

## DISCLAIMER

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# Drugs & Alcohol Policy

## POL 010-9.00 (0)

### 1. Purpose

Air Liquide UK and Energas ("the Company") wishes to provide appropriate arrangements, rules, procedures and guidance on drug and alcohol misuse in the workplace in order to maintain safe standards of work and to meet the requirements of the Health and Safety at Work etc Act 1974, the Misuse of Drugs Act 1971 as amended, the Psychoactive Substances Act 2016 and all other relevant legislation.

The Policy is subject to change.

### 2. Scope

The Policy applies to all employees of the Company. The Policy equally applies to Agency Workers by a temporary work agency or self employed contractors, with the exception of the disciplinary procedures and rehabilitation principles. Customers and Suppliers are expected to abide by the policy. Where we suspect nonadherence we reserve the right to remove anyone from our premises.

### 3. Responsibilities

The following individual responsibilities are detailed below:

#### Line Managers

Line managers are responsible for complying with the processes as detailed within the Policy and ensuring the content and requirements are communicated to any new employees, or other parties covered within the scope of the Policy.

#### Human Resources (HR) and SHEQ

The UK HR and Health & Safety Team have the responsibility for advising managers and employees on the application of the Policy, ensuring best practice and legal compliance at all times.

In addition, the Head of HR and Head of Health and Safety at Air Liquide UK has the responsibility for the maintenance, regular review and updating of the Policy.

## Employees

All employees are required to read and abide by the terms of the Policy.

## 4. Policy Statement

The health and welfare of our employees, customers and third parties is of the utmost importance to the Company. The misuse of drugs or alcohol may jeopardise their (and others) safety as well as having an adverse effect on productivity, attendance, Company reputation, morale and employee relations.

Whilst the Company will enforce high standards, employees are encouraged to take responsibility for their own behaviour and refrain from placing their colleagues' and others' safety at risk by excessive alcohol consumption or illegal drug use.

## 5. Alcohol

Whilst alcohol is a legal substance, it can stay in your system for many hours following consumption and may affect your ability to carry out your job safely.

### 5.1 Principles

- You must not bring alcoholic beverages on to Company premises.
- You must not consume alcohol on Company premises or during working hours or whilst on Company business or during your breaks.
- You must not arrive for work under the influence of alcohol, at or above the limits set out in 5.2 below.
- You must not work for, or on behalf of the Company whilst under the influence of alcohol, at or above the limits set out in 5.2 below.

The Policy is consistent with the Air Liquide "Life Saving Rules".

### 5.2 Limits

Air Liquide adopts the legal drink drive limit across the UK. The current limits at the date the Policy was implemented are detailed below. Should these laws change, the Company may adopt the revised laws:

These limits will apply regardless of whether you are a driver or site/branch/office-based employee.

#### Non-drivers

Under normal circumstances, the limit will apply dependent on the geographical location of where you are tested, rather than where you live or work. For example, if an alcohol test is completed in England, the 80 mg limit will apply, even if you live or work over the border in Scotland. Similarly, if an alcohol test takes place in Scotland, the 50 mg limit applies, even if you live or work in England.

#### Company Vehicle Drivers

If you drive between countries with differing limits (e.g. England and Scotland), as part of your role (e.g. HGV Driver, LGV Driver), you must adhere to the lower of the two limits at all times.

Under normal circumstances, if you test in England between 50 mg and 79.99 mg, you will not be permitted to continue your onward journey, particularly if you are destined for Scotland that day.

### 5.3 Appropriate Provision of Alcohol on Company Premises

Air Liquide UK is clear that there is no reason why it would accept the consumption of alcohol at or on any of its premises

## 6. Drugs

Most illegal drugs remain in your system for many days, sometimes weeks after consumption.

Therefore, the Company adheres to the following principles to ensure a safe working environment for all.

