

<b>DRUG &amp; ALCOHOL POLICY AND PROCEDURE</b>			
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<b>For use by:</b>	All employees of Burgess Farms Ltd and its subsidiary Companies, any third party acting upon its behalf, a non-exhaustive list of which includes permanent, fixed term and temporary staff, consultants, contractors and agency staff.		
<b>Purpose:</b>	Burgess Farms is committed to providing a safe, healthy and productive working environment and to protecting the health and welfare of its employees, contractors and agency staff from risk of harm, by having a drug, alcohol and substance free workplace.		
<b>This document supports:</b> <i>Standards and legislation</i>	Corporate Manslaughter and Corporate Homicide Act 2007 Management of Health and Safety at Work Regulation 1992 updated 1999 Health and Safety at Work Act 1974 Equality Act 2010		
<b>Key related documents:</b>	Employee Handbook Statement of Terms and Conditions of Employment Disciplinary Policy and Procedure Health and Safety Policy Equal Opportunities Policy and Procedure Whistleblowing Policy		
<b>Review date:</b>	Changes to legislation / Changes to Company policy		



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## Definitions

“**Company**” means Burgess Farms

“**Subsidiary Companies**” means all Companies owned by Burgess Farms

## 1. Policy

The Company is committed to providing a safe, healthy, and productive working environment and to protecting the health and welfare of its employees, contractors, and agency staff from risk of harm, by having a robust Drugs and Alcohol policy.

Each site location uses heavy machinery and vehicle transport to move product: accidents could be severe and costly. Therefore supplying, possession, consuming or being under the influence of alcohol or drugs in the workplace is strictly prohibited as this compromises the Company’s ability to operate safely and effectively. Any breach of this policy would likely be construed as Gross Misconduct and dealt with accordingly.

## 2. Scope

This policy applies to all individuals employed by Burgess Farms and its subsidiary companies. The scope includes any third party acting on its behalf, a non-exhaustive list of which includes permanent, fixed term and temporary staff, consultants, contractors, and agency staff.

This policy extends to cover illegal and controlled drugs, legal highs, misuse of prescription and non-prescription drugs, alcohol and solvents.

This policy is non-contractual and may be varied or revoked by the Company at any time with or without notice.

## 3. Aims of the policy

The Company recognises that, for any number of reasons, employees may develop drug and/or alcohol related problems during the course of their employment. The aims of this policy are to:

- ensure that any drug, solvent, and alcohol related issues are dealt with confidentially, effectively, and consistently.
- deal with an employee’s alcohol or drugs related problem compassionately, signpost support and promote wellbeing.
- achieve a positive working culture and to demonstrate that employee health, safety and welfare is integral to the success of the Company.
- reiterate the seriousness of any breach of this policy.

## 4. Law

The current UK laws on use of drugs and alcohol are:

- It is a criminal offence for certain workers, such as drivers or operators of public transport systems, to be unfit for their work due to taking drugs or alcohol.
- It is a criminal offence to be unfit to drive, attempt to drive or be in charge of a motor vehicle when under the influence of drugs or alcohol.
- The possession, supply or production of controlled drugs is unlawful except for in special circumstances (e.g., when the medication has been prescribed by a doctor).

## 5. Health & Safety Responsibilities

### 5.1 Health & Safety: Employee responsibilities

Employees are reminded of their responsibilities towards themselves and their colleagues under section 7 of the Health & Safety at Work Act 1974. This makes it the legal duty of every employee to 'take reasonable care of themselves at work and other people who may be affected by what they do or fail to do'. Therefore, the Company considers an employee's use of illegal drugs or misuse of legal substances considerable neglect of their responsibilities, which will be dealt with accordingly.

Employees should be aware that alcohol, solvents, illegal drugs, legal highs, and some prescription drugs, can significantly impair an individual's ability to perform their duties, thereby creating a potential health and safety risk to themselves and other people. Additionally, employees should note that certain substances remain traceable and can still affect performance for some time after ingestion.

