Drug & Alcohol Policy

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MVKELLY
CIVIL ENGINEERING

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Policy Overview

M.V. Kelly Limited is committed to ensuring a safe and healthy working environment. We recognise that the misuse of alcohol or drugs can adversely impact individuals, their colleagues, clients, and the public.

The purpose of this policy is to ensure safety, health, and productivity of those working for or on behalf of M.V. Kelly Limited. Protect employees, workers, and the public from the risks associated with alcohol, drugs, and other substance misuse. Encourage individuals with substance dependency to seek help.

This policy sets out clear expectations regarding the use and misuse of drugs and alcohol for all individuals working for or on behalf of M.V. Kelly Limited. Our aim is to maintain a respectful, safe, and fair working environment.

This policy applies to all employees, agency workers, contractors, subcontractors, and any other individuals working on behalf of M.V. Kelly Limited.

This policy does not form part of any contract of employment or contract for services and may be amended at any time.

Requirements and Guidelines

- No Employee may report for work while unfit to do so through the use or misuse of drugs or alcohol.
- No Employee may possess (unless for legitimate medical reasons), sell, or give away drugs or alcohol during working hours.
- No Employee may consume drugs (unless prescribed for a legitimate medical reason) or alcohol during working hours.
- Employee cannot store alcohol or drugs on company premises, excluding prescribed drugs for a current condition which need to be taken during work time and stored securely.
- No Employee undertaking safety-critical tasks should take prescribed or non-prescribed medication that has the potential to affect their ability to work safely, without informing the company.
- Employee involved in Court proceedings arising from a drug or alcohol related offence must report the matter immediately to their Line Manager.
- Employee should be aware that the use of alcohol or drugs at a time or in a quantity that would cause them to test positive at work will be considered a breach of this policy.

Communication, Education and Training

The Policy will be communicated to all employees through the induction process, contractor materials, newsletters, and site/ office notice boards. Team briefings through toolbox talks, newsletters and notice board displays will provide information regarding the requirements set within this policy.

Employees will be given drug and alcohol awareness material to cover:

- Awareness of the policy and policy rules.
- The effects drugs and alcohol can have on a user's health and ability to work safely.
- How to avoid becoming dependent on drugs and alcohol.
- How and where to seek help if you have a drug or alcohol dependency problem.
- How to recognise the signs and symptoms of drug and alcohol misuse.
- How to ensure your body is free from drugs and alcohol at work.

Managers will receive drug and alcohol awareness training to cover:

- The principal ways in which drugs and alcohol affect behaviour.

- How to recognise the signs and symptoms of drug and alcohol misuse.
- The distinction between signs associated with dependency and signs associated with recent substance misuse.
- How to utilise the support provided by the policy.
- How to apply the policy in a variety of situations.
- How the drug testing elements of the policy will be managed.
- How the testing processes work.

Support and Rehabilitation

M.V. Kelly Limited supports those who seek help for drug or alcohol dependency and treats it as a medical condition.

Depending on circumstances, adjustments to duties may be made. Employees may be moved to non-safety-critical roles or asked to remain off-site during treatment.

A bespoke Employee Assistance Programme (EAP) is available for confidential support.

Procedure

Testing will be conducted by an independent, specialist third-party agency using reliable and accepted methods. Individuals may nominate a witness to attend where practicable.

Testing may occur in the following situations:

- **Reasonable Suspicion:** Where misuse is suspected.
- **Post-Incident:** Following any incident where misuse may be a factor.
- **Unannounced Random Testing:** At least 20% of employees per annum will be tested. Selections are made by a third-party using a random computer-based system. Participants will be notified either the evening before or on the day.
- **Director testing:** All Directors are subject to mandatory testing twice per annum. These tests will be conducted on an unannounced and random basis.
- **Rehabilitation Monitoring:** Positive test results may lead to follow-up testing for up to 12 months.

Refusing a Test

Refusing to take a test includes, but is not limited to:

- Failure to consent to a test.
- Failure to cooperate with any part of the testing process.
- Failure to appear for testing at a collection site at the time allotted.
- Leaving the scene of an incident in which a serious injury or fatality has occurred, without just cause and without submitting to a test.

Refusal to undergo a test may be deemed an act of gross misconduct and subject to disciplinary action. Alternatively, Employee/Workers may be suspended for a minimum of a week following refusal to submit to a test if it is felt that safety or security are an issue.

Positive Results of Testing

Drugs:

- A confirmed positive test without a legitimate explanation constitutes a breach.

Alcohol:

- A breath result of 22 micrograms per 100 millilitres of breath or more, on two consecutive tests, constitutes a breach.

Actions Following a Positive Test
An employee is considered unfit for duty through the misuse of drugs or alcohol if a positive test result is recorded.

Employees (PAYE):
- Will be referred to the Disciplinary Policy.
- May have disciplinary proceedings paused during rehabilitation.
- May be reinstated with conditions, such as ongoing testing.
- May receive sick pay for agreed rehabilitation periods.
- Vehicle use and benefits may be restricted.
- Employment may be terminated if treatment fails.

Other Workers:
- May initially be dealt with informally.
- May be removed from site or prohibited from future work with M.V. Kelly Limited.
- Drivers/operators may face restrictions.

Client and Site-Specific Requirements

Client or Principal Contractor rules may override this policy. All individuals must comply with any additional site-specific requirements.

Responsibilities

Employees
- Attend work fit for duty and free from the effects of alcohol or drugs.
- Comply with this policy and all related procedures.
- Use prescribed medication responsibly and inform the Company where safety may be affected.
- Co-operate with testing where required.
- Raise concerns or seek support at the earliest opportunity.
- To not place themselves or others at risk through substance misuse.

Line Managers / Directors
- Lead by example and promote a culture of safety and wellbeing.
- Ensure employees understand and comply with this policy.
- Identify and respond appropriately to concerns or signs of substance misuse.
- Apply the policy fairly, consistently and confidentially.
- Seek advice from HR where testing, suspension or disciplinary action may be required.
- Support employees who seek help in line with this policy.

HR
- Support the implementation and ongoing effectiveness of this policy.
- Provide guidance to managers and employees on its application.
- Support drug and alcohol testing arrangements.
- Manage investigations and disciplinary processes where breaches occur.
- Ensure appropriate support mechanisms, including EAP access, are available.