### 6.1 Principles

- You must not bring illegal or non-prescribed legal drugs onto Company premises.
- You must not consume illegal or non-prescribed legal drugs on Company premises or during working hours or whilst on Company business or during your breaks.
- You must not work or attend work under the influence of illegal or non-prescribed legal drugs.
- You must not drive any vehicle for or on behalf of the Company whilst under the influence of illegal or non-prescribed legal drugs.
- You must not sell, supply or produce illegal or legal drugs of any kind, on Company premises, during working hours or whilst on Company business, even during your breaks.

### 6.2 Prescription Drugs / Over the Counter Remedies

You are permitted to bring prescription / over the counter remedies onto Company premises, however you should only bring sufficient quantities required for that day and should follow the recommended dosage.

You should only consume prescribed medicines that have been prescribed to you personally.

Many medicines, obtained with or without a prescription, can affect performance at work, therefore, if you drive or operate machinery as part of your role you should inform the pharmacist or doctor of your job before taking any medication.

**You must** inform your line manager if you are taking any medication (prescribed or over-the-counter) which will or is likely to affect your ability to carry out your role safely and / or affect the results of a random or "at cause" drugs test. You may use the Medical Notification Form for this purpose.

Air Liquide will consider each case on its own merits, however, the Company reserves the right to restrict certain duties or to enforce a leave of absence until you are fit to return to normal duties.

## 7. Off Site Working

### 7.1 On-call Employees

If you are required to be "on call" ready to drive or attend work as part of your role, you are expected to adhere to the principles of the Policy throughout your on-call period.

### 7.2 Working from Home

If you work from home, you are required to adhere to the same principles as outlined in the Policy for the duration of your working day.

### 7.3 Working at Alternative Premises

If you work from an alternative location (e.g. a customer premises), as a minimum standard, you are required to adhere to the same principles as outlined in the Policy. However, where stricter limits are enforced within the alternative location, you are required to ascertain and adhere to the principles of their Drug and Alcohol Policy.

## 8. Testing

The Company operates testing procedures for both drugs and alcohol and uses an external provider that employs suitably qualified and trained personnel to conduct drug and alcohol tests, in accordance with strict industry guidelines and best practice.

To dispel any doubts over the validity of such testing procedures, the external provider uses methods of testing that are concurrent with the methods employed by the British Police Forces, the American Food and Drug Administration and are also approved by the Home Office. The laboratory used for the analysis of positive drug samples is a UKAS accredited organisation.

### 8.1 Testing Circumstances *For Cause*

If there is a reasonable suspicion that you may be under the influence of drugs or alcohol whilst on Company premises or during working hours, you may be subjected to "For Cause" testing. Examples of reasonable suspicion include, but are not limited to:

- You smell of alcohol; You are demonstrating unusual behaviour or appearance e.g. slurring your words, bloodshot or glassy eyes, inability to focus or concentrate, confusion, inability to balance, physical shaking, aggression, sudden mood changes etc.
- A customer, colleague or third party suggests you appear to be under the influence of drugs or alcohol; a complaint is received or we receive WhistleBlowing information.

Note that complete confidentiality is assured for any complaints or Whistle Blowing contacts which should preferably be via the Ethicall process.

In all of these cases the Company reserves the right to prevent you from continuing any safety critical duties until the test is complete.

### Testing Circumstances Random

Every part of the Air Liquide Business in the UK and support functions shall be subject to regular random testing. The selection is entirely random and therefore a whole location may be chosen or a selected number of people from a particular site.

The Company aims to test in the region of 5% of employees per annum, however, this figure is subject to change.

The Company reserves the right to prevent you from commencing your normal duties until the test is complete.

#### Pre-employment

The Company reserves the right to test all new employees, before employment commences or within the Probationary Period.

Should the new employee refuse to participate in the test before employment commences, the offer of employment may be withdrawn.

Employees that test positively during employment will be treated in accordance with Section 10 of the Policy.

#### Post Accident / Incident

If you are involved in an accident or a "near miss" incident whilst at work or whilst on Company business then Air Liquide reserves the right to test you for drugs / alcohol.