Prescription and over the counter drugs are not prohibited when taken in standard dosage or according to the GPs advice. However, should the medication indicate that it may cause drowsiness or other side effects, the employee must advise their Line Manager immediately they are prescribed such medication.

### 5.2 Health & Safety: Manager Responsibilities

Managers and other employees in supervisory positions have a particular duty of care to ensure that breaches of this policy do not occur in any department or area of work for which they are responsible.

Whilst line Managers are expected to be supportive, understanding and to encourage any employee who may have a substance addiction to seek appropriate professional medical help, they must not consider "protecting" the employee. They must report any breaches/suspected breaches of this policy to their manager or HR.

## 6. Advice and counselling

It is the Company's intention to deal constructively and sympathetically with an employee's drug and/or alcohol related problems, such as alcohol and/or drug dependency. The company encourages any employee who feels that they may have an alcohol and/or drug dependency to seek help as soon as possible from a medical professional. The company will assist the employee by offering appropriate guidance and resources on how to seek suitable training.

Any discussions of the nature of an employee's drug and/or alcohol problems and the records of any treatment will be strictly confidential unless the employee agrees otherwise.

If an employee refuses the offer of help, the matter will be referred for action under the Company's disciplinary procedure. Likewise, if after accepting counselling and assistance, following review/evaluation, the employee's conduct or work performance is affected, the matter may also be dealt with through the disciplinary procedure.

## **7. Drugs & Alcohol in the workplace**

Under no circumstances should employees, contractors, and agency staff report to work under the influence of, or be in possession of, alcohol, legal highs and illegal substances at any time throughout the working day. It is prohibited to drink alcohol or take legal highs and illegal drugs, including prescription drugs or performance enhancing drugs obtained by an individual without a prescription, whilst at work.

No drugs and/or alcohol must be brought onto Company premises at any time, and for these purposes this includes performance-enhancing drugs, even if they are not unlawful under the criminal law, unless they have been medically prescribed by a doctor. Employees, contractors and agency staff must never take drugs and/or alcohol if they are required to drive private or Company vehicles on Company business or when they are on operational standby or on call.

If any employee is believed to be buying or selling drugs, in possession of, or taking drugs or alcohol on the Company's premises, they will be searched and asked to undertake drug/alcohol screening. Depending on the result, they may be immediately sent home, pending investigation.

Employees must inform the Company if they are charged by the Police in connection with any drug or alcohol related offence. The Company will treat any information supplied with the strictest confidence.

If an employee suspects that this policy is being breached by a colleague, they are expected to report any infringement of this policy to Human Resources. Employees will be protected under the Whistleblowing Policy.

Employees representing the Company at business functions or conferences, providing hospitality or attending Company organised social events outside normal working hours are absolutely prohibited from taking drugs and expected to practice moderation if drinking alcohol, and to take specific action to ensure they are well within the legal limits before driving.

## **8. Drug &/or Alcohol related misconduct**

Whilst this policy is aimed at assisting employees with drug and/or alcohol problems, action will be taken under the Company's disciplinary procedure if misconduct takes place at work as a result of taking drugs and/or alcohol, or if an employee is believed to be under the influence of drugs and/or alcohol whilst at work.

Incapacity or misconduct caused by alcohol or drugs at work is a potential gross misconduct offence under the Company's disciplinary procedure, and the employee is therefore liable to be summarily

dismissed if the offence is found to be true. This also applies to any employee believed to be buying, selling, or consuming drugs and/or alcohol or in possession of drugs on the Company's premises. The Company reserves the right in any of these circumstances to conduct drug and alcohol screening and/or Stop and Search procedures (see below).

## 9. Accidents or Mistakes at work

If there are reasonable grounds to suspect that an alcohol, drug, or solvent problem contributed to the cause of an accident or serious mistake at work, an investigation into the incident will take place and the employee(s) involved may be tested for alcohol and drugs. All accidents will be investigated in line with the Company procedures the company reserves the right to suspend an employee pending investigation if necessary.

