

# TYREE INDUSTRIES

## Tyree Drug & Alcohol Procedure

HR-006

### 1.0 PURPOSE

Tyree is committed to providing a safe workplace for all who enter our premises, worksites and customers who use our products and services. Tyree will comply with all relevant New South Wales and Commonwealth government Workplace Health and Safety legislation and this commitment extends to ensuring all who enter our premises and work sites are not under the influence of drugs and alcohol.

### 2.0 SCOPE

This drug and alcohol procedure is to cover all employees of Tyree, contractors, labour hire and visitors to our premises and worksites.

### 3.0 DEFINITIONS / ABBREVIATIONS

Alcohol	Includes any beverage or food stuff that contains any level of alcohol
Authorised Collection Person	Is the person nominated to conduct testing for potential impairment
Blood Alcohol Concentration (BAC)	The concentration of alcohol in the blood, measured in terms of alcohol per 100 millilitres of blood
Drugs	Includes the use of, or possession of, prescription, illicit drugs, synthetic cannabinoids or designer drugs as described within state and commonwealth legislation
Employee Assistance Program (EAP)	The EAP service provider is a confidential professional counselling and support service to all employees. This counselling is for both work and non-work related issues which may result from issues including drugs, alcohol, gambling, family breakdown, grief or stress.
Applicable Threshold Levels	The acceptable level for blood alcohol concentration is $\leq 0.020\%$ BAC as per AS4308:2008. For those operating heavy road vehicles the limits are those published by the NSW RTA. For illegal drugs, synthetic cannabinoids and designer drugs the acceptable level is zero '0'. The threshold levels of testing accuracy are determined in accordance with AS4308:2008.
Negative Result	A negative result is recorded when NO drugs or alcohol are detected above the allowable limit for alcohol and the accuracy thresholds for drugs
Non-negative Result	A non-negative result for drug screening is where the result of a screening test indicates there is a presence of drugs
Positive Result	A positive result is detected above the allowable limit for alcohol and the threshold level for drugs
NATA	National Association of Testing Authorities
Tyree	Any of the following entities: <ul style="list-style-type: none"><li>• Tyree Industries Pty Ltd</li><li>• Tycan Australia Pty Ltd</li><li>• Tyree Holdings Pty Ltd</li></ul>
WHS	Work Health and Safety
Worker	Encompasses all personnel employed by Tyree and incorporates contractors, labour hire, consultants and their employees and visitors to any Tyree facility.

Section: HR	Rev: a	Page: 1 of 6
Date: 28 September 2015	Doc No: HR-006	Review Due: 28 September 2017

## **4.0 RESPONSIBILITIES**

### **4.1 EMPLOYER RESPONSIBILITIES**

Under common law and Workplace Health and Safety Legislation Tyree is obligated to provide a safe workplace and safe systems of work to eliminate hazards in the workplace. This duty of care includes responsibility to ensure workers are fit to work in order to minimise risk to themselves, co-workers and end-users of our products.

Tyree will endeavour to maintain the confidentiality of workers and managers in respect of drug and alcohol issues.

Information will only be provided to third parties with the permission of the worker or where Tyree is obligated by law or statute to do so.

### **4.2 WORKERS AND VISITORS RESPONSIBILITIES**

Workers and visitors have a duty to take reasonable care to not expose themselves or others to unnecessary health and safety risks, this responsibility of care also extends to users of our products. It is a condition of Tyree employment contracts that our employees present for work fit to complete their duties, further employees are prohibited from consuming or carrying illicit drugs or alcohol in the workplace.

Workers also have an obligation to identify and report safety issues to their Supervisors and managers, including the potential impairment or the consumption of drugs and alcohol by other employees, contractors and visitors to our workplace.

#### **4.2.1 References**

Tyree WHS Policy

Work Health and Safety Act 2011

Work Health and Safety Regulations 2011

AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantification of drug use in urine

AS/NZS 4760:2006 Procedures for specimen collection and the detection and quantification of drugs in oral fluid

#### **4.2.2 Procedure**

It is a Tyree company rule and a condition of employment that all workers report for work in a condition suitable to ensure satisfactory, efficient and safe performance of their duties. Further:

