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ADD: P.O. BOX 3547  
POLOKWANE, 0700  
REG NO: 2009/004805/07  
VAT NO: 451 018 0344

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NATIONAL NUMBER: 0861 379 542

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<b>Subject:</b>	Substance Abuse Policy (HRP0005)
<b>Compiled by:</b>	CTL Group (Pty) Ltd
<b>Authorised by:</b>	Directors of E.P.X Courier Services
<b>Implemented:</b>	April 2021
<b>Amended dates:</b>	

### SUBSTANCE ABUSE POLICY

(HRP0005)

**THE COMPANY HAS A ZERO TOLERANCE POLICY IN RESPECT OF ANY EMPLOYEE FOUND TO BE UNDER THE INFLUENCE OF ALCOHOL OR ANY INTOXICATING SUBSTANCE. THIS IS DEEMED AS A DISMISSABLE OFFENCE.**

**THIS POLICY MUST BE READ IN CONJUNCTION WITH THE HEALTH & SAFETY POLICY**

#### **1. INTRODUCTION:**

- 1.1 The prevalence of ALCOHOL ABUSE/SUBSTANCE ABUSE requires that the topic should be addressed in a responsible and unemotional context by all stakeholders.
- 1.2 In terms of the Code of Good Practice, coupled with the Health and Safety Act, an employee may not be under the influence of alcohol or any intoxicating substance whilst at work.



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Especially in the Road Freight & Logistics Industry where employees are operating Company vehicles and moreover, to abide by the road rules of South Africa holistically. Driving under the influence of any substance is a criminal offence.

- 1.3 On the other hand, the company acknowledges that abuse may be the manifestation of an underlying dependence or addiction. In this instance, the company recognises its social responsibility being assessment, referral, crisis intervention, motivation for change and constructive intervention.
- 1.4 It is incumbent upon every division/section or operation to develop a code of good practice (Health & Safety Policy) with their employees or employee representatives. Such code should protect the privacy of the employee and protect the employee against unfair labour practices.
- 1.5 The code shall reflect practices that are equitable to both employer and employee. Whereas the employee has the right to fair and humane treatment, the company has the right to fulfilment of the employment contract, and to protect its business as a safe working environment and against undue costs.

## 2. DEFINITIONS:

- 2.1 “**Substance**” includes alcohol, illegal drugs, inhalants and prescription and over-the-counter drugs, decriminalized drugs, and the like.
- 2.2 “**Illegal Drug**” is any substance that is illegal to use, possess, sell, or transfer.
- 2.3 “**Drug**” is any substance which has a physiological/physical/biological or functional effect on an individual when either ingested or otherwise introduced into the body.



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2.4 **“Drug Paraphernalia”** includes any items used or intended for use in making, packaging, concealing, injecting, inhaling, or consuming illegal drugs or inhalants.

2.5 **“Prescription Drug”** is any substance prescribed for an individual by a licensed health care provider.

You are **“under the influence”** if any substance:

- Impairs your behaviour or your ability to work safely and productively.
- Results in a physical or mental condition that creates a risk to either your own safety and/or the safety of others and/or the Company property; or **“Company Premises”** includes buildings, ground, parking lots and company-provided vehicles as well as a client workplace/premises or any place where the company conducts business or company functions occur.

### 3. POLICY:

3.1 To determine whether or not an employee is under the influence of an intoxicating substance, the company may use a Breathalyzer and/or a urine test and the results of a Breathalyzer and/or urine test may be conclusive evidence of intoxication/being under the influence.

3.2 Where a Breathalyzer and/or urine test is used, the test should be properly administered, and the result properly observed.

3.3 It is essential that the administration of any intoxicating substance test is witnessed. In this regard a shop steward/manager or a co-employee may be called in to witness the process and results.



