

Alcohol & Drugs

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1. Summary

EDF Energy is committed to being a safe and responsible company with regard to its people, its assets, the environment and the communities it serves. Alcohol and drug misuse can have an adverse affect not just on an individual worker but on their colleagues, customers and the public. Having a safe working environment, providing excellent customer service and being able to make sound business decisions are all critical to the Company's success.

This document details EDF Energy's HR Policy: Alcohol & Drugs and sets out the rules that apply. Its purpose is to:

- create an organisational culture where the effects of the use of alcohol and drugs on safety, customer service and efficiency at work are recognised;
- create a working environment where the safety of individuals and others who may be affected by their actions, such as colleagues, customers or members of the public, are protected from the risks arising from the misuse of alcohol or drugs;
- detail the rules that apply within EDF Energy in relation to alcohol and drugs and the Company's response to breaches of the HR policy;
- explain the situations in which alcohol and drug testing will be conducted;
- encourage those who have an alcohol or drug problem to seek help and advise them of the support available.

Those to whom this HR policy applies are referred to, in this document, as "workers" or "individuals". This includes EDF Energy employees and third party workers such as agency supplied workers and managed service workers. It should be noted however that the support provisions contained in this HR policy only apply to employees of EDF Energy.

Breaches of the HR policy will be taken very seriously and may, in the case of employees, lead to investigation and potential disciplinary action, including summary dismissal. In the cases of agency supplied workers or managed service workers, a breach may lead to the termination of their engagement with EDF Energy.

This HR policy has been drawn up after consultation with Trade Union representatives and has the full support of EDF Energy's senior management.

2. Scope

The HR Policy: Alcohol & Drugs applies to all EDF Energy employees other than those working in joint venture companies where local policies may apply.

Agency supplied workers and managed service workers working for EDF Energy are also required to abide by the requirements of this HR policy. It should be noted however that the support provisions contained in this HR policy only apply to employees of EDF Energy.

Throughout the HR policy, the terms "individuals" and "workers" are used to describe those to whom this HR policy applies, e.g. EDF Energy employees and third party workers such as agency supplied workers and managed service workers.

This HR policy represents the Company minimum standard. Any more stringent variation required by a business unit, to meet particular health & safety legislation or other legislative or business needs, will be determined and implemented locally, subject to the Chief People Officer being satisfied that appropriate consultation with relevant stakeholders has taken place.

3. References

Legislation, regulation and guidance from external organisations, including:

ACAS: "Health, work and wellbeing"
Drug Driving (Specified Limits) (England and Wales) Regulations 2014
Data Protection Act

Equality Act
Health & Safety at Work Act
HSE: "Don't Mix It"
HSE: "Drug Misuse at Work"
Management of Health & Safety at Work Regulations
Misuse of Drugs Act
Nuclear Industries Security Regulations
Railways (safety critical work) Regulations
Road Traffic Act
Road Traffic Act 1988 (Prescribed Limit) (Scotland) Regulations 2014
Transport & Works Act

4. HR Policy

The EDF Energy HR Policy: Alcohol & Drugs is a fundamental part of the Company's commitment to achieving Zero Harm by safeguarding the health, safety and well-being of its employees and other individuals with whom it comes into contact, as well as protecting its assets, the environment and the communities it serves.

EDF Energy aims to raise the awareness of individuals to the issues associated with the misuse of alcohol and drugs. Relevant information is available from Occupational Health and, from time to time, this will be the subject for a health awareness campaign.

EDF Energy requires all individuals to comply with its HR Policy: Alcohol & Drugs. Breaches of the HR policy will be taken very seriously and may, in the case of employees, lead to investigation and potential disciplinary action, including summary dismissal. In the case of agency supplied workers or managed service workers, a breach may lead to the termination of their engagement with EDF Energy.

Once advised of them, EDF Energy employees must comply with the applicable aspects of alcohol and drugs policies of other organisations, where those aspects are more stringent, when carrying out work for those organisations on behalf of EDF Energy.

The Company reserves the right to revise and update this HR policy from time to time in order to reflect changes in the law, best practice, or the way in which EDF Energy conducts its business. The Company will consult with the recognised trade unions on any change to approach.

Additional supplementary information is provided by the Company in the Annexe to this document.

4.1 Alcohol

Alcohol intoxication is defined within this HR policy as at or above the relevant national legal limit for driving. Workers must ensure that they are not intoxicated by alcohol when they report for work, return to work, or are called out during a period of Standby, and that they remain so whenever they are at work, when driving Company vehicles or when driving on Company business.

Workers must not drink alcohol during working time (see Definitions below). No alcohol may be drunk at any time on EDF Energy premises or in EDF Energy vehicles. The exception to this is during the evenings at Cannington Court. Alcohol must not be brought within the outer security barrier of a nuclear licensed site other than for operational purposes.

Workers who are contacted on a General Availability basis will be expected to declare themselves unfit to work if they are intoxicated by alcohol.

Workers must always abide by the principles of the EDF Energy Code of Conduct and EDF Energy Disciplinary Rules with regards to maintaining the reputation of the Company and conducting themselves in a manner consistent with the proper performance of their duties.

4.2 Illegal drugs

Workers must ensure that they are free of any illegal drugs when they report for work, return to work, or when they are called out during a period of Standby, and that they remain so whenever they are at work, when driving Company vehicles or when driving on Company business.

