

Drugs and Alcohol Policy

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Amendment Table

1. POLICY STATEMENT

- 1.1 Kier Group is committed to providing a safe and healthy working environment for all employees and those affected by our activities. Kier Group's operations will be carried out so as to ensure, so far as is reasonably practicable, that the Health, Safety or Conditions of any person or property will not be adversely affected. The misuse of drugs or alcohol by individuals can lead to an increased risk of accidents or incidents; the Kier Group aims to reduce these risks by means of the Policy, Procedures and Guidance set out in this document (together, this "Policy").
- 1.2 This Policy is applicable to (i) Kier Group plc, its subsidiaries and subsidiary undertakings (together the "Kier Group" and each "Kier Group Company") (ii) all officers and employees of the Kier Group Companies and (iii) all, consultants, contractors, and sub-contractors or other third parties employed or engaged by or on behalf of a Kier Group Company, together "Relevant Individuals".
- 1.3 The aims of this Policy are to:
- Ensure that Kier Group complies with relevant legislation relating to substance abuse at work (including without limitation The Health and Safety at Work etc. Act 1974, The Transport and Works Act 1992, The Misuse of Drugs Act 1971 and The Railways (Safety critical work) Act 1994):
 - To take a proactive approach to ensure that our workplace is a drug and alcohol free environment as part of our commitment to ensuring a safe and productive workplace, by ensuring that all relevant individuals are aware of this Policy and that anyone who declares (pre-testing) a drug, alcohol or substance related addiction or habit is given the necessary support.
 - Undertake measures to prevent persons attending work under the influence of illegal drugs, misused prescribed or over-the-counter medication or alcohol, using a testing regime; and provide information, instruction and awareness training to all Relevant Individuals on the health effects of alcohol and illegal drug use, the principles of this Policy and the repercussions of a breach of it (including disciplinary procedures and dismissal).
- 1.4 This Policy will be communicated to all relevant individuals and reviewed on a regular basis. All amendments or updates will be communicated.

Signed originals on headed paper are held
at Tempsford Hall for audit purposes only

M P Sheffield
Chief Executive
For and on behalf of Kier Group plc
January 2012

2. DEFINITIONS
Alcohol

- 2.1 The legal limit for driving in the UK is 35 microgrammes of alcohol per 100 millilitres of breath or 80 milligrammes of alcohol per 100 millilitres of blood. For the purpose of this Policy, “under the influence of alcohol” is defined as detection by testing of:

Non-Rail Workers	Rail Workers
Equal to or greater than:	Greater than:
80 milligrammes of alcohol per 100 ml of blood	29 milligrammes of alcohol per 100 ml of blood
35 microgrammes of alcohol in 100ml of breath	13 microgrammes of alcohol in 100 ml of breath
107 milligrammes of alcohol in 100 ml of urine	39 milligrammes of alcohol in 100ml of urine

Prohibited Substance Use

- 2.2 The substances for which Relevant Individuals may to be tested include:

- Amphetamines including Ecstasy
- Cocaine
- Benzodiazepines
- Barbiturates
- Opiates including heroin
- Methadone
- Cannabis
- Propoxyphene
- Phencyclidine

The drugs referred to above are examples only and are not an exhaustive list of the substances for which a Relevant Individual may be tested.

Prescription and over-the-counter medication

- 2.3 Also prohibited are any legal substances which may affect performance at work, which include but are not restricted to, antidepressants, sleeping pills, tranquilisers, antihistamines and medicines for coughs, or colds, where these are used in excess of legitimate usage levels as prescribed.

This prohibition includes medication prescribed by medical practitioners or purchased over-the-counter. Individuals who are prescribed medicines or are taking over-the-counter purchased legal drugs should bear in mind that they may affect their working performance and in particular their ability to work with machinery safely. It is the responsibility of the worker to enquire with his/her GP or pharmacist whether any medication is likely to affect performance at work. If it is then, the Relevant Individual must inform his/her line manager immediately.

Relevant Individuals will always be asked to declare any recent medication use prior to the time of testing.

- 2.4 There are no acceptable levels of drugs in the workplace other than those prescribed by a doctor or obtained from a pharmacist where these are used in accordance with legitimate usage levels and do not affect performance at work.