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- 3.4 It is also desirable that there be a witness for management.
- 3.5 The results of the test should be properly recorded and signed by the person conducting the test.
- 3.6 The witness(es) should also sign the record of results to indicate their authenticity and correctness.
- 3.7 Further tests may be carried out to determine whether a person is under the influence and such may take the form of visual observance of the individual.
- 3.8 The following aspects could be considered as conclusive that the individual is under the influence of an intoxicating substance such symptoms include, but are not limited to –
- mild sedation
  - blood shot eyes
  - smelling of alcohol
  - poor co-ordination
  - confusion/disorientation
  - slurred speech
  - trouble walking
  - vomiting
  - poor judgment
  - abnormal behaviour
  - unnecessary or unusual aggressiveness
- 3.9 **It is important to complete the assessment form attached in full to formally record the process followed.**



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#### 4. DISCIPLINARY MEASURES:

- 4.1 In line with the principle of progressive discipline, a finding that an employee is under the influence of intoxicating substances would ordinarily warrant dismissal, however the occupation of the employee and personal circumstances would be relevant under certain circumstances.
- 4.2 The same should apply where the safety of the intoxicated employee and company property would be endangered.
- 4.3 The company reserves the right to inspect its premises for these substances.
- 4.4 The company reserves the right to conduct alcohol and drug tests at any time.
- 4.5 The company may terminate your employment as per the disciplinary code should you violate this policy, refuse to be tested or provide false information.
- 4.6 You must follow these rules while you are on company premises and while you conduct company business.
- 4.7 The rules apply in any place you conduct company business, including company vehicles, your own vehicle during your shifts and/or client premises:
  - 4.7.1 You may not use, possess, or be under the influence of alcohol or any intoxicating substance on company premises. If management approves, you may drink moderately at certain off-premises, business related meetings or social gatherings.



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- 4.7.2 The company does not condone employees driving whilst under the influence or after they have consumed any alcohol, nor will it accept liability for any harm which may arise from an employee driving under the influence of any intoxicating substance.
- 4.7.3 No staff member will be allowed to drive a company vehicle if they are under the influence of any substance.
- 4.7.4 You may not use, possess or be under the influence of any intoxicating or illegal substances.
- 4.7.5 You may not sell, buy, transfer, or distribute any intoxicating or illegal substances. It is against the law to do so and we will report such actions to the authorities.
- 4.7.6 You may not use, possess, sell, buy, transfer, or distribute drug paraphernalia.
- 4.7.7 You may not use or be under the influence of inhalants.
- 4.8 Staff must follow these rules if you take prescription or **over-the counter drugs** on the job:
- 4.8.1 You may use a prescription drug only if a licensed health care provider prescribed it for you within the last six months.
- 4.8.2 You may use prescription or over-the counter drugs only if they do not generally affect your ability to work safely.
- 4.8.3 You must follow directions, dosage limits and usage cautions.



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- 4.8.4 You must keep these drugs in their original containers or bring only a single-day supply.
- 4.8.5 The company has the right to consult with a health care professional to determine if a prescription or over-the-counter drug may create a risk if you use it on the job.
- 4.8.6 The company may change your work duties or restrict you from working while you are using a prescription or over-the-counter drug that creates such a risk.
- 4.8.7 You may not use any machinery or climb on any equipment while taking prescription or over-the-counter drugs that impair your ability to work safely. This includes vehicles.
- 4.8.8 You are not allowed to take in any alcoholic beverages or drugs should you be on standby after hours, weekends and/or public holidays.
- 4.8.9 All the company staff may be tested, either randomly or at the specific request of management for alcohol and/or any intoxicating substances.
- 4.8.10 In conjunction with the testing further note will be taken of the employee's appearance, bloodshot eyes, slurred speech, attitude – aggressive or abusive or any other factor which may confirm that the employee is under the influence.
- 4.8.11 Employees who are suspected of having consumed or ingested any intoxicating or illegal substance including but not limited to alcohol or drugs will be required to undergo a breathalyser and/or drug test.
- 4.8.12 You must cooperate with any investigation into substance abuse. An investigation may include tests to detect the use of alcohol, drugs or inhalants.