Individuals who are contacted on a General Availability basis will be expected to declare themselves unfit to work if they are not free of illegal drugs.

The use, possession, storage, transportation, promotion, distribution and/or sale of illegal drugs or drug equipment is forbidden during working time, in the workplace or at the worksite. The use of EDF Energy telephony or IT systems at any time for these purposes is forbidden. EDF Energy may report any criminal activity. Decision-making on this matter will involve the relevant HR Director.

When it has reasonable grounds to suspect an individual of possessing illegal drugs. EDF Energy may search Company property used by that individual, or the individual's personal property that is on EDF Energy premises.

4.3 Legal highs

Workers must ensure that they are not under the influence of legal highs when they report for work, return to work, or when they are called out during a period of Standby, and that they remain so whenever they are at work, when driving Company vehicles or when driving on Company business.

Individuals who are contacted on a General Availability basis will be expected to declare themselves unfit to work if they are under the influence of legal highs.

The use, promotion, distribution and/or sale of legal substances for mind-altering purposes is forbidden during working time, in the workplace, or at the worksite. The use of EDF Energy telephony or IT systems at any time for these purposes is forbidden.

4.4 Prescribed or over-the-counter medicines

The Company recognises that individuals may, on occasion, use prescribed or over-the-counter medicines which are unconnected with the abuse of drugs, but have the potential to cause impaired performance at work. In these circumstances, it is the individual's responsibility to read the label and to consider the potential consequences on their fitness for duty, if they have any concerns they should seek advice from a pharmacist, their GP or Occupational Health.

Where the individual could reasonably expect that there may be effects on their work performance or the safety of themselves or others, they must advise the Company or the organisation by whom they are employed. In the case of employees, this should usually be done by advising the line manager, but alternatively they may contact Occupational Health in confidence. Those receiving the information must take appropriate steps to ensure that the individual does not work in circumstances where any possible side-effects could pose a safety risk to themselves or others.

The use, promotion, distribution and/or sale of prescription or over-the-counter medicines for non-medical purposes is forbidden during working time, in the workplace or at the worksite. The use of EDF Energy telephony or IT systems any time for these purposes is forbidden.

4.5 Testing

4.5.1 Testing circumstances

In certain defined circumstances, individuals may be required to undergo testing for alcohol and illegal drugs in their system, i.e.:

- when a prospective worker is offered employment in a Specified Role (see Definitions below), or a current worker is offered a transfer from a Non-Specified to a Specified role. In these circumstances Pre-Appointment Testing

will be carried out to screen for alcohol and drugs and confirmation of appointment will be subject to a negative test result;

- when an individual has had direct personal involvement, during working time, in a serious or very serious incident (defined in the Incident Classification Matrix in EDF Energy's Incident Investigation & Reporting Standard), or an equivalent incident relating to nuclear or environmental safety, they will be required to undergo alcohol and drug screening. This is known as Post-Incident For Cause Testing;
- where a manager has reasonable grounds for believing that an individual is intoxicated or under the influence of drugs (and as a result, unfit for work) based on their conduct, behaviour or appearance, an alcohol and drug screening test may be required. This is known as Behavioural For Cause Testing;
- where an employee is participating in follow-up monitoring or a rehabilitation programme. Under these circumstances Follow-Up Testing may occur unannounced during a defined period to verify continued abstinence from abuse of alcohol and drugs;
- where an employee is subject to Random Testing.

Random Testing programmes are currently (March 2019) in place in Generation and Nuclear New Build and Customers. Any person working at, or visiting, a Generation or Nuclear New Build site (including Barnwood, East Kilbride, 90 Whitfield Street 5th Floor, Bridgewater House, Mallard Court or the Innovation Centre) may be subject to Random Testing.

Other business areas may introduce Random Testing with appropriate consultation with relevant stakeholders. Up to 20% of workers subject to Random Testing will be tested on an unannounced basis each year. The testing times will reflect the variety of working patterns in operation.

4.5.2 Testing protocol

All testing will be conducted by either an Occupational Health practitioner or an independent professional testing company, who will ensure that a standard testing procedure is undertaken including an appropriate Chain of Custody. Specific arrangements will be the subject of appropriate Business Unit definition and local consultation.

An individual may nominate a colleague or trade union representative to witness the test where this is reasonable and practical. Where a witness is not available, or it is not practical for them to attend or, where they do not arrive on site in time, the test will proceed without delay and the absence of the witness will not invalidate the test.

Appropriate investigation and action will be taken in the instance of an individual refusing to take a test or attempting to falsify results. In the case of employees this may include disciplinary action up to and including dismissal.

No worker will undertake Safety Critical work on behalf of EDF Energy in the periods between:

- a Pre-Appointment, Post-Incident For Cause or Behavioural For Cause test sample being collected from them and the results of their test being declared negative;
- a Medical Review Officer declaring a positive result on any test and a review of the situation taking place.

If it is not practicable or appropriate to assign alternative duties, the worker may be prohibited from attending EDF Energy workplaces or worksites during these periods other than for investigatory and/or disciplinary hearings.

Positive test results will be declared when the alcohol level within the sample is beyond the relevant national drink drive limit and/or when a drug or its metabolite has been found without a medical explanation beyond a limit which is pre-determined in accordance with international drug testing guidelines.

