



DRUG AND ALCOHOL EMPLOYEE ASSISTANCE POLICY

PURPOSE

Sun International recognises that substance abuse has an adverse effect in the workplace environment and puts employees' health and safety at risk if not managed accordingly. This drug and alcohol assistance policy has been developed to look after the interest of the business and wellbeing of all employees employed within the group. The group plays a proactive role in assisting those employees who are alcohol and/or drug dependent to successfully rehabilitate.

In accordance with this guiding principle, as well as section 8 of the Occupational Health and Safety Act (No. 85 of 1993) ("OHS Act") which states that employers have the duty to provide workers with a working environment that is safe and without risk to their health, and regulation 2A of the General Safety Regulations ("GNR 1031"), which places an obligation on employers not to permit a person who is or appears to be under the influence of intoxicating liquor or drugs, to enter or remain at a workplace.

This drug and alcohol employee assistance policy will enable the group to regulate the conditions pertaining to the use and abuse of alcohol and drugs by the group's employees while on duty or reporting for duty.

The medically proven adverse effect of the abuse of alcohol and drugs (for example, impaired judgment and reduced motor ability) when an employee is working whilst intoxicated and/or affected by regular intake, may pose significant safety risks to both themselves and those around them, and results in absenteeism and productivity, all of which have a direct negative impact on the group's performance.

The purpose of this policy is therefore, inter alia, to:

- provide a set of procedures that define the roles and responsibilities of management when dealing with alcohol and drug usage and/or abuse problems at work;
- encourage and assist employees who suspect or who know that they have an alcohol and drug dependency, to seek help, in confidence and at an early stage;
- provide mechanisms for early detection and treatment of employees who may have an alcohol and/or drug problem; and/or
- protect the group's employees, customers and/or all persons associated with the group and the public from potential adverse effects of inappropriate use of alcohol and drugs.

SCOPE/ELIGIBILITY/APPLICATION

The policy is applicable to all of the group's employees, permanent and/or temporary. This policy ensures that all employees at all levels have the opportunity to obtain professional help in an atmosphere of privacy and confidentiality.

DEFINITIONS

- Alcohol dependence
 - An incurable, but controllable disease, not inherent in the alcohol beverage, but brought about by particular physiological conditions in certain individuals.
- Authorised person
 - A person approved or assigned by the group's management to perform a specific type of duty or duties or to be at a specific location or locations at the group's workplace.

- Biological monitoring
 - The use of pre-employment, random, reasonable cause, return-to-duty, follow-up, post-accident or voluntary testing to detect drug 'metabolites' and alcohol in bodily fluid including urine, saliva, breath, blood, hair and sweat, based on up-to-date international best practice and gold standards at the time of testing.
- Breathalyser
 - The testing of an employee to determine the level of his/her Breath Alcohol Concentration (BAC) expressed in mg/1000ml. The testing can be done using any scientifically recognised instrument. The instrument is to be reliable, properly calibrated and operated as per manufacturer's instructions.
- Cannabis
 - Cannabis refers to the psychoactive drug derived from the cannabis plant used mainly for recreational and medicinal purposes, also known by many other names including marijuana and dagga. For purposes of this policy it includes using Cannabis by smoking, in food or as an extract.
- Chain of custody
 - Chain of custody is the term used to describe the process of documenting the handling and storage of a specimen from the time an employee undergoes a substance test or tests - refer to appendix D of this policy.
- Dependency
 - Dependency meaning an individual that is abnormally tolerant to and dependent on something that is psychologically or physically habit-forming.
- Drugs
 - Drugs include all medicinal and/or illicit substances and specifically includes Cannabis.
- Drug abuse
 - The use of illicit drugs or the abuse of prescription and/or over the counter drugs for purposes other than those for which they are indicated or in a manner or in quantities other than directed. An incurable, but controllable disease, brought about by particular physiological conditions in certain individuals.
- Employee
 - Any person or persons, not excluding full time and/or temporary and/or directors and/or managers and/or supervisors and/or contract workers and/or all individuals who perform tasks for the group.
- Employee Wellness Programme
 - A health and wellness service made available by the group to the employees of the group.
- Follow-up testing
 - Follow-up testing is when a drug and/or alcohol test is conducted to ensure that the employee remains drug and/or alcohol free after being reinstated.
- Gas chromatography-mass spectrometry (GC/MS)
 - A laboratory based test, gas chromatography-mass spectrometry (GC/MS) is a method that combines the features of gas-liquid chromatography and mass spectrometry to identify different substances within a specimen sample in order to identify trace elements in test specimens.
- Intoxicating substance
 - A substance which causes a person to be in a state ranging from euphoria to stupor, usually accompanied by loss of inhibitions and control is referred to as an intoxicating substance.
- Medical Review Officer
 - A Medical Review Officer is a medical professional with a pharmacology background who prepares the final drug and/or alcohol report.
- Non-negative
 - As per international best practice, a positive drug and alcohol test result is referred to as a non-negative result.

