

# Port of Tilbury Policies & Procedures 2023/2024





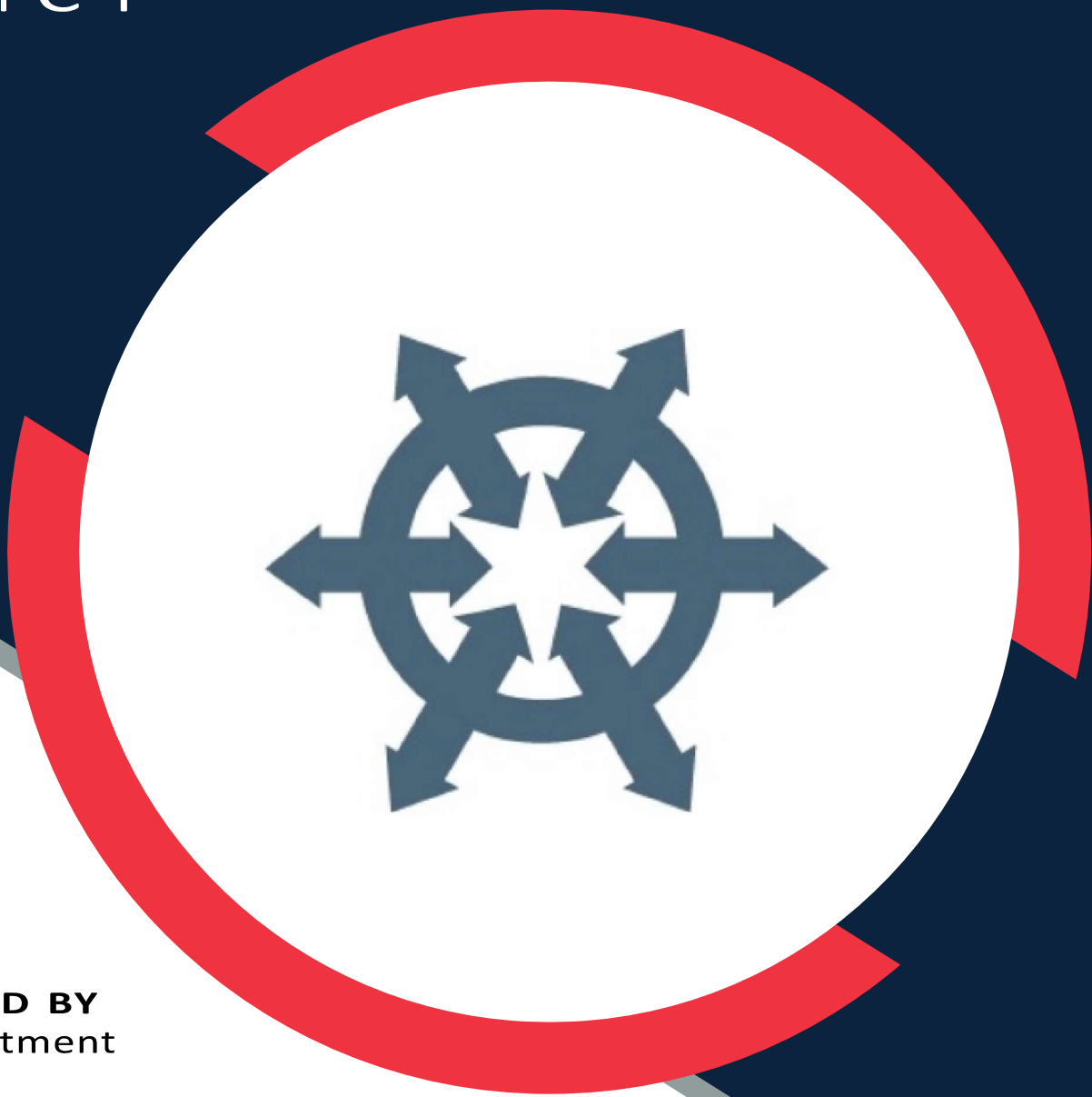
## **Policies & Procedures**

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# FORTH PORTS LIMITED

## ALCOHOL & SUBSTANCE MISUSE POLICY



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**PREPARED BY**  
HR Department

**NEXT SCHEDULED REVIEW**  
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## **1. AIM**

This Policy outlines the Company's approach to dealing effectively and consistently with problems relating to alcohol and substance misuse at work, to ensure the safety of employees.

Substances are defined as drugs, both prescribed and non-prescribed, and solvents.

Any employee reporting to work under the influence of alcohol or substances will be dealt with under the Company's Disciplinary Procedure as gross misconduct.

Employees, Contractors and Agency workers must comply with this Policy.

The Company's responsibilities to its employees, customers and others are clearly stipulated in the Health and Safety at Work Act 1974, and any action taken by an individual which endangers others will always be treated very seriously.

As part of its Health & Safety Management System, the Company tests for alcohol and substances as standard procedure for the following:

- Pre-employment
- Random testing
- For-cause testing, which includes post-incident and accident testing, or if the Manager considers the employee to be impaired. It may also apply if the Manager is concerned that the employee may have a dependency problem.

## **2. DEFINING THE PROBLEM – ALCOHOL AND SUBSTANCE MISUSE**

### **2.1 Dependency**

This constitutes a dependency on alcohol and/or substances which interferes with the employee's work, and where this has been brought to the Company's attention and the employee has sought or undergone treatment. The Occupational Health Advisor will be the sole arbiter as to whether an employee is considered to have a dependency on alcohol and/or substances and is complying with the Rehabilitation Programme.

The Company also seeks to identify if a problem related to alcohol and/or substances is developing and to help those affected, so far as is reasonably practicable. In line with the Company's Rehabilitation Programme regarding the treatment of an employee experiencing alcohol or substance misuse problems, help and encouragement will be given to employees who recognise that they have a problem and are seeking help.

However, if an employee fails a random or for-cause test, the employee cannot rely on dependency as mitigation at any disciplinary process.

A dependency problem will be considered by the Company as an ill-health issue and treated as such. The Occupational Health Advisor will decide on the treatment required as part of the Rehabilitation Programme.

Employees on a Rehabilitation Programme will be subject to a for-cause, personal random testing regime. This will be discussed with the employee in advance in order that they fully understand the reason for the additional testing and the timescale that will apply.

## **2.2 Substance Misuse – Legal Framework**

UK legislation stipulates that it is an offence to knowingly allow controlled substances to be used, kept or supplied on a company's premises. Controlled substances are those defined in the Misuse of Drugs Act 1971 (Amendment) Order 2018. Substance misuse constitutes the possession, use, supply or distribution of these substances or being under their influence. Company policy is that it is strictly forbidden for employees to possess, use, distribute or supply controlled or prescribed substances for which the employee is not the prescription holder on any of the Company's premises or assets. Employees are allowed to possess and use but not distribute or supply substances that have been prescribed to them personally.

The Psychoactive Substances Act 2016 bans all psychoactive substances (i.e. legal highs).

### Note

An employee is not 'at work' when they attend a Company function off the premises, e.g. long-service award ceremony or retirement party or any other special event organised by the Company where alcohol is made available. However, where the employee consumes alcohol they should not return to work thereafter, and should always act responsibly and with proper consideration to others. Those who drive at the end of functions should not drink alcohol at all.

Special authorisation may be provided in writing by the Chief Executive Officer, Chief Operating Officer or Chief Financial Officer to allow the moderate and responsible consumption of alcohol, at certain times, on the Company's premises.

## **3. ESTABLISHING RESPONSIBILITY**

### **3.1 The Company**

The overall responsibility for the implementation of this Policy rests with the Chief Executive Officer who will ensure that the Company provides relevant training or education for all employees.

The Company will also ensure, through the Occupational Health Advisor and HR, that all employees are aware of the dangers of excessive alcohol consumption and substance misuse. This will be achieved through circulars, posters and other appropriate means of communication.

### **3.2 Management**

All Managers are required to support the Policy.

Managers are responsible for health and safety matters in their department and for the performance of their staff. Managers who feel that an employee's unsatisfactory performance may be related to alcohol or substance misuse should initially interview the employee on a confidential basis. The Manager should raise the employee's unsatisfactory performance/conduct/behaviour with the employee and establish, if possible, if this is related to alcohol or substance misuse.

The Manager is not required to diagnose the existence of an alcohol or substance misuse problem but merely to assess whether such misuse is a possible factor.

If the interview concludes with acceptance by the employee that they have an alcohol or substance misuse problem, the Manager should refer the matter to the Occupational Health Advisor in order that specialist support can be provided.

If the employee does not accept that they have a problem, and this position is supported by the Occupational Health Advisor, the matter will be considered closed.

Irrespective of whether the employee is receiving specialist support through the Rehabilitation Programme, in the event of an accident or incident where there is cause to suspect the presence of alcohol or substance misuse, the Manager must ensure that the for-cause testing procedure is carried out immediately in line with Appendix A. However, under no circumstances will urgent hospital or first aid treatment be deferred until a for-cause test is carried out.

### **3.3 Individual**

All employees have a contractual obligation to comply with this Policy. All employees are issued with this Policy as part of onboarding and are expected to read, understand and be aware of its content. In addition, there are regular awareness briefings and toolbox talks to remind employees of the importance of this Policy.

Any employee who considers that they may have a dependency problem must seek help from their Manager and/or Occupational Health Advisor. The Company urges employees to be open with their Manager in order that as much support as possible can be given to assist with tackling this problem. This matter will be treated in confidence.

Should an employee contact the Occupational Health Advisor to seek support, the matter will be treated in confidence. The Occupational Health Advisor will initiate a Rehabilitation Programme and will work closely with the employee to assist their recovery. The Occupational Health Advisor is required to carefully consider the job role and working environment of the employee. If the Occupational Health Advisor considers that the employee's alcohol or substance misuse issue may pose a health and safety risk (no matter how slight), they will place the employee on restricted duties. The Occupational Health Advisor will advise the Manager about these restrictions but not the reason for them. However, the responsibility to report to work unimpaired by alcohol or substance misuse is entirely the employee's.

If an employee is prescribed medication, it is the employee's responsibility to discuss any potential side effects with the Pharmacist or Doctor. As part of this discussion, the employee must make their Pharmacist/Doctor aware of their job/role, particularly if they work in an operational area.

If the employee considers that this prescription may affect their ability to perform their duties safely then they must discuss this with their Manager and the Occupational Health Advisor immediately. The Occupational Health Advisor will decide if the employee is able to work safely when taking this medication. Employees should understand that failure to advise their Manager and the Occupational Health Department will be considered to be a breach of the Prescription Medication Policy and this matter will be subject to the Disciplinary Procedure.

Employees must inform their Manager if they have been charged with or convicted of a criminal offence relating to alcohol or substances. This requirement also applies to a formal caution in relation to the possession of controlled substances under the Misuse of Drugs Act 1971 (Amendment) 2018.

Employees must inform the Company if they lose their driving licence as a consequence of alcohol or substance misuse (see Driving for Work Policy).

Employees must understand the Alcohol and Substance Testing Procedure as described in Appendix A and submit to this procedure as required.

### **3.4 Colleagues**

It is the responsibility of all employees to raise with their Manager any concerns about a colleague who they suspect may have a problem with alcohol or substance misuse. This will be treated in the strictest confidence.

Failing to address the issue directly is potentially a health and safety risk.

### **3.5 Contractors and Employment Agencies**

Contractors and Employment Agencies must ensure that their workers voluntarily submit to testing by the nominated external testing practitioner under the provisions of the Policy. Contractors/workers from Employment Agencies who refuse to comply with this request should be advised that this condition is a mandatory requirement and failure to undergo testing will mean that their contract/relationship will be terminated at the earliest available opportunity. Whilst it is not appropriate for Forth Ports Limited to apply disciplinary sanctions to a worker engaged by a Contractor/Agency, such companies will be expected to deal with problems with their workers in accordance with their own disciplinary procedures. Forth Ports Limited reserves the right to insist that Contractor/Agency workers are excluded from Forth Ports Limited premises if the Company is not satisfied that they meet the requirements of this Policy and its Appendices.

