

HARGREAVES SERVICES PLC

DRUGS AND ALCOHOL POLICY

(FOR HONG KONG STAFFS)

Scope

This policy complies with relevant legal requirements and covers all employees. Contractors and Agency staff are also covered by this policy, along with any person entering a Hargreaves operation.

Objectives

To advise employees of the Company's policy relating to substance abuse and action to be taken.

To provide a facility for employees to seek assistance to overcome substance abuse or dependency and to engender a climate that gives employees and the Company confidence to deal with such situations.

To communicate clearly to employees that the Company recognises the seriousness of substance abuse and possible implications if action is not taken to remove the dependency.

For the purposes of the policy, the term 'substance abuse' includes misuse of alcohol, controlled and prescription drugs, illegal and designer drugs and other substances (e.g. solvents).

Alcohol & Drugs in the Workplace

Employees should not attend work having consumed alcohol or drugs that may affect their abilities to perform their duties in a safe and efficient manner.

The Company will deem alcohol to have been consumed if, when tested, the indicated level exceeds 20 micrograms per 100 millilitres of breath.

This policy covers all drugs, other than drugs for medication that have previously been assessed by the Company as not impairing employee performance. It is the employee's responsibility to seek approval for drugs being used for medication prior to commencing work.

Attending work and failing a drug and alcohol test is a disciplinary offence.

Self-Referral for Assistance

Employees who suspect or know that they have a Drug or Alcohol related problem are encouraged to seek help and treatment voluntarily through self-referral.

Any request for assistance on a self-referral basis will be maintained as strictly confidential between the employee and their choice of contact.

To have the protection of this policy, it is the responsibility of the employee to advise their Line Manager in advance of any treatment.

If the request for self-referral follows an incident of misconduct or poor performance, the employee must submit to a review by the Company's Occupational Healthcare Provider and allow the Company access to the subsequent report.

Removal of Policy Support

This policy offers no protection where management believe an employee is claiming a substance abuse problem in an attempt to avoid disciplinary action following an incident. Following the commencement of a test, employees will no longer be able to self-refer.

This policy offers no protection in cases which are in direct contravention of the law.

Identification of Substance Abuse in individuals who have self-referred or are in a recovery programme

Any alleged breaches of Company rules will be fully investigated. Should the breach of Company rules be confirmed and it is necessary to take disciplinary action, the employee's admittance of an addiction prior to the breach taking place will be taken into account as an extenuating circumstance in determining the action to be taken.

In the case of a breach, at the Company's discretion, the employee may be referred to the Company's Occupational Healthcare Provider for assistance where each case will be judged and managed on its individual merits.

Employees who have been on a recovery programme will be subject to random alcohol and drug testing on a more frequent basis for a period of one year. Refusal to be tested under the Drug and Alcohol Policy will be treated as an act of Gross Misconduct due to the employee refusing to cooperate.

Testing

The agreement of employees to participate in the drug and alcohol testing process forms part of the contract of employment and refusal may result in disciplinary action being taken which may result in dismissal.

All prospective employees are required to complete a Drug and Alcohol Screening Consent Form and confirm the details of any medication being taken, including over the counter medication. They must consent to the all screening results being disclosed to Hargreaves Services plc.

Any prospective employee who produces a positive indication, or refuses to take a test, will not be employed.

All contractor or agency staff will be screened as part of the Hargreaves testing procedure. The Hargreaves Manager responsible for appointing contractor or agency staff must receive written confirmation from their employer that they will comply with the testing requirements of this Policy prior to engagement.

An employee, contractor or agency worker will be subject to a drugs and alcohol test where drugs or alcohol are suspected of contributing to an accident, incident or dangerous occurrence. The testing protocol is mandatory for all incidents involving vehicle collision. Testing in such cases shall take place as soon as is reasonably practicable.

In the case of tests carried out by independent enforcement bodies (i.e. police) any results from these tests will be accepted until such a time as an in house test can be carried out (if further verification is required).

The Company reserves the right to carry out With Cause Testing on employees, contractors or agency worker during working time where there is reasonable suspicion of their performance being impaired by drugs or alcohol while on duty.

The Company reserves the right to carry out random testing for the presence of drugs or alcohol on employees, contractors or agency staff during working time.

In the case of a test producing a positive indication, the employee, contractor or agency worker will be removed from the workplace. The Company reserves the right to involve the police in cases where an employee who has tested positive for drugs or alcohol insists on driving their own vehicle.

Any candidate who fails a test or refuses to take a test will not be employed and cannot re-apply for a position within any part of the Group for six months.

Testing Protocol

Testing for drugs and alcohol will be carried out by a Competent Person appointed by the Company. It is the responsibility of the Competent Person to ensure that the testing process is conducted in compliance with the screening process as defined within this policy document.

In the case of a test producing a positive indication that is disputed by the employee, contractor or agency worker, the sample will be tested by an accredited laboratory to verify the result. The result from the accredited laboratory will be deemed to be final and binding.

Client Tests

Workers are required to comply with a client request to participate in drug and alcohol testing when working on the client site. Where a client has required an employee of the Group to participate in a drug and alcohol test, the results of the client test will be relied upon on the basis that the correct protocols have been adhered to within the testing procedure.

Responsibilities

Line Manager

- To fully understand the Company policy and procedural guidelines on substance abuse.
- To be responsible for the day to day implementation of the policy.
- To refer staff for assistance as appropriate
- To carry out where appropriate detailed investigations in conjunction with Human Resources.
- To maintain confidentiality.

