

# WORK HEALTH AND SAFETY POLICY

## ***Drug and Alcohol Policy***

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### ***Aim***

The provision of a safe and healthy environment for Mercorella Group of Companies (the “Company”) employees, customers and the community is paramount. Therefore, The Mercorella Group of Companies cannot accept any consequential risk of personal injury or property damage arising from the known effects of drugs or alcohol. This policy is consistent with the provisions of the Work Health Safety Act 2012 and The Mercorella Group of Companies Work, Health and Safety Policy.

This policy outlines the Company’s commitment to a safe workplace and describes the standards of behaviour expected in relation to the use of drugs and alcohol, the responsibilities of the Company, workers and others at the workplace, and the consequences of breaching the policy.

### ***Scope***

This policy applies to:

1. All employees of the Company (whether full-time, part-time or casual) and all persons performing work at the direction of, or on behalf of the Company (for example, contractors, subcontractors, agents, consultants, and temporary staff) (collectively referred to as “workers”);
2. All of the Company’s workplaces and to other places where workers may be working or representing the Company for example, when visiting a customer, client or supplier (collectively referred to as “workplace”)

This policy does not form part of any employee’s contract of service, nor does it form part of any contract for service.

### ***Definitions***

The following are terms used in this policy:

“**Drugs**” includes illegal drugs, prescription or pharmacy drugs, or synthetic drugs as defined below.

“**Illegal drugs**” includes:

- Any drug prohibited by Australian State, Territory or Federal law or any other laws (including foreign and international laws) to which the Company is subject or which apply to the work performed at or for the Company;
- Prescription or pharmacy drugs (as defined below) which are used without the necessary prescription, or for non-medical purposes;

- Any synthetic drug (whether prohibited by law or not), being a psychoactive herbal and/or chemical product which, when consumed, mimics the effects of a prohibited drug, for example synthetic cannabis.

**“Management”** means the Company’s managers, supervisors, team leaders (whichever are relevant) and all employees with supervisory responsibilities.

**“Prescription drugs”** means lawful drugs which are prescribed by a medical practitioner for a diagnosed medical purpose and issued by a pharmacist.

**“Pharmacy drugs”** means drugs which are lawfully available at Australian pharmacies (without prescription) and are required for a legitimate medical purpose.

**“Under the influence”** means that a person’s faculties are impaired by the use of drugs or alcohol to the extent that the person is unfit to be entrusted with a duty they perform, or may be called on to perform, with efficiency and safety to themselves and others.

**“Alcohol screen test”** means any analytical procedure or test which is carried out on a worker to determine the presence and/or the concentration of alcohol (including but not limited to a breath test, urine sample, oral swab and blood test). These procedures are not limited to those which presently exist. As new technology is developed these may also be used for alcohol testing purposes.

**“Authorised officer”** means a suitably trained, qualified and authorised person from an independent testing agency or a suitably trained, qualified and authorised person appointed by the Company for the purposes of undertaking or arranging an alcohol screen test and /or drug screen test.

**“Confirmatory test”** means any analytical procedure or test which is undertaken subsequent to a first alcohol screen test or drug screen test, which is used to verify the presence of drugs or alcohol. This may include, but is not limited to the following:

- A test applied to a second sample of a worker’s urine;
- A test applied to an oral swab taken from a worker;
- A second breath test
- Analysis of a worker’s blood

**“Drug screen test”** means any analytical procedure or test which is carried out on a worker to determine the presence and/or concentration of any drug (including but not limited to a breath test, urine sample, oral swab and blood test). These procedures are not limited to those which presently exist. As new technology is developed these may also be used for alcohol testing purposes.