### **3.6 HR**

The Group HR Manager is responsible for ensuring that this Policy is implemented fairly and consistently across the Group.

### **3.8 Collecting Agent**

The company contracted to implement alcohol and substance misuse testing is SYNLAB. The Collecting Agents that carry out the testing process are trained by SYNLAB. Most Collecting Agents are employed by SYNLAB however in the Port of Tilbury and Targe Towing Limited (towage crews only), employees have been trained to administer the testing process for alcohol and substance misuse using SYNLAB testing equipment. Targe Towing Limited employees have also been trained to manage the change of custody process as instructed by SYNLAB's accredited laboratory.

### **3.7 Review of Policy**

This Policy will be subject to best practice review.



**OTHER RELATED POLICIES**

- Disciplinary Procedure
- Occupational Health Policy
- Prescription Medication Policy
- Driving for Work Policy
- Employee Assistance Programme

**LEGAL**

- Misuse of Drugs Act 1971 (Amendment) Order 2018 – effective 01/04/19
- Psychoactive Substances Act 2016
- Health & Safety at Work Act 1974
- Transport & Works Act 1992
- Management of Health & Safety at Work Regulations 1999
- Road Traffic Act 1988

## APPENDIX A ADDITIONAL INFORMATION

### 1. DEFINITIONS

#### 1.1 Fit for Work

All employees have a responsibility to ensure that they are fit for work and are not impaired by alcohol or substances.

Impairment constitutes:

(a) Having an alcohol level above the prescribed limit at the time of testing, which is 50 mg per 100 ml of blood, which equates to a breath test reading of 22 mcg of alcohol per 100ml of breath.

OR

(b) Having a positive result for illegal substance(s) using the tests outlined in this Policy.

The Company reserves the right to modify the levels at which testing for alcohol is to be measured, in line with changes in legal requirements or industry best practice. All employees would be advised of these changes.

#### 1.2 At Work

This is the employee's normal place of work or any operational area that the person is required to visit as part of their duties or anywhere else where the individual is carrying out their duties for the Company.

Employees failing a substance and/or alcohol test carried out by external organisations such as the police or Marine Coastal Agency whilst the employee is at work will be considered in breach of the Policy.

### 2. TESTING

The circumstances in which the testing outlined in this Policy will be carried out are as follows:

- For-cause testing includes post-accident and incident testing. If it is suspected that an employee is under the influence of alcohol or substances, a for-cause test will also be carried out.
- Random testing – a sample of employees will be randomly selected and tested on a regular basis.

The testing procedures are outlined in Appendices B and C.

If an employee is subject to a random test which is not completed by the end of the shift, the employee will be allowed home at the end of the shift.

However, if an employee is subject to a for-cause test, the employee must remain at their place of work for up to 2 hours beyond the end of their normal shift until the Collecting Agent has arrived.

## **APPENDIX B(i) ALCOHOL TESTING PROCEDURE – GROUP/SCOTTISH OPERATION**

### **INTRODUCTION**

The Company uses a breath test device manufactured to Home Office-approved standards. Should an employee have a medical condition that would prevent the use of the breath test device, the employee would be required to submit to a urine sample test. This sample will be sent, with appropriate chain of custody documentation, to the laboratory for analysis.

### **TESTING PROCEDURE – FOR-CAUSE & RANDOM**

All tests instigated by the Company will require the written consent of the individual (donor) prior to testing. Failure to submit to the full testing process will result in a referral to the Disciplinary Procedure.

Alcohol testing is a multi-stage process:

1. The individual is informed that they are required to undergo a breath test for alcohol.
2. All testing will be carried out in suitable conditions giving consideration to the privacy and dignity of the individual.
3. The Collecting Agent will introduce themselves and request employee ID. Collecting Agents are instructed to carry current ID. The employee may choose to be accompanied by a witness (e.g. a Trade Union Safety Representative or suitable nominated employee). However, the test will not be unduly delayed pending the arrival of the witness.
4. The individual is provided with a Donor Information Sheet, which explains in detail the testing procedure.
5. The individual is then required to sign a Consent Form for the test.
6. The breath test is administered by the Collecting Agent.
7. If the first breath test is NEGATIVE, i.e. indicating a zero reading, then the individual will be free to return to work, subject to the outcome of the illegal substance test.
8. If the first breath test is in excess of the cut-off level of 50 mg per 100 ml of blood, which equates to a breath test reading of 22 mcg of alcohol per 100ml of breath then this constitutes a fail and the employee is suspended. A positive test will be considered a serious breach of the Policy, resulting in the Disciplinary Procedure applying. The employee will be escorted off the premises and advised that they should not drive their own vehicle and that alternative travel arrangements can be made. If they choose to drive the vehicle then the police will be informed. For Contractors/Agency workers, the individual will be removed from site, and subject to a separate process.
9. If the first breath test indicates a reading greater than zero, but less than the cut-off level of 50 mg per 100 ml of blood, which equates to a breath test reading of 22 mcg of alcohol per 100ml of breath, then the individual will be required to undergo a second breath test 20 minutes after the first test.

10. If the second test is in excess of the cut-off level of 50 mg per 100 ml of blood, which equates to a breath test reading of 22 mcg of alcohol per 100ml of breath, then this constitutes a fail and the employee is suspended. The same arrangements as in Point 8 will apply.

11. A positive test irrespective of whether it is the first or the second test that is in excess of the cut-off level of 50 mg per 100ml of blood, which equates to a breath reading of 22 mcg of alcohol per 100 ml of breath, will always be considered a fail.

However should an employee's test indicate the presence of alcohol **below** the cut-off level, a further investigation will be carried out to establish the reason for this. A key part of the investigation will be to establish how long the employee was at work prior to the test. Depending on the findings of the investigation, disciplinary action may apply.

12. Where the most senior person on site is considered to be in contravention of the Company's Alcohol and Substance Misuse Policy, either for cause or suspicion, a responsible person on site will refer the matter to the individual's immediate superior, who will make the necessary arrangements for the individual to be tested. The individual may then be suspended with pay pending the Disciplinary Procedure.

If an employee refuses to undergo a breath test, the employee will be informed that this refusal is a failure to comply with this Policy and, as such, the Company's Disciplinary Procedure will be invoked.

## **APPENDIX B(ii) ALCOHOL TESTING PROCEDURE – PoTLL and TARGE TOWING LIMITED (TOWAGE CREWS ONLY)**

### **INTRODUCTION**

The Company uses a breath test device manufactured to Home Office-approved standards. Should an employee have a medical condition that would prevent the use of the breath test device, or if any other reason is given why the breath test device cannot be used, the employee would be required to submit to a urine sample test. This sample will be sent, with appropriate chain of custody documentation, to the laboratory for analysis.

- This procedure applies to all on-site tests.
- Synlab will be called out when either test is above the cut-off level.
- Synlab will provide verification of the on-site tests.
- The advice and information Synlab will provide, including a count-back alcohol reading assessment, may be used in any subsequent disciplinary investigation.
- If no on-site Manager is available then the process reverts to contacting Synlab in the first instance.

### **TESTING PROCEDURE – FOR-CAUSE & RANDOM**

All tests instigated by the Company will require the written consent of the individual (donor) prior to testing. Failure to submit to the full testing process will result in a referral to the Disciplinary Procedure.

Alcohol testing is a multi-stage process:

1. The individual is informed that they are required to undergo a breath test for alcohol.
2. All testing will be carried out in suitable conditions giving consideration to the privacy and dignity of the individual.
3. The trained employee/Collecting Agent will introduce themselves and request employee ID. External Collecting Agents are instructed to carry current ID. The employee may choose to be accompanied by a witness (e.g. a Trade Union Safety Representative or suitable nominated employee). However, the test will not be unduly delayed pending the arrival of the witness.
4. The individual is provided with a Donor Information Sheet, which explains in detail the testing procedure.
5. The individual is then required to sign a Consent Form for the test.
6. The breath test is administered by a Trained Employee/Collecting Agent according to the instructions.
7. If the first breath test is NEGATIVE, i.e. indicating a zero reading, then the individual will be free to return to work, subject to the outcome of the illegal substance test.

8. If the first breath test is in excess of the cut-off level of 50 mg per 100 ml of blood, which equates to a breath test reading of 22 mcg of alcohol per 100ml of breath, then this constitutes a fail and the employee is suspended. A positive test will be considered a serious breach of the Policy, resulting in the Disciplinary Procedure applying. The employee will be escorted off the premises and advised that they should not drive their own vehicle and that alternative travel arrangements can be made. If they choose to drive the vehicle then the police will be informed. For Contractors/Agency workers, the individual will be removed from site, and subject to a separate process.

9. If the first breath test indicates a reading greater than zero, but less than the cut-off level of 50 mg per 100 ml of blood, which equates to a breath test reading of 22 mcg of alcohol per 100ml of breath, then the individual will be required to undergo a second breath test 20 minutes after the first test.

10. If the second test is in excess of the cut-off level of 50 mg per 100 ml of blood, which equates to a breath test reading of 22 mcg of alcohol per 100ml of breath, then this constitutes a fail and the employee is suspended. The same arrangements as in Point 8 will apply.

11. A positive test irrespective of whether it is the first or the second test that is in excess of the cut-off level of 50 mg per 100ml of blood, which equates to a breath reading of 22 mcg of alcohol per 100 ml of breath will always be considered a fail.

However should an employee's test indicate the presence of alcohol **below** the cut-off level, a further investigation will be carried out to establish the reason for this. A key part of the investigation will be to establish how long the employee was at work prior to the test. Depending on the findings of the investigation, disciplinary action may apply.

12. Where the most senior person on site is considered to be in contravention of the Company's Alcohol and Substance Misuse Policy, either for cause or suspicion, a responsible person on site will refer the matter to the individual's immediate superior, who will make the necessary arrangements for the individual to be tested. The individual may then be suspended with pay pending a Disciplinary Hearing.

If an employee refuses to undergo a breath test, the employee will be informed that this refusal is a failure to comply with this Policy and, as such, the Company's Disciplinary Procedure will be invoked.

#### **APPENDIX C(i) ILLEGAL SUBSTANCES TESTING PROCEDURE – GROUP/SCOTTISH OPERATION**

The Company normally applies a non-invasive method of screening for illegal substances by testing oral fluid (saliva).

The Company will only move to urine analysis if a sufficient saliva sample cannot be produced by the employee (in either a random or for-cause test). A urine sample will also be used if there are grounds to suspect that the employee has taken a 'legal high' substance. Legal-high substances can only be detected through a urine sample.

#### **TESTING PROCEDURE – FOR-CAUSE & RANDOM**

All tests instigated by the Company will require the written consent of the individual (donor) prior to testing. Failure to submit to the full testing process will result in a referral to the Disciplinary Procedure.

Substance testing is a multi-stage process that includes:

1. On-site screening
2. Laboratory confirmation analysis
3. Expert result interpretation.

All testing will be carried out in suitable conditions giving consideration to the privacy and dignity of the donor.

The Collecting Agent will introduce themselves and request employee ID. The employee may choose to be accompanied by a witness (e.g. a Trade Union Safety Representative or suitable nominated employee). However, the test will not be unduly delayed pending the arrival of the witness.

The individual will be provided with a Donor Information Sheet outlining all the processes involved and will be asked to confirm their understanding of the processes. The donor is then required to sign the relevant Digital Consent Form.

