

## **HRP02 DRUGS AND ALCOHOL**

### **1. Introduction**

Kirby is committed to ensuring the health, safety, and welfare at work of all employees. As part of this commitment, the Company prohibits its employees from unlawfully manufacturing, distributing, dispensing, possessing, or using intoxicants. In addition, the Company prohibits its employees from working under the influence of any intoxicant that may have an adverse effect on their behaviour or ability to perform their jobs, or that endangers other employees. Breach of these prohibitions may result in disciplinary action, up to and including dismissal.

This policy applies to all Company employees regardless of pay classification, position, or title within the Company. Part-time employees, fixed-term employees, contractors, and agency workers are also subject to this policy.

The term “intoxicant” as used in this policy refers to alcohol and drugs and any combination of drugs or of drugs and alcohol.

### **2. Illegal Drug Use or Intoxicant Abuse**

You have a statutory duty to ensure that you are not under the influence of an intoxicant where the extent of the intoxication could endanger your own safety, health, or welfare at work, or that of any other person present.

The following rules and standards of conduct apply to you whether you are on Company property or at other locations on work business, and always during the workday (including meals and rest periods). Behaviour that violates this policy includes but is not limited to:

- (a) The manufacture, use, consumption, sale, purchase, offering for sale, distribution, or possession of an intoxicant on company premises / during working hours.
- (b) The unauthorised use or possession of alcohol:
  - (i) on company premises while conducting Company business.
  - (ii) while operating or occupying any Company vehicle at any time; or
  - (iii) during the employee’s working hours including lunch or other break times.
- (c) Unauthorised storing of any prohibited drug, drug paraphernalia, or alcohol in a locker, desk, toolbox, vehicle, equipment, or other repository on Company premises.
- (d) Being under the influence of alcohol or any other intoxicant while on duty.
- (e) Unauthorised possession or use of alcohol or the possession, use, manufacture, distribution or sale of prohibited drugs or intoxicants off company premises or worksites during off-duty hours which affects the employee’s ability to perform assigned job duties, renders the employee at risk to self or others at work, or which could bring the Company into disrepute; and safely and fully.

- (f) Possession of any device, object, or substance designed or used to alter the result of a drug or alcohol screening on company premises or at any testing facility.

Breach of these rules will not be tolerated and will be addressed in accordance with the Company's Disciplinary Procedure. The Company may also bring the matter to the attention of appropriate law enforcement authorities where necessary or appropriate to do so in accordance with its role as a good corporate citizen.

If you are charged or convicted of an offence under any statute related to the unlawful manufacture, distribution, dispensation, possession, or use of an intoxicant(s), you must immediately inform the Company. If you are convicted, you shall be subject to disciplinary action, up to and including dismissal. The Company may also require you to participate in drug abuse assistance or rehabilitation programs.

The Company reserves the right to refuse entry to anyone who sells, possesses, or appears to be under the influence of intoxicants to the Company premises. The Company also reserves the right to send home any employee who appears to be under the influence of an intoxicant(s).

### 3. **Use of Prescription or Over-the-Counter Drugs**

If you are prescribed medication, you must seek advice from your doctor or pharmacist on the possible effect on your ability to carry out your job and whether your duties should be modified or if you should be temporarily assigned to another role. If so, you should notify your line manager and HR without delay. The Company will take reasonable steps to keep the information confidential and to disclose it only on a need-to-know basis.

### 4. **Alcohol**

Using alcohol on the Company's premises is prohibited; however, at times, the Company may sponsor or participate in events where alcoholic beverages are served. Nevertheless, the Company expects and requires that you will conduct yourself appropriately and professionally and will refrain from excessive use of alcohol or any conduct which could reflect negatively on the Company.

For the purposes of this policy, the definition of intoxication need not rise to the level of blood alcohol volume content prohibited by law. The Company may also use the indication of impairment including but not limited to actions, behaviours, or physical manifestations in its determination of impairment. You must not be intoxicated while on Company premises, while travelling on Company business (including driving a Company vehicle or personal vehicle), while at any Company event, or while representing the Company at any business function or meeting.

If you violate any part of this policy on drug or alcohol abuse you may be subject to disciplinary action, including but not limited to the termination of your employment.

### 5. **Preventative Action**

To enforce this policy, the Company reserves the right to conduct investigations which may include searches of employees and their personal effects if it suspects that drugs, alcohol, or other intoxicants may be present.

Failure by an employee to cooperate fully in any aspect of a Company-sanctioned search is likely to result in disciplinary action, up to and including termination of employment. The Company reserves the right to draw inferences from an employee's refusal to consent to a search.

All personal items such as pockets, packages, bags, briefcases, lunch boxes, purses, toolboxes, or other belongings or items being brought onto or being removed from Company premises are subject to inspection by the Company or its authorised agents at any time. Likewise, all Company assigned property such as motor vehicles, lockers, desks, etc., is subject to inspection.

Unless prohibited by applicable law, employees and their vehicles are subject to search at any time while on Company premises or when entering or leaving the Company's premises.