For the purposes of this policy, “under the influence of drugs” is defined as detection by testing of any prohibited substance.

3. RESPONSIBILITIES

3.1 All Relevant Individuals have a responsibility under this Policy with regard to the detection and prevention of the misuse of alcohol and drugs as follows:

Group SHE Director shall:

3.2 have overall responsibility for the implementation of this Policy and testing regimes and will monitor the effectiveness of both on an ongoing basis.

Senior Managers shall:

3.3 ensure that this policy and testing regimes are implemented throughout the Kier Group and that suitable communication of this Policy is provided to all Relevant Individuals.

Line Managers/Supervisors shall:

3.4 understand and be familiar with this Policy and communicate it to relevant individuals under their control;

3.4.1 monitor work performance, attendance, sickness absence and accidents/incidents and take appropriate action where necessary in line with this Policy;

3.4.2 ensure that appropriate adjustments are made for Relevant Individuals who have declared the use of a medication which may have an impact on their ability to perform their current tasks.

All Relevant Individuals (including Directors and Senior Management) shall:

3.5 not come to work under the influence of **illegal drugs or alcohol** or attempt to drive or operate any machinery at work if they believe they may be under the influence of any substance, including legally prescribed or over-the-counter medication, which could impair their abilities;

3.5.1 not bring any illegal drugs or alcohol on to the premises or sites under the control of any Kier Group Company, (unopened alcohol purchased as normal shopping or provided as a Christmas gift or similar (for a colleague) with no intention of use during working hours will be exempt);

3.5.2 check with their GP or pharmacist as to whether any prescription or over-the-counter medication may impair their ability to perform their duties and make the required notification pursuant to this Policy;

3.5.3 give notice (prior to the day of testing or prior to a request to undergo a test) to their manager / HR Representative if they believe they have a problem related to drugs or alcohol. In such instances, the worker will be offered support, counselling and rehabilitation;

N.B. Giving notice of a dependency issue after a Relevant Individual has been asked to undergo a test or on the day that random or for cause test takes place will not grant the individual immunity from being tested or from any disciplinary action that may take place in the event of a positive result for either drugs or alcohol.

3.5.4 not discontinue an agreed course of treatment or rehabilitation for a drug or alcohol related problem without good reason and will notify their manager and HR Representative of such discontinuance;

3.5.5 undergo testing for drugs and alcohol as described in this Policy. Refusal to undergo testing will lead to disciplinary action and could lead to dismissal; and will not cover up or collude with any colleague in breach of this policy.

- 3.6 Whilst Kier Group does not condone, encourage or recommend the consumption of alcohol in excess of the recommended guidelines, it recognises that as part of business life at events such as corporate entertaining, alcohol may occasionally be consumed that causes the worker to be beyond the limits described for alcohol in paragraph 2.1 of this Policy. In cases such as these, it is the duty of the Relevant Individual not to go to any Kier Group office, delivery centre, project office or operational site until such time as she/he is below the limits referred to in section 2.1 and to arrange their own safe transport home. This paragraph 3.6 does not apply to the use and/or possession of illegal drugs or the misuse of prescription or over the counter medication.

4. PROCEDURES

4.1 Testing regime and classifications

On site testing will generally be by calibrated alcometer and urine sample, but this may vary depending on the circumstances. An outside agency will be employed to conduct tests, which will be carried out in controlled conditions.

Preliminary drug detection results (on the day of the test) for "For Cause" tests will be confirmed after further laboratory and specialist interpretation. The collection officer will brief those being tested and a representative from HR and SHE will be present at the testing session wherever possible.

A Relevant Individual will be deemed to have tested positive and therefore failed a drugs test where the detectable level exceeds the internationally recognised pass/fail levels for a banned substance. In the case of alcohol, the limits outlined in paragraph 2.1 will be applied.

A Relevant Individual who refuses to undertake a test when requested, attempts to tamper with, or avoids any part of the drug and alcohol test procedure will be treated as having received a positive result.

When drug and alcohol testing is required as part of a third party's requirements (e.g. Pre-placement for Crossrail, Nuclear, Network Rail and London Underground), the appropriate standard and process will be complied with and the more stringent testing limits and regimes will apply.