## 10 Tolerance levels

### 10.1. Alcohol

The Company operates the same tolerance level for alcohol as the legal drink-driving limit. This limit is established by law as 80mg of alcohol per 100ml of blood, or 35 micrograms of alcohol per 100 millilitres of breath.

It is important to note that even at blood alcohol concentrations lower than the legal drink drive limit, alcohol reduces physical co-ordination and reaction speeds and also affects thinking, judgement and mood.

### 10.2 Other drugs

The Company operates a **zero-tolerance** policy in relation to drugs in the workplace. Any drug detected in a screening test will be treated as a positive test and the levels of drug within the system will be confirmed by an independent laboratory test.

## 11. Drugs & Alcohol screening

In the interests of maintaining adequate health and safety due diligence, and only where necessary to achieve a legitimate business aim, the Company reserves the right to carry out random drug or alcohol screening tests on employees in the workplace. The circumstances will normally be where the activities and job duties of those employees impact the health and safety of others. If the Company holds a reasonable belief that an employee is under the influence of drugs or alcohol, the Company reserves the right to conduct screening tests. Where alcohol or drug paraphernalia has been found on site or there has been an anonymous report of alcohol or drug use, and we are unable to identify the responsible individual, the Company reserves the right to screen individuals in high risk roles which under the influence of any substances may cause risk, damage or injury to others.

Reasonable belief of an employee being under the influence of drugs or alcohol could include (but not be limited to):

- Profuse sweating and flushed appearance
- Issues with balance: unsteady, swaying, poor co-ordination
- Smell of substance/alcohol
- Aggression, agitation, overly friendly, mood swings
- Slurring, rambling, inability to answer simple questions/perform role

- Time away from workplace, long stays in toilets, secretive near lockers
- Serious mistake or accident at work

The guidelines contained within the Company's Equal Opportunities Policy will be followed in relation to drug/alcohol/substance screening.

To ensure the testing is legal and safe the following arrangements will apply:

- Testing is only to be carried out as a part of this policy.
- Only trained personnel will carry out the tests
- Test will be carried out in private and observed by a third party independent witness
- A consent form will be completed ahead of any screening
- The Company reserves the right to procure an external accredited Company to conduct the tests
- Methods of testing will be non-invasive – usually by exhalation (breathalyser) test or oral (saliva) sample

Any screening for alcohol or illegal drugs will follow an established 'Chain of Custody' procedure. Chain of custody refers to a system of controls and procedures that document the progress of a sample from the point of collection through the laboratory to its disposal after the results have been accepted.

A test result may be challenged by an individual, at their own expense. No reimbursement for such challenge will be available from the Company.

### **11.1. Alcohol screening – positive result**

Alcohol screening will be conducted by standard exhalation breathalyser. Where a breathalyser test reads above 35mg/100ml (Breath Alcohol Concentration) this is classed a positive test. This will be viewed as a potential gross misconduct offence and suspension from duty may be considered pending a full and fair investigation.

Alcohol screening may also be conducted by a saliva sample, any positive result will be viewed as a potential gross misconduct offence and suspension from duty may be considered pending a full and fair investigation. Where a saliva test has been used and provided a positive result, the test will be sent to an independent laboratory to ensure a legally defensible confirmation of a positive result. Once the laboratory has confirmed the presence of a drug and its level within the system, this will form part of the investigation against in the individual.

If an employee has used a vehicle to travel to work and has positively tested higher than the legal limit of safe driving, the Company reserves the right to inform the police of such offence. The Company will provide appropriate support for the employee to get home if there is reasonable belief that they are under the influence of alcohol.

### **11.2. Alcohol screening – negative result**

Where the test produces a negative result, the employee will be informed, and no further action will be taken. Records of such tests will be kept on the employee's personnel file.