The substances that will be tested for include:

1. Amphetamines and related substances e.g. Ecstasy
2. Cocaine
3. Cannabis
4. Benzodiazepines
5. Opiates, e.g. morphine and heroin.

This list is not exhaustive.

#### **For-Cause**

The Collecting Agent will check inside the donor's mouth for adulterants. If the mouth is clear then the Collecting Agent will present the donor with a sealed swab. The sample will then be analysed in the donor's presence.

If the result is negative, the test is completed and the donor is provided with a copy of the results via email. If the test for alcohol is also negative the donor will be free to return to work.

Where an on-site screening test is positive, the individual will be required to undergo two additional swab tests. Which are the 'A' and 'B' samples. The 'A' sample is analysed at the laboratory. Until the result of the first 'A' sample is confirmed, the individual will be suspended with full pay. The 'B' sample is retained, but not analysed (see Appeal Process page 16).

Results of laboratory analysis may take up to one week.

### **Random**

In the case of random testing, the Collecting Agent will collect two saliva samples. Results of laboratory analysis may take up to one week.

### **Expert Result Interpretation (For-Cause and Random)**

At the time of testing for illegal substances, the donor will be asked to provide, in confidence, the details of any medication they may have taken. This includes prescription medicines and 'over the counter' products. These details are not made available to the Company, but provide essential information to the laboratory to show if legitimately taken medication may be the reason for the positive screen. The Medical Review Officer will confirm if the test result is consistent with declared medication.

## **APPENDIX C(ii)**

### **ILLEGAL SUBSTANCES TESTING PROCEDURE – PoTLL and TARGE TOWING LIMITED (TOWING CREWS ONLY)**

The Company normally applies a non-invasive method of screening for illegal substances by testing oral fluid (saliva). Should the saliva test show as non-negative, employees are subject to a urine test, which is conducted by Synlab Laboratory Services Ltd.

### **TESTING PROCEDURE – FOR-CAUSE & RANDOM**

All tests instigated by the Company will require the written consent of the individual (donor) prior to testing. Failure to submit to the full testing process will result in a referral to the Disciplinary Procedure.

Substance testing is a multi-stage process that includes:

1. On-site screening
2. Laboratory confirmation analysis
3. Expert result interpretation.

All testing will be carried out in suitable conditions giving consideration to the privacy and dignity of the donor.

The Trained Employee/Collecting Agent will introduce themselves and request employee ID. The employee may choose to be accompanied by a witness (e.g. a Trade Union Safety Representative or



suitable nominated employee). However, the test will not be unduly delayed pending the arrival of the witness.

The individual will be provided with a Donor Information Sheet outlining all the processes involved and will be asked to confirm their understanding of the processes. The donor is then required to sign the relevant Consent Form (digital or paper).

The substances that will be tested for include:

4. Amphetamines and related substances, e.g. Ecstasy
5. Cocaine
6. Cannabis
7. Benzodiazepines
8. Opiates, e.g. morphine and heroin.

This list is not exhaustive.

#### **For-Cause**

The trained employee/Collecting Agent will check inside the donor's mouth for adulterants. If the mouth is clear then the trained employee/Collecting Agent will present the donor with a sealed swab. The sample will then be analysed in the donor's presence.

If the result is negative, the remaining paperwork is completed and the donor is provided with a copy of the results. If the test for alcohol is also negative, the donor will be free to return to work. Where the test is carried out by a Collecting Agent, the individual's data may be either collected digitally or recorded manually on paper forms.

Where an on-site screening test is positive, the individual will be required to undergo two additional swab tests. Which are the 'A' and 'B' samples. The 'A' sample is analysed at the laboratory. Until the result of the first 'A' sample is confirmed, the individual will be suspended with full pay. The 'B' sample is retained, but not analysed (see Appeal Process page 16).

Results of laboratory analysis may take up to one week.

#### **Random**

In the case of random testing, the Collecting Agent will collect two saliva samples or urine samples (LCT, CPE). Results of laboratory analysis may take up to one week.

#### **Expert Result Interpretation (For-Cause and Random)**

At the time of testing for substances, the donor will be asked to provide, in confidence, the details of any medication they may have taken. This includes prescription medicines and 'over the counter' products. These details are not made available to the Company, but provide essential information to the laboratory to show if legitimately taken medication may be the reason for the positive screen. The Medical Review Officer will confirm if the test result is consistent with declared medication.

#### **APPENDIX D APPEALS PROCESS**

Any employee who has tested positive for substances in a saliva or urine sample may elect, within 5 working days of the result (this period may be extended at the discretion of Management), to have their B sample analysed by an independent laboratory. This will be paid for by the employee and costs will only be refunded if the B sample is negative. The employee will pay the fee for the testing of the B sample direct to the laboratory. In the event that the employee does not wish their B sample to go for further testing and accepts that a positive result from testing their A sample is accurate, this will be considered by the Company as an admittance of a breach of the Policy. This will result in the application of the Company's Disciplinary Procedure.

The testing of the B sample will take place at another accredited laboratory chosen by the employee (please see pages 14 & 16 – Expert Result Interpretation).

The Company will initiate the Disciplinary Procedure upon the receipt of a positive, i.e. non-negative, A sample. However, if testing of a B sample has been requested by the employee, the disciplinary outcome will be suspended, pending the result of the B sample test. During the period from the Disciplinary Hearing to the date the result of the B sample test is known, the employee will be placed on unpaid suspension. If the B sample is confirmed as positive, i.e. non-negative, the disciplinary sanction will be effective from the date of the original Disciplinary Hearing.

## FORTH PORTS LIMITED

### BUSINESS ETHICS AND CONDUCT POLICY

Forth Ports Limited and its subsidiaries ("the Group") is committed to the highest standards of integrity and honesty in all areas of its business activities. It is important to the continued long-term success of the Group that we ensure that the Group maintains and protects its reputation for ethical conduct in its commercial dealings and complies with all relevant laws and regulations.

This policy applies to all directors, officers and employees of the Group ("employees"). We also expect those with whom we do business to have similar standards and values. This policy has been approved and endorsed by the Board of Directors of Forth Ports Limited and the Board receives regular reports on monitoring and compliance.

This policy supplements existing employee policies and all employees are expected to be familiar with this and all other employee policies.

The Responsible Officer for the purposes of this policy is the Chief Financial Officer.

#### 1. Compliance with Laws, Regulations and Rules

The Group is committed to complying with all relevant International, UK and Scottish laws and regulations in our business activities and in the discharge of our statutory duties. All employees are expected to understand and comply with the laws and regulations which apply to their business area.

#### 2. Business Relationships

All employees must deal with customers, suppliers and regulatory authorities with integrity and in an honest and professional manner. Improper payments and payment in kind (e.g. gifts) are unlawful and are strictly prohibited and no employee may make, offer or agree to make, or ask anyone else to make on their behalf, any unlawful payments, bribes or payments in kind in order to obtain an unfair advantage for the Group or to influence a decision made by political or governmental agencies.

#### 3. Gifts or Inducements

Gifts or entertainment (including Christmas gifts and hospitality) given or received by an employee may be construed as an improper inducement. Gifts of money must never be accepted or given. Non-cash gifts may be accepted or given if they are of nominal value (less than £250), provided they are not capable of being misconstrued and do not put the recipient under any obligation.

If an employee is offered a cash gift or a gift of more than a nominal value he should inform his Line Manager. The gift will be entered in the probity register and, unless the Responsible Officer otherwise approves, will be donated to charity.

Any offer of tickets to a sporting, recreational or cultural event requires the consent of the employee's Line Manager or the Responsible Officer and full details of the hospitality must be entered in the probity register kept at the following locations:-

Tilbury and London Paper Terminal: Joanne Stroud Scottish Ports  
and Marine: Mandy Swain  
Property and Head Office: Marion Long

#### 4. Conflicts of Interest

Employees must avoid conflicts of interest between their activities outside the Group and their responsibilities to the Group. Examples of conflicts include favouring family or friends in business dealings or dealing with a company which is owned by relatives.

#### 5. Political and Charitable Donations

All employees have a right to their own political views, however the use by individual employees of Group funds or resources for political purposes is prohibited.

The Group is proud of its track record of investment in the local communities where it does business through training, sponsorship and job creation and through the giving of employees' time and expertise. However donations to charities may be misconstrued and the use of Group funds for charitable donations must be approved by an Executive Director in consultation with the Responsible Officer.

#### 6. Competition

The Group is subject to competition law in all aspect of its business. The rules apply not only to us but to our competitors, suppliers and customers. Employees must be aware of these laws and the activities which infringe them

such as agreements to fix prices or agreements with competitors or customers not to bid for business from certain companies or in certain geographic areas.

7. Books and Records

Many employees are involved in the recording and monitoring of information in the books and records of the Group. These include accounting and financial records, legal documents and health and safety and accident reports. All information must be accurately recorded in accordance with all applicable legislation and accounting practices. The Group maintains a system of internal accounting controls to monitor compliance.

8. Reporting Suspected Non-Compliance

It is important that any breaches or potential breaches of the policy are promptly reported. If an employee becomes aware of any such matter he should report it to any of the following:-

Line Manager, or if an employee feels unable to tell his or her immediate superior, the Group General Counsel & Company Secretary;

Any such report must be made in good faith and will be dealt with under the Whistleblowing Policy.

9. Non-Compliance

Violation or non-compliance with this policy by an employee may constitute gross misconduct and will be dealt with in accordance with the Disciplinary Procedure and may result in termination of employment.

Other relevant policies and documents:-

Computer Security Policy  
Data Protection Policy  
Disciplinary Procedure Whistleblowing  
Policy  
Bullying and Harassment Policy  
Contract of Employment

**FORTH PORTS LIMITED**

**DATA PROTECTION POLICY**

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## **POLICY STATEMENT**

This is the Data Protection Policy of Forth Ports Limited (the “**Company**”) and each of its subsidiaries and subsidiary undertakings from time to time (the “**Group**”). Our contact details are accessible from [www.forthports.co.uk](http://www.forthports.co.uk).

This Policy outlines the obligations of the Group and its Employees and Workers relating to Personal Data under the Data Protection Act 1998 and the General Data Protection Regulation (from 25 May 2018) (“**Data Protection Legislation**”). Data protection rules are enforced by the UK Information Commissioner (ICO) and more information can be found at [www.ico.gov.uk](http://www.ico.gov.uk). The Company is primarily responsible for data protection compliance and has notified as such with the Information Commissioner.

**Personal Data** means any information held in any form that can identify individuals. This means information, including opinions, about other Group Employees, Workers, customers, site visitors and other third parties the Group deals with. Personal Data includes photos, email address, bank details, medical information, etc.

The Group will only obtain, store and use Personal Data for legitimate business purposes and/or where there is a statutory or contractual requirement to do so. These purposes include:-

- Recruitment and employment (including post-employment management)
- Conducting the everyday business of the Group
- Advertising and marketing the services of the Group
- Compliance with the legislation that applies to the Group, including health and safety
- Working with the relevant authorities to investigate breaches of the law, including crime and fraud
- Addressing complaints, grievances and claims
- Paying employees and pensioners
- Driving licence checks
- Statistical, financial modelling, accounting and reference purposes
- Insurance claims
- Training records
- Retention of customer data (current, previous and potential) - Pension records
- Risk management
- SQA Centre – Qualification accreditation
- Security
- Complying with legal obligations.

The Company does not use data for automated decision-making.



The Group will not share personal data to third parties unless set out in this Policy or intimated to the affected person in writing (e.g. through a contract of employment).

Personal Data on IPOS databases is sent outwith the European Economic Area to TCS, Hyderabad for IT system testing. This transfer is undertaken in accordance with data protection laws to ensure that the processing of Personal Data is undertaken in a way which guarantees that Personal Data is processed to the same standards as required in Europe. Customer information may be shared with our shareholders which includes Public Sector Pension Investment Board, based in Canada.

