

## 1. OBJECTIVE AND INTRODUCTION

In this policy, reference to “substances” relates to all materials that has the potential to intoxicate, including but not limited to alcohol, cannabis, and other drugs, regardless of whether use thereof is legalised or not.

### 1.1 Afrimat recognises that:

- 1.1.1. Individuals have the right to use certain substances, regardless of the fact that the use of such substances has the potential to have an intoxicating effect on individuals, and therefore that risks of injury or death is associated with the use of such substances. In some cases, use of these substances may also lead to substance dependency.
- 1.1.2. Use of substances may have a detrimental effect on work performance and behaviour. Afrimat has a responsibility to its Employees and Customers to ensure that this risk is minimised.
- 1.1.3. Some individuals also use substances that are illegal to possess (and use).
- 1.1.4. Different individuals react differently to the use of these substances.
- 1.1.5. Whilst the company will not attempt to prohibit individuals to use substances that individuals are at liberty to use, the company has a responsibility to deal with (a) where such use has the potential to pose a risk health/safety and (b) where such use has the potential to cause substance dependency, and the associated effects may be a social concern.
- 1.1.6. Employees experiencing substance dependency, and who seek to have their social issues addressed, will be assisted in the form of the employee assistance program. The employer will endeavour to ensure that employees with these social issues are handled with dignity and that the social issues are de-stigmatised.
- 1.1.7. With reference to the Mine Health and Safety Act, No. 29 of 1996 (“MHSa”) read together with the Regulations enforced by Schedule 4 and the Occupational Health and Safety Act, 85 of 1993, the aim of this policy is to ensure that the health and safety of all employees is enhanced by preventing as far as possible, employees from entering Afrimat operations and/or operating any machinery at or in any operation of Afrimat under the influence of alcohol and/or drugs (whether legal and/or illegal, and further to ensure that employees who seek assistance with regards to a dependency problem are assisted.
- 1.1.8. Whilst intoxication is viewed in a serious light, and can lead to the dismissal of an employee or denial of access to other individuals, the mere presence of substances in the blood of an individual, even when intoxication is not noted, is also not acceptable, as it has the potential to cause a risk to the health and safety of individuals. Persons found with the presence of substances in their blood may not be allowed access to any operation of AFRIMAT.
- 1.1.9. The policy with respect to the presence of substances in the blood of individuals who wish to enter our premises is therefore one of ZERO TOLERANCE.

### 1.2 Accordingly, Afrimat- policy involves two approaches:

- (a) ASSISTANCE: Providing reasonable assistance to employees with substance abuse problems and who are willing to co-operate in treatment for such problems.
- (b) DISCIPLINE: Applying the disciplinary procedure where use of substances affects performance or behaviour at work, or where use of substances poses a threat to the employer in terms of the health and/or safety of employees, customers or other individuals. Also applying the disciplinary procedure where disciplinary action was suspended pending treatment, but where such treatment has not succeeded.

### 1.3 Afrimat does not have the internal resources to provide- or arrange treatment or other forms of specialist assistance. Such services are provided by GP’s, hospitals and other agencies.

### 1.4 Through this policy guideline Afrimat will seek both to manage the risk of drug abuse through the application of the MHSa Regulations enforced by Schedule 4 and the Occupational Health and Safety Act, 85 of 1993, and comply with Labour Relations best

practice in assisting the employee in obtaining such specialist help, and to protect his/her employment while such employee is being treated.

## 2. TESTING FOR SUBSTANCES

2.1 The company may test for substances under the following conditions:

- 2.1.1 At entry of any operation. All individuals entering may be required to blow in an approved instrument that is approved to measure some substances (eg alcohol in breath).
- 2.1.2 Random testing to ensure that individuals do not enter company premises whilst substances are in their blood.
- 2.1.3 Targeted testing when there is a suspicion that an employee may have an intoxicating substance in their blood.

The following may be indicative of such suspicion (this list is not exhaustive):

- (a) Smell of alcohol on breath
- (b) Unusual Behaviour (moody, aggressive, lethargic, etc.)
- (c) Slurred Speech
- (d) Bloodshot eyes
- (e) Uncoordinated movement
- (f) Observed intake of alcohol and/ or drugs

2.2 Testing for substances can be done at the workplace, depending on the circumstances, as per testing facilities (standard breathalyser tests, computerised breathalysers which give an actual blood alcohol reading, urine tests, etc. If tested positive, the individual that was tested should, where possible, be offered a blood test, done at an independent medical facility or laboratory.