- On-site screen test
 - A drug and/or alcohol test conducted on-site using United States of America Federal Drug Administration (FDA) approved test equipment used to deliver an on-site preliminary test result.
- Post-accident testing
 - After occurrence of an accident or other adverse event in which the employee's performance may have caused or contributed to the event.
- Pre-employment testing
 - Drug and alcohol test conducted before an offer of employment is made and/or extending employee contracts and/or position transfer from one department/unit to another department/unit.
- Psychological assessment
 - For the purposes of this policy, a psychological assessment refers to a registered psychologist, who specialises in substance abuse and/or addiction, will determine if there is a serious problem with their use of drugs and alcohol and if so what would be the best course of treatment for the employee.
- Random testing
 - Random drug and/or alcohol test/s are performed immediately on notification.
- Reasonable cause testing
 - A drug and alcohol test is performed when:
 - an individual observes an employee engaging in workplace behaviours that are often associated with substance misuse or abuse, it must be brought to the attention of a manager; and/or
 - a manager determines there is sufficient evidence to indicate that an employee may have used an intoxicating substance.
- Rehabilitation
 - In the context of this policy, rehabilitation refers to processes of medical and/or psychotherapeutic treatments to assist the employee whom has acquired a disability or addiction or dependency to substances such as alcohol and/or drugs to readapt to society through vocational guidance, retraining and therapy. The intent is to enable the employee to cease substance abuse and/or dependence, in order to avoid the psychological, legal, financial, social and physical consequences that can be caused as a result of substance abuse and/or dependence.
- Return-to-duty testing
 - Return-to-duty testing is conducted when an employee was removed from the workplace following a previous drug and/or alcohol test non-negative test result and is returning to duty/work, to ensure the employee is substance free prior to resuming his/her work duties.
- Safety sensitive duties
 - When a work duty puts an employee who is performing the duty, in a position in which a momentary lapse in attention could result in injury or death to either themselves or another person.
- Security Officer
 - An individual who's function is to protect the group assets, employees including any person who enters the workplace and has received operator training for alcohol on-site screen testing.
- Selected person
 - The selected person refers to an employee who has been selected to be tested.
- Service provider
 - Service provider refers to an independent and/or external group and/or organisation that have been contracted in by the group to supply services to the group.
- SIL
 - Sun International Limited

- SIML
 - Sun International Management Limited
- Specimen sample
 - A specimen sample refers to a bodily fluid used for testing.
- Substance
 - In the context of this policy, a substance refers to any intoxicating substance not excluding alcohol, drugs and/or inhalants.
- Testing Officer
 - An individual who has received specialised biological monitoring training. This individual is certified as an on-site screen Testing Officer as is able to perform on-site screen test for drug/s and/or alcohol.
- Testing station
 - A testing station is a secured location, temporary or permanent facility where the on-site screen test/s is/are performed.
- The group
 - Means each of SIL's direct and indirect subsidiaries which operate and/or manage businesses under the Sun International banner from time to time, or any successor-in-title or successor-in-practice through merger or otherwise of SIL and of the SIL companies.
- Under the influence of a substance
 - In the context of this policy, an employee will be deemed to be under the influence of an intoxicating substance if any of the following is the outcome of a drug and/or alcohol test result, when the:
 - Blood Alcohol Content (BAC) is above 0.00 which means that an employee is in breach of provisions within this policy; and/or
 - control line on the on-site screen test is the only line visible and a laboratory confirmation test confirms the on-site screen test result being non-negative.
- Workplace
 - The workplace refers to:
 - any premises where official operations and/or duties are carried out by an employee for and on behalf of the group;
 - a vehicle used for the execution of the group business; and/or
 - an employee on standby is considered to be on duty and at work.

POLICY

Health and Safety

As set out above, in terms of the OHS Act and similar legislation in other countries in which the group operates, the group is under an obligation not to permit any person who is in possession of, or appears to be intoxicated or under the influence of an intoxicating substance to enter or remain at a workplace where work duties are performed without the express permission of the employer. Furthermore, it is a criminal offence to have intoxicating illicit substances in one's possession, to partake thereof or offer it to another person.

Tolerance level

The group has a "zero tolerance" approach to the possession, sale, use, abuse, purchase, storage, manufacturing, transporting, distribution, or transfer of substance, substance paraphernalia and being intoxicated at the workplace and will view any contravention of this policy in a very serious light.

Any employee who is to be in the possession of or participates in the use of any illicit substances whilst entering or on the workplace will be committing a criminal offence and will be dealt with accordingly.

Special conditions

Special conditions for being in the possession of alcohol and/or drugs and venues for the usage of alcohol and/or drugs are to be strictly complied with as stipulated within this policy.