4.5.3 Re-tests

Under the standard testing procedure an individual has the right to have a second sample (taken at the same time as the original) independently analysed by another laboratory. The retest will be paid for and recognised by the Company provided it is conducted by a laboratory on the UKAS (United Kingdom Accreditation Service) accredited list.

4.5.4 Drug testing panel

Drug testing will generally include tests for amphetamines, benzodiazepines, cannabis, cocaine, methadone and opiates. However the Company reserves the right to include additional illegal drugs or legal highs in the testing panel.

4.6 Support

EDF Energy recognises that an alcohol or drug problem may be an illness, to be treated as such.

Individuals who believe they have, or may have, an alcohol- or drug-related problem are encouraged to seek help voluntarily and bring the matter to the attention of the Company or the organisation by whom they are employed. Employees may do this by contacting their manager or by making a self-referral to Occupational Health or to the Employee Assistance Programme.

In accordance with the EDF Energy Code of Conduct, employees are required to report unsafe conditions. An individual who suspects a colleague of being under the influence of alcohol, illegal drugs or legal highs at work where this may cause a safety risk to themselves or others should report this.

Any employee who comes forward voluntarily will be offered confidential help and support by EDF Energy and, following consultation and assessment, an appropriate rehabilitation programme will be proposed. As described above, this may include unannounced "follow-up" alcohol and drug testing taking place to verify continued abstention from abuse of alcohol and drugs. In some circumstances, allocation to other duties may be advised. All consultations between the employee and any advisors (e.g. Occupational Health) in connection with rehabilitation will be undertaken in medical confidence. Any progress reports to a manager will be in terms of fitness for duty and safe working rather than containing specific details of an employee's medical condition.

Although EDF Energy wishes to support employees in dealing with alcohol or drug problems, it requires employees receiving support to return to normal standards of work, behaviour and attendance over a stated period of time. Failure to do so may lead to termination of employment. In addition, it should be noted that a positive result arising from Follow-Up Testing will result in the individual's continued employment being reviewed. Provision of support in dealing with alcohol or drug problems will not preclude disciplinary action being taken if the employee commits a disciplinary offence.

Health-related absence relating to alcohol and/or drug misuse will be treated in accordance with the Company's health-related absence management procedure(s), taking account of the requirements of the Equality Act where applicable.

Employees who are tested in any of the situations described in Section 4.4 and found to have a positive test result will be subject to investigation and the relevant Company disciplinary procedure in the first instance. If the employee identifies that they have an alcohol- or drug-related problem and requests assistance, the Company will provide this whilst they remain in employment. The provision of such assistance does not preclude disciplinary action continuing.

Employees whose test identifies the presence of alcohol at or beyond half the relevant national drink drive limit will be invited, in confidence, to a discussion with Occupational Health who will offer the appropriate health/safety related advice and guidance and which may result in the individual seeking assistance from the Company as above.

4.7 Providers of workers

Contracting companies, consultancies and employment agencies providing agency supplied workers or managed service workers to EDF Energy must demonstrate that their own policies and arrangements applying to those workers are of at least the same standard as those of EDF Energy. Failure to do so, or evidence that they are not applied consistently and effectively, may be considered a breach of contract.

It will be agreed with each organisation separately whether the testing described in section 4.4 will be managed and paid for by EDF Energy or by the providing company. Where the testing is managed by the providing company, EDF Energy will require notification of any worker receiving a positive test result. The providing company will be encouraged by EDF Energy to take a supportive approach to individuals with alcohol or drug-related problems.

Irrespective of whether the testing was managed by EDF Energy or by the providing company, EDF Energy will require an explanation of action taken by the providing company in response to a positive test result of one of its workers. Continuation of a worker's employment on EDF Energy work will require the consent of EDF Energy. This will be given or denied according to principles applied when reviewing continued employment of an EDF Energy employee. EDF Energy reserves the right to preclude site access to an individual when it feels appropriate.

5. Responsibilities

Role	Responsibility
Chief People Officer	<p>Owns the HR Policy: Alcohol & Drugs and is responsible for obtaining agreement to the HR policy from the Business Unit Human Resources Directors and those in equivalent roles in Corporate Functions and seeking approval from the Chief Executive.</p> <p>Responsible for ensuring that appropriate consultation has been undertaken on any local, more stringent, variations of the HR policy before they are implemented.</p>
Industrial Relations & Reward Director	<p>Responsible for maintaining the HR policy, ensuring that it is regularly reviewed and proposing any changes.</p>
Health & Safety Director	<p>Responsible for proposing any safety-related changes to the HR policy to the Industrial Relations & Reward Director</p> <p>Responsible for ensuring that the quality of risk assessments supporting the identification of Specified Roles comply with required standards.</p> <p>Responsible for ensuring that determination of Specified Roles across the Company is consistent.</p>
Principal Medical Officer	<p>Responsible for proposing any medical- and/or health-related changes to the Industrial Relations and Reward Director.</p> <p>Responsible for ensuring that testing procedures include an appropriate Chain of Custody protocol.</p>
Business Unit Human Resources Directors and those in equivalent roles in Corporate Functions	<p>Responsible for ensuring the HR policy is implemented and communicated appropriately within their respective business areas.</p> <p>Responsible for undertaking appropriate consultation on proposed local, more stringent, variations on the HR policy.</p>
Executive Members	<p>Have been delegated authority to make decisions within their business areas in operating this HR policy. Further delegation of authority within business areas will be captured in local governance documentation.</p> <p>Responsible for ensuring that Specified Roles are defined in their respective Business Units through the application of an appropriate risk assessment of all work activities, and involving trade union consultation.</p>