### **SCOPE AND LIABILITY**

This Policy applies to all Employees and Workers of the Group. “**Employees**” means all Group employees, potential employees and executive directors and “**Workers**” means all contractors and agency staff engaged by the Group.

This Policy covers all activities that the Group is responsible for managing, except Occupational Health records, which are subject to a separate policy.

Breach of this Policy by an Employee or Worker may be considered to be gross misconduct, and under the Disciplinary Procedure or Worker contract may result in dismissal.

Wilful or reckless breach of Data Protection Legislation by any person is a criminal offence and the individual committing the breach may be liable to criminal prosecution and/or fines. This includes actions such as theft of Personal Data.

The Group is not responsible for compliance with Data Protection Legislation by any third parties who are independently in control of Personal Data, such as Port of Tilbury Police. However, the Group takes sensible precautions to verify that such third parties have adequate protection in place.

### **DATA PROTECTION OBLIGATIONS**

Data Protection Legislation contains principles (the “**Principles**”) which apply to the Group and its Employees and Workers which guide the use of Personal Data. Ultimately, the Group is responsible for, and needs to be able to demonstrate compliance with, the Principles and the Group looks for all Employees and Workers to recognise this responsibility to ensure the integrity of protection of Personal Data. These Principles are as set out in Appendix 1.

Sensible and reasonable steps should be taken to protect Personal Data, including:-

- Where Personal Data is lost, misplaced, accessed in a way which is unauthorised or otherwise subject to a security incident, Employees and Workers **must immediately upon becoming**

**aware of the** incident notify their Line Manager. Line Managers must notify the Group HR Manager or Group General Counsel & Company Secretary for third party data.

- Personal Data must not be:-
  - used without a legitimate business reason;
  - recorded or used if inaccurate
  - disclosed or discussed except to Group Employees or Workers who need the information for their work
  - released by telephone unless the caller has been identified - faxed unless:
    - a) a call ahead to check the number is made
    - b) a fax cover sheet marked 'CONFIDENTIAL' is used
    - c) a call to confirm receipt is made
  - removed from Group premises in hard copy, unsecured or unencrypted format;
- Personal Data must be securely erased when no longer needed by deleting from the Company's IT system(s) and shredded if paper copies;
- Visitors to Group premises should be identified and offices locked and alarmed out of hours
- Computer and manual filing systems must be kept secure
- If working remotely, work only in a secure location utilising VPN or Wifi which meets Company standards
- Ensure sub-contractors processing Personal Data on behalf of the Group (including those deleting or removing files) have adequate and certifiable security in place (including a written contract between the Group and the sub-contractor).

If you are concerned about any matter to do with Personal Data, please contact either the Group HR Manager or the Group General Counsel & Company Secretary immediately.

### **SENSITIVE PERSONAL DATA AND CCTV/DRONE IMAGES**

Extra care should be taken with any Personal Data that is classed as "Sensitive" (also known as "special categories") of Personal Data. Information classed as Sensitive Personal Data is set out in Appendix 2.

All CCTV footage, including Drone Images, should be treated as Sensitive Personal Data and handled in accordance with the CCTV Policy.

## **GENERAL RESPONSIBILITIES**

The relevant company in the Group will decide how and why data is processed and provide information to employees on how their data will be processed. The Group complies with the requirement for security of data including the notification to the Information Commissioner's Office of Personal Data breaches within 72 hours, where required.

The HR Department is responsible for this policy including responding to requests for access to information from Employees.

The Group General Counsel & Company Secretary is responsible for requests from the public and other third parties.

Further information on how to request information is set out in Appendix 3.

All Managers are responsible for ensuring that their staff are aware of and comply with this policy.

Employees have the right to know the legal basis for processing the data, data retention periods and that they have the right to complain to the Information Commissioner's Office (ICO) if they think there is a problem with the way the Company is handling the data.

Employees can request their data is deleted comprehensively on the IT systems when their Personal Data is no longer required (e.g. when an employee no longer works for the Group). This is known as the "right to be forgotten". Please note however that certain limitations apply and data cannot be deleted due to other overriding legislative requirements e.g. PAYE, Occupational Health Medical Records.

A standard clause will be added to the Group's commercial contracts and terms and conditions for the supply of goods and/or services and/or facilities confirming the Group's Data Protection Policy and the data protection obligations of the customer/supplier/vendor. Suggested wording is annexed hereto at Appendix 4.

## **ACCESS TO PERSONAL DATA AND OTHER RIGHTS**

Individuals (which includes employees) have a number of rights relating to the use of their Personal Data which are set out at Appendix 1. In particular, individuals may request access to any Personal Data the Group holds about them. A number of exemptions exist to the right of access. In particular, information may not be disclosed if it contains the Personal Data of a third party. Please see our Access Policy at Appendix 3 for further detail.

## **TELEPHONE AND VHF RADIO RECORDING/EMAIL MONITORING**

The Group carries out telephone and VHF radio recording and email monitoring. Please refer to the Group's Mobile Telephone/Device/Radio/Audio Equipment Policy and the Group's Network and Computer Security Policy for more information.

### **REVIEWING THE POLICY**

The HR Department will ensure that this Policy meets the requirements of current legislation.

The HR Department has responsibility for this Policy and its good practice and compliance.

The Group reserves the right to amend or replace this Policy at its sole discretion and without notice.

Employees will be informed if there are any changes which might affect them.

### **OTHER RELEVANT GROUP POLICIES**

- CCTV Policy
- Disciplinary Procedure
- Whistleblowing Policy
- Mobile Telephone/Device/Radio/Audio Equipment Policy
- Network & Computer Security Policy
- Occupational Health Policy
- Recruitment Policy - Social Media Policy

### **APPENDIX 1 – FURTHER INFORMATION**

#### **The Principles**

The following Principles of Data Protection Legislation apply to the Group and its Employees and Workers:

- Personal Data should be processed fairly, lawfully and in a transparent manner
- Personal Data should not be used for purposes that have not been specified
- Keep Personal Data accurate and up-to-date
- Ensure Personal Data is adequate, relevant and not excessive for its purpose
- Do not keep Personal Data for longer than is necessary for its purpose (and aim to anonymise data wherever possible)
- Observe the rights of individuals to access and control their Personal Data (as more fully set out below under "Data Subject Rights") - Keep Personal Data secure.

The Group does not transfer Personal Data outside the European Economic Area without adequate protection and without informing the Employee or Worker of this (unless it originates from the data subject).

### Data Subject Rights

Employees, workers and customers have certain rights which include:-

- The right to know why Personal Data is being processed
- The right to understand what legitimate interest there is in processing Personal Data (where that is relevant)
- Who will receive the data and how long the data will be retained
- The right of access to data as detailed in Appendix 3
- The right to have their data deleted (the “right to be forgotten”), rectified or modified
- The right to request information is restricted from processing where there is a question around the accuracy of the information, the processing is unlawful, there is no need to process the data or there is an objection to the data and a decision is pending
- The right to have certain data transferred to a third party (known as the right to data portability)
- The right to withdraw consent to the data being processed (where consent is relied upon) or otherwise object to certain processing
- The right to complain to the ICO (their details are accessible from [www.ico.gov.uk](http://www.ico.gov.uk))
- The right to understand any consequences of not giving data (e.g. if there is no statutory or contractual requirement).

The Group reserves the right to implement specific procedures to manage such rights. Employees and workers should contact the Group HR Manager should they have any questions in connection with these rights.

### **APPENDIX 2 - SENSITIVE PERSONAL DATA**

#### **Sensitive Personal Data**

Sensitive Personal Data is information relating to:-

- Racial or ethnic origin
- Political opinions
- Religious or similar beliefs
- Trade Union membership
- Physical or mental health or condition (including pregnancy)
- Sexual life

- Commission or alleged commission of an offence - Any court proceedings or findings -  
Genetic and biometric data.

All CCTV footage will be treated as Sensitive Personal Data and handled in accordance with the CCTV Policy.

The Company does not retain sensitive personal data except Trade Union Membership (for payroll deductions), Occupational Health, Drug & Alcohol 'for cause' and random test results and Court Proceedings. This Personal Data is required for statutory and contractual requirements and will be processed in accordance with applicable data protection laws.

### **APPENDIX 3 – ACCESS POLICY**

The following procedure applies to requests for access to Personal Data:-

- Where an individual making a request is not known to the Group, identification must be provided before any Personal Data is released.
- If Sensitive Personal Data is requested additional precautions must be taken to identify the requester and validate the address for delivery of information.
- Requests for access to Personal Data should be made by completing the Subject Access Request Form available from the HR Department or available on the Intranet.
- Unless an exemption applies, information shall be supplied within one month after receipt of the request and any identification or clarification.
- All requests for access to Personal Data should be referred without delay to the HR Department for Employee Personal Data and Group General Counsel & Company Secretary for all other third party Personal Data.
- We can refuse any manifestly unfounded or in some cases excessive requests. We will write to the individual to explain why the request was refused. The individual can appeal this decision by writing to the HR Manager, stating why he/she disagrees with our decision. The HR Manager will ensure the appeal is heard by a Senior Manager within 7 working days.

#### **APPENDIX 4 – STANDARD CLAUSE**

The following clause shall be included in all contracts or purchase orders for the supply of services and/or goods and/or facilities. The wording of this clause may be varied as required or appropriate in the individual circumstances with guidance from the legal department:

**Note** - Port of Dundee Limited or Port of Tilbury London Limited or other Group subsidiaries will be substituted for the Company (Forth Ports Limited) for their respective contracts or purchase orders.

**\*delete as applicable**

#### **1. Data Protection**

- 1.1 The Vendor/Customer\* confirms that it has read and understood the Company's Data Protection Policy, a copy of which is available at [www.forthports.co.uk](http://www.forthports.co.uk) or upon written request to the Company. The Company and, where applicable, the Vendor/Customer\* shall handle or process Personal Data in terms of and compliance with Data Protection Legislation and the Data Protection Policy.
- 1.2 The Vendor/Customer\* and the Company shall comply at all times with Data Protection Legislation and shall not perform their obligations under this agreement in such a way as to cause the other party to breach any of their obligations under Data Protection Legislation. The Vendor/Customer\* shall immediately notify the Company in the event that it becomes aware of a breach of Data Protection Legislation in connection with this agreement by the Vendor/Customer\*, its employees, contractors or those for whom it is legally responsible.
- 1.3 The Vendor/Customer\* shall at all times during and after termination of this agreement, indemnify the Company and keep the Company indemnified against all losses, damages, costs, expenses or other liabilities (including legal fees) incurred by the Company for any breach of the Vendor's/Customer's\* obligations relating to Personal Data and the Data Protection Legislation.



**APPENDIX 5 – HR DOCUMENT MANAGEMENT POLICY**

Type of Employment Record	Statutory/ Code of Practice Reference	Format & Location	Retention Period/ Recommendation
Job applications and interview records of unsuccessful candidates	The Information Commissioner: Employment Practices Code Part 1: Recruitment and Selection (1.7.5)	Paper or electronic	9 months after notifying.  Application forms should give applicants the opportunity to object to their details being retained.
HR and training records (includes Performance Management).	Health & Safety Records  Employment Records	Paper or electronic.	OH records permanently retained.  Paper personnel & training records destroyed 6 years after employment ceases.  Electronic records permanently retained.
Written particulars of employment, contracts of employment and changes to terms and conditions.	Employment Rights Act 1996	Paper or electronic.	Whilst employment continues and up to 6 years after employment ceases.
Working time opt-out forms.	Regulations 5 and 9, Working Time Regulations 1998 (SI 1998/1833) (WTR 1998)	Paper or electronic.  Originals are not required by the WTR 1998.	Two years from the date on which they were entered into.
Collective workforce agreements and past agreements that could affect present employees.	TULRA & Trade Union Act 2016	Paper or electronic.	Permanently or 10 years after ceasing to be effective.