Employees that test positively will be treated in accordance with Section 10 of the Policy.

#### Follow Up

If you are participating in a Drug / Alcohol Referral scheme following admittance of a drug or alcohol dependency, ad-hoc testing may be arranged. Please refer to Section 12 for further information.

#### 8.2 Alcohol Testing Procedure

Alcohol samples are usually supplied via a breathalyser and you should follow the instructions provided by the qualified tester.

The test will take place in a suitable private location wherever possible, however, it must be noted that not all of our locations have private meeting rooms and therefore every effort will be made to conduct the test with as much privacy as feasibly possible.

You will be provided with relevant information from the tester and will be asked to complete a consent form.

An instant result is produced displaying your alcohol level. If the result is zero you will be allowed to return to your normal duties.

If an alcohol test is zero, but an impairment is a concern, then a drug test would be carried out.

If the test result is above zero, a further test will be conducted approximately twenty minutes later.

If the second result is below the limits set out in Section 5.2, you will be allowed to return to your normal duties, however a subsequent meeting may still be arranged to discuss any initial positive test, this discussion will be followed up in writing.

If the second result remains at or above the limits set out in Section 5.2, you will be deemed as having provided a positive test and Section 10 will be followed.

#### 8.3 Drug Testing Procedure

Samples for the testing of the presence of drugs will be provided via one of the following methods: Urine-Saliva-Hair and you should follow the instructions provided by the qualified tester. The drug testing procedure involves up to six stages depending on whether a positive result is obtained. All six stages are strictly controlled by a process referred to as "Chain of Custody".

You are encouraged to disclose any medication you are taking before the test begins as certain medications may provide a non negative result.

The test will take place in a suitable private location wherever possible, however, it must be noted that not all of our locations have completely private meeting rooms and therefore every effort will be made to conduct the test with as much privacy as feasibly possible.

You will be provided with relevant information from the tester and will be asked to complete a consent form.

Every effort will be made to preserve your dignity throughout this process, however, as part of the “chain of custody” procedure, The Tester is obliged to escort you to the bathroom to help prevent employee contamination. The Tester will not however, enter the cubicle with you or watch you provide any Urine sample. The Tester will however complete a number of checks on the sample provided to verify its origin and authenticity.

A disposable drug testing kit is used and an instant result is produced;

- If the result is negative, you will be allowed to return to your normal duties;
- If the result is positive, Section 10 will be followed.

The sample will be sent to a laboratory for further examination and a subsequent report will follow.

Under normal circumstances, hair will be taken from the head, but may be taken from any part of the body, excluding the pubic area.

#### 8.4 Refusal

You have the right to refuse to provide a drug or alcohol sample. However, failure to provide a sample for testing may be deemed to be a gross misconduct offence in accordance with the Disciplinary Policy, an outcome of which may result in disciplinary action, up to and including summary dismissal.

## 9. Company Social Events

If you are attending a work related social event (e.g. a Christmas Party), including those outside of normal working hours or not on Company premises, you are trusted to behave responsibly and within the law.

Whilst the Company has no desire to control your behaviour outside of work, you should be aware that any action during a work event that could result in a complaint, an act of misconduct or could harm the Company's reputation, may be addressed via the Disciplinary Policy, an outcome of which may result in disciplinary action, up to and including summary dismissal.

For the avoidance of doubt, a work related social event may include those organised by the Company (e.g. a Christmas Party) as well as those organised more informally.

You are also reminded that you must not arrive or attend work under the influence of drugs or alcohol the following day as detailed in Sections 5 and 6.

## 10. Breach Of Policy

### 10.1 Positive Test Results

Following a positive test, under normal circumstances, you will be suspended on full pay pending further investigations.

Whilst the Company has no legal power to stop you from driving your own vehicle, whilst under the influence of drugs or alcohol, the Company will provide alternative arrangements for your journey home. If you choose to ignore this advice, the Company reserves the right to inform the police.