Employee Services	Responsible for distributing the HR policy to new employees.
Supply Chain	<p>Responsible for ensuring that the requirements of this HR policy are communicated to organisations providing workers to EDF Energy, and included in contracts.</p> <p>Responsible for ensuring arrangements are in place for agency supplied workers and managed service workers to be made aware of the HR policy.</p>
Occupational Health	<p>Responsible for providing briefing material for employees and managers on the effects of alcohol and drugs, their impact on health and work, how to get help, and for providing advice to managers in relation to specific queries.</p> <p>Responsible for providing support to employees who come forward with an alcohol or drug abuse problem.</p>
Health & Safety	Responsible for monitoring the level of positive tests being declared and bringing any notable increases to the attention of the relevant management team.
Managers	<p>Responsible for reviewing the behaviour, performance and conduct of employees and taking appropriate action including, where there are concerns about an employee, encouraging them to seek the support available.</p> <p>Responsible for enforcing the HR policy, ensuring employees are aware of the rules contained in the HR policy, and, where it is alleged that employees have breached the HR policy, instigating the appropriate disciplinary procedure consistently.</p>
Providers of workers	<p>Responsible for ensuring that their own policies and arrangements relating to EDF Energy workers provide at least the same standard as those of EDF Energy.</p> <p>Responsible for making individuals they assign to EDF Energy work aware of the HR policy requirements.</p>
Workers	<p>Responsible for familiarising themselves with the HR Policy: Alcohol & Drugs, raising any questions or concerns and complying with the contents.</p> <p>Responsible for reading labels and/or seeking information regarding prescribed or over-the-counter medication or herbal remedies and, if they have taken the medication or remedy, advising the Company (or providing organisation) if there is a reasonable possibility that their work performance or the safety of themselves or others may be affected.</p>
Witnesses	Responsible for attending a test at the request of the individual being tested, to observe proceedings undertaken by the Collection Officer.

6. Records

Details of employee's test results and follow-up discussions will be held in strictest confidence by Occupational Health in the individual's medical file in accordance with the Company's obligations with regards to such records.

Personal data will be retained in accordance with EDF Energy's privacy notices (www.edfenergy.com/yourprivacy).

7. Document history

Version	Date	Author	Comments
Version 1.0	01/03/07	Helen Whiteman	EDF Energy – Employment Policy Review
Version 2.0	09/07/07	Helen Whiteman	Updated: Human Resources Director
Version 3.0	04/10/11	Helen Whiteman	EDF Energy – Employment Policy Review Replaces British Energy Drugs & Alcohol Policy (BE/POL/035)
Version 3.1	13/02/12	Helen Whiteman	Updated: Organisational changes
Version 3.2	29/02/12	Helen Whiteman	Updated: Organisational changes
Version 3.3	01/11/2013	Helen Whiteman	Updated: Post-Incident For Cause testing, Definitions and terminology
Version 3.4	01/10/2014	Helen Whiteman	Updated: Organisational changes
Version 3.5	01/07/2015	Helen Whiteman	Updated: Alcohol limits
Version 3.6	15/07/2016	Helen Whiteman	Updated: Legal highs
Version 3.7	15/06/2017	Helen Whiteman	Updated: Nuclear sites and annual review
Version 3.8	020/7/2018	Melody Bell	Updated: Chief People Officer, Organisational Changes, location changes, annual review
Version 3.9	25/03/2019	Helen Whiteman	Updated: Annual review

Appendix 1 – Definitions

Agency supplied workers: An individual who falls within the scope of the Agency Worker Regulations 2010. They:

- have a contract (an employment contract or contract) with a temporary work agency (“agency”) to perform work personally; and
- are temporarily supplied to EDF Energy by the agency; and
- are subject to the supervision and direction of EDF Energy when working on the assignment; and
- are not in business on their own account (i.e. they are not genuinely self-employed)

OR

An individual who would be classified as above other than that they are genuinely self-employed and in business on their own account.

Chain of custody: A procedure for ensuring that the sample collected is from the individual concerned, that all reasonable measures are taken to exclude contamination and that the security of the sample in transit to the laboratory is safeguarded

Direct Personal Involvement: A person whose actions or omissions were material to the chain of causation of an incident.

Drug equipment: Any equipment, product or material whose intended purpose is to be used in connection with injecting, ingesting, inhaling or otherwise introducing into the human body a controlled or illegal substance.

