



## Drugs & Alcohol Policy

<b>1. Policy statement</b>	<p>Berry Systems Limited (the Company), is committed to ensuring the health and safety of our employees, and those who work on our premises. One element of that commitment is to ensure that our employees and others, such as consultants, sub-contractors or agency workers, and other third parties (hereafter known as contractors), are not placing themselves or others at risk by the misuse of drugs or alcohol.</p> <p>It is the purpose of this policy to ensure that the use of drugs or alcohol by any employee or any other person(s) associated with the Company does not impair the safe and efficient running of the business or put at risk the health, safety and wellbeing of its employees, customers, suppliers or members of the general public.</p> <p>The Company also recognises the importance of balancing respect for individual privacy with the need to maintain a safe, secure and productive working environment free of drug and alcohol misuse.</p> <p>The Company will provide relevant help and support to an employee who voluntarily seeks assistance for a drug or alcohol dependency. The employee must, however, seek assistance at the earliest possible opportunity. Subsequent discovery, or disclosure prompted by a breach of this policy or an impending drug or alcohol test, will not be acceptable and will not provide immunity to an employee from possible consequential disciplinary action.</p>
<b>2. Who this policy applies to</b>	<p>This policy applies to all Company employees and contractors working on Company premises.</p>
<b>3. Rules of this policy</b>	<p>To help ensure that the health and safety of our employees, and others with whom they come into contact and to maintain the efficient and effective operation of our business, the following rules will be strictly enforced:</p> <p>No employee or contractor will:</p> <ul style="list-style-type: none"><li>• report or try to report for work on Company premises whilst impaired due to the use of drugs (legal or illegal) or alcohol.</li><li>• be in possession of alcohol or illegal drugs on Company premises. Unopened containers of alcohol will be permissible when alcohol is purchased offsite for consumption outside of work.</li><li>• consume alcohol, illegal drugs or misuse any drug whilst on Company premises, or whilst representing the Company. Employees may consume alcohol at Company arranged functions when such consumption has been authorised by a Senior Manager.</li><li>• attempt to sell, distribute or supply drugs which contravene the Misuse of Drugs Act 1971; the Psychoactive Substances Act 2016 and the Medicines Act 1968, whilst on Company premises or whilst representing the Company. Any contravention of this, without exception, will be reported to the Police.</li></ul> <p>Employees may consume alcohol at Company arranged functions when such consumption has been authorised by the Company Managing Director. Such functions will, when possible be arranged for times when employee(s) do not have to return to</p>

	<p>work having recently consumed alcohol. However, if alcohol is consumed they must not drive a Company vehicle over the legal limit or return to work on Company premises whilst over the Company alcohol limit.</p> <p>Employees must remember that they are acting as ambassadors of the Company and their behaviour is appropriate, lawful and does not offend, harass or irritate others present, nor does it in any way, bring the Company into disrepute or undermine our brand.</p> <p>The Company will not tolerate any departure from these rules and will regard any breach, including when an employee refuses to be tested for drugs or alcohol, as gross misconduct and will instigate an appropriate disciplinary investigation which may result in dismissal.</p> <p>For contractors, who breach this policy, they will be referred to their own employer and removed from Company premises.</p>
<p><b>4. Definitions of terms used</b></p>	<p><b>Alcohol</b></p> <p>Includes, but is not limited to distilled spirits, liquor, beer, wine, malt liquor, or any other intoxicants used for beverage purposes.</p> <p><b>Drugs</b></p> <p>Any psychoactive substance (those drugs that have the potential to affect mood, thought process or perception), available both legally and illegally.</p> <p><b>Illegal Drugs</b></p> <p>All those drugs covered by the Misuse of Drugs Act (1971).</p> <p><b>Dependency</b></p> <p>When the user has adapted physically and/or psychologically to the presence of drugs or alcohol and would suffer if they were withdrawn abruptly.</p> <p><b>Company Premises</b></p> <p>Includes Berry Systems Ltd Bilston site and includes all Bilston site Company vehicles. This policy also applies to all occasions when Berry Systems Ltd employees are at work or on Company business, unless suspended with the agreement of a Senior Manager.</p> <p><b>Impaired (Drugs)</b></p> <p>In terms of this policy, any person found to have consumed illegal drugs or misused any drug, (to be confirmed by an appropriate test) is deemed to be impaired due to the use of drugs and therefore in breach of this policy. This will also be known as a positive test result for drugs.</p> <p><b>Impaired (Alcohol)</b></p> <p>Impaired (Alcohol) – In terms of this Policy, any person who has Breath Alcohol Concentration that exceeds 35mcg per 100ml, (to be confirmed by an appropriate test) is deemed to be impaired due to the use of alcohol and therefore in breach of this policy. This will also be known as a positive test result for alcohol.</p>