2.3 Following any incident and/or accident where a vehicle, a machine or equipment is damaged and/or where an injury has occurred (including assault), and where a suspicion exists that such incident may be related to substance use, testing must be carried out if possible. The same time, any symptoms of intoxication, as depicted in par 2.1.4, should be recorded.

NOTE: ALL person/s involved must be tested. (Not limited to the injured).

2.4 Testing may be done as part of a medical surveillance programme (for operators of machinery and/or equipment).

2.5 Testing is done with annual certificate of fitness (COF)

2.6 All employees undergoing such tests must be treated with the greatest possible understanding and respect.

## 3. ASSISTANCE TO EMPLOYEES

3.1 Afrimat will, where possible, provide the following assistance to employees that may be suffering from substance dependency:

- a) *Identification of problem.* Helping the employee to recognise the existence of a dependency problem, and the relevant treatment protocol through referral to a qualified diagnostic or counselling service.
- b) *Support during a period of treatment.* This may include approval of a period of sick leave or other leave, supervised continuation of work in own position, or transfer to an alternative position, depending upon what is appropriate in terms of the Employee's condition and needs of Afrimat.
- c) *Continued employment upon the completion of a course of treatment.* Where practicable, the opportunity to remain (or return to) work in the Employee's own position, alternatively in an alternative position.

3.2 Assistance will depend upon the following conditions being met:

- a) Professional diagnoses of a substance dependency problem.

- b) Recognition by the affected employee that such dependency problem exists, and commitment by same employee to co-operate fully in treatment.

3.3 Limitations to the assistance that Afrimat can provide:

- a) Whilst the company will assist an employee in finding a reasonable source of treatment, such treatment is for the employee's own account. The company may assist the employee by means of an advance / loan, which is deductible from the employee's salary upon return to work.
- b) Assistance is only offered to employees upon first offence (where there was not aggravating circumstances that warrant dismissal) or at any other time when the employee wishes to seek assistance, and no further (new incident of) disciplinary misconduct is alleged. Assistance will not be considered after the employee is confronted about a further incident / allegation of related misconduct.
- c) Where the affected employee fails to co-operate in referral or treatment arrangements, no further assistance will be offered. Any further detection of substances in their system, detection of any symptoms of intoxication, or detection of any deviations in performance or conduct will be dealt with in terms of the Disciplinary Procedure.
- d) If the process of referral and treatment is completed but is not successful, any further detection of substances in the affected employee's system, detection of any symptoms of intoxication, or detection of any deviations in performance or conduct will be dealt with in terms of the Disciplinary Procedure.
- e) The Employee's continuation in his/her post or an alternative post during or after treatment will depend upon the needs of Afrimat at that time.

#### 4. DISCIPLINARY ACTION

4.1 In line with Afrimat's disciplinary rules, the following will be regarded as misconduct:

- a) Reporting to work with a substance in the employee's system that may pose a risk to health or safety of people.
- b) Attending work and/or carrying out duties under the influence of a substance.
- c) Consumption of a substance whilst on duty (other than where prescribed or approval has been given).

Contraventions in terms of par. (a) will be viewed in a serious light, and corrective action will follow. Recurrence may lead to dismissal.

Contraventions in terms of par. (b) and (c) will be viewed in a very serious light, and may lead to summary dismissal.

4.2 Individuals who have intoxicating substances in their system (even when not showing any symptoms of intoxication), or who are intoxicated will not be allowed access to the workplace, therefore will be unable to perform their duties. Such absence is without leave and without pay, and in its own subject to disciplinary action. Being disallowed to access work (and therefore not being able to earn a salary) is not a disciplinary measure, but is a preventative health and safety matter, and a matter of incapacity to perform duties.

If an employee has tested **not negative for any intoxicating substance** the following will apply:

- Ask the employee if he has a dependency on **intoxicating substances**.
- If the answer is yes:
  - Ask if the employee requires assistance. Should the employee agree to assistance follow the assistance procedure in 3.1.
- If the answer is no:
  - Suspend the employee for a period of six weeks on unpaid leave. Employee to fill in the admission of guilt wherein his rights are stated. Should the employee test positive after six weeks it could lead to the dismissal of that employee as stated in his admission of guilt.

4.3 Where a first incident of a breach of these rules occurs, but it is established that a substance dependency related problem exists, and where the Employee is willing to co-

operate in referral to an appropriate service and subsequent treatment, Afrimat will **suspend** the Disciplinary Procedure and provide assistance as described above.