General availability: Employees on General Availability may be contacted at any time and asked to give advice or attend work

Illegal drugs: All drugs listed in the Misuse of Drugs Act 1971 and subsequent amendments unless used in accordance with a valid prescription or when used as otherwise authorised by law

Incident Classification Matrix: The matrix contained in EDF Energy’s Incident Reporting & Investigation Standard (Pulse\HS&E\HS&E Procedures, forms & standards\Company HS&E Policies & Standards

Legal highs: Psychoactive drugs which are legal substances which have the effect of illegal drugs,

Managed service workers: Individuals provided by a company engaged by EDF Energy, as the customer, to manage services under a Managed Service Contract. The Managed Service Contractor must be genuinely engaged in supervising and directing its workers on site on a day to day basis and must determine how and when the work is done

Safety Critical work: Defined in the Transport (Safety Critical Workers) Regulations

Serious Incident: An incident defined as a Serious Incident in the Incident Classification Matrix

Specified Roles: Roles identified through risk assessment, and following trade union consultation within the relevant business area, involving activities where, due to risks to the individual or others, the worker needs to have full and uninhibited control of their mental and physical capabilities. These include any of the following:

- regular driving of vehicles on Company business;
- working on, or in the vicinity of, the electrical, nuclear and mechanical systems of the Company;
- working at height or in confined spaces;
- working with any electrical, nuclear or mechanical plant and equipment;

-
- working with nuclear-related IT systems;
 - entering customers' premises;
 - working on or around the highway, in high risk areas for personal safety, or entering premises not under the control of EDF Energy;
 - working on railway infrastructure or premises over and above those roles defined as Safety Critical Workers;
 - Night Work as defined in EDF Energy's HR Policy: Working Time
 - any other roles requiring Office for Nuclear Regulation (Civil Nuclear Security) (ONR(CNS)) security clearance;
 - any new roles arising where it is perceived that a significant risk to the individual or to others can only be adequately contained through the application of personal control and discipline where the influence of any substance would prejudice safety, judgement and physical control.

Very Serious Incident: An incident defined as a Very Serious Incident in the Incident Classification Matrix

Workplace: All buildings, structures and vehicles owned, leased or otherwise utilised by EDF Energy for business purposes.

Worksite: All sites other than workplaces where EDF Energy business is carried out.

Working Time: For the purposes of this HR Policy, working time is any time between when a worker reports for work at the start of the working day or shift and the time they finish work. It includes any period of call-out whilst on Standby duty, or overtime working, but does not include an official meal break.

For some workers, reporting to work will be the point in the day that they start driving on Company business, and finishing work will be the time at the end of the day that they stop driving on Company business.

Annexe

Supplementary Information

Alcohol & Drugs

EDF Energy wants all employees to have access to the information, resources and support they need to be physically fit and healthy, and safe in EDF Energy's working environments. As such, general information and practical guidance regarding alcohol and drugs is given below, as well as supplementary information on procedural aspects of the HR Policy: Alcohol & Drugs.

Alcohol

The Company has adopted the relevant national legal limit for driving as its measurement for determining whether an individual is "intoxicated by alcohol" and is, therefore in breach of the policy. The relevant national drink-drive limit may change but the policy will always apply the limit in force at any given time. On updating the EDF Energy HR Policy: Alcohol & Drugs in 2019, the legal limit for driving in Scotland was 50 mg of alcohol per 100ml of blood and 80mg of alcohol per 100ml of blood throughout the rest of the UK.

There is no failsafe guide as to how to stay under the legal limit for driving. It depends on a number of factors including weight, sex, age, metabolism, stress levels, food intake and the amount and type of alcohol. The only safe way to know that the drink drive limit has not been reached is not to drink alcohol.

Even if the drink drive limit has not been reached, the smallest amount of alcohol can affect concentration and the ability to work efficiently and safely. Consequently an individual could be well within the legal drink drive limit and still be affected by the amount of alcohol they have been drinking. And, because alcohol takes several hours to go through the system, these effects can last for some time. It is impossible to get rid of alcohol any faster. In other words even if an individual has been drinking the night before, they may not be as fit as they think for work the morning after. This has implications not just for the individual's own safety and performance but also for the Company and the people around them.

EDF Energy's recommendation, therefore, is that:

- workers do not drink alcohol in the period prior to reporting to work;
- workers do not drink alcohol during a lunchtime or meal break;
- workers do not drink alcohol whilst on standby or when driving;
- workers on day shifts be aware of the effects of consuming alcohol the night before reporting to work;
- workers on shift patterns or on night shifts be aware of the effects of consuming alcohol during the day prior to their shift beginning.

Managers should avoid organising any event which involves the consumption of alcohol at these times. When organising an event at any time the appropriateness of including alcohol, and to what degree, should be considered. The views of the attendees should be respected, for example with regard to faith, and the travel arrangements of attendees should be taken into account e.g. whether they will be driving afterwards.

Additional information regarding alcohol and health may be provided by Occupational Health, for example factsheets held on the intranet (HS&E\Health & Well-being).

Illegal drugs

Illegal drugs are defined as being all drugs listed in the Misuse of Drugs Act 1971 and any subsequent amendments unless they are being used in accordance with a valid prescription. Unlike alcohol, any use of illegal drugs is against the law. Illegal drugs include cannabis, ecstasy, heroin, cocaine, crack and amphetamines. A full list of the drugs that may be

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identified through the testing carried out by EDF Energy may be included in the business area specific guidance referred to below (see paragraphs on Testing Arrangements).

Illegal drugs affect the system in a similar way to alcohol. An occasional user of cannabis could test positive for 3-5 days after using it and a regular user could test positive for up to two weeks after last use.