For safety reasons, if you drive a Company car, you will not be permitted access to the vehicle and the keys will be retained for the following periods:

- Positive alcohol tests: the car / keys will be retained by the Company for a minimum of 24 hours, following the positive test; (Head of HR and Head of Health and Safety decision will be final)
- Positive drug tests: the car / keys will be retained by the Company until the results are received from the laboratory. Thereafter, a decision will be made by the Head of HR and Head of Health and Safety when the Company car will be returned to you, depending upon the results.
- In exceptional circumstances, and entirely at management discretion, an insured driver (e.g. your partner) may continue to use the Company car, if for example, the Company car is the only car available within the family and its continued use is necessary. However, you will not be permitted to drive the car for the duration of the time periods described above and the Company confirms to you that you may now drive the Company car.

Positive results may be deemed a gross misconduct offence in accordance with the Disciplinary Policy, an outcome of which may include disciplinary action up to and including summary dismissal.

Not every positive test will automatically result in dismissal as each case will be judged on its own merits and your cooperation, explanations and mitigating circumstances will be considered before any decision is made.

### 10.2 Other Breaches

Breaches of any other aspect of the Policy (e.g. refusal to provide a sample, possession of illegal drugs on Company premises) will be treated as a gross misconduct offence that may include dismissal from the company.

### 10.3 Police

If you are suspected of the possession, supply or production of illegal drugs, or of driving a vehicle whilst under the influence of drugs or alcohol, the Company reserves the right to notify the police.

## 11. Driving Convictions

Please inform your manager immediately, if you are arrested, charged or convicted of a drink or drug driving offence, whether the offence was committed in a Company vehicle or a personal vehicle, regardless of whether this occurred in your own time or during working time.

The drink or drug driving arrest / charge / conviction will be subject to disciplinary investigation, however, disciplinary action will depend on the role you perform for the Company, the length of the driving ban, the potential reputational impact and any mitigating circumstances.

Failure to inform the Company of your drink or drug driving arrest / charge / conviction may be treated as a gross misconduct offence in accordance with the Disciplinary Policy, an outcome of which may result in disciplinary action, up to and including summary dismissal.

## 12. Dependency

If you believe you have or may have a dependency on drugs or alcohol, you are encouraged to inform a member of the Senior Management Team (SMT) or one of the HR Business Partners.

In addition you are also advised to seek professional help and support and are therefore encouraged to discuss your concerns with your GP in the first instance who may help you overcome your dependency / dependency and provide you with details of local support groups and counselling services.

Your manager is also encouraged to recognise signs of dependency and may discuss his/her concerns with you, in confidence.

Whilst an admittance of such a dependency will not exclude you from subsequent testing or disciplinary action, the Company will aim to support you in overcoming your dependency.

## 13. Whistle Blowing

If you suspect one of your colleagues is under the influence of drugs or alcohol or suspect (s) he has a dependency on drugs or alcohol, you are encouraged to inform, in confidence, your manager, a member of the SHEQ Team or HR Business Partner.

Alternatively you may anonymously contact Ethicall if you do not feel able to raise your concerns internally.

## 14. Searches

You may be subjected to a personal search in accordance with the Security Searches Policy.

## 15. Record Keeping / Data Protection

Records of any test results and subsequent disciplinary investigation and actions will be securely stored on your personal file and relevant HR systems, in accordance with The General Data Protection Regulations (EU 2016/679) . Test results will also be collated and monitored more generally by the Company for health and safety purposes.



**Annexes****A. Revision Table**

| Version | Revision Date | Prepared by  | Approver(s)   | Comments                            |
|---------|---------------|--------------|---------------|-------------------------------------|
| 0       | March 2019    | Paul Stevens | David Hopper  | New Document                        |
| 0       | 10/09/2024    | Kloi Zylai   | Chris Akpakwu | Revision update And creation in DMS |

| Description of change(s) (Modified section numbers and provide a short description of the changes) |
|----------------------------------------------------------------------------------------------------|
|                                                                                                    |