Consents for the processing of personal and sensitive data.	Schedule 1, DPA, GDPR	Paper or electronic	For as long as the data is being processed and/or up to 6 years afterwards.
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Type of Employment Record	Statutory/ Code of Practice Reference	Format & Location	Retention Period/ Recommendation
Disclosure and Barring Service (DBS) formerly Criminal Records Bureau (CRB), checks and disclosures of criminal records forms	ROA and Information Commissioner's Employment Practices Code Part 1.7.4 and 2.15.3	Paper or electronic	Should be deleted following recruitment process unless assessed as relevant to on-going employment relationship.  Once the conviction is spent, should be deleted unless it is an excluded profession.
Immigration checks	Immigration, Asylum and Nationality Act 2006	Paper or electronic	Two years after the termination of employment.
Psychometric Tests/Assessment Centre Data	The Information Commissioner : Employment Practices Code Part 1 and Specific Test Guidelines	Paper or electronic	9 months after job application where applicant unsuccessful. Destroyed after 2 years for employees.  Deleted after period of validity expires – varied by provider.
Drug & Alcohol Test Results	General Data Protection Regulations	Paper or electronic	If positive kept for 6 years. If non-negative destroyed after 12 months.
SQA Centre	Company Policy SQA requirements	Paper or electronic	Detailed in the policy document and vary between 3 months and 6 years.

## ENERGY MANAGEMENT SYSTEM

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### ENERGY POLICY STATEMENT

Forth Ports commits towards the long term and sustainable reduction of energy consumption through energy efficiency. Our energy objectives are to improve energy performance, promote energy consumption efficiently, ensure that significant capital investment considers energy efficiency in the design and procurement processes, reduce greenhouse gas emissions and ultimately costs.

To achieve these objectives, we commit to a process of continual improvement, achieved through the implementation and operation of an ISO 50001 accredited Energy Management System aligned with the strategic direction of the organisation. As part of fulfilling our commitments under that scheme, we will ensure that:

- sufficient resources and information are provided to meet our energy targets and objectives;
- that all relevant employees *a-ta* involved in the process of improving energy performance and increasing energy efficiency;
- that energy efficiency programmes are introduced and operated when they will deliver benefits to the company and contribute towards improved energy performance;
- that management periodically review energy efficiency, energy use, energy consumption and objectives through the auditing of processes and facilities and reporting of performance;
- that energy efficiency forms a major component of our procurement process particularly in relation to the selection of new energy efficient machinery, equipment and services;
- that energy efficiency is considered prior to the renovation or construction of new or existing structures;
- that all relevant legal requirements and other relevant requirements relating to energy use, consumption and efficiency activities are met and that where none exist, standards are set in line with industry good practice;
- objectives & targets will be review at least annually;
- manage all of the above via a compliance management system, which is integrated with other business processes.

Forth Ports Limited commits to the review of this policy on a regular basis and at times when there may be significant changes to the business.

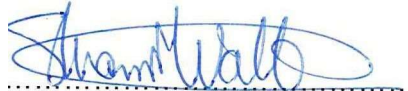
Charles Hammond

Chief Executive Officer



Stuart Wallace

Chief Operating Officer





## ENVIRONMENT MANAGEMENT SYSTEM

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### ENVIRONMENT AND SUSTAINABILITY POLICY

Forth Ports recognises the importance of operating in a responsible manner within the generally accepted principles of sustainable development. The land and estuaries that we manage are valuable natural assets socially, economically and environmentally. As part of operating responsibly Forth Ports aims to:

- Comply as a minimum with all legal requirements related to its activities and where legislation does not exist, set its own standards ensuring good industry practice;
- Undertake and review port and marine operations in such a way as to safeguard port users, the adjacent land, marine environment and the local community;
- Review and record progress where there are agreed objectives and targets;
- Prevent unsustainable pollution;
- Improve energy efficiency;
- Minimise, reuse, recycle and dispose of waste responsibly;
- Consider the concerns of external bodies and local communities who may be affected by our activities;
- Ensure that emergency and contingency plans are suitably exercised;
- Work towards a culture of continual improvement;
- Engage and encourage the active participation of our employees; and,
- Engage with and encourage customers, tenants, suppliers and contractors to adopt similar principles.

Forth Ports Limited commits to review this policy on a regular basis and at times when there are significant changes to the business.

Charles Hammond

Chief Executive Officer

Stuart Wallace

Chief Operating Officer

## FORTH PORTS LIMITED

### MOBILE TELEPHONE/DEVICE/RADIO/AUDIO EQUIPMENT POLICY

#### 1. PURPOSE AND SCOPE

This policy prohibits the use of hand-held mobile telephones/devices/radios whilst driving in any company vehicle (including, but not limited to company cars, vans, minibuses, forklift trucks, tractor units, cranes, straddle carriers); in an employee's own vehicle while on company business or whilst on company property. Company approved radios and Radio Data Transmitters (RDTs) can be used on a hands-free basis, and are required to improve communication for a particular operation. Where company approved radios/RDTs cannot be used on a hands-free basis, the vehicle must be stationary when the apparatus is used.

Unless you have an approved hands free facility never use a hand-held telephone/device or radio whilst driving. It is an offence to drive a motor vehicle on the public roads whilst using a hand-held mobile telephone/device or radio.

Pedestrians are responsible for their own safety whilst using mobile telephones/devices, two-way hand-held radios or other communication devices in operational areas. This is a risk that must be adequately controlled and ideally pedestrians should be stationary whilst using mobile telephone/devices/radios. Pedestrians must ensure it is safe to take a call. Personal blue tooth ear pieces, iPods and other devices must not be used as this may result in someone not hearing a warning or approaching plant and equipment.

#### 2. RESPONSIBILITY

It is the responsibility of all employees, employment agencies and their employees and contractors and their employees to adhere to this policy.

It is the responsibility of employees who have company cars to ensure that all drivers of the car are aware of the contents of this policy.

#### 3. MOBILE DEVICES

##### 3.1 Provision of Mobile Devices

Mobile devices include, but are not limited to, telephones, radios, iPads.

Mobile devices will be provided to employees deemed essential users in terms of the company's business.

An essential user is a person who needs to be contactable in the course of his/her work who may not be available at a fixed location or may need to be contacted outwith their normal working times or be subject to call-out arrangements specific to the needs of the company.

Requests for mobile devices must be approved by the appropriate Senior Manager.

### 3.2 Contract

All company mobile devices are on a single corporate contract negotiated and administered centrally by the Procurement Department. All purchase negotiation, replacement and other matters surrounding mobile devices will be carried out by the Procurement Department.

### 3.3 Procurement and Distribution

A Senior Manager must approve all mobile devices.

### 3.4 Usage and Call Charges

Company mobile devices are not to be used for individual "business" or private matters related to personal income generating activities.

From time to time a personal call may be made, if important, while the user is on company business. Personal (i.e. non-business) calls should be avoided and, where necessary, should be of short duration. This privilege should not be abused while engaged on company business. The company reserves the right to recover any costs identified with non-business use and the employee may be liable to disciplinary action.

Directory enquiry calls to 118 facilities are not permitted.

Premium rate calls and texts are not permitted.

Any private calls that are made, either frequent, long distance or of a long duration may necessitate reimbursement to the company by the user.

All company business call charges will be paid by the company.

All company device accounts are monitored and users will provide an explanation of all charges, including data, calls and texts, if requested.

Personal use on Company mobile devices of social media sites e.g. Facebook, Twitter, Live Streaming Apps, LinkedIn may have an impact on an employee's relationship with the Company (see Social Media Policy).

### 3.5 Security of Mobile Devices

Employees issued with a mobile device purchased by the company must ensure the security of the device at all times. If your Smartphone (Apple, Samsung, etc) is lost or stolen the procedure is as follows:-

- i) Report it to MIS directly who will arrange for the lost/stolen device to be wiped.
  - a) For Port of Tilbury : **In working hours** (Monday to Friday 0800-1800) either via the MIS Helpdesk Portal on the Intranet, on email [MIS.Helpdesk@potill.com](mailto:MIS.Helpdesk@potill.com), by telephone on Ext 412 or from outside the Port on 01375 852412 OR **outside working hours** by telephone on 07890 462 004.
  - b) For Scotland : **In working hours** (Monday to Friday 0800-1800) either via the MIS Helpdesk Portal on the Intranet, on email [it.helpdesk@forthports.co.uk](mailto:it.helpdesk@forthports.co.uk) by telephone on Ext 8444 or from outside the Port on 01324 668444 OR **outside working hours** by pager on 07623 912582.
- ii) Also, report it to:
  - a) For Port of Tilbury : **In working hours** (Monday to Friday 0830-1700) either on email [orders@potill.com](mailto:orders@potill.com), by telephone on Ext 454 or from outside the Port on 01375 852454. **You must advise Procurement as soon as possible.**
  - b) For Scotland : **In working hours** Lyndsey Higgins on 01324 668429 OR **outside working hours** contact O<sub>2</sub> from an O<sub>2</sub> device by calling 8002 or from another mobile/land line 0800 085 9999 quoting PIN 62012.
- iii) Users must care for and use the devices in their possession in a reasonable manner. Breakages, damage or loss of equipment may necessitate the reimbursement of any associated costs incurred by the company in relation to the repairs to or replacement of the equipment. Users are required to keep mobile devices clean, and in serviceable condition to the best of their ability and report all irregularities immediately to Procurement Department or MIS Department.
- iv) There are a number of built in protection mechanisms that the user may need during the day-to-day operation of the mobile device:-
  - a) Activate the keypad lock;
  - b) A PIN code must be used to lock the device so that if the device is subsequently stolen or lost a PIN code must be used to unlock the device (the pin should be changed from the manufacturer's standard number to a personal one). Do not share your PIN.
- v) Secure the device at home as if it is a personal possession.
- vi) Mobile devices must not be left in unattended vehicles or if no alternative be locked in the boot.
- vii) While in the office, store the device and associated equipment with due care. If lending the device to another employee, make a record of when and to whom.

### 3.6 Emergency

In the event of an emergency, the Company reserves the right to request the return of any device for the period of the emergency.

### 3.7 Data, Emails and the Internet

In addition to voice and general calls some devices have the option to send and receive company emails. They may also have internet and calendar capability. Only those devices identified to use data may access these options. Those devices will have a specific data tariff designed to optimise the data use and to ensure the company receives best value.

### 3.8 Foreign Travel

Travelling within the EU is covered for voice and data by the UK data limits which apply to the employee's devices and no other arrangements are required i.e. included in the employee's data bundle.

For those users wishing to use their mobile device abroad, **particularly outside the EU** they should in the first instance contact a) the Procurement Department in Tilbury on 01375 852454 b) in Scotland contact Lyndsey Higgins on 01324 668429 where advice will be given and arrangements made to ensure the most appropriate tariff is applied.

### 3.9 Courtesy

As a matter of professional courtesy, turn off the device or divert it to voicemail or another number, or set the device onto "silent mode" during meetings, training courses and seminars. In exceptional circumstances, where it becomes necessary to take a business call, it is courteous to inform colleagues that an urgent call is expected.

When conducting business away from the company's premises, users should endeavour to comply with any local restrictions on the use of mobile devices.

Certain aspects of this policy do not apply to Marine craft.