	<p>In certain circumstances a lower level for alcohol may be applied, for example, when employees are working on contracts or client premises when the client requirements or policy specifies a lower level. In these circumstances employees will be advised of the cut-off levels that apply to the contract or client premises.</p> <p><b>Misuse</b></p> <p>This applies to using drugs in an unsanctioned way. For example any illegal drug use, or using drugs for nonmedical purposes without proper direction to do so from an appropriately qualified person such as a medical doctor or pharmacist. It also applies to using drugs in a way that are harmful / hazardous to the individual or to others and which are likely to distort perception and response when at work.</p> <p><b>Chain of custody</b></p> <p>Is the secure process that ensures the sample provided by an individual for drug testing is labelled, tracked, analysed and reported so that on completion of the laboratory analysis the results is specific to the original sample provided by the individual.</p> <p><b>Safety Critical Roles</b></p> <p>A list of safety critical roles Includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• Banksman</li> <li>• Crane operator</li> <li>• HGV driver</li> <li>• Company Car driver/driving for business</li> <li>• FLT Driver</li> <li>• LGV driver</li> <li>• Mechanical appointed persons</li> <li>• MEWP operators</li> <li>• Plant operators</li> <li>• Press Operators</li> <li>• Slinger</li> </ul>
<p><b>5. Employer Responsibilities</b></p>	<p>Within this policy, there are specific responsibilities to be undertaken by all managers, supervisors and team leaders. Action needs to be taken in the event of a suspected breach of this policy, an incident/accident or when an individual displays signs of impairment due to drugs or alcohol. All managers, supervisors and team leaders have a responsibility to ensure that the procedures of this policy are appropriately enforced and followed.</p>
<p><b>5.1 Senior Management</b></p>	<p>a) To ensure that this policy is implemented throughout Company premises.</p> <p>b) To notify contractors and any associated Company employees of this policy and supporting procedures.</p> <p>c) To monitor the effectiveness of the policy on an on-going basis.</p>
<p><b>5.2 Line Managers, Supervisors and Team Leaders</b></p>	<p>a) To ensure that the health and safety of those individuals under their management or supervision is not endangered through the misuse of drugs or alcohol.</p> <p>b) To take the appropriate action against those individuals whose job capability is impaired due to drugs or alcohol.</p>

	<p>c) To take the appropriate action against those individuals who are in breach of this policy.</p> <p>d) To refer to the Human Resource Department those individuals who volunteer that they may have a drug or alcohol dependency or when they have a concern regarding an individual's possible dependency.</p> <p>e) Line managers will also take advice from Occupational Health concerning a declaration of medication by an employee or contractor. The Confidential Medication Advice Form FM054 should be completed with any advice provided by Occupational Health and retained within the employee's record.</p> <p>f) When an employee is returning to work following any period of sickness absence and before they recommence work, the line manager must establish, during the return to work interview whether the employee is taking any medication that could impair them. The line manager should consult Occupational Health for guidance and/or advice, if necessary.</p>
<p><b>6. Employee Responsibilities</b></p>	<p>a) Under the Health &amp; Safety at Work Act 1974 (Section 7a) all employees have a duty of care not only for their own health and safety, but the health and safety of others who may be affected by their acts or omissions.</p> <p>b) Employees should familiarise themselves with this policy and the implications arising from a breach of this policy.</p> <p>c) It should be recognised that prescribed and over-the-counter medicines may cause impairment to an individual's performance at work. It is therefore the employee's responsibility to seek advice from their medical practitioner or pharmacist on any medicines they are taking. They should inform their line manager of any possible side effects of their medication. Any medical information will be treated in strictest confidence.</p> <p>d) Employees with genuine concerns about any colleague in relation to drug and alcohol impairment, misuse or dependency should be made aware of their responsibility for taking those concerns to their line manager or Human Resource Department, with the relevant supporting evidence. Such concerns will be taken seriously and mechanisms for dealing with them are in place. Any persons working for the Company should feel able to raise genuine concerns appropriately without fear of victimisation however; this must be done with proper regard to principles of veracity and confidentiality.</p>
<p><b>7. Communicating the policy</b></p>	<p>The Company's Drug &amp; Alcohol Policy is issued through the document control process and will be brought to the attention of all employees and contractors.</p> <p>All prospective employees of the Company, including internal applicants for positions when the post holder will be defined as a safety critical worker, will be made aware of this policy.</p> <p>All new employees will be provided with a briefing on this policy as part of their induction.</p> <p>Line managers will conduct a suitable briefing, including issue of this handbook, to all employees under their control and, thereafter, carry out as appropriate, refresher briefings on this policy as part of the safety briefing process.</p>
<p><b>8. Voluntarily seeking help and support</b></p>	<p>The Company will provide help and support to an employee who voluntarily seeks help for drugs and/or alcohol related dependency. The employees must, however, seek assistance at the earliest possible opportunity. Subsequent discovery, or disclosure prompted by a breach of this policy or an impending drug or alcohol test, will not be</p>