## ***Responsibilities***

### **Workers responsibilities**

1. All workers must:
  - a. Comply with this policy;
  - b. Observe all directions from the Company in regards to this policy;
  - c. Recognise that performance of duties could be affected by alcohol or drugs; and:

- d. Immediately notify management if they are aware of any breach of this policy by another worker. Subject to any disclosures required by law, any notifications received by management will be treated confidentially. Failure to report any breach of this policy by another worker may itself constitute a breach of this policy.
2. Except as set out in the Policy, workers must not:
    - a. Attend work, commence work, continue to work or return to work having consumed alcohol and/or drugs;
    - b. Consume drugs and/or alcohol during work, or at the workplace;
    - c. Must not possess, distribute, sell, use or consume illegal drugs in the workplace. Such conduct constitutes serious misconduct. It may also constitute a criminal offence, in which case the Company may notify the police;
    - d. Work while under the influence of drugs or alcohol;
    - e. Have any alcohol in their custody or possession at the workplace

### **Management Responsibilities**

Management is responsible for ensuring that this policy is implemented in their area. This includes ensuring that:

- a. All workers are made aware and understand this policy;
- b. The behaviour of workers are observed to ensure adherence with the policy;
- c. Any concerns or issues are addressed proactively and expediently to ensure the health and safety of all workers;
- d. Any suspected breaches of this policy are acted on promptly and in accordance with this policy.

### ***Prescription and Pharmacy drugs***

1. Where a worker is taking prescription or pharmacy drugs for medical purposes, the worker will not breach this policy by attending work, if the worker:
  - a. Takes the prescription and pharmacy drugs in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs;
  - b. Does not misuse or abuse the use of prescription or pharmacy drugs;
  - c. Ensures they are able to perform their work effectively, competently and safely;
  - d. Checks with their medical practitioner or pharmacist about the effect of the drugs on their ability to drive vehicles, operate machinery and safely perform their normal duties. If a workers ability to perform work competently, efficiently and safely is affected, the worker should obtain this advice in writing from the medical practitioner, or pharmacist, and provide it to their manger or supervisor as soon as possible and before undertaking their work.
2. If the Company suspects that the workers ability to safely perform work is affected, the Company may take steps to address the issue in accordance with this policy.

## ***Driving Company vehicles and machinery***

1. No machinery or Company vehicle is to be operated or used by anyone who is under the influence of alcohol and/or drugs;
2. Where a worker is taking prescription or pharmacy drugs that contain a warning that he person should not drive a vehicle or operate machinery, then that worker must not drive a Company vehicle or any vehicle, or operate machinery unless contrary specific medical advice is obtained and confirmed in writing, from the workers medical practitioner.

## ***What will the Company do if it suspects a worker is affected by drugs or alcohol?***

If the Company suspects, on reasonable grounds, that a worker is under the influence of drugs and/or alcohol in breach of this policy, the Company will take steps to address the issue. Reasonable grounds may include (but are not limited to) where the worker:

- Is unable to co-ordinate their actions;
- Has red or bloodshot eyes, or dilated pupils;
- Smells of alcohol;
- Acts contrary to their normal behaviour;
- Exceeds alcohol concentration limits applicable to the task they perform or may be called on to perform;
- Is not behaving in a professional and competent manner and in accordance with the Company standards; or
- Otherwise appears to be impaired or affected by drugs or alcohol.

In such circumstances, the Company may take the following actions (but is not limited to these actions):

- Direct the worker to go home. Suitable arrangements for safe transport will be made by the relevant manager; (if refusal occurs, the worker will be requested to sign an acknowledgement form (WHS101) or
- Direct the worker to attend a medical examination to determine whether the worker is fit to perform their duties effectively and safely. The medical examination may include a drug and/or alcohol test, such as a breath test, blood test, urine test or oral swab. In relation to prescription or pharmacy drugs, the Company may require evidence as part of the medical examination about the effects and proper use of the drug. The worker may be directed to go home following the medical examination.
- If the worker refuses to attend a medical examination, they will be directed to go home. Refusal to attend a medical examination, refusal to go home, or providing false information constitutes a breach of this policy and may result in action being taken against the worker, including action set out below under 'Breach of Policy'.
- Where a worker is sent home, or required to attend a medical examination, the worker must report to Management (or as directed) on the next working day, or as soon as possible once the worker is no longer under the influence of drugs and alcohol. The Company will deal with

the issue set out below under 'Breach of Policy'. Failure to report constitutes a breach of this policy.

### ***What will the Company do if it finds drugs or alcohol at the Company's workplace?***

If the Company finds drugs or alcohol at the workplace in breach of this policy, the Company may take the following action, which includes but is not limited to:

- Investigate the matter in order to attempt to determine who is responsible, including by conducting searches, as set out in this policy;

Workers are required to co-operate in any investigation. Failure to co-operate, or providing false information in an investigation, constitutes a breach of this policy and may result in action as set out below under 'Breach of this policy'.