### **11.3. Drug screening – positive result**

Drug screening is conducted by an oral saliva sample. Where the test produces a positive result this will be viewed as a potential gross misconduct offence and suspension from duty may be considered pending a full and fair investigation.

The test will be sent to an independent laboratory to ensure a legally defensible confirmation of positive result. Once the laboratory has confirmed the presence of a drug and its level within the system, this will form part of the investigation against the individual.

If the tested employee has used a vehicle to travel to work and is believed to be under the influence of drugs, the Company reserves the right to inform the police of such offence. The Company will provide appropriate support for the employee to get home if there is reasonable believed that they are under the influence of any drugs.

### **11.4. Drug screening – negative result**

Where the test produces a negative result, the employee will be informed, and no further action will be taken. Records of such tests will be kept on the employee's personnel file.

## **12. Failure to Provide a Sample**

If an employee unreasonably refuses to submit to a drug and/or alcohol screening test they will be dealt with through the disciplinary procedure. Unreasonable refusal could be considered Gross Misconduct but will be assessed on a case-by-case basis dependant of circumstance.

## **13. Stop and search**

The Company reserves the right to undertake searches of employees within its premises. This is to protect both the Company and its employees from illegal activities such as theft of Company property or property belonging to another employee or other person; and the possession or supply of any substances which might be in breach of Company policy in relation to alcohol and/or drugs. Please refer to Stop and Search Policy and Procedure for further information.

## **14. Absence from work**

Any absence from work relating to alcohol or drug issues will be covered under the Sickness Absence Policy. Failure to comply with this policy may result in a loss of Company sick pay and may also disqualify employees from receiving Statutory Sick Pay (SSP). In certain cases, it may also result in disciplinary action being taken in accordance with the Company's Disciplinary Policy.

Whilst addiction to drugs or alcohol is not in itself a disability, as an employer, the Company has a duty of care for its employees to consider making reasonable adjustments to aid an employee to return to work.

## 15. Signposting

### 15.1 Alcohol Dependence

#### Drinkline

Helpline: 0800 917 8282

Drinkline runs a free, confidential helpline for people who are concerned about their own drinking, or someone else's.

#### NHS Choices Website

<http://www.nhs.uk/conditions/Alcohol-misuse/Pages/Introduction.aspx>

National Health Service advice page.

#### Drinkaware

<https://www.drinkaware.co.uk/>

Drinkaware works to reduce alcohol misuse and harm in the UK.

#### Al-Anon

<http://www.al-anonuk.org.uk>

Provide support to anyone whose life is, or has been, affected by someone else's drinking, regardless of whether that person is still drinking or not.

#### Alcoholics Anonymous Great Britain

<http://www.alcoholics-anonymous.org.uk>

AA is an organisation of men and women who share their experience with each other hoping to solve their problems and help others to recover from alcoholism.

### 15.2 Drug Dependence

#### NHS Choices Website

<http://www.nhs.uk/Livewell/drugs/Pages/Drugtreatment.aspx>

National Health Service advice page.

#### Talk to Frank

<https://www.talktofrank.com/get-help/find-support-near-you>

National drugs awareness site for young people and parents/carers.

#### Narcotics Anonymous

<http://ukna.org/>

Helpline for the UK: 0300 999 1212

N.A. is a non-profit fellowship of recovering addicts who meet regularly to help each other stay clean. Membership is open to anyone with a drug problem seeking help, regardless of what drug or combination of drugs have been used, and irrespective of age, sex, religion, race, creed or class. The only requirement for membership is a desire to stop using drugs.

#### With You

With You is a charity providing free, confidential support to people experiencing issues with drugs, alcohol or mental health.

