

# Drug and Alcohol Procedure

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*Ecoplant Australia &  
Seeddown Professional Planting*

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## 1. PURPOSE

- 1.1. The purpose of this procedure is to outline the process for managing employees of Ecoplant or Seeddown who may be unfit for duty because of consumption of illegal drugs or misused over the counter or prescribed medication whilst in the workplace. Further, Ecoplant or Seeddown wishes to reduce the likelihood of injury, damage and/or other negative effects resulting from alcohol and/or drug use and/or abuse in the work environment.
- 1.2. Additionally, Ecoplant or Seeddown seeks to ensure a safe work environment for all employees, contractors and visitors onsite. This also extends to the safety of the public when Ecoplant or Seeddown employee's or contractors operate outside of the workplace.

## 2. RESPONSIBILITIES

- 2.1. **Employee.** Responsible for complying with Ecoplant or Seeddown policy and procedures, employment contract obligations and any relevant laws. The same also applies to contractors engaged by Ecoplant or Seeddown . Employees and contractors must present to work fit for duty.
- 2.2. **Manager/Supervisor.** Responsible for the management and coordination of employees specific to their location and workgroup, and addressing any concerns raised regarding the application of this procedure.

## 3. DEFINITIONS

- 3.1. **Employee** – Any person who has a signed contract of employment with Ecoplant or Seeddown . This includes full-time, part-time and casual employees. The employee obligations specified in this procedure also apply to contractors that may be engaged by Ecoplant or Seeddown from time to time.
- 3.2. **Illegal drugs** - Includes any drug prohibited by State, Territory or Federal law in Australia or any other laws (including foreign and international laws) to which Ecoplant or Seeddown is subject or which apply to the work performed by employees of Ecoplant or Seeddown . For the purposes of this procedure, marijuana is considered an illegal drug. In this procedure, "illegal drugs" also includes prescription or pharmacy drugs (as defined at paragraph 3.3) which are used without the necessary prescription or for non-medical purposes.
- 3.3. **Prescription and Pharmacy drugs** - Ecoplant or Seeddown recognises that employees may have legitimate medical reasons for taking some drugs, specifically where a medical practitioner has properly prescribed lawful drugs for a diagnosed medical purpose or

where the drug is lawfully available at Australian pharmacies (without a prescription) and is required for a legitimate medical purpose. These drugs are referred to in this procedure as “prescription and pharmacy drugs”.

- 3.4. **Workplace** - Any place where Ecoplant or Seeddown employees attend in relation to their service as an employee. Includes any vehicle, vessel, aircraft or other mobile structure and any installation on land.
- 3.5. **Work-related Function** - Any function or event that is connected to work including (without limitation) conferences, work lunches or meetings, staff functions, Christmas parties, client functions and the like.

#### 4. REFERENCES

- 4.1. Safety Policy
- 4.2. Decision Making & Fair Treatment Procedure
- 4.3. Poor Performance and Discipline Procedure
- 4.4. Fair Work Act 2009 (Cth)
- 4.5. Work Health and Safety Act 2011

#### 5. PROCEDURE

- 5.1. **Overview.** This procedure applies to all existing and prospective employees and is not restricted to the workplace or work hours. The obligations contained in this procedure extend to all functions and places that are work-related. Any reference to work in this procedure includes work-related functions. This procedure also applies when employees go to other workplaces in connection with work, for example when visiting a customer, client or supplier.
- 5.2. **Responsibilities.** Except as set out in this procedure, employees are not permitted to do the following:
  - 5.2.1. Work while under the influence of illegal drugs and/or alcohol;
  - 5.2.2. Commence or return to work while under the influence of illegal drugs and/or alcohol;
  - 5.2.3. Consume or use illegal drugs and/or alcohol during rostered work hours and working offsite during rostered work hours;
  - 5.2.4. Bring illegal drugs and/or alcohol to work;
  - 5.2.5. Purchase, sell or dispense illegal drugs and/or alcohol at work (unless in the form of ‘responsible service of alcohol’ to members and guests); or