### Related Policies

Company Car Policy  
Disciplinary Procedure  
Health & Safety at Work Act 1974  
Computer Security Policy Social  
Media Policy  
Road Traffic Act 1988 (as amended)  
Data Protection Policy



## **MODERN SLAVERY ACT – COMPLIANCE IN PROCUREMENT**

### **Introduction**

The Modern Slavery Act was introduced by the Westminster Government to ensure companies and employees take all steps necessary to ensure slavery and human trafficking is not taking place in the business or in any part of the supply chain e.g. customers, suppliers and agency workers. Forth Ports Limited are committed to understanding more about modern slavery and improving our practices to ensure that slavery and human trafficking are not present in our business or supply chain.

### **Forth Ports Business Structure**

Forth Ports is a dynamic UK-based multimodal ports owner and operator. Our ports are strategically positioned and serve as logistical gateways across the UK. We offer businesses a wide range of diverse, port-related services, and help connect the UK with Europe and the rest of the world. Forth Ports owns and operates eight commercial ports on the Firth of Forth, the Firth of Tay and the Thames: Tilbury (London), Grangemouth, Dundee, Leith (Edinburgh), Rosyth, Methil, Burntisland, Kirkcaldy.

The business plays an important role in the National and International supply chain both in terms of direct and in-direct supplies and services. Export and import cargo is handled in a variety of modes and stages within the supply chain which can be stored on or off site or moved upward or downward within the chain. We also employ the services of many suppliers, contractors, labour providers and consultants who form part of the supply chain in the indirect category of expenditure which carries the same level of responsibility when ensuring the Modern Slavery Act is being adhered to.

### **What is modern slavery?**

Slavery is a violation of a person's human rights. It can take the form of human trafficking, forced labour, bonded labour, forced or servile marriage, descent-based slavery and domestic slavery. A person is considered to be in modern slavery if they are:

- Forced to work through mental or physical threat
- Owned or controlled by an “employer”, usually through mental or physical abuse
- Dehumanised, treated as a commodity or sold or bought as “property”
- Physically constrained or has restrictions placed on their freedom of movement

### **What Forth Ports Limited is doing in our Supply Chain**

Our zero tolerance on modern slavery and our respect for human rights, including children’s rights, are built into our processes, business practices and internal HR Policies. In the Code of Conduct and Business Ethics Section of our Supplier Welcome Pack it is very clear that companies must adhere to the procedures set out which include the Modern Slavery act.

As part of the due diligence checks we carry out in our preferred vendor process we will be issuing all vendors with a code of conduct which must be adhered to. Copies of the policy will be sent to all vendors participating in the supply of goods, services, labour, utilities and consultancy.

In addition, our CEO, Charles Hammond, has recently written to all employees to raise awareness of the Modern Slavery Act and reaffirms our commitment to “be aware of the unacceptable abuse and brutal treatment of human beings for profit” setting out every employee’s duty to:

- Take Steps to report any potential incidences you become aware of in respect of modern slavery and human trafficking
- Immediately inform Line Management of any suspicious activity in the workplace
- Report any suspicious activity outside of work by calling the Modern Slavery helpline number on 0800 0121700.

We will work with our supply chain partners to ensure that modern slavery is not present in the supply chain and we want all our vendors and customers to think about the steps they can take to provide us with the assurance that:

- Modern slavery is not present in their company
- Safe and fair working conditions are provided
- The risks within their own supply chain are understood
- Specific Key Performance Indicators relating to the Modern Slavery

Zero tolerance, responsible management and compliance with all legal requirements is reflected in relevant policies, procedures, practices and in contracts with our suppliers.

As part of the vendor audit process we will be focusing closely on those we consider to be at greatest risk, including those who:

- Operate by employing casual or temporary labour
- Operate outside of the UK / EU
- Manufacture or trade in raw materials outside the UK/EU
- With whom Forth Ports has a strategic exposure

### **The use of slavery in the production of goods and services**

Typically the products bought nowadays have passed through a long chain of producers, manufacturers, distributors and retailers who have all participated in its production, delivery and sale. It can therefore be very difficult to certify that a product has or has not been produced using slavery. However, the way in which companies operate and manage their supply chain can affect the likelihood of slavery being a part of the final product. The Modern Slavery Act gives responsibility to companies for ensuring that no slavery has occurred, and this applies not only to the products they sell or the services they provide themselves but also to their suppliers, and the suppliers of their suppliers, all the way down the supply chain.

### **The Modern Slavery Act 2015 – Relevance to Procurement**

The Chartered Institute of Procurement and Supply (CIPS) has released some guidance to help small businesses comply voluntarily with the Act; however they suggest that ALL companies:

- Ensure all UK workers receive minimum wage and robust immigration checks
- Map supply chains to identify where there is highest risk and exposure to modern slavery
- Undertake site inspections
- Provide training to employees and local suppliers on modern slavery risks and compliance
- Review supplier contracts to include obligations to comply with the Modern Slavery Act 2015

All of the above form part of our Vendor Assessment process.

## FORTH PORTS LIMITED

### SECURITY POLICY

This Security Policy is displayed on notice boards for employees and visitors and is issued to all new employees at Corporate Induction. The Purchasing Department maintains a list of Contractors and Interested Parties that have been issued with this Policy.

#### Key Security Measures:

1. All Visitors must have their security pass visible at all times
2. All Employees must have their security pass on their person at all times
3. Employees are asked to report any person, who either has no recognised form of ID or is behaving suspiciously, to their Line Manager, Port Security, Port Facilities Security Officer (PFSO) or Deputy Port Facility Security Officer (DPFSO)
4. The Forth Ports host must ensure visitors sign in and out of Visitor Books and that their visitor(s) do not enter unauthorised areas

#### AUTHORITY, RESPONSIBILITIES & MANAGEMENT CONTROL

Forth Ports Limited (FPL) security threats are reviewed and updated monthly at Senior Manager Forum meetings. At least every six months the Port Facility Security Plan (PFSP) is also reviewed and updated at meetings attended by key stakeholders, including the Department for Transport, UK Border Force, Police Scotland and the Security Contractor. The PFSP is derived from and consistent with the International Ship and Port Security (ISPS) Code.

The PFSO, or designated deputies, have the delegated authority of the Chief Operating Officer and the responsibility as Safety Management Representatives for ensuring:

- security is subject to continual improvement and appropriate security targets are set
- this policy is communicated to relevant employees and Interested Parties so that they are aware of their individual obligations
- this policy is reviewed periodically through management meetings and amended as necessary
- individual Port Security Risk Assessments and Port Facility Security Plans are updated as required
- maintenance of the Port Facility Security Plan including drills, exercises and regular security inspections
- the reinforcement of security awareness and vigilance of employees and Interested Parties
- adequate training has been provided to personnel responsible for security
- that, where appropriate, reporting to the relevant authorities and maintaining records of occurrences which threaten the security of the port
- co-ordinating with the appropriate Company and Ship Security Officer(s) and other Interested Parties such as the security services
- security equipment is properly operated, tested, calibrated and maintained
- effective protection of Forth Ports personnel, assets and interests

The Security Management Representatives are the management focal point for all security matters within Forth Ports and have authority to manage security in order to ensure compliance with the Security Policy.

The Deputy Port Facility Security Officer will assume the responsibilities of the Port Facility Security Officer when they are not available.

#### Employee Compliance

Failure to comply with this Security Policy may result in disciplinary action, under the Company's Disciplinary Policy & Procedure.

Stuart Wallace

Director – Forth Ports Limited



May 2017

<u>Rev Level</u>	<b>Revision Date</b>	<b>Description of Changes</b>
01	31.01.2012	Management System Release Issue 3
02	28.03.2013	Amendments In Red (changed to black)
03	24.08.2021	Amendments in Red (changed to black)
04	14.02.2022	Amendments in red – reviewed by PE

Prepared d:  Signature	Michelle Russell	Approve d:  Signature	Steve Marchant	Release d:  Signature	Janet Card
Electronic copies valid without signature					

## INTRODUCTION

The Health and Safety at Work etc., Act 1974 requires that persons having control of premises shall, so far as reasonably practicable, ensure that the premises and all means of access and egress available for use by persons who use those premises are safe and without risks to health. It also requires that all employers have a duty not only towards their own employees, but also to other persons who may be affected by the undertaking, or who may by their actions affect the health and safety of employees.

Equally, employees are required to exercise their responsibility to do everything they can to prevent injury to themselves and to others.

These guidelines are therefore issued to contractors in furtherance of the various obligations falling upon the Port, the contractor and his subcontractors, and their employees.

References are made within the text of these guidelines to "the employing department" and in this respect "the employing department" shall be deemed to be any department or subsidiary company responsible for the contractual arrangements.

It must be understood that any contractor, subcontractor or any of their employees working for or on behalf of any company associated with the Port of Tilbury London Limited would be expected to follow these guidelines.

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**SAFETY, HEALTH, ENVIRONMENTAL AND QUALITY MANAGEMENT  
SYSTEM  
SAFETY GUIDELINES FOR CONTRACTORS**

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## 1.0 General

- 1.1** It is the Port's policy to secure and maintain a high standard of health and safety in all its premises. Contractors are required therefore to so conduct their activities that equipment, working conditions and methods are safe and healthy for their own and the Port's employees, as well as for other users of the premises.
- 1.2** Contractors must comply with these guidelines and any statutory requirements applying to their work whilst in the Port's premises and/or where the work bounds upon or overlaps with areas used by the Port's tenants or by the public.
- This will include providing safe and adequate means of access, egress, working places and systems of working, competent work people, adequate supervision and appliances which are safe and in good working order.
- Particular attention is drawn to the Construction Design and Management Regulations 2015.**
- 1.3** Nothing should be done or omitted to be done by the contractor or his employees who shall interfere with, obstruct or render unsafe activities, equipment or installations or movement by the public.
- 1.4** The driving of motor vehicles within the dock estate is in many respects governed by the Road Traffic Acts, and those Acts are enforceable as if the roads etc. on the dock estate were public roads. For example, there is a general speed limit of 30 m/ph. Speed limits in operational areas will vary and should be noted and adhered to at all times.
- 1.5** The contractor and his employees must comply in all respects with the appropriate dock, river, and dangerous substances regulations, copies of which will be supplied as necessary. It is essential that contractors are aware of all current legislation that pertains to your organisation. Attention is drawn to the general prohibition of smoking in the dock estate unless in licensed and authorised designated smoking areas.
- 1.6** Contractors are not permitted to erect their own buildings or establish a permanent or temporary site on the Port's premises without permission of the employing **Engineering** department. All heating appliances and lighting must be **in good working order, have relevant EC markings and meet current regulations.**
- 1.7** If a supply of electricity, water or gas is required for any aspect of the work the contractor should request authorisation from Port Engineering for the respective service supply. No connection should be made to the Port's service mains without authority.
- 1.8** The contractor should ensure that, if it has been necessary for any representative of the Port to draw attention to a breach of instructions or regulations, prompt and effective action shall be taken to remedy the matter. If such action is not taken the Port reserve the right to bar offenders from the site. Such ultimate action would normally be initiated by the employing department. This action would be accompanied by a written statement of facts, copies of which would be sent to the Port's Health and Safety Team and to the contractors registered office.
- 1.9** The services of the Health and Safety Department are available for help and advice. Applications should normally be made in the first instance to the employing department.