Employees who do not comply with the treatment suggested or continue to abuse alcohol or drugs will be subjected to the application of the Disciplinary Policy.

## **5. CODE OF CONDUCT**

When approved by the responsible manager, alcoholic beverages may be consumed by employees, contractors, customers and any other visitor while attending a function at a designated area) where there is no access to plant or machinery) on an Afrimat premises. Such responsible manager will have to be present for the duration of such function, and is responsible to ensure that individuals who consume alcohol do it in moderation, and that such individuals do not leave the area designated for such function. Such responsible manager will also ensure that no one that consume alcohol is allowed to drive a vehicle from that area. Any alcohol stored on site must not be accessible before or after the function by any other individual during the work day.

**Approved by:**

**Name:** C.A. Gerber

**Position:** General Manager - Human Resources

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**ANNEXURE A**

**ALCOHOL / DRUGS - OBSERVATION**

<b>1</b>	<b>GENERAL INFORMATION</b>											
NAME OF EMPLOYEE:						EMPLOYEE NUMBER:						
SECTION:						TELEPHONE NUMBER:						
NAME OF COMPLAINANT:						TELEPHONE NUMBER:						
SECTION:				DATE:				TIME:				
<b>2</b>	<b>VISUAL OBSERVATION REPORT</b>											
PUPILS		Normal		Dilated		Constricted		SPEECH		Normal		Slurred
BALANCE: Is the employee unsteady on his/her feet?				YES	NO	Can the employee walk on a straight line?				YES	NO	
CO-ORDINATION: Can the employee pick up a small item (e.g. a pin)?					1 <sup>ST</sup> Time		2 <sup>ND</sup> Time		3 <sup>RD</sup> Time		Refused testing	
BEHAVIOR:		Talkative		Emotional		Foul language		Aggressive		Aggressively obstinate		Uncontrollable
<b>3</b>	<b>ALCOHOL AND/OR CANNABIS TEST RESULTS</b>											
ALCOHOL TEST Type:					1 <sup>ST</sup> Reading		2 <sup>ND</sup> Reading		3 <sup>RD</sup> Reading			
CANNABIS TEST Expiry date of test					1 <sup>ST</sup> Reading		2 <sup>ND</sup> Reading		3 <sup>RD</sup> Reading			
CO-OPERATION: Does the employee co-operate?							YES		NO			
REFUSAL: Does the employee refuse to be tested?							YES		NO			
MEDICATION: List medication:												
<b>4</b>	<b>FINDINGS OF OPERATOR</b>								Unfit for service		Fit for service	
SIGNATURE OF EMPLOYEE						SIGNATURE OF WITNESS/UNION REPRESENTATIVE						
SIGNATURE OPERATOR						SIGNATURE OF SUPERVISOR/EMPLOYER						

**ANNEXURE B**

**REHABILITATION AND COUNSELLING AGREEMENT**

Agreement between

(hereinafter referred to as the "Employee")

and

\_\_\_\_\_ ("Company")

herein represented by \_\_\_\_\_ duly authorised as such

(hereinafter referred to as the "Employer")

**THE PARTIES AGREE TO THE FOLLOWING:**

1. The employee has been identified as a candidate for the rehabilitation programme and agrees that he/she needs rehabilitation.
2. The employee will be referred for rehabilitation, which could include:
  - outpatient counselling treatment;
  - hospital treatment;
  - in patient treatment;
  - any other counselling that may be necessary.
3. The costs including transport costs for the said rehabilitation are to be carried by the employer.
4. The maximum period of rehabilitation would be 21 (twenty one) days in the case of an alcohol problem and 28 (twenty eight) days in the case of a drug related problem.
5. All costs in excess of these periods would be for the account of the employee.
6. Sick leave will be granted in terms of the company's Leave Policy for the relevant counselling.
7. In the event of the employee having a relapse and should subsequent rehabilitation be needed, the cost incurred by the said rehabilitation will be carried by the said employee.
8. Should the company incur costs on the employee's behalf, these costs will be recovered over a period of 12 (twelve) months from the employee's salary.
9. Rehabilitation as abovementioned will be done only once.
10. If any employee, during the course of counselling treatment decides not to continue with the said treatment, he will be dealt with in accordance with the necessary disciplinary procedures.

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Employee	Witness	Employer	Witness

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