#### 6. **Alcohol/Drug Dependency**

The Company will treat each instance or allegation of alcohol and/or drug dependency on a case-by-case basis. At its absolute discretion, the Company will seek to reasonably accommodate you if you have alcohol and/or drug dependencies and you seek treatment and/or rehabilitation. The Company will provide information on counselling, medical and other support through our EAP (Employee Assistance Programme) to those employees who come proactively forward and ask for support in relation to an alcohol or drug problem and who are committed to overcoming that problem. If you participate in a drug or alcohol rehabilitation program, the Company treats that participation as confidential. If you have participated in treatment and/or rehabilitation and your job performance remain impaired because of the dependency, this may be managed through the appropriate Company policies (e.g. Company's Performance Management Policy or the Company's Disciplinary Policy).

The Company operates in a safety critical environment. Persons who engage in work under the influence of alcohol and/or drugs can put themselves and others at risk of serious harm, and the Company will ensure that appropriate steps are taken to protect its employees, while balancing the need to support colleagues where possible and appropriate. Colleagues who have an alcohol or drug addiction will be actively encouraged to avail of professional assistance and where appropriate will be given the opportunity to do something positive to resolve their problem. Should a colleague fail to respond to, or continue with, treatment, they may be subject to disciplinary action, up to and including dismissal, where appropriate.

The Company will not tolerate abuse of this policy or of the available colleague support mechanisms. All individual cases will be assessed with regard to their circumstances and any course of action will be based on medical evidence and advice.

Referral to support mechanisms will not arise in every case and the Company will not permit colleagues to use such mechanisms to circumvent performance management or disciplinary processes.

#### 7. **Testing<sup>1</sup>**

The Safety, Health and Welfare at Work Act 2005, states that if reasonably required by their employer, an employee must submit to any appropriate, reasonable, and proportionate test

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for intoxicants. The Company therefore reserves the right to test for drugs, alcohol, and other substances:

- during a candidate's screening before undertaking work for the Company.
- where it is reasonably suspected that an employee's behaviour or actions may have been caused by the misuse of alcohol, drugs, or other substances or where a manager has a reasonable belief that an employee is impaired and unable to perform their duties due to alcohol, drugs, or other substances. A reasonable belief or suspicion may arise from a few factors including apparent disorientation; unsteadiness; slurring of words; smell of alcohol; dishevelled appearance; admitted or observed taking of illegal or non-prescribed drugs or volumes of alcohol; unusual or abnormal behaviour. This list is not exhaustive.
- where an accident/incident has occurred; and
- where it is deemed necessary under the guidance of the Company's Occupational Health Service.

Having regard to its health and safety obligation to ensure that those in safety critical roles (anyone who enters a site is on a Construction or Operational Site and as such is deemed to be in a safety critical role in relation to their own safety and the safety of others on site) are not intoxicated while working, the Company will implement random drug and alcohol testing of persons holding safety critical roles.

Some clients and customers will demand random testing for access to their sites. Where this is required it will be a condition of employment that any Kirby employees who are required to work on the site must submit to the required random testing.

Random testing may be implemented. Random testing will be truly random. If testing is targeted, it must be 'for cause' or post-accident. Kirby works on Client Sites and where a client has site specific drug and alcohol testing regimes in place this is a condition of employment for work on that site.

All testing will be undertaken onsite by a qualified third party or off site by a registered medical practitioner approved by the Company. Remote workers (working at home) may also within working hours be required to report to a qualified third party/ registered medical practitioner to complete a drug and alcohol test at any site within Ireland.

Failure to submit to testing may result in disciplinary action, up to and including dismissal. Should you refuse to consent and comply with the testing process you may be suspended immediately on full pay, pending the outcome of a disciplinary investigation. The Company reserves the right to treat a refusal to consent/comply with the testing process the same as a 'non-negative' result. If you test positive for drugs and/or alcohol, you have the right to request at your own expense to have the same specimen sample independently tested.

The Company has nominated an alcohol and drug limits that pose an unacceptable risk to employees, visitors and contractor's health and safety. The agreed limit is the drink and drug driving limit within Irish law (currently a BAC of 50mg, i.e. 50 milligrams of alcohol per 100 millilitres of blood). Most people will have a BAC of 20 to 50 mg after one standard drink).

Any indirect worker (agency/contractor etc.) suspected to be unfit for work or under the influence of drugs or alcohol will be removed from the premises. They may be offered the

facility of a test. Their employer will be notified of this decision. They must be advised not to drive any vehicle, and informed that if they choose to drive, then the appropriate law enforcement authorities may be informed.

8. **Breach Of Policy**

If you breach this policy, refuse to take part in tests, or test positive for drugs, alcohol, or other substances, you may be subject to an investigation and/ or subsequent disciplinary action being taken, up to and including dismissal, and potential prosecution.

The Company may also bring a breach of this policy to the attention of appropriate law enforcement authorities where necessary or appropriate to do so.

If you are charged with or convicted of an offence under any statute related to the unlawful manufacture, distribution, dispensation, possession or use of alcohol or drugs, you must immediately inform the Company. If you are convicted, you may be subject to disciplinary action, up to and including dismissal. The Company may also require you to participate in drug abuse assistance or rehabilitation programs.