Disclosure of medication

As set out above, under the OHS Act, the group is obliged not to permit any intoxicating medicinal drug consumption at the workplace – please refer to special conditions within this policy.

Testing

Every employee is subject to an alcohol and/or drug test by means of biological monitoring to predetermine whether an employee has recently used or is using an intoxicating substance.

Test results

All employees will be granted access to their test results.

Test refusal

An employee may refuse a biological monitoring test, please refer to policy document on how this may be dealt with.

Confirmation testing

Each employee has a right to request a confirmation test on a non-negative initial screen test result. All confirmation tests to be performed by an accredited laboratory.

Assistance

Assistance will be afforded to all employees who are substance dependent through the Employee Wellness Programme.

Treatment

All employees will have access to treatment referral.

Confidentiality

The group recognises each employee's right to privacy and integrity; biological monitoring and disclosure of information will be adhered to in accordance with appendix A of this policy.

PROCEDURE

Refer to Annexure H: Implementation Procedure – Drug and Alcohol Assistance Policy

REFERENCES/DOCUMENTS

The standard is governed by the group's Code of Conduct, Ethics Policy, Disciplinary Code, OHS Act, Labour Relations Act, Criminal Act, Consumer Protection Act and/or any similar legislation.

Supporting documentation:

- Appendix A: Employee Consent form
- Appendix B: Verification of Alcohol Intoxication form
- Appendix C: Verification of Drug Intoxication form
- Appendix D: Chain-of-Custody form
- Appendix E: Manager Referral form
- Appendix F: Substance Dependence Plea Agreement
- Appendix G: Method of Testing and Procedure for Intoxication Verification
- Appendix H: Implementation Procedure

MONITORING AND SANCTIONS

(repeat of what is contained in the Procedure document)

As with all disciplinary cases, fair procedure must be followed where employees are suspected of non-compliance with this policy including consideration of extenuating circumstances. However, the group's very strict disciplinary code regarding alcohol and drug use and/or abuse must be constantly reinforced in the minds of employees to ensure that all employees are informed about possible consequences.

Tolerance level

The part-taking of intoxicating substance/s and/or being under the influence of an intoxicating substance/s whilst reporting for duty or on duty is unacceptable behaviour and will not be tolerated. This will lead to a disciplinary enquiry and the employee, if found guilty, may be dismissed in accordance with the group disciplinary code.

It is furthermore a criminal act to be in the possession of and/or sell and/or purchase an illicit substance and the group will take the necessary law enforcement steps to deal with such conduct. Refusal to sign employee consent

Should an employee refuse to sign Appendix A: Employee consent form, it will be seen as a refusal to take an alcohol or drug test and be acted upon accordingly as per the group code of conduct and disciplinary code.

Emergency call

Consistent failure to act on emergency calls will result in action being instituted in accordance with this policy, the group code of conduct and disciplinary code.

Pre-employment testing

An offer of employment can only be made if the outcome of a drug and/or alcohol test result is negative. This will also be applicable to any employee transferring from one business unit to another or to any contract employee before the contract can be renewed from another term.

Random testing

Random testing will be performed even when the employee is not actually performing or about to perform safety-sensitive duties.

Reasonable cause testing

The on-site test is used primarily to enable an employee to establish innocence.

A test refusal, in addition to observable indications of intoxication as per appendices B and C, could lead to an inference being drawn and that the employee is in breach of the provisions of this policy. If there are no clear signs of substance intoxication as per the outcome of appendices B and/or C the group may decide not to pursue disciplinary proceedings against the employee.

Return-to-duty testing

An employee's clinical assessment of his or her fitness for duty may include a drug and alcohol test as part of the assessment.

Follow-up testing

A follow-up testing programme is on at least 6 (six) tests during the first 12 (twelve) months after return to duty and can last up to 60 (sixty) months.

Actions taken after test result

Negative test result:

- No disciplinary action to be taken.

Non-negative result:

- Disciplinary procedures are to be followed in accordance with the group's disciplinary code and not excluding the requirements of the OHS Act.
- The employee is excused from his or her work duties with immediate effect and will be asked to leave the workplace and premises. The group must ensure that the employee is not driving his/her own vehicle where the employee has been told to leave the workplace.
- If the employee refuses to leave the group's premises as may be required under the provisions of the disciplinary code and this policy, such refusal may be viewed as aggravating the original offence.
- Where a confirmation laboratory test result has been requested, a disciplinary hearing must be postponed till such time that the test results have been obtained.

Substance dependence plea during disciplinary proceedings

If the employee pleads substance dependence as an extenuating factor, the employee must be afforded the opportunity to substantiate the plea.

