



Hutchison Ports (UK)

POLICY FOR THE ENGAGEMENT OF OPERATIVES IN CARGO HANDLING OPERATIONS INCLUDING WAREHOUSING AND ASSOCIATED TASKS

In this Policy the following words and expressions shall have the following meanings:

“Engager” means a contractor, subcontractor, tenant or agency (as applicable) that employs/engages Operatives to provide the Services;

“Operatives” means those individuals employed by a contractor, subcontractor or tenant or engaged by an agency to provide the Services;

“Port Operator” means either The Felixstowe Dock and Railway Company, Thamesport (London) Limited, Maritime Transport Services Limited or Harwich International Port Limited (as applicable); and

“Services” means all types of cargo handling operations including, without limitation, transfer of cargo, container stuffing and devanning, storage, sorting, inspecting, checking and weighing of cargo and passenger baggage handling.

General

- On request, the Engager shall disclose to the Port Operator the employment terms and conditions of its Operatives engaged in providing the Services.
- The Engager shall provide a list of all Operatives at the Port which shall include the date that each Operative passed the medical requirements and details of all licences held by each Operative. The Engager shall ensure that any licence issued by the Port Operator to an Operative is carried by the Operative at all times whilst working on the port estate. The Engager shall provide such list to the Port Operator on a weekly basis or upon request.
- The Engager shall be responsible for all remuneration of its Operatives including where applicable but not limited to statutory maternity/paternity pay or statutory sick pay and for the deducting from any relevant remuneration, for the subsequent payment to appropriate authorities, income tax, national insurance contributions and any other deduction which prevailing legislation might require an employer to make.
- The Engager shall be responsible for maintaining and complying with all legislative provisions current, proposed and future including without limitation the payment of the statutory minimum wage to its Operatives and shall ensure that proper procedures are put in place to comply with all legislative provisions with regard to maximum working hours and the keeping of all appropriate and requisite records.

- The Engager acknowledges that it is and will remain the employer of its Operatives in accordance with their contracts of employment and it shall be solely responsible for the fulfilment of the duties of employer.
- The Engager shall at all times provide and be responsible for the supervision of its Operatives.
- The Engager shall ensure that none of its Operatives is currently serving a prison sentence or is on remand or parole for any criminal offence.
- The Engager shall obtain all requisite security passes or permits for its Operatives from authorised security personnel of the Port Operator and shall co-operate with the Port Operator in providing information required for issue of such passes. It is the responsibility of the Engager to ensure that any security passes or permits issued remain valid by ensuring replacements are obtained when necessary. The Engager shall ensure that its Operatives comply with the terms of use of any security passes.
- The Engager shall obtain and maintain, at its expense, all necessary licences and authorisations and comply with all applicable laws, regulations, regulatory requirements and codes of practice in connection with its business including without limitation, the Dock Regulations 1988 (or any amendment or replacement thereof).
- The Engager shall not allow its Operatives to trespass on any area of the Port estate other than the areas such Operatives have been requested to attend. The Engager shall ensure that its Operatives do not interfere with services, plant or equipment belonging to the Port Operator or a third party. The Engager shall ensure that its Operatives shall not hinder the working of the Port.
- The Engager shall ensure that all security passes, Safety Toolbox Talk cards and licences of any Operatives leaving their employment are returned to the Port Operator on the day that they leave.

Competence, Training and Safety

- The Engager shall ensure that all Operatives are and shall be competent and suitable in every respect to provide the Services, whether as to qualifications, experience or otherwise and shall perform their duties in a competent and professional manner and with all reasonable skill and care.
- The Engager shall ensure that all Operatives carry out their duties with the highest regard for health and safety. The Engager shall be required to provide the Port Operator with a copy of its current Health and Safety Policy and ongoing written risk assessments.
- The Engager will observe and will ensure that Operatives observe and conform to all the Port Operator's safety policies and procedures and to all

general byelaws, regulations and policies relating to the Port. The Engager is deemed to have notice of the contents of such byelaws, policies and documents, copies of which are available upon request. The Engager shall also ensure that it complies with HS(G)76 Health and Safety in Retail and Wholesale Warehouses (which is available from the Health & Safety Executive (HSE)).

- The Engager shall ensure that all Operatives attend a Safety Toolbox Talk prior to commencing work and that their Safety Toolbox Talk card is carried at all times whilst working on the port estate. It is the responsibility of the Engager to ensure that any Safety Toolbox Talk cards issued remain valid by ensuring replacements are obtained when necessary.
- All training required to be undertaken by the Engager to meet these standards shall be provided by the Port Operator and charged to the Engager at the prevailing rate specified in the Port Operator's tariff from time to time.
- The Engager shall be responsible for supplying all Operatives with the appropriate safety clothing, footwear and protective equipment that conforms to British and European standards and all other applicable laws and regulations. For the avoidance of doubt the Engager shall ensure that the Operatives do not wear safety clothing with "The Port of Felixstowe", "Thamesport" or "Harwich International Port" on it or which otherwise suggests that the Operatives are employees of the Port Operator.
- Any reportable injuries shall be promptly reported to the Port Operator and in addition the Engager shall also comply with its obligation to report to the HSE. Any unsafe acts, potentially dangerous situations or near misses should be recorded and promptly reported to the Port Operator.

Medical Fitness

- Prior to commencement of Services, all Operatives shall submit for a medical examination to include testing for illegal substances to the Port Operator's Medical Centre and to be certified fit for work by the Medical Centre and confirmed not to be partaking in drug abuse of any kind. The Port Operator will not accept from the Engager an Operative who has:
 - (a) had a test prove positive for illegal substances; or
 - (b) been assessed medically unfit for work.
- The Engager shall be responsible for ensuring that its Operatives are deemed to be medically fit for the work they have been requested to undertake under the Health and Safety at Work Act 1974 and the Dock Regulations 1988 (or any amendment or replacement thereof).

Alcohol and Drugs Policy

- The Port Operator has an Alcohol and Drugs Policy, which forms part of the Port Operator's Safety Policy. As part of the Port Operator's Alcohol and Drugs Policy, all employees, including all levels of management, are subjected to routine random screening for alcohol and nominated drugs of abuse. Screening, and reporting on screening, is undertaken monthly by an independent contractor.
- The Engager will be required, at its cost, to sign up to the Port Operator's Alcohol and Drugs Policy, using the same independent screening contractor, for all of its Operatives engaged on the Port estate (including, without limitation, administrative and managerial staff).
- The Engager shall promptly report to the Port Operator the results of each monthly screening. The need for anonymity will not be compromised as reporting shall be on a statistical basis, but shall also include details of what action has been taken in the event of any positive test results.

Removal of Operatives from Port Estate

- The Port Operator has the right to require the Engager immediately by notice to remove any of its Operatives from the Port estate who has:
 - failed to comply with the health and safety requirements of the Port Operator;
 - tested positive for alcohol and/or use of illegal substances;
 - been assessed medically unfit for work;
 - in the opinion of the Port Operator, been negligent, incompetent or guilty of misconduct; or
 - otherwise failed to meet the required standards.

Inspections

- The Port Operator reserves the right to carry out spot checks on all work areas to ensure compliance with applicable legislation and this Policy.

Insurance

- The Engager is responsible for ensuring that all of its Operatives are adequately covered by the Engager's employer's liability insurance as required by law.