Being free of illegal drugs means not having a level of illegal drugs in your system that would result in a positive drug test. The "cut-off" levels in drug tests, i.e. the amounts of a drug found in urine which determine whether or not a test is positive, are very low, but sufficient to take account of any cannabis that could have been inhaled through passive smoking. An individual could not manage their intake of illegal drugs to stay below these "cut-offs" in the way that they could do for alcohol. Effectively, therefore, being free of illegal drugs means not having drugs in your system.

It is an offence for an employer to knowingly allow the supply or production of controlled drugs on premises which they occupy or manage, or to allow the smoking of cannabis or opium on those premises. Such situations must not be ignored. EDF Energy has arrangements with specialist companies for testing suspicious substances found during working time, in workplaces or at worksites. Further details on how to arrange such a test are available from HR.

Managers should take a reasonable approach when determining whether any item could be a piece of "drug equipment". For example, a spoon, in itself, is not a piece of drug equipment. A spoon with its underside blackened by soot may be reasonable cause for investigation, however.

Legal highs

Legal highs are largely substances which are not illegal, themselves, but imitate the effects of illegal drugs in producing a psychoactive effect when consumed. They are also known as psychoactive substances. They are often marketed as bath salts, incense or plant food. They mostly contain synthetic, chemical compounds which imitate the effects of more traditional, illegal drugs such as speed and cannabis.

Often these substances contain ingredients which haven't been tested on humans and so the effects of human consumption are hard to predict. The drugs can have a range of effects on users and some users may not fully realise the effects they might have.

In May 2016, the Psychoactive Substances Act came into force in the UK. The Act makes it an offence to produce, supply, offer to supply, possess with intent to supply, possess on custodial premises, import or export psychoactive substances. It excludes legitimate substances, such as food, alcohol, tobacco, nicotine, caffeine and medical products from the scope of the office, as well as controlled drugs already regulated under the Misuse of Drugs Act 1971.

Drug drive limit in England and Wales

In March 2015, legislation was introduced in England and Wales in relation to driving and drugs. The consequence of this is that it is an offence for an individual to drive with certain drugs above a specified limit in their blood. Essentially these are:

- illegal drugs (for which the specified limit is extremely low);
- certain prescription drugs if the individual has not been prescribed them; or
- the same prescription drugs if they have been prescribed to the individual, but they have used them above the limit prescribed

The relevant prescription drugs are "benzodiazepines", specifically clonazepam, diazepam, flunitrazepam, lorazepam, methadone, morphine or opiate and opioid-based drugs, oxazepam or temazepam. These drugs are a group of medicines that are sometimes used to treat anxiety or sleeping problems. They have a calming effect on various functions of the brain.

If prescribed these drugs, individuals should check with their doctor or pharmacist whether there are any risks to them driving whilst taking them, and should take the drugs in line with their prescription. They should also remember the requirement under this HR policy to advise the Company or the organisation by whom they are employed if they could

reasonably expect that there may be effects on their work performance or the safety of themselves or others as a result of them taking the drugs.

Working Time

Working time is not related to the start of normal working or office hours but to the actual time the employee starts and finishes work on any given day. Working time will include any overtime or extra hours worked.

The definition of working time in this HR Policy may differ from the time deemed to be working time within the HR Policy: Working Time.

On training courses, working time for delegates will begin at the point they report for the training at the beginning of the day and will end when the training led session is complete for the day. Employees should always remember that their actions and behaviour at training courses will inevitably reflect on EDF Energy and they are, therefore, expected to behave at all times in a professional manner and in accordance with EDF Energy's Code of Conduct.

General Availability

Workers who are contacted on a General Availability basis (i.e. contacted at any time to be asked to give advice or attend work rather than on a defined Standby arrangement) will be expected to declare themselves unavailable for work if they are intoxicated by alcohol or are not free of any illegal drugs. Under no circumstances should staff be allowed to work, or pressurised to agree to work, if they declare themselves unable to comply with the HR Policy: Alcohol & Drugs. If an individual is unable legally to drive a car, then it is unlikely that their judgement will be sufficiently unaffected to mean that they could effectively perform their job. No investigation or disciplinary action should be undertaken in these situations.

Searching for illegal drugs

EDF Energy may search Company property used by an individual, or an individual's personal property that is on EDF Energy premises, where there are reasonable grounds for suspecting the individual of possessing illegal drugs.

Decisions to instigate searches will be made by the individual's manager (in the case of employees) or the relevant EDF Energy manager (in the case of non-employees) in consultation with HR, giving due consideration to the facts of the situation. The individual's consent will be sought prior to any search being conducted and the individual will be present while the search takes place.

Searches will be undertaken by the decision-making manager, accompanied by HR or another EDF Energy manager of the same or more senior level. They will be carried out discreetly and in private as far as is practicable. The individual may be asked to open their personal property for inspection.

If an individual refuses to consent to such a search taking place, disciplinary action may be taken against that individual based on the reasonable suspicions held that they were in possession of illegal drugs on EDF Energy premises.

Testing arrangements

The benefit of testing is that it provides an objective way of measuring whether an individual has used alcohol or drugs rather than relying on the personal opinion of someone else e.g. a manager or colleague. Also, if an individual has been involved in an accident or incident, but not used alcohol or drugs, the test gives them the opportunity to prove this beyond all doubt, not only to the Company but also to the external authorities where relevant.

