohol limits and when crew are considered to be on or off duty, as well as specifying the circumstances under which crew may be required to undergo drug and alcohol testing, would help prevent future alcohol related accidents. Professional seafarers, which includes fishermen, must be fit for

duty and ensure they adhere to the UK legal alcohol limits for seafarers, which are the same as the drink-drive limits set in Scotland (50mg of alcohol in 100ml of blood).

3. Modifications made to the vessel's wheelhouse hatch and ladder had resulted in an awkward and potentially dangerous access route (see figure). It placed those working in the wheelhouse at significant risk of falling through an unguarded opening. Fishing vessel risk assessments will naturally focus on the dangerous activities that surround the operation of the vessel's fishing gear. However, the risks posed by internal hatches, ladders and stairways should not be overlooked. Just because crew use an awkward access without incident for many years does not make it safe.

Ref: MAIB Safety Digest 1/2021

3.0

Health concerns and associated risks

For many people, and most of the time, drinking alcohol doesn't cause any problems. But drinking too much or at the wrong time can be harmful. The Government's guidance on sensible drinking, published in December 1995 lists the following as examples of specific situations when the best advice is not to drink at all:

- before or during driving;
- before using machinery, electrical equipment or ladders;
- before working or in the workplace when appropriate functioning would be adversely affected by alcohol.

Ref: www.gov.uk

While for many people, drinking alcohol is a positive part of life and does not cause any problems, the misuse of alcohol can lead to reduced productivity, taking time off work, and accidents at work. Employers should adopt an alcohol policy, in consultation with their staff. This should include matters such as:

1. how the organisation expects employees to limit their drinking;
2. how problem drinking will be recognised and help offered; and
3. at what point and in what circumstances you will treat an employee's drinking as a matter for discipline rather than as a health problem.

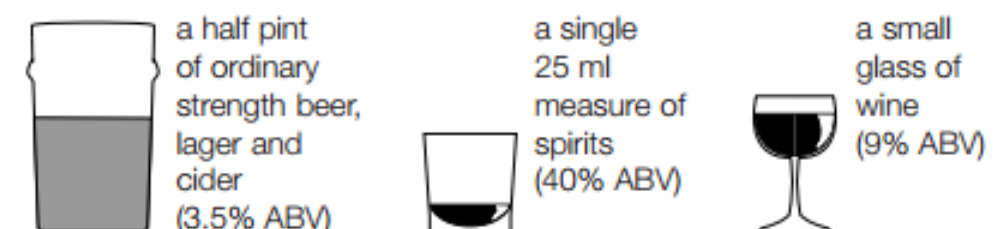
Ref: www.hse.gov.uk/dontmixit

The information graphic overleaf describes what happens to someone when they drink alcohol. It is easy to see from this how drinking alcohol at lunch time or before coming on shift can affect an employee's work performance. The effects of heavy drinking the previous night can last well into the next day.

Independent support for both Employers and Employees on **Alcohol** use can be found at:
www.drinkaware.com

Independent support for both Employers and Employees on **Drug** use can be found at:
www.talktofrank.com

- Alcohol is absorbed into your bloodstream within a few minutes of being drunk and carried to all parts of your body including the brain.
- The concentration of alcohol in the body, known as the 'blood alcohol concentration', depends on many factors, but principally, how much you have drunk, how long you have been drinking, whether you have eaten, and your size and weight. It is difficult to know exactly how much alcohol is in your bloodstream or what effect it may have.
- It takes a healthy liver about 1 hour to break down and remove 1 unit of alcohol. A unit is equivalent to 8 gm or 10 ml (1 cl) of pure alcohol. The following all contain one unit of alcohol:



- If someone drinks 2 pints of ordinary strength beer at lunchtime or half a bottle of wine (ie 4 units), they will still have alcohol in their bloodstream 3 hours later. Similarly, if someone drinks heavily in the evening they may still be over the legal drink drive limit the following morning.
- Black coffee, cold showers and fresh air won't sober someone up. Only time can remove alcohol from the bloodstream.

The following benchmarks are a guide to how much adult men and women can drink in a day without putting their health at risk. They apply whether you drink every day, once or twice a week, or occasionally. The benchmarks are not targets to drink up to. There are times and circumstances when it makes sense not to drink at all.

Men

- If you drink between 3 and 4 units a day or less, there are no significant risks to your health BUT...
- If you consistently drink 4 or more units a day, there is an increasing risk to your health.

Women

- If you drink between 2 and 3 units a day or less, there are no significant risks to your health BUT...
- If you consistently drink 3 or more units a day, there is an increasing risk to your health.

Note: the benchmarks don't apply to young people who have not reached physical maturity.

4.0

MCA Merchant Shipping prescribed limits

The Maritime Coastguard Agency (UK Flag state) on the 20th October 2015 brought into force an amendment to the prescribed alcohol limits as described in the Railways and Transport Safety Act 2003. The following limits are now recognised by the MCA:

81. Prescribed limit

- (1) The prescribed limit of alcohol for the purposes of this Part is—
- (a) in the case of breath, 25 microgrammes of alcohol in 100 millilitres,
 - (b) in the case of blood, 50 milligrammes of alcohol in 100 millilitres, and
 - (c) in the case of urine, 67 milligrammes of alcohol in 100 millilitres.

Ref: The Merchant Shipping (Alcohol) (Prescribed Limits Amendment) Regulations 2015

Two detained after UK boat's fatal collision off Sweden

© 13 December 2021



EPA

The damage to the upturned Danish boat was clear after it was towed aground by rescuers

Two people have been detained after a UK cargo ship collided with a Danish boat in the Baltic Sea off the Swedish coast, killing at least one person.