- 5.2.6. Possess alcohol and/or illegal drugs at work.
- 5.3. Ecoplant or Seeddown will not be liable for the consequences, including (without limitation) to property damage, injury and the like, of any action or inaction of any employee whilst he/she is affected by illegal drugs and/or alcohol. The employee will be personally responsible and liable for all of his/her actions whilst affected by illegal drugs and/or alcohol.
- 5.4. **Prescription and Pharmacy Drugs.** Where an employee is taking prescription or pharmacy drugs for a legitimate medical purpose, the employee will not breach this procedure by attending work, if:
- 5.4.1. The employee takes the prescription and pharmacy drugs in accordance with the instructions of his/her medical practitioner and normal directions applying to the use of those drugs;
- 5.4.2. The employee does not misuse or abuse prescription or pharmacy drugs;
- 5.4.3. The employee informs himself/herself of the impact of consumption of alcohol while taking prescription and pharmacy drugs and limits their consumption accordingly and in compliance with this procedure; and
- 5.4.4. The employee checks with their medical practitioner or pharmacist about the effect of the drug on his/her ability to drive vehicles, operate machinery and generally perform their work duties in a safe manner. If an employee's ability to perform his/her work safely may be affected by the prescription or pharmacy drugs they are taking (or propose to take), the employee should obtain advice in writing from the medical practitioner or pharmacist and provide it to his/her Manager/Supervisor, before undertaking his/her work.
- 5.5. If Ecoplant or Seeddown suspects that an employee's ability to safely perform work is affected, Ecoplant or Seeddown, at its discretion, may take steps to address the issue in accordance with this procedure.
- 5.6. **Consumption of Alcohol.** Ecoplant or Seeddown may, at its discretion, waive the prohibition on the consumption of alcohol in certain circumstances for special functions, for example, at a staff function, Christmas party, client function etc. The decision to waive this prohibition is at the sole discretion of the relevant delegated authority of Ecoplant or Seeddown. Prior to the relevant function, employees will be notified whether or not the prohibition of alcohol will be waived. Unless notified otherwise, all employees must assume that the prohibition applies. Where the consumption of alcohol

has been authorised for a work-related function or the worker attends a function outside of work hours in representation of Ecoplant or Seeddown , the following conditions apply:

- 5.6.1. Employees must consume alcohol responsibly;
- 5.6.2. Employees must not become inebriated or drunk. As set out above, it is a condition of waiving the prohibition on alcohol that employees consume alcohol responsibly in accordance with relevant Commonwealth, State and Territory regulations;
- 5.6.3. Employees must uphold an appropriate standard of behaviour at all times and inebriation is not an “excuse” for poor behaviour;
- 5.6.4. The restrictions set out below in relation to the operation of vehicles and machinery continue to apply;
- 5.6.5. Employees must ensure a safe means of transport from such functions. Employees must not drive any vehicle if they are over the legal blood alcohol limit. Employees who do not have a means of transport should advise their Manager/Supervisor in order to arrange transport; and
- 5.6.6. In accordance with paragraph 5.6.5, Ecoplant or Seeddown is not liable for an employee’s negligence and for any loss, damage, injury or death caused or suffered:
  - (a) as a result of the employee’s failure to find a safe means of transport from a function;
  - (b) as a result of the employee’s failure to advise a Manager/Supervisor to arrange transport from a function; or
  - (c) after the employee has departed a function.

5.7. **Vehicles and Machinery.** Employees must not, in any circumstances, drive a vehicle or operate machinery if they are under the influence of alcohol, illegal drugs or prescription or pharmacy drugs which may affect their ability to drive the vehicle or operate the machinery in a safe manner.

5.8. Ecoplant or Seeddown will not accept liability for any damage to any machinery or vehicle, any injury caused or suffered to any person, or damage to any other property caused by an employee’s use of a vehicle or machinery while under the influence of

alcohol, illegal drugs or prescription or pharmacy drugs. The employee will be personally liable in such circumstances.