4.2 Types of testing

"For cause"

For cause testing is undertaken:

- Where there is suspicion that a Relevant Individual may either be under the influence of drugs or alcohol or has an addiction or substance abuse habit; or
- When a Relevant Individual has been involved in an accident or a near miss incident; or
- When a Kier Group Company has received information relating to potential alcohol or substance abuse or addiction. In this case, to protect confidentiality, the details of the information, which it reasonably believes has been provided in good faith, will not always be revealed to the Relevant Individual; or
- Where a Relevant Individual is being transferred to safety critical work for example, the rail environment (pre-placement); or
- Where a client requires a specific testing regime.

Random testing

Kier reserves the right to undertake a programme of random testing to ensure compliance with this Policy and will aim to test 5-10% of the workforce annually.

4.3 Confidentiality

All results and information in relation to drug and alcohol testing will be dealt with in strict confidence and released only to the line manager of the Relevant Individual tested, the Relevant Individual themselves and the HR and SHE departments.

4.4 Immediate actions following test result – Alcohol (Random, “For cause” and pre-placement)

- i. A negative result will be advised to the employer and the Relevant Individual, and a record made;
- ii. An alcohol in breath reading above 50% of any of the levels set out in paragraph 2.1 of this Policy will result in the HR representative having an informal conversation with the Relevant Individual about the result and informing his/her line manager.
- iii. If the alcohol in breath reading is at or above the levels set out in paragraph 2.1 of this Policy above the Relevant Individual will be deemed to have tested positive and he or she will immediately be suspended from work. The employer will arrange for the relevant individual’s safe transport home; he/she will not be permitted to drive away from the workplace. Disciplinary procedures will then be instigated which may result in summary dismissal, even for a first offence.

4.5 Immediate actions following test result – Drugs (“For cause”)

- i. If the initial urine reading is indicative of recent drug use, the relevant individual will be advised that the sample (urine) needs to be analysed in a laboratory. The sample, provided under controlled conditions, will be handled in a formal chain of custody including maintenance of a split sample.
- ii. If the Relevant Individual is not an employee, their employer will be informed of the initial positive result (whether relating to alcohol or drugs) and reminded that false results may occur. The Relevant Individual will then be suspended from working on any Kier site or Kier premises, pending the result of further laboratory analysis;
- iii. In the case of a Kier Group employee, the same suspension will apply, with the individuals line manager being informed;

If a relevant individual declares that he/she has been taking medication prior to testing that may cause the positive result, the Relevant Individual will not be suspended from site. If the medication is declared after a positive result, the Relevant Individual will be suspended from site.

4.6 Immediate actions – Drugs (Random and Pre-placement)

Where urine samples are taken for the detection of drugs as part of a random or pre-placement test, they will not be subject to an initial test at point of contact. They will be tested at a laboratory and the relevant individuals will be allowed to continue work unless a positive result is confirmed by the laboratory.

4.7 Post-test result actions (ALL)

- i. All test / sample information and documentation will be forwarded to the Group SHE department marked as PRIVATE and CONFIDENTIAL. Copies will be retained by the HR representative.
- ii. Those individuals who are not employed by Kier Group (for example subcontractors) who have tested positive for alcohol following a random or 'for cause' test will be safely removed from site and will not be able to return to work on any site or premise under the control of Kier Group. The responsibility for ensuring that the Relevant Individuals travels home safely remains with his/her employer. He/she will not be permitted to drive away from site;
- iii. A Kier Group employee who has tested positive for alcohol following a 'for cause' test or random test will be subject to Kier Group disciplinary procedures, which may include summary dismissal;
- iv. If drug test results are returned from the laboratory showing a negative result or are found to be consistent with declared medication, individuals and employers will be notified and thanked for their cooperation. This will not have a detrimental effect on a Relevant Individuals career or work record;
- v. If positive results are returned from the laboratory with respect to a non-Kier Group worker employee, the respective employer will be advised that the individual will not be able to return to work on any site or premises under the control of the Kier Group; and
- vi. If positive results are returned from the laboratory with respect to a Kier Group employee, the individual will be subject to Kier Group disciplinary procedures, which may include summary dismissal.