	<p>acceptable and will not provide immunity to an employee from possible consequential disciplinary action. The employee will be subject to the same disciplinary procedures as any other employee who breaches this policy.</p> <p>Employees are encouraged to voluntarily seek help and the Company. Any employee who seeks the assistance of the Company in obtaining help and support for a drug or alcohol dependency is assured of their confidentiality being respected.</p> <p>Individuals can voluntarily seek help by speaking directly with their line manager, Human Resources or Occupational Health. In all cases, the line manager and Human Resources will be informed and involved as a means to providing an individually tailored programme of help and support.</p> <p>The line manager will ensure that any safety critical work or working licences, held by the employee is withdrawn to prevent the employee from carrying out safety critical duties, until such time as Occupational Health advises that it is appropriate for them to do so.</p> <p>If an agreed or recommended programme of help and support is not followed by an employee or is ineffective and occurs concurrently with lapses in the employee's performance, conduct or attendance then they will be dealt with in accordance with the Company's normal disciplinary or sickness absence procedures as appropriate. This includes any matter arising prior to the disciplinary procedure being suspended.</p>
<p><b>9. Drug and alcohol testing</b></p>	<p>Drug and alcohol testing applies to all employees and contractors of the Company. The purpose of testing is to ensure that due diligence is exercised and to deter and/or detect individuals working on Company premises whilst being impaired due to drugs (legal or illegal) or alcohol.</p> <p>The Company will use breath testing for alcohol and urine testing for drugs. Testing will be carried out by an impartial collection agency specialising in alcohol and drug testing, in the following circumstances:</p> <ul style="list-style-type: none"> <li>a) <b>For- Cause Testing</b> – When it is suspected that an employee is in breach of this policy or when it is suspected that an employee is impaired due to the use of drugs or alcohol, testing may be used as part of an assessment process.</li> <li>b) <b>Post Accident/Incident Testing</b> – As part of an accident/incident investigation, testing may be carried out on those employees involved, when possible, to determine whether or not drugs or alcohol may have been a contributory factor.</li> <li>c) <b>Random Testing</b> – Employees will be randomly selected and tested at the Company's premises throughout the course of the year. This process is regardless of the employee's job function. This is to ensure fairness within this policy and give a clear message that the misuse of drugs and alcohol cannot be tolerated by the Company.</li> <li>d) <b>Assurance Testing</b> – If an employee's performance is affected by a dependency to drugs or alcohol or when they are being supported by the Company for a drug or alcohol dependency they may be required to undergo assurance testing.</li> </ul>
<p><b>10. Testing Refusal</b></p>	<p>Should an employee refuse to consent/comply with the testing process or provide a sample for testing, the Company reserves the right to treat a refusal to consent/comply with the testing process or provide a sample for testing the same as a positive test result. The employee will be suspended immediately on full pay, pending the outcome of a disciplinary investigation.</p> <p>Should an employee who when selected and notified to attend for a random test fails to attend without a valid reason for doing so, the Company reserves the right to treat the non-attendance the same as a positive test result.</p>

	<p>A refusal by contractor to consent/comply with the testing process or provide a sample for testing or when selected and notified to attend for a random test fails to attend without a valid reason for doing so will result in their employer being notified and removed from Company premises.</p>
<p><b>11. Record keeping</b></p>	<p>Human Resources will maintain records of testing carried out for a minimum of five years from the date of the test whether negative or positive.</p> <p>The responsible manager in charge will inform the employee's line manager and ensure that any safety critical and/or working licences held by the employee are withdrawn and returned to the employee's line manager.</p>
<p><b>12. Monitoring and review</b></p>	<p>The Health and Safety Manager will ensure that the results of testing are regularly monitored to identify any trends that indicate changes in the level of drug and/or alcohol use and misuse.</p> <p>The results of drugs and alcohol testing are included in the Management Review for the Company. In the event of any adverse trends being identified, the Health and Safety Manager will highlight the issue to the Health and Safety committee, which will determine an appropriate course of action.</p> <p>The Health and Safety Manager will make arrangements for periodic audits to ensure that the requirements of this policy and supporting procedures are being complied with.</p>