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## 2.0 Consultation prior to Commencement of a Contract

- 2.1** A representative of the contractor should discuss with a representative of the employing department prior to commencement of work, the safety precautions required to be exercised. Written method statements and risk assessments are required by current legislation and the Port may require the contractor to provide copies of this documentation
- 2.2** Where work is required to be carried out on the terminal berths or special areas (where there may be operational or other hazards) rules may exist for access and for working arrangements. The contractor should in all such cases ask the company or employing department operating the terminal or area what specific safety rules apply in the circumstances of the contract work.
- 2.3** Notification of intention to commence work should **be given with sufficient time to prepare a suitable Health & Safety plan and to ensure relevant Asset Areas are made aware of site working.**
- 2.4** The contractor must ensure that he:
- A) Has had the area of work defined. It should be noted that some sites in the docks cannot necessarily be handed over for sole use by the contractor;
  - B) Has been informed of facilities available for use by his employees, i.e. canteen, drinking water, toilet facilities, first aid and engineering services;
  - C) Receives any special information relating to dock and river activities which may affect the contract work;
  - D) Has a copy of and is aware of the "Safety Guidelines for Contractors" and has notified his employees and any subcontractors accordingly. The contractor should obtain from the employing department any required number of extra copies.

## 3.0 Commencement and Completion of Work

### 3.1 Contractors:

**Prior to attending site, contractors should ensure they have read and signed a Port Induction. If intending to commence works then RAMS & CPP should be sent to the responsible Engineer with suitable time to review. The Health & Safety paperwork should reflect the PCI documentation for the project and reference the PDRF no.**

**Depending on the size of project this should be no less than 5 working days. As part of this pre-start information, the access/ egress, working times, car parking and CDM area should be defined and communicated to the relevant asset to ensure no conflict with operations.**


### 1.2 Access Permission Form

**Unless in control of a designated CDM site, with an agreed method of logging**

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attendance, all contractors must obtain an access permission form before commencing works. This must be accompanied by the following information; PDRF number, start date, works duration, Engineer overseeing works, contracting company, contract supervisor, supervisor contact details, personnel on site, location and scope of works. Upon completion of said works, Port Engineering must be made aware so that the relevant Access Permission Form can be closed off.

If an ISPS pass is needed, this can be collected from the office at the main gate as long as photo ID is provided. Once on-site, the contractor should keep to the agreed working areas only using the pre-defined routes for access/ egress.

### 3.3 Subcontractors

Subcontractors must have submitted RAMS developed to a satisfactory standard to the principle contractor for the project, prior to attending site. The subcontractor should follow the project procedures agreed between the responsible Engineer/ client rep and the principle contractor.

## 4.0 Work in Connection with Moving Machinery

4.1 Contractors may not remove or displace any guard, fencing or other safety equipment fixed to or provided at any machinery, etc. from any place where safety equipment has been provided except with the permission of the appropriate local supervisor. Where permission is granted, any additional specific precautions must be observed. The guard, fencing or other safety equipment must be replaced immediately after the work has been completed. The contractor must take steps to ensure that no machinery is set in motion without such replacement.

## 5.0 Cranes, Hoists, Lifting Appliances, Tackle and Vehicles

5.1 The contractor and/or his employees should not use without permission any of the Port's plant or equipment including cranes, hoists, lifting appliances, tackle, ladders, tools and vehicles. If the use of such equipment is permissible within the terms of the contract or is needed to expedite the work, application must always be made to the employing department for written permission.

5.2 Where such permission is granted the contractor and his employees should comply with any relevant regulations and requirements, including having competent drivers/operators.


## 6.0 Safe Condition of Equipment and Tools

6.1 The contractor is responsible for:

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- A) Taking reasonable care to ensure that equipment and tools used by him in the execution of the work, whether such equipment and tools are the property of the Port or otherwise, are safe to be used;
- B) The proper and safe use of any of the Port's equipment for which permission has been given. Any equipment or tools loaned by the Port should be returned to the Port when requested for any necessary servicing, maintenance or repairs;
- C) Ensuring that cartridge tools or explosives are not used without the written permission of Port Engineering.

## 7.0 Electricity

- 7.1 The contractor must comply with any requirements of the Engineer in the installation or use of electricity on the Port's premises.
- 7.2 Where a contractor has permission to use electricity from the Port's mains, only portable apparatus for use on a 110 volts system should be used. Where the mains voltage exceeds this, the contractor will supply a step down transformer which complies with BS.3535 and BS.171 having inter winding earthed screen and earthed centre-tapped secondary. The metal work of all portable apparatus and any flexible metallic covering must be properly earthed. **Only with pre-authorisation from Port Engineering can 230V equipment be used, which must be used in conjunction with a double pole 30mA RCD.**

All contractors must comply with the Electricity at Work Regulations 1989.

- 7.3 It may be necessary in certain hazardous areas for equipment to operate from extra low voltage supplies, be intrinsically safe and ATEX approved and if instructed to do so the contractor should supply all the necessary equipment to achieve this.
- 7.4 Cables supplying portable apparatus must be of the correct number of cores adequate for the load and properly connected to standard plugs and sockets.
- 7.5 Makeshift and/or unsafe connections are prohibited.

## 8.0 Environment

- 8.1 No stationary internal combustion or compression ignition engine may be used in any enclosed or confined place unless specific provision is made to conduct the exhaust gases into the open air, or the place is adequately ventilated so as to prevent danger from a concentration of such gases.
- 8.2 The creation of dust, dense smoke or any other impurity which could be offensive or injurious to health or cause damage to equipment must be effectively counteracted and controlled.
- 8.3 Burning of any materials, including cutting, welding and hot work will be controlled by the competent contractor. The competent contractor will issue their own **hot work** permits.

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**8.4** Contractors are required to comply with The Noise at Work Regulations 2005. In particular your attention is drawn to air compressors, pneumatic drills and hand held tools and other similar noisy equipment.

**9.0 Working in Hazardous Areas**

**9.1** Certain defined areas within the Port and certain jobs on defined plant are classified as hazardous. All work within these areas or on the defined equipment is subject to a permit-to-work system for Port employees. This has been evolved to ensure a safe working environment.

This includes:

- A) Work on electrical power distribution apparatus carrying an electrical pressure of 650v or above.
- B) Certain specified areas involving confined spaces or moving plant having remote control.

**9.2** The Ports Engineering department maintains a list of such areas and the contractor will be advised at the time of order, if such an area is involved with the site of the works. Where such an area is involved in the work, the contractor should comply with their own permit system. Where other areas are involved having the same criteria, the contractor must ensure that there is an adequate safe system in operation.

**10.0 Overhead Working**

**10.1** No work may be carried out above the heads' of the Port's employees or the public or over gangways or roads until the employing department has given consent and all precautions have been taken to ensure the safety of persons below. This consent is required in respect of each place or area where such work is to be carried out.

**11.0 Work near Overhead Electric Cables**

**11.1** No work may be carried out in the vicinity of electric cables until the Engineer has been consulted as to the precautions to be taken and his written permission obtained. Work in this connection includes the handling or carrying of long metal objects and the movement of plant with jibs, masts, arms or other elevated parts. The underline clearance will be advised in the document giving written permission.


**12.0 Excavations and Openings**

**12.1** Risk Assessments and methodology should consider the HSE's guidance regarding Excavations.

No excavation work may begin until there has been consultation between the contractor and the Engineer. Advice will be given of the existence of known electric cables, drains, gas, oil, hydraulic mains, water mains and telephone cables, etc... But it will remain the liability of the contractor to locate services on site, to make good any damage caused to such services, to render them safe and secure without undue delay and to submit a report

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to the Engineer. At all stages of the work all necessary measures should be taken by the contractor to protect existing services and to properly reinstate them during and on completion of the work.

- 12.2** On completion of the back fill, any arising should be removed from the site and disposed of in a manner directed by Port Engineering. The surface of the excavations should be reinstated as directed and completed at an agreed date. All reinstatements should be to the satisfaction of Port Engineering.

### 13.0 Scaffolding and Ladders

- 13.1** The contractor must comply with the statutory requirements affecting the construction of scaffolding and ladders. Particular attention should be given to the provision of guard rails and toe boards at working platforms and work places, gangways, etc., to prevent so far as is reasonably practicable the fall of persons, tools and materials and to the need to adequately tie the scaffold to any permanent structure.
- 13.2** The contractor's attention is drawn to the relevant British Standard Code of Practice on Scaffolding.
- 13.3** If ladders are left unattended all night or over weekends etc. they should be rendered unclimbable.

### 14.0 Provision of Barriers and Warning Signs

- 14.1** The site area will be identified by the Port and the contractor will erect suitable fencing and signage to clearly mark the site boundary.
- 14.2** Where the contractor's work gives rise to obstruction or diversion of the normal means of access, an excavation, an opening or other potential hazard, **a risk assessment must be completed by the Contractor and the Berth/Port Engineer** and appropriate warning signs should be positioned and maintained during the course of the work.
- 14.3** Adequate provision for lighting the barriers and signs should be made by the contractor where barriers are in position at night or in periods of poor visibility.
- 14.4** Where the work is undertaken on the public highway, barriers, signs and warning notices, temporary traffic lights and diversions of traffic should, in addition to having the Port's approval, be to the requirement of the Highway Authority or their Agents and the local police.

### 15.0 Working on Roofs or Other High Structures

- 15.1** All working at height to comply with HSE guidance on Working at Height.
- 15.2** The contractor's employees are not allowed on the roof of any building or on any other structure, other than a building or structure they are constructing or demolishing **as risk assessed by the contractor**.

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**15.3** When working on roofs constructed of materials having a brittle nature such as asbestos-cement, working close to edges of roofs, skylights or other high structures **consideration must be given in risk assessments and appropriate controls identified.**

**15.4** Nothing may be thrown to the ground from the roof or structure. All materials removed from the roof or structure or any new materials to be used in the work should be safely stacked and secured against the elements and other hazards.

**15.4.1** All rubble and rubbish should be removed immediately from the roof structure, valleys, gutters and downpipes.

**15.4.2** Tools and equipment should not be washed where cement and plaster can be washed into drains.

**16.0 Window Cleaning**

**16.1** Ladders, step ladders, safety harnesses or other appliances used or intended for use by the contractor's employees should be of sound construction, adequate strength, sufficient length and should be properly maintained.

**16.2** Where possible windows should be cleaned from ground level, if it is not practicable and also not possible to clean windows from a ladder and the contractor's employees have to work at a place from where it is possible to fall from height, or have to work in conditions where any special danger or risk could be involved, the contractor or his authorised representative should make all provision, so far as is reasonably practicable, to prevent accidents and should specifically instruct his employees in the precautions to be taken.

**16.3** The contractor or his authorised representative should satisfy himself that any structural handhold and/or foothold likely to be used by his employees are secure and safe to use. Where the reliability of any hand or foothold is in question he is to warn his employees and specifically instruct them that it is not to be used. The contractor should inform the employing department of the defect who will arrange to have it rectified.

**16.3.1** Certain areas such as roofs may have low load limitations. Before using such areas or where there is any doubt about the safe means of access Port Engineering should be consulted.

**17.0 Protective Clothing and Equipment**

**17.1** It is the contractor's responsibility to supply his employees with the necessary protective clothing and/or equipment for work to be carried out safely in accordance with the "Personal Protective Equipment at Work Regulations 2002" and the "Provision and Use of Work Equipment Regulations 1992". The contractor should also take such steps as are necessary to ensure that the appropriate equipment is worn and that it is properly maintained.

**18.0 Disposal of Waste**

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**18.1** The contractor should comply with any special statutory regulations and local bye-laws concerning the disposal of waste materials, in particular the Control of Pollution (Special Waste) (Amendment) Regulations 1988, The Environmental Protection Act 1990 and subsequent Duty of Care.

**19.0 Hazardous Materials and Dangerous Substances**

**19.1** Where the work involves the use and/or storage of hazardous materials or dangerous substances the contractor must comply with the Control of Substances Hazardous to Health Regulations 1988 and the Dangerous Substances in Harbour Areas Regulations 1987. The contractor should consult with the employing department before commencing such work.