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4.8.13 Any of these issues which produce a negative result may entitle the company to reach the conclusion that the employee has been consuming or appears to have consumed alcoholic liquor or drugs or is under the influence of intoxicating or illegal substances and the appropriate disciplinary action may be implemented.

#### 4.9 HANDLING AND COUNSELLING OF ALCOHOL/SUBSTANCE ABUSE:

4.9.1 Notwithstanding the above, where alcohol or substance abuse is the manifestation of an underlying dependence or addiction, the exercise of discipline may not be entirely appropriate.

4.9.2 However, if an employee declares he/she has a dependency issue after the incident, then formal investigations may be concluded. In other words, the employee has an obligation to inform management immediately of such addiction/dependence prior any incident and should not use the failure thereof to plea for leniency or to shy away from his/her responsibilities at work.

4.9.3 Under these circumstances where an employee has been found to be intoxicated at work, a separate and subordinate enquiry may be held to determine the reason for the alcohol-related misconduct.

4.9.4 Where the employee declines assessment or refuses to undergo counselling or treatment, discipline should be applied in the first instance.

4.9.5 Where there is repeated intoxication at work and it is evident that efforts to correct the employee's behaviour have failed, dismissal is considered a fair penalty.





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- 4.9.6 It is of paramount importance that assistance and/or counselling is offered to correct the employee's behavioural problems if the employee has a substance dependency issue/problem.
- 4.9.7 The company must apply the following principle in assisting the employee to overcome the substance abuse/alcohol problem.
- 4.9.7.1 The company and the employee must establish that there is an ongoing problem and attempt to assist the employee in this regard.
  - 4.9.7.2 The company and the employee must discuss the problem and must be proactive in their approach to solving the problem.
  - 4.9.7.3 The company and the employee must arrange counselling at SANCA (or other institution) and offer support in order to overcome this problem.
  - 4.9.7.4 If necessary, it is acceptable to assist the employee in obtaining outside counselling and aid in obtaining professional assistance via a recognized outside agency.
  - 4.9.7.5 The employee is responsible for the financial obligations to the outside agency unless otherwise agreed. The employer is entitled to receive regular updates in respect of the employee's progress.



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- 4.9.7.6 It would be acceptable that the employee submits to regular testing during the counselling or guidance phase of his rehabilitation, such however must be done in a manner that is not demeaning or detrimental to the employee's recovery. The company standpoint should be one of assistance.
- 4.10 Where an employee does not have a substance dependency issue, the company confirms that in accordance with this policy that the company maintains its zero-tolerance policy towards any employee who arrives at work or alternatively carries out duties or attempts to carry out duties whilst under the influence of alcohol or any intoxicating substance.
- 4.11 In terms of the zero-tolerance policy the company confirms that if an employee has been found to have breached this zero-tolerance policy and if it is proven that:
- 4.11.1 The employee has reported for duty under the influence of liquor/alcohol or an intoxicating substance, then the employee will be subjected to a disciplinary enquiry and the appropriate sanction would, in the ordinary course of business, be dismissal.
- 4.11.2 The employer must also prove that the employee was incapable of performing his/her duties or that if the employee had or did perform his duties, by virtue of the employee being under the influence of an intoxicating substance, the employee would be placing the lives/health and safety of his fellow employees at risk or alternatively the employee would be placing himself/herself at risk.
- 4.11.3 The rule must be applied consistently in the workplace.



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4.11.4 If the company alleges the employee is intoxicated or under the influence, then such person cannot be allowed to work the whole day. You must act immediately upon becoming aware of the employee being under the influence of an intoxicating substance or being intoxicated.

4.11.5 There must be a fair procedure followed by having a disciplinary hearing for the employee.

The company cares about their employees and would like to provide as much assistance as possible to rectify the behaviour.

Employees are encouraged to consult with HR to voluntarily disclose a substance abuse problem before formal steps are taken.

The company wishes to ensure a safe environment and wants to ensure that employees are assisted in getting the help needed to overcome any addiction issues.

### **Attachment:**

Applicable Form: Substance/Alcohol Assessment Form