### ***What will the Company do if it suspects a worker has drugs or alcohol in their possession at work?***

If the Company suspects that a worker has drugs or alcohol in their possession at work, the Company may take the following action, which includes but is not limited to:

- Investigate the matter to attempt to determine whether the worker does have such drugs or alcohol in their possession;
- Request the worker to open their locker, bag, or vehicle or to empty their pockets or jacket for the purpose of locating any drugs or alcohol.

Workers are expected to permit such inspection and co-operate with the Company's investigation. Failure to co-operate, or providing false information in an investigation, may result in action being taken against the worker, as set out below under 'Breach of this policy'.

### ***Drug and Alcohol Testing***

1. The Company may require workers to undergo testing for the presence of drugs or alcohol in the following circumstances, with or without, prior notice:
  - a. Targeted testing
    - i. If the Company suspects, on reasonable grounds, that a worker is under the influence of drugs or alcohol in breach of this policy.
    - ii. Upon finding evidence that a worker has used, possessed, sold, solicited or transferred drugs whilst in the workplace or while on Company property.
    - iii. Where the company finds drugs or alcohol in the workplace in breach of this policy.
    - iv. Upon receipt of a report of drug or alcohol use, provided by a reliable and credible source and confirmed by investigation, in breach of this policy.
    - v. Upon obtaining evidence that a worker has interfered with, tampered with, falsified or destroy an alcohol screen test or drug screen test.

- vi. Where a worker has previously received a positive alcohol screen test or drug screen test and has refused to undergo a confirmatory test, he/she shall be required to undergo subsequent testing.
    - vii. Where a worker has previously received a confirmatory test result confirming the use of illegal drugs or alcohol in breach of this policy, he/she shall be required to undergo subsequent testing.
    - viii. Where a worker notifies the Company that he/she has a drug or alcohol problem.
    - ix. Where a worker is taking prescription or pharmacy drugs which may affect their ability to perform the duties and responsibilities of their position in an efficient, competent and safe manner, without risk to the health, welfare or safety of the worker, or others in the workplace.
  - b. Post incident or Near-miss
    - i. Where the investigation of an incident or near-miss determines that the worker's actions may have been impaired due to the use of drugs or alcohol, or the worker was under the influence of drugs or alcohol.
  - c. Random Testing
    - i. When a worker, or group of worker's are randomly selected by the Company or an Authorised Officer to undergo a drug screen test and/or alcohol screen test.
2. A worker, who is required to undertake a drug screen test and/or alcohol screen test, will be requested to sign a consent form (WHS102) before taking a drug screen test and/or alcohol screen test.
3. All information obtained through the above testing is covered by Australian privacy laws. The Company will not use this information other than for the purposes for which is collected. The purpose of such monitoring and examination are to ensure the productivity, health and safety of personnel, to apply this policy, for disciplinary purposes.
4. A refusal to undergo a drug screen test and/or alcohol screen test or providing false information, constitutes a breach of this policy and may result in action being taken against the worker, including action as set out under 'Breach of this policy'.

### ***Breach of this policy***

Workers must comply with this policy at all times.

If an employee is found to have breached this policy, they may be subjected to disciplinary action. The type and severity of the disciplinary action will depend upon the circumstances of the case and the seriousness of the breach. In serious cases, this may include termination of employment.

Examples of disciplinary action that may be taken include (but are not limited to);

- Performance counselling;
- A formal warning;
- Suspension;
- Demotion;
- Termination of employment

- Referral to an Employee Assistance Program ('EAP') and/or some other referral source, for counselling, treatment or rehabilitation for drug and alcohol dependency.

Agents or contractors (including temporary contractors) of the Company who are found to have breached this Policy may have their contracts with the Company terminated, or not renewed.

In circumstances where a worker's behaviour or conduct may involve a breach of any Australian law, the Company may notify the police or other relevant government authority.

### ***Education and Training***

Where appropriate, the Company will conduct induction sessions for agents, contractors and their respective employees when they undertake work for the Company in the workplace.

These induction sessions will cover:

- a. This policy, including but not limited to the consequences of breaching this policy;
- b. The risks to the health and safety of workers by the use of alcohol and drugs in the workplace.