It is important to note that, as explained in the HR policy, employees who have a positive test result will be subject to investigation and the relevant Company disciplinary procedure in the first instance. It is also important to note that a test not being carried out does not preclude the instigation of an investigation and potential disciplinary action.

The detail of testing arrangements may vary across business areas e.g. who to contact to arrange a test and how. Information may be found on the intranet (Human Resources\A – Z Index) or on local document management systems (for Cottam, West Burton A and West Burton B CCGT).

Aspects of testing arrangements which are common across the Company include:

- All tests will be carried out under tightly controlled procedures, ensuring the results are fair, accurate and objective;
- All tests will be carried out in the strictest confidence and privacy, and with due regard to the need for dignity in the workplace;
- Testing may involve breath tests and/or the testing of saliva or urine. In exceptional circumstances, and in discussion with the individual, testing of hair samples may be carried out. Blood samples will not be taken for testing;
- Pre-appointment testing should ideally take place before the individual takes up the role but must always take place no later than one week after the appointment has begun;
- A written note will be made by the manager documenting consideration of a For Cause test being carried out. Where a test is carried out, a copy of the note will be retained by Occupational Health;
- If a worker to be For Cause tested would otherwise be engaged in Safety Critical work, they will be taken off Safety Critical duties immediately and, for their own health and safety, will be supervised until the collection officer arrives to perform the test (usually no more than two hours later than being called). They will not resume Safety Critical duties until a negative test result has been received by the Company. If the individual has been involved in an accident, the priority will be, of course, to give the appropriate medical attention;
- Witnesses will attend tests only at the request of the individual - it is not compulsory to have a witness. The witness should simply observe proceedings undertaken by the Collection Officer e.g. observing the initial paperwork being completed and explanations being given, (for urine tests) observing that the individual is shown into a toilet area where taps have been sealed off and blue dye put down the toilet, observing the sample being temperature checked, separated and coded. They will not go into a toilet area with the individual. They will not have to sign any paperwork.

Post-Incident For Cause testing situations

For Cause testing may be undertaken in the event of a serious or very serious incident, or an equivalent incident relating to nuclear or environmental safety. To determine whether an incident would be classified as “serious” or “very serious”, managers should refer to the Company HSE Incident Classification matrix which is contained in EDF Energy’s A&IMS HSE Standard, Incident Reporting & Investigation. On the intranet, this can be found at HS&EHS&E Procedures, norms & standards\Company HS&E Policies & Standards.

As explained in the Definitions above, an individual will be deemed to have had “direct personal involvement” in an incident if their actions or omissions were material to the chain of causation of the incident.

Determining the individuals who have had “direct personal involvement” is the responsibility of the manager who will need to look at each individual situation and the lead-up to it. Individuals will not necessarily only be those physically present at a site – it is possible that someone giving advice over the telephone could have been a material part of the process leading up to an incident.

Managers must consider this point in the immediate aftermath of the incident in order to request the test on a timely basis. The testing process, however, must not interfere with the absolute priority of ensuring that individuals receive any medical or other treatment they may need.

Behavioural For Cause testing situations

No definitive guidance can be given on conduct, behaviour or appearance that could be the result of intoxication or drug misuse, however below are examples of signs which may indicate current intoxication or the effect of drugs.

When considering this matter, the whole picture must be taken into account and managers should not rely on one sign on its own. Signs to look for include:

- smell of alcohol;
- unsteadiness;
- aggression;
- appearing uncoordinated and/or detached from reality;
- slurred speech and/or having trouble communicating;
- making inappropriate comments, e.g. over-familiar;
- smell of solvents;
- lethargy and/or extreme tiredness;
- inappropriate giggling.

People who have long term alcohol or drug problems are not in control of their behaviour. There is no one sign that is indicative of alcohol or drug misuse, however, and managers, again, need to consider the overall picture. Some combination of the following signs may be a warning, but they may also indicate a completely different problem such as a family tragedy or depressive illness:

- poor attendance, especially where there is a pattern of taking regular days off or returning late from mealbreaks;
- unexplained disappearances;
- many incidents of self-certified illness with no attempt to resolve the cause, e.g. many short episodes of colds or stomach upsets;
- poor work performance, especially large variations in quality and quantity of work in a previously reliable worker;
- many minor errors in work;
- many minor accidents such as slips, trips and falls;
- hand tremors;
- deterioration in personal appearance;
- lack of concentration and easily distracted;
- changes in personality;
- increased irritability and/or depression;
- deterioration of relationship with colleagues;
- concern expressed by colleagues.

It should be remembered that irregular behaviour may not necessarily be a result of alcohol or drug misuse. Some medical conditions and emergencies may resemble the symptoms of alcohol or drug use, for example, epilepsy or diabetes. However, in the absence of an acceptable explanation from the individual concerned, managers may want to intervene.

The behavioural criteria for testing should not be used as a means of confirming (or otherwise) a belief or suspicion that a worker may have a long term problem. People with long term problems do not automatically use alcohol or drugs every day of the year. An isolated test may therefore prove negative and antagonise the employee, making it more difficult to get them to accept help later. Managers who suspect that an employee has a long term alcohol or drug problem should discuss the situation with Occupational Health and/or HR.