Prosecutors are investigating allegations of gross negligence and gross drunkenness at sea involving the UK-flagged Scot Carrier.

Two crew members on the Scot Carrier were found to be over the limit.

Ref: www.bbc.co.uk/news

5.0

IMO Regulations

Section B-VIII/1 of the STCW Code - Seafarers' Training, Certification and Watchkeeping Guidance regarding fitness for duty, Prevention of drug and alcohol abuse

Drug and alcohol abuse directly affect the fitness and ability of a seafarer to perform watchkeeping duties or duties that involve designated safety, prevention of pollution and security duties. Seafarers found to be under the influence of drugs or alcohol should not be permitted to perform watchkeeping duties or duties that involve designated safety, prevention of pollution and security duties, until they are no longer impaired in their ability to perform those duties.

Administrations should consider developing national legislation:

- prescribing a **maximum of 0.08% blood alcohol level (BAC)** during watchkeeping duty as a minimum safety standard on their ships; and
- prohibiting the consumption of alcohol within 4 hours prior to serving as a member of a watch.

Administrations should ensure that adequate measures are taken to prevent alcohol and drugs from impairing the ability of watchkeeping personnel and those whose duties involve designated safety, prevention of pollution and security duties, and should establish screening programmes as necessary which:

- .1. identify drug and alcohol abuse;
- .2. respect the dignity, privacy, confidentiality and fundamental legal rights of the individuals concerned; and
- .3. take into account relevant international guidelines.

Companies should consider the implementation of a clearly written policy of drug and alcohol abuse prevention, including prohibition to consume alcohol within four hours prior to serving as a member of a watch either by inclusion in the company's quality-management system or by means of providing adequate information and education to the seafarers.

Ref: IMO International STCW convention

6.0

Testing, searches and workplace monitoring

Some employers have decided to adopt alcohol screening as part of their alcohol policy. If you think you want to do the same, think very carefully about what you want screening to do, and what you will do with the information it generates. Screening by itself will never be the complete answer to problems caused by alcohol misuse.

Testing

Employers have to have consent if they want to test for drugs. Usually this is when they have a full contractual health and safety policy, which should be in the contract or staff handbook.

Employers should:

1. limit testing to employees that need to be tested
2. ensure the tests are random (ie: test a whole vessels crew or test by department)
3. not single out particular employees for testing unless this is justified by the nature of their jobs

Workers can't be made to take a drugs test but if they refuse when the employer has good grounds for testing, they may face disciplinary action.

There are many different types of alcohol breathalysers available on the retail market, when considering to buy a breathalyser take the following into account;

- Does the breathalyser read the alcohol level as outlined in your policy?
- Does the breathalyser read the alcohol level outlined by the law of the country in which you are working?
- Are the 'blow tubes or 'mouth pieces easily obtainable in the country of its intended use?
- Does the breathalyser require re-calibration, if so how often and by whom?

Alternatively, there are easily purchasable packs of 'single use alcohol breathalysers available. Check the readable alcohol levels as above, but these do offer a cost effective and effective means of testing.

Testing for both Drugs and Alcohol can also be outsourced to many registered and certified, independent drugs testing companies.

Searches

Companies may wish to search employees either as a preventive measure or as part of an investigation, this may include but is not limited to: bag searches, locker searches or workstation searches.

Employers should have a written policy on searching. Searches should:

- respect privacy
- be done by a member of the same sex
- be done with a witness present

If a search or drug test is badly handled, workers might have a claim for discrimination, assault or false imprisonment.

Workplace monitoring

For companies wanting to monitor employees more closely, this could be done in various ways, like:

- bag searches
- CCTV
- checking a worker's emails or the websites they look at

Data protection law covers any monitoring that involves taking data, images or drug testing.

If workers are unhappy about being monitored, they can check their staff handbook or contract to see if the employer is allowed to do this.

If they're not, the worker might be able to resign and claim unfair ('constructive') dismissal. But this is a last resort - they should try to sort the problem out first.

External advice can be found at: www.gov.uk/solve-workplace-dispute

Employers must explain the amount of monitoring clearly in the staff handbook or contract. They should tell workers:

- if they're being monitored
- what counts as a reasonable number of personal emails and phone calls
- if personal emails and calls are not allowed

Examples of monitoring could include:

- looking at which websites workers have visited
- CCTV in the building
- checking workers' bags as they leave

Employers are not allowed to monitor workers everywhere (not in the toilet, for example). If they don't respect this they could be in breach of the Data protection act.

External advice on the Data protection act can be found at: www.gov.uk/data-protection

Ref: www.gov.uk

References

Referenced Publications and Content within this document In order of appearance

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- MCA MSF 5011
- Institute of Alcohol Studies/ Legislation

Page 5

- British Medical Association
- Institute of Alcohol Studies/ Legislation
- British Medical Association - Use of alcohol or illicit drugs in the workplace research

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- www.gov.uk
- www.hse.gov.uk/dontmixit

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- UK HSE

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- The Merchant Shipping (Alcohol) (Prescribed Limits Amendment) Regulations 2015
- www.bbc.co.uk/news

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- IMO International STCW convention

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- www.gov.uk

*For information on obtaining copies of this document, plus many more workboat guidance and training aids, see:
www.workboatassociation.org/training/ or www.workboatassociation.org/wa-on-demand/*

*The Workboat Association would especially like to acknowledge the
UK Marine Accident Investigation Branch for their supply of information and review of this document.*