Human Resources

- To act immediately and in confidence to any reported incidents of substance abuse.
- To refer employees for assistance where appropriate
- To provide support to line management during confidential investigations and any subsequent disciplinary process.

Employees

- Report to work in a fit condition.
- To seek help and treatment through the procedures laid down in this policy where they believe they have an alcohol or drug related problem.
- Report any issues or concerns immediately to their Line Manager.

Training

Appropriate awareness training will be provided for line management to facilitate understanding of the policy and consistent implementation of the procedural guidelines.

SUBSTANCE ABUSE - PROCEDURAL GUIDELINES

The purpose of these guidelines is to assist Line Managers to implement the Company's policy on substance abuse.

Signs to look for

The following characteristics, especially when arising in combination, may indicate the presence of an alcohol or drug-related problem:

- High accident levels
- Inconsistent work output
- Increased errors
- Poor timekeeping
- High frequency of unauthorised leave
- High frequency of self-certified absence
- Mood changes
- Friction with colleagues
- Smelling of alcohol
- Poor personal hygiene
- Changes to skin condition
- Regularly short of money
- Court appearances

What is self-referral?

Self-referral is where an employee identifies themselves as having an alcohol or drug abuse problem. If an employee contacts you regarding an alcohol or drugs-related problem, you should advise them to contact the appropriate Occupational Healthcare Provider or Human Resources Department.

In these circumstances all meetings and records with the Company's Occupational Healthcare Provider are confidential and you will only be notified where treatment, rehabilitation or counselling requires absence from work, or where consideration is required to a change in employee's duties or working conditions.

How will specimen collection and testing be carried out?

The person to be tested will be given a consent form to sign by the Company's Occupational Healthcare Provider, Competent Person or the approved Drug Test Collection Technician. On this form any prescribed medication or over-the-counter drugs being used should be disclosed. The person conducting the test will be sufficiently trained and suitably qualified to conduct Drug and Alcohol tests.

Alcohol Testing

Will be performed as a breath alcohol test using a Company approved testing device. After a positive indication to a test (i.e. equivalent to 20µg/100ml breath alcohol concentration or above) 20 minutes will be allowed to elapse before a second test is performed and, following completion of a second consent form. No drinks including water should be given in the first 10 minutes, anything given after this time period will not make any difference to the repeated breath test.

Where the validity of the results from the positive indication are challenged by the person being tested, a specimen of the urine will be taken in accordance with strict Chain of Custody criteria and sent to an accredited laboratory for analysis.

Drug Testing

An initial Drug Test using urine will be administered to give results within minutes. The technique used will be a self-contained urinalysis screening device.

For employees showing positive indications, further analysis will be carried out on the same specimen of urine in accordance with strict Chain of Custody criteria.

Chain of Custody is a system of controls governing the entire testing procedure. It must prove that a particular urine specimen originated from a particular individual and that the results reported relate, beyond reasonable doubt, to that specimen.

The Chain of Custody is initiated at the collection point and must be maintained in transit to the laboratory and throughout the laboratory analysis to the reporting of results.

It must prove that there has been no opportunity for the sample to be accidentally or maliciously adulterated or tampered with in some way, and that no attempt was made to tamper with the specimen bottles in transit between the Company and laboratory.

Documentary evidence of all handling and processing within the laboratory must be maintained, recording every time the sample changes hands.

Many samples that go forward for confirmation are found to be negative. It is therefore important to think of the analysis as a single process, which for some samples may involve two stages.

How do I know which procedure to follow when dealing with an issue which is alcohol or drug-related?

Each case must be judged on its individual merits. You will be guided by your Human Resources Department as to which procedure is appropriate to the individual occurrence.

An employee's work performance is unsatisfactory and may be alcohol or drug-related, what should I do?

In an informal interview the employee's immediate Manager or Supervisor should explore the nature and cause of the problem and seek ways in which this can be remedied.

Should it transpire that an employee's unsatisfactory work performance is due to an alcohol or drug abuse problem, you should advise the employee to follow the Self-referral process.

All employees who return to work after a period of absence associated with alcohol or drugs will undergo a 'Return to Work Medical' with the Company's Occupational Healthcare Provider which may include follow-up testing.

What happens to employees who breach the relevant Code of Conduct or Disciplinary Rules due to misconduct arising from alcohol or drug use or misuse?

Misconduct through consumption of alcohol and/or drugs is normally dealt with under the prescribed disciplinary procedure.

In these circumstances, if the employee is believed to be unfit for work they should be removed from the workplace whilst any investigations take place, to minimise danger to themselves and other employees.

Employees whose alcohol or drug problem comes to light in the course of the disciplinary procedure should be aware that the admission of dependency may be a mitigating factor but will not necessarily result in the suspension of disciplinary action.

Possession of Controlled Drugs

If any employee is found to be in possession of an illegal drug (whether for supply or personal use) however small the amount, an investigation will take place. The employee would be suspended during the investigation which would normally include having the substance analysed and may involve the local police.

The Company will always involve the local police in cases where the supply of controlled drugs is suspected.

In all cases, the Company will take whatever steps it deems appropriate in terms of disciplinary action irrespective of the outcome of any police investigation. The likely outcome, if possession is proven, will be summary dismissal for gross misconduct.

Supply of Controlled Drugs

In cases where an employee is found in possession of a larger quantity of illegal drugs and where the surrounding evidence tends to indicate an intent to supply, this will be considered gross misconduct and will lead to summary dismissal.