<https://www.wearewithyou.org.uk/help-and-advice/>

## Appendix 1. Drug and Alcohol Screening Consent Form (BFHRFO76)

Employee Details					
Employee Name:					
Job Title:					
Department:					
Managers Name:					
Declaration of Substances					
Please list any medication taken in the last 3 weeks, (including self administered). Please include and over the counter medication eg. for headaches, cough, cold					
When did you last drink alcohol?	Date:		Time:		N/A
Are you currently under the influence of alcohol and/or recreational drugs?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Employee Consent to Testing					
<p>I hereby consent to the following tests for the detection of alcohol and drugs:</p> <ul style="list-style-type: none"> <li>Breath test for alcohol</li> <li>Saliva test for drugs including but not limited to; amphetamine, buprenorphine, benzodiazepines, cocaine, K2 &amp; K3 synthetic cannabis, marijuana, MDMA Ecstasy, Methamphetamine, methadone, opiates including heroin, oxycodone, PCP. The saliva test for drugs can also detect alcohol</li> </ul> <p>I have been informed of the Company Drug and Alcohol policy, and understand that refusal to consent to the test may result in disciplinary action.</p> <p>I accept the interpretation of my test, results provided the tester and 3<sup>rd</sup> party witness interpretations match identically.</p> <p>I understand that if the tests provide a positive result, this may result in disciplinary action.</p> <p>I understand that results will be kept confidential and will not be disclosed to any person not involved in the testing or any subsequent processes if applicable.</p>					
Signature					
<p>Employee Signature: _____ Date: _____</p>					

## Appendix 2. Drug and Alcohol Screening Results Form (BFHRFO76)

Employee Details				
Employee Name:				
Job Title:				
Department:				
Representative details (if applicable, name and job title)				
Tester Details				
Name:				
Job Title:				
Third party witness details (name and job title)				
Test Details				
Reason for test (tick one box)	Random		Upon suspicion	
Method of test (tick one or both)	Alcohol breathalyser		Saliva Drugs Test	
Date and Time of Test	Date:		Time:	
Test results (alcohol breathalyser)				
BAC result			mg/l	
Is the above result over the legal BAC limit for driving in England? (0.350 mg/l)	<input type="checkbox"/> Yes		<input type="checkbox"/> No	
Test results (saliva drugs test)				
Tests should not be read after 10 minutes and should be interpreted by initial tester and 3 <sup>rd</sup> party witness. Circle positive or negative interpretation below. For the avoidance of doubt, a coloured line regardless of intensity is a positive result. Control line must be present for test to be valid.				
Drug	Tester interpretation		3 <sup>rd</sup> Party interpretation	
Amphetamine 50 ng detection for up to 72hrs	Positive	Negative	Positive	Negative
Buprenorphine 10ng/ml up to 72 hrs	Positive	Negative	Positive	Negative
Benzodiazepines 50ng/ml up to 72 hrs	Positive	Negative	Positive	Negative
Cocaine 20ng detection for up to 48hrs	Positive	Negative	Positive	Negative
K2 & K3 Synthetic Cannabis 25mg/ml 48 hours	Positive	Negative	Positive	Negative
Marijuana (Cannabis THC parent Delta-9) 50ng detection for up to 14hrs	Positive	Negative	Positive	Negative

MDMA Ecstasy 50ng/ml 48 hours	Positive	Negative	Positive	Negative
Methamphetamine 50ng detection for up to 72hrs	Positive	Negative	Positive	Negative
Methadone 30ng/ml between 12-24hrs	Positive	Negative	Positive	Negative
Opiates ( including heroin ) 40ng detection for 7-21hrs	Positive	Negative	Positive	Negative
Oxycodone 50ng/ml up to 72 hrs	Positive	Negative	Positive	Negative
PCP (Phencyclidine) 10ng/ml 12-24hr	Positive	Negative	Positive	Negative

**Next steps**

**Signature and Declaration**

**I can confirm that the test results detailed in this form are accurate and true at the time of testing.**

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Tester Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3<sup>rd</sup> Party Signature: \_\_\_\_\_ Date: \_\_\_\_\_