

Drug & Alcohol Procedure

Procedure

To ensure a healthy and safe workplace environment for all of its employees, Tony's Tuna International Pty Ltd will undertake the following approach if any employee, consultant, visitor or contractor is found consuming, possessing, distributing, selling or manufacturing drugs or alcohol on work premises, or is believed to be under the influence of drugs or alcohol during work hours.

Possession and/or consumption of alcohol or other drugs

If the manager or supervisor suspects, on rational grounds, that an employee, consultant, visitor or contractor (person) is in the possession of, or has been consuming drugs or alcohol on Tony's Tuna International Pty Ltd premises, vehicles or vessels, the person will accompany the manager or supervisor whilst a search of their bag(s), locker or other possessions is undertaken. The person has the right to have a witness present during the search. If the person under investigation is unfit to accompany the investigators or it is inappropriate, they may nominate a witness to represent them.

- If the person has been found consuming drugs or alcohol, the manager or supervisor will confiscate the substance in question and retain it for possible use as evidence.
- If the person is believed to be in the possession of drugs or alcohol, the search may be performed by either a senior management representative of Tony's Tuna International Pty Ltd, or in the case of illegal/prohibited drugs, by the Police.
- An interview will be conducted between the person concerned and management in accordance with Tony's Tuna International Pty Ltd disciplinary procedures on dealing with misconduct at work.
- The person will be offered the opportunity of having a person of their choice attend the interview as their representative and/or as their witness. They will be offered the opportunity of explaining and responding to the allegations put to them.
- A full investigation of the incident will be undertaken and if the manager or supervisor has sufficient evidence that the person was in possession of, distributing, selling or consuming drugs or alcohol on Tony's Tuna International Pty Ltd premises, the person will be subject to disciplinary action, which may include dismissal for serious and wilful misconduct.

Employee considered to be incapable of performing their duties in a safe manner

If it is considered that an employee shows signs of altered behaviour which may be as a result of being affected by drugs or alcohol and is incapable of performing their normal duties in a safe and efficient manner, the manager or supervisor will arrange for a witness to also assess the employee and request a drug and alcohol test to be completed. The witness must be familiar with the employee's normal

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behaviour and mannerisms and be able to support the assessment that the employee is incapable of performing their normal duties in a safe manner.

The assessment and drug and alcohol test will be made away from the employee's work area/station. Full particulars of the situation will be ascertained and recorded.

If the assessment is supported with a positive reading for drugs and/or alcohol, the manager or supervisor must advise the employee to leave the workplace and counsel the employee to go home. The manager or supervisor will assist the employee in finding safe transport home. If the employee leaves the workplace as advised and does go home, it will be recorded as the employee being absent from work with pay on leave accruals (in the case of a full or part time employee, a casual will be provided with one hour notice), unless otherwise stated in the relevant industrial instrument (such as award, NAPSA or agreement) or legislative provision.

If the employee refuses to leave the workplace and go home, despite having been advised and counselled to do so, the employee will be suspended (on leave accruals pay – full or part time employee only) and directed to leave the workplace, while the manager reviews the employee's conduct and discusses the situation with the appropriate management personnel.

Employees must not return to work until they return a negative result in their drug and alcohol tests. If the period of time away from the workplace extends past the first day the employee is sent home then the employee may receive payment from any accrued sick leave, annual leave or toil available until they are able to recommence work.

On the next occasion that the employee is rostered to attend at the workplace (or earlier if required), the employee shall report to the office for an interview, counselling session and a test for drugs and alcohol **prior to** recommencing their normal duties.

The interview and counselling session shall be convened:

- to clarify that the behaviour is unsatisfactory and why;
- to establish whether the behaviour was due to intoxication or other factors in the employee's life (in which case, confidence must be observed if requested); and

The employee will be given the opportunity of having a witness or person for support present with them for the interview and counselling session. Details of the interview, counselling session and testing will be documented.

Once the interview, counselling session and tests are completed, appropriate disciplinary action must be undertaken in accordance with, and proportionate to, the original assessment of the employee's conduct and the results of the interview.

Company initiated testing

Tony's Tuna International Pty Ltd may at its discretion contract an external service provider to conduct drug and alcohol testing. These tests will be undertaken as a prior notice test on a random basis or without prior notice. When results have been obtained from these tests any employee with a positive result will be advised to leave the workplace and go home. The manager or supervisor will assist the employee in finding safe transport home. If the employee

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leaves the workplace as advised and does go home, it will be recorded as the employee being absent from work with pay on leave accruals (in the case of a full or part time employee, a casual will be provided with 1 hours' notice), unless otherwise stated in the relevant industrial instrument (such as award, NAPSA or agreement) or legislative provision.

Normal practice is for any positive test, for a full time or part time employee, is sent to the laboratory for verification.

If any laboratory verification shows a "false positive" result from the initial test, the employee may be re-tested within 24 hours of receiving the laboratory result. If the second test result is also negative, the hours deducted from leave accruals etc. whilst the employee was suspended will be credited back to the employee and these hours deemed as "normal pay".

Tony's Tuna International Pty Ltd does acknowledge that employees have the legal right to refuse to be tested; however, if the employee does refuse, the employee may be subject to disciplinary action being taken for not complying with standard organisational policies and procedures.

Disciplinary Action

Any employee who returns a positive result to drug and or alcohol testing will be subject to disciplinary action. This will be determined by management and may be one or more of the following:

- Sent home from work on leave accruals pay (full time or part time employee only, casuals will be provided with 1 hours' notice) and mandatory counseling and testing prior to commencement of work on the next rostered day that the employee is deemed fit for duties;
- If an employee presents for return to work and is deemed unfit for duties, Tony's Tuna International Pty Ltd may, at its discretion, suspend the employee from duties (on full pay in the case of a full time or part time employee) until a full investigation has been completed;
- Issuance of a written warning;
- Termination of employment.

Note: Leave accruals pay referred to in this document is only available if the employee has sufficient sick leave / annual leave / long service leave and / or toil to cover the period of suspension.

Authorising Officer:


General Manager

Date: 15 / 06 / 2016

Employee Acknowledgement

I _____ have read and understood the attached Drug and Alcohol Policy and related Work Instruction and also understand that I will be required to submit to a pre-employment Drug and Alcohol test arranged by Tony's Tuna International Pty Ltd. As an employee of Tony's Tuna International Pty Ltd I may be requested by my Manager, Supervisor or External Service Provider to undergo further testing at any time.

Signed: _____

Date: ____ / ____ / ____