- 5.9. Where an employee is taking prescription or pharmacy drugs that contain a warning that the person should not drive a vehicle or operate machinery, the employee must not drive any vehicle or operate any machinery and must immediately notify their Manager/Supervisor. Further, if an employee is taking prescription or pharmacy drugs and feels that their ability to safely drive a vehicle or operate machinery is affected (regardless of whether or not the drug contains a relevant warning), the employee must not drive any vehicle or operate any machinery and must immediately notify their Manager/Supervisor of this fact.
- 5.10. **Identification or suspicion of impairment by drugs or alcohol.** If Ecoplant or Seeddown suspects on reasonable grounds that an employee is under the influence of drugs and/or alcohol in breach of this procedure, Ecoplant or Seeddown will take steps to address the issue.
- 5.11. In circumstances when Ecoplant or Seeddown suspects an employee to be under the influence of drugs and/or alcohol Ecoplant or Seeddown may, at its discretion, take any or all of the following actions:
  - 5.11.1. Direct the employee to go home. In this case, Ecoplant or Seeddown will arrange transport home at the Company's expense. The employee will remain at home until such time as they can demonstrate that they are fit for duty; or
  - 5.11.2. Direct the employee to attend a medical practitioner and submit to a medical examination to determine whether the employee is fit to safely perform their duties. Further, in relation to prescription or pharmacy drugs, Ecoplant or Seeddown may require evidence as part of the medical examination about the effects and proper usage of the drug. The employee will be directed to go home following the medical examination if the examination determines that they are under the influence of a drug or alcohol that is impairing their ability to safely work. In this case, Ecoplant or Seeddown will arrange transport to attend the medical practitioner and then home, at the Company's expense. The Company will also cover the cost of the medical consultation.
  - 5.11.3. The employee will be directed to remain at home until they can provide a medical certificate indicating that they are no longer impaired by the drug or alcohol and safe to return to work.

- 5.12. If the employee refuses to attend a medical examination, the employee will be directed to go home. In this case, Ecoplant or Seeddown will arrange transport at the Company's expense. Refusal to attend a medical examination or refusal to go home may constitute a breach of this procedure.
- 5.13. Where an employee is sent home or required to attend a medical examination, the employee must report to their Manager/Supervisor to discuss the incident the following working day, or when the employee is no longer under the influence of drugs and/or alcohol. Ecoplant or Seeddown may deal with the issue as set out under 'Breach of this Procedure' in paragraph 5.18 (below).
- 5.14. Throughout this process the employee will continue to be paid (as normal) up until the following points:
- The point after a medical assessment has been conducted and the treating practitioner has provided evidence indicating that the employee is unsafe to return to work, or
  - The point where the employee refuses to have a medical examination and is directed to go home.
- 5.15. In these circumstances where normal pay ceases, an employee may elect to access a paid leave entitlement, if such an entitlement is available for the employee.
- 5.16. **Drugs or Alcohol found on premises.** If Ecoplant or Seeddown finds drugs and/or alcohol on any work premises, Ecoplant or Seeddown may take any or all of the following steps:
- 5.16.1. Investigate the matter in order to attempt to determine who is responsible for bringing the items onto the work premises. This may include conducting searches, in accordance with this procedure at paragraph 5.16.2. Any investigation is to be conducted in accordance with the Fair Treatment Procedure.
- 5.16.2. Request the employee(s) to open their desk, bag, or vehicle or to empty their pockets or jacket for the purpose of locating any illegal drugs and/or alcohol. Employees are expected to permit such inspection and co-operate with Ecoplant or Seeddown Senior Management or Directors investigating such matters.
- 5.16.3. Require some, or all, employees in the workplace area (in question) to undergo a test for the presence of illegal drugs and/or alcohol. Such testing will be conducted by a suitably authorised and accredited supplier in accordance with the relevant standards that relate to breath, saliva and urine testing.

5.17. Employees are required to co-operate in any investigation under this procedure. Failure to co-operate or providing false information in an investigation constitutes a breach of this procedure and may result in disciplinary action against the employee.

5.18. **Breach of procedure.** Employees must comply with this procedure at all times. If an employee is found to have breached this procedure, they may be subjected to disciplinary action in accordance with Ecoplant or Seeddown 's Decision Making & Fair Treatment Procedure and Poor Performance and Discipline Procedure. Such action may include summary dismissal, dependant on the circumstances.

5.19. Contractors (including temporary contractors) of Ecoplant or Seeddown who are found to have breached this procedure may have their contracts with Ecoplant or Seeddown terminated or not renewed.

5.20. In circumstances where an employee's behaviour or conduct may involve a breach of any Australian laws, or any other laws (including foreign and international laws) to which Ecoplant or Seeddown is subject or which apply to the work performed by employees for Ecoplant or Seeddown , Ecoplant or Seeddown may notify the police or any other relevant statutory authority.

## **6. RECORDS**

6.1. All documentation regarding any incident that involves illegal drugs and/or alcohol will be kept on the employees file.

## **7. REVIEW**

7.1. Annual