Even when there are reasonable grounds for believing that an employee is intoxicated or under the influence of drugs, calling for a test should not be the automatic first step. Conclusion should have been reached by the manager, in discussion with Occupational Health and/or HR where practicable, that it would be reasonable and proportionate to do so. Cases involving agency supplied workers or managed service workers should be managed through their employing organisation.

Seeking support

The Company believes that the best way for dealing with problems associated with alcohol or drugs is to make expert advice and help readily available. The policy makes it clear that an employee who comes forward voluntarily and seeks help for an alcohol or drug problem will be given help and support by the Company.

The first step is to ask for help because, quite apart from their own physical and mental well-being, there are very real dangers if the worker's role involves operational duties or driving on behalf of the Company. Alcohol and drugs can put

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their own life, and the lives of their colleagues, at risk, as well as affect business performance and the way customers are treated.

An important part of Occupational Health's work is helping people when things get too much for them and Occupational Health are backed up by a team of professional counsellors. The Occupational Health service is available to everyone in EDF Energy and is completely confidential. If work or family life is affecting their mental or physical health in some way, employees can ask their manager to refer them to their local Occupational Health team or they can contact them directly themselves. Information on how to make a referral can be found on the Occupational Health pages of the intranet (HS&E/Health & Well-being).

Alternatively employees can call the Company's Employee Assistance Programme directly. The Employee Assistance Programme offers free, professional and independent advice and support to employees, by phone or online, on a wide range of work/life issues, including:

- Health and well-being – problems sleeping, fitness, weight management, alcohol
- Debt management and budgeting – creditors, financial health check
- Family relationships – communication, marriage, civil partnerships
- Children – pregnancy, birth, care, education, adoption/fostering
- Retirement – preparation, change, benefits entitlement, wills
- Work and Career – change, team dynamics, work overload, conflict
- Consumer rights and legal information – benefits, housing problems, tax credits, disability, neighbour disputes

In addition, it also offers confidential counselling – by telephone, online or face-to-face depending on the employee's personal preference.

The Employee Assistance Programme is a confidential service that is available 24 hours a day, 365 days a year. It can be accessed online (www.my-eap.com, username: edfenergywell) or via the telephone (0800 1116 387). Telephone calls are free of charge.

Offering support

In some cases a manager may suspect that an employee may have an alcohol or drug misuse problem but this suspected misuse is not creating problems at work which are serious enough to warrant invoking the Company procedures. In these circumstances they should hold an informal discussion with the individual concerned. The manager should discuss facts, not opinions, and should see whether they can eliminate other possible causes of the apparent symptoms or behaviour which have led to the concern e.g. work-related issues such as heavy workload, or general health issues. They may have to deal with denial and/or hostility from the individual and need to be able to discuss the possibility of alcohol or drug misuse in a non-confrontational way.

In such cases, it is essential that a tactful approach is adopted and to ensure that confidentiality is practiced. Confidentiality however does not mean secrecy, and it is advisable for the manager to contact Occupational Health and/or HR for advice and help in approaching the employee.

Where an employee is concerned about a colleague and they feel they know the person well enough, they may feel they could speak to them discreetly and in confidence and suggest that the individual, if they are an EDF Energy employee, contacts Occupational Health for confidential advice and help. If the colleague is not an EDF Energy employee but an agency supplied worker provided by another Company, they should be encouraged to seek help from the organisation employing them, their GP or an advisory organisation (see below).

If the colleague doesn't appear to accept the advice, or the employee feels uncomfortable raising the matter then managers or Human Resources can give advice on how to help.

In addition, other organisations that can provide advice and guidance include:

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- Alcoholics Anonymous (0800 917 7650 or www.alcoholicsanonymous.co.uk) provides support to people who have an alcohol problem and want to give up drinking
 - Alcohol Change (www.alcoholchange.org.uk or telephone Drinkline 0300 123 1110) offers general information about alcohol and provides details of the nearest alcohol treatment service
 - Alcohol Focus Scotland (www.alcohol-focus-scotland.org.uk or telephone Drinkline Scotland 0800 7314 314) offers information and advice about alcohol and provides details of national and local organisations that can provide help and support
 - Al-Anon Family Groups (0800 0086 811 or www.al-anonuk.org.uk) provides support to people whose lives are, or have been, affected by someone else's drinking
 - National Drugs Help line (0300 123 6600 or www.talktofrank.com) offers confidential advice about drugs
 - Scottish Drugs Services Directory (www.scottishdrugservices.com) provides details of drug treatment and rehabilitation services in Scotland
 - Families Anonymous (0207 498 4680 or www.famanon.org.uk) provides information and support to relatives and friends concerned about the use of drugs or related behavioural problems
 - Release (0207 324 2989 or www.release.org.uk) offers specialist advice on drugs, legal issues and human rights
 - GPs can discuss an individual's situation and refer them to local drugs and alcohol counselling agencies
 - NHS (111) or www.nhs.uk can give information about drugs, alcohol and local services
 - ADFAM (www.adfam.org.uk) provide information to families or friends of individuals with alcohol and/or drug problems including information about support available locally
 - Scottish Families Affected by Alcohol & Drugs (www.sfad.org.uk or telephone 08080 101011) provides support to families affected by alcohol or drugs misuse