The hearing may continue to receive evidence on the original charge to the point that a finding is reached (i.e. guilty or not guilty), but must be postponed before a sanction is decided, so that appropriate mitigation (e.g. substance dependence) can be considered, but may not draw any conclusions or impose any sanctions, excluding suspension, until the employee's evidence on alcohol or drug dependence has been heard.

From a liability point of view, the group cannot permit an employee who may be an alcohol and/or drug dependent and is not receiving treatment, to be at the workplace, i.e. until such time as treatment has commenced, the employee should be on suspension.

The hearing must be reconvened as soon as the results of the tests in support of the substance dependence plea are available.

The employee's excused from work duties and/or suspension for the duration of gathering of evidence will be based treated on the basis of sick leave.

Verification of substance dependence

A psychological assessment conducted combined with blood and /or urine laboratory confirmation tests are acceptable evidence for purposes and should indicate whether the employee is alcohol and/or drug dependent. Cost of proof of alcohol or drug dependency will be borne by the employee. If the employee is alcohol dependent (alcoholic) or drug dependent (drug addict) the nature of the case changes from misconduct to incapacity.

If the employee is able to establish his/her case the opportunity of rehabilitation must be offered and, if accepted and followed, will result in a suspension of the dismissal, pending rehabilitation, for 3 (three) months on a sick leave basis.

Resumption of the hearing and conditions for suspension of penalty

If the evidence is acceptable and the employee is considered to be alcohol and/or drug dependent, the decision to dismiss is suspended for a year (12 months). That suspension of penalty should be in writing, and should be conditional on the employee:

- not violating the drug and alcohol employee assistance policy for a period of 12 (twelve) months;
- entering into a written agreement as per appendix F to comply with the terms and conditions of treatment for substance abuse, with the professional substance abuse counsellor/therapist or substance abuse treatment agency contracted to do so;
- agreeing to the group receiving communication from the professional substance abuse counsellor/therapist or substance abuse treatment agency.

The treatment agreement usually includes a clause committing the employee to refrain from consuming any alcohol and/or drugs. If the employee is observed drinking alcohol or taking drugs or being intoxicated, the employee will be tested and if proved non-negative, the dismissal may be immediately implemented, on the basis that the treatment agreement has been violated, thereby violation one of the conditions for the suspension of the dismissal.

It is advisable for the Human Resources Manager to consult the professional substance abuse counsellor/therapist or substance abuse treatment agency on the case prior to taking such action, given that the group is not necessarily a party to the treatment agreement itself. If, in the counsellor/therapist's or treatment agencies opinion, it was an isolated incident, and the employee's prognosis for recovery continues to be good, it may be ill advised to dismiss on a single known instance/relapse.

It is important for the employees Human Resources Manager to maintain regular communication with the counsellor/therapist/agency and the employee. The employee's compliance with the treatment regime can thus be monitored and supported.

Monitoring of a substance dependence employee

The employee, who pleads substance dependence and has completed a treatment plan, will be subject to the group's follow-up and/or return-to-duty testing, as stipulated within this policy.

Limit to number of claims of substance dependence

Should an employee have completed the substance dependence evaluation and treatment in the past, and non-negative test result is the outcome of an on-site test, the employee would be in breach of this policy and could lead to disciplinary action and/or immediate dismissal.

Confidentiality

In the cases where disciplinary action is taken in accordance with the group disciplinary code, assessment reports and documented drug and/or alcohol test results may be used as supporting documentation.

IMPLEMENTATION DATE

The implementation date of this Policy is 1 February 2020.

EXCO COMMENTS

FIRST APPROVING EXCO MEMBER

SECOND APPROVING EXCO MEMBER

Signature: 

Signature: 

Name: A.C. JOHNSTON

Name: ANTHONY LEEMING

Designation: GROUP COMPANY SECRETARY

Designation: CHIEF EXECUTIVE

Date: 24 FEBRUARY 2020

Date: 26 FEBRUARY 2020

RACI Matrix [Complete the matrix hereunder to clearly identify roles and responsibilities so as to avoid any confusion]

RESPONSIBILITY FOR CREATION [Clearly state who (position/s) is responsible for crafting (and maintaining) this policy.]
Health and Safety Specialist
RESPONSIBILITY FOR IMPLEMENTATION [Clearly state who (position/s) is responsible for implementing this policy, e.g.: Cluster Business Unit HR Manager]
Human Resources Business Partners and SHE Managers / Officers
ACCOUNTABILITY [List the person (position/s) who is ultimately accountable for ensuring that the policy is implemented and adhered to, e.g.: Unit GM]
General Managers
CONSULTED [List the people (position)/organisations that should be consulted about the policy, e.g.: representative union, SME etc.]
Central Office Human Resources and Sustainability
INFORMED [List the people (position)/organisations who needs to be informed about the policy, e.g. Employees, Contractors, Concessionaries, external parties etc.]
Representative Union and Employees