**19.2** Where the contractor requires to use appliances fuelled by liquefied petroleum gas, the marking of the accommodation and the type of vessels, the precautions to be taken for the prevention of fire and explosion, the provision of fire fighting apparatus and the means of escape in the case of fire should all be in accordance with the requirements of the relevant legislation and the Port's own guidelines on the subject, copies of which will be supplied as necessary.

**19.3** Explosive and radioactive materials should not be brought onto the Port premises without the prior and specific permission of the Engineer and Health & Safety Teams Representative. In certain circumstances permission may be granted for the use of explosives in demolition work.

**19.4** Work that may involve working with Asbestos

**19.4.1** The contractor's attention is drawn to legislation controlling work with asbestos.

**19.4.2** The contractor's attention is drawn to the Ports Asbestos Register.

**19.4.3** The contractor's attention is drawn to the Port's instructions on the use of asbestos based products. (Copies of which will be supplied as necessary).

**19.4.4** If, in the course of work, the contractor finds asbestos in lagging, or other components of the work, his representative should advise the employing department and the Port's Health & Safety Team and approved arrangements must be made for the safe disposal of the material using an authorised contractor.

**19.4.5** Any asbestos rubbish that has arisen from the work must be placed in suitably identified plastic bags and sealed for disposal by an authorised disposal contractor to an authorised disposal site. All such arrangements are to be the responsibility of the contractor carrying out the work.

**20.0 Contractor's Plant**

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- 20.1** All plant used by the contractor and any subcontractor should be in good working order, and be operated by competent persons. Dangerous parts of machines must be securely fenced. Where applicable, copies of current test or examination certificates shall be available for inspection.
- 20.2** No plant, **equipment or tools** belonging to the Port should be hired or borrowed and no persons employed by the Port have authority to offer, loan or permit the use of any such plant, unless special permission is given in writing by the employing department.

### **21.0 Demolition**

- 21.1** The contractor's attention is drawn to the relevant British Standard Code of practice on Demolition. The contractor should comply with all necessary statutory requirements in addition to carrying out the work generally in accordance with the Code of Practice.

### **22.0 Working on the Tideway**

- 22.1** Where the work is being carried out over or near tidal waters the contractor or his subcontractor should, where necessary, provide a suitably equipped boat and a boatman for the safety of his employees.

### **23.0 Work on Board the Port's Floating Craft**

- 23.1** The Port's craft are not generally supplied with gangways as either their use is impracticable or the small differences in freeboard between decks and the quays make them unnecessary in normal circumstances. The contractor or his authorised representative should examine the method of boarding the vessel upon which the work is to be carried out and provide any temporary gangway or other facility which he deems to be necessary for his employees, particularly when they may be carrying tools and equipment.
- 23.2** The contractor's employees should be aware that the decks of floating craft can be slippery, particularly in wet or icy conditions, and also that due care is needed to avoid deck fittings, mooring wires and sheaves, etc.
- 23.3** The contractor's employees must report to the Master, or person in charge of the vessel, both on arrival and before leaving the vessel.
- 23.4** The contractor's attention is drawn to the Port's booklet "Immobilisation Procedures for Floating Craft Engine Room Staff" a copy of which will be supplied as necessary. The contractor is responsible for ensuring that these immobilisation procedures are adopted for the protection of his employees, together with any other safety precautions deemed to be necessary.
- 23.5** No machine should be started and run for trials or any other purpose unless prior permission has been obtained from the Marines Asset Manager or their nominated representative.

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**23.6** Certain spaces on the Port's craft have been designated as dangerous spaces in accordance with the Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988. All work within these spaces is subject to a permit-to-work system for Port employees. The Engineer maintains a list of such spaces and the contractor will be advised at the time of order if such a space has to be entered to undertake the work. Where such a space has to be entered, the contractor must comply with the aforementioned Regulations.

## **24.0 Accidents**

**24.1** All accidents should be recorded. Accidents involving the Port's employees, plant or premises should be reported to the employing department. The statutory procedure for reporting injuries, industrial diseases, ill health and dangerous occurrences to the Health & Safety Executive should be correctly followed.

**24.2** Traffic accidents including those not involving personal injury on the dock roads and in other areas within the docks should be reported without delay to the Duty Officer at the Port's Police Station.

**24.3** In the event of a very serious accident which may or may not require immediate medical treatment, the site of the accident should be left undisturbed until a proper investigation has been carried out.

## **25.0 Emergencies**

**25.1** The contractor should make himself and his employees aware of:

**25.1.1** The location of the the nearest first aid boxes within the docks;

**25.1.2** How to call the Port Police/ emergency services in the event of accident, injury or fire.

**25.1.3** Contractor have a legal obligations in respect of the provision of first aid treatment.

**25.2** The Port's Police Force can be contacted on the following number (01375) 846781 and available on a 24 hour basis. If emergency services are required the Port Police should be contacted, they will coordinate and liaise with the emergency services.

## **26.0 Fire Precautions**

**26.1** Before any burning, cutting, welding or other spark or flame producing activities take place in the enclosed docks, the competent contractor must issue their own **Hot Work permits** (where applicable a fire licence should be obtained from the Marine department / Port Police.

**26.2** Before carrying out any work where highly flammable or explosive vapours/dust (such as the Grain Terminal) are likely to be present, the advice of the employing department should be obtained. The use of spark producing tools in these areas is prohibited unless confirmed by the employing department that it is safe to do so.

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- 26.3** Combustible material such as paper, rags and small scrap timber is to be placed in bins provided by the Port. No rubbish may be burned on the site or in the vicinity of huts or buildings without a license. Empty containers, paint tins, drums, bottles etc. should be immediately cleared from the site and removed from the Port's premises.
- 26.4** The contractor should equip every hut with suitable fire extinguishers. A reasonable standard of cleanliness should be maintained inside and within the immediate vicinity of the huts.
- 26.5** All notices prohibiting smoking, matches or naked lights should be strictly observed.
- 26.6** All contractors' employees should be conversant with the nature of the fire warning system in use at the premises in which they are working. Instructions on action to be taken in the event of a fire should be obtained from the employing department, unless they are clearly exhibited at the place of work.
- 26.7** Fire-fighting equipment installed by the Port is available for use by the contractor's employees should a fire occur. Any use of this equipment should be reported. Such equipment should not be used for any other purpose.
- 26.8** Any fire caused by, or which affects, contractor's employees should be reported immediately by them to the Port Police.
- 26.9** Where any work is to be carried out which will necessitate interference with portable fire appliances, fixed fire appliances, alarms or warning systems, prior notification should be given to the employing department.

## **27.0 Health**

- 27.1** After working in contact with sewage or after handling clothes or boots contaminated with sewage, the hands and forearms should be thoroughly washed with soap and warm water containing antiseptic and facilities for this should be provided for all gangs working in sewers and manholes. It is important to do this before taking any food or drink.
- 27.2** The contractor should provide and ensure the use of suitable screens to give protection to all persons in respect of arc-flash that may be caused by his employees.

## **28.0 Welfare**

- 28.1** The Port's Industrial Canteen is available for use by contractor's and employees.
- 28.1.1** Confirm opening hours prior to use.
- 28.1.2** Contractor's employees are prohibited from using the amenity blocks provided for cargo operatives and amenity facilities for engineering staff without prior authorisation.

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**28.1.3** The charges published in the Industrial Canteens and on vending machines will apply.

**28.1.4** Dirty overalls should be removed before entry to the canteens.

**28.2** The provision of all washing, showering and changing facilities associated with the work is the responsibility of the contractor.

**28.2.1** Lavatory facilities are available in the dock areas which may be used by the contractor's employees. However, (as stated in 29.1) the contractor's employees are prohibited from using amenity blocks provided for cargo operatives and amenity facilities for engineering staff.

**28.3** In operational areas cars and other vehicles are prohibited without special permission. Off-site car parking is available in the docks for the use of the contractor's employees' personal vehicles.

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## SCOPE

This Policy is applicable to all employees, workers, contractors, visitors and customers on the Company's premises (hereafter covered by 'employees'). This Policy will be communicated at employee/worker induction and available at all reception areas.

## PROHIBITION ON SMOKING

Smoking is prohibited within the Company's premises, except in certain designated smoking areas during designated break times. When smoking in the designated smoking areas employees should ensure that they dispose of cigarette butts and other litter responsibly.

The Company displays signs that make it clear that smoking is prohibited on its premises.

The Company acknowledges that some employees may wish to make use of electronic cigarettes ("e-cigarettes") in the workplace, particularly as an aid to give up smoking. Although they fall outside the scope of smoke-free legislation, the Company prohibits the use of e-cigarettes in the workplace other than in designated smoking areas during designated break times. The Company's rationale for including e-cigarettes in the ban on smoking in Company premises is that:-

- Although they do not produce smoke, e-cigarettes produce a vapour that could be an annoyance or health risk to the individual and other employees;
- Some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for others that it is acceptable to smoke.

The Company does not permit employees to smoke (including e-cigarettes) in company cars or works' vehicles including plant.

## NON COMPLIANCE

Any infringement of this Policy may result in appropriate disciplinary action, which will be dealt with accordingly through the Company's disciplinary procedure. Also it is a criminal offence to smoke in smoke-free areas and as a result offenders may be liable to prosecution and/or a fine.

Anyone found smoking in smoke-free areas should be reminded of the Smoking Policy, the no-smoking signs and the location of the designated smoking area.

## RELATED POLICIES

Company Car Policy  
Disciplinary Procedure

## APPROPRIATE LEGISLATION

Health Act 2006

Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)

Smoke-free (Exemptions and Vehicles) Regulations 2007 (SI 2007/765)

Smoke-free (Penalties and Discounted Amounts) Regulations 2007 (SI 2007/764)

Smoke-free (Vehicle Operations and Penalty Notices) Regulations 2007 (SI 2007/760)

Smoke-free (Signs) Regulations 2012 (SI 2012/1536) Smoking,

Health and Social Care (Scotland) Act 2005

The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 Port  
of Tilbury Bylaws



# FORTH PORTS

## LIFE SAVING RULES

Point your camera at QR code in order to scan  
Follow Prompts on screen.



VEHICLE OPERATIONS



OBEY SPEED LIMITS, WEAR A SEAT BELT AND DON'T USE A PHONE WHEN DRIVING OR OPERATING MACHINERY



WORKING NEAR WATER



BE AWARE OF HOW CLOSE YOU ARE TO WATER AND WEAR A LIFE JACKET WHEN REQUIRED



CONFINED SPACE



ONLY ENTER A CONFINED SPACE IF YOU ARE COMPETENT AND AUTHORISED TO DO SO



PPE



WEAR YOUR PPE AND TAKE CARE TO STORE AND MAINTAIN IT PROPERLY



CONTROL OF WORK



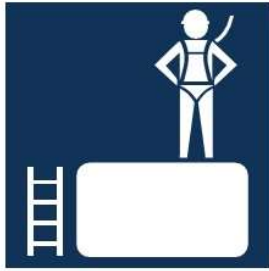
HAZARDS MUST BE IDENTIFIED COMMUNICATED AND CONTROLLED BEFORE STARTING WORK



LIFTING OPERATIONS



LIFTING OPERATIONS MUST BE PLANNED, SUPERVISED AND CARRIED OUT BY COMPETENT PEOPLE



WORKING AT HEIGHT



WHEN WORKING AT HEIGHT  
PROTECT YOURSELF  
AND OTHERS AGAINST A FALL



ENERGY ISOLATION



CHECK ENERGY ISOLATIONS  
BEFORE STARTING WORK.  
USE LOCK OUT AND TAG OUT

### Health & Safety Observation QR Code:



The Port seeks to achieve the highest standards in the management of Health & Safety in all areas of our business. These standards apply not only to our own employees, but also for the benefit of contractors, suppliers, customers, agents, visitors and the general public.

If you notice any activity which appears to be operating in an unsafe manner please report this immediately using the QR code.