- The use, possession, sale or purchase of illicit drugs by workers on Tyree premises and workplaces is prohibited.
- No workers are to commence work or return to work while under the influence of alcohol, drugs or other intoxicating substances.
- Company vehicles and equipment are not to be operated by anyone under the influence of drugs or alcohol. Tyree will not accept liability for any damage to any company vehicle, company equipment, damage to a third parties property or injury to a third party which is incurred while the operator of the company vehicle or equipment is in breach of this policy or relevant law. The company reserves the right to recover costs resulting from vehicle or equipment damage from a worker who is at fault and in breach in this policy. All liabilities to third parties will fully rest with the worker responsible.
- Tyree periodically will hold sanctioned company events which may include the consumption of alcohol. An event is considered sanctioned only if approved by either the CEO or CFO. These events will typically be held in licensed premises and workers are expected to conduct themselves in a safe, responsible and courteous manner ensuring they do not cause injury to themselves, others, property or harm to the company's' reputation. Workers are expected to make their own transport arrangements for these events to ensure compliance with the road rules.
- If a worker is tested for the presence of drugs or alcohol and the results indicate a violation of this policy, the worker will be subject to disciplinary action, up to and including possible termination of employment or cessation of contractual arrangements as appropriate.

Section: HR	Rev: a	Page: 2 of 6
Date: 28 September 2015	Doc No: HR-006	Review Due: 28 September 2017

# TYREE INDUSTRIES

## Tyree Drug & Alcohol Procedure

HR-006

- Tyree at its option may elect to assist employees who have drug or alcohol related problems with access to counselling through an EAP provider. Tyree will endeavour to maintain the confidentiality of employees who enter into counselling.
- Tyree reserve the right to test workers for cause in the following circumstances; the worker is exhibiting signs of impairment or intoxication, workers directly involved in a serious safety incident including near hits, a worker has reported potential alcohol or drug use by a fellow worker which on a reasonable basis is impairing their ability to work safely.
- Workers should note that unlike alcohol there is no accepted 'safe level' for illicit drug use.
- Tyree will also conduct random testing of workers solely at the discretion of Tyree. Workers who have produced positive test results will discreetly be required to participate in all random tests conducted in the six months following the date of their initial positive result.
- If a worker refuses a test, this will be deemed a positive result and the worker will be immediately removed from the premises.
- Tyree's company medical provider will test all new workers including casual staff prior to engagement as part of the pre-employment process. No workers will be engaged unless a negative test to drugs and alcohol is provided.

### 4.2.3 Testing for Alcohol

Blood alcohol levels will be assessed using a breath analysing instrument. All breath testing devices will be maintained in accordance with AS3547 Breath Alcohol Testing Devices for Personal Use.

A positive result will be recorded for alcohol where the screening test is equal to or exceeds the cut level of 0.02 (BAC).

Any worker producing a positive result will be immediately stood down from their duties as unfit and transported home.

### 4.2.3 Testing for Drugs

Drug testing will be conducted utilising initially a saliva testing device for screening.

A non-negative result from the saliva testing device will be considered as a preliminary positive result.

For Tyree employees who produce a non-negative result, a urine sample will then be taken and sent to a NATA laboratory for confirmation testing and establishment of drug levels present. The testing procedures and chain of custody shall comply with AS4760 and AS4308.

Any Tyree employee producing a non-negative result will be immediately stood down from their duties as unfit and transported home.

Any contractor or visitors producing a non-negative result will be immediately removed from site, their employer advised where applicable and offer made to provide alternative transportation to either the contractor or visitors home or a reasonable location from which the individual(s) may safely get home.

### 4.2.4 Management of Screening Tests

In the event of a non-negative result from the screening tests where a worker has not disclosed the use of a prescription drugs or over the counter medication, the worker will be stood down without pay and sent home pending the results of the laboratory urine test. Employees with annual leave and RDO accruals are able to access this entitlement whilst unable to attend work.

If the urine test results return a negative result the employee will be allowed to return to work and will be paid for the normal working hours they were stood down.

If the laboratory urine testing returns a confirmed positive result, the employee will not be paid sick leave for the time away from work.

### 4.2.5 Disciplinary Procedure

If an employee has a positive alcohol test or a non-negative drug screen the following procedure will apply:

Section: HR	Rev: a	Page: 3 of 6
Date: 28 September 2015	Doc No: HR-006	Review Due: 28 September 2017

# TYREE INDUSTRIES

## Tyree Drug & Alcohol Procedure

HR-006

- Tyree will instruct employees who fail alcohol tests to leave company premises and worksites immediately. Tyree will provide transportation to ensure safe conduct, if appropriate.
- Tyree will allow an employee to return to work upon the provision of a negative urine test and a BAC test less than 0.020%. This test will be completed by the company's nominated medical practitioner.
- Employees will be provided four weeks to provide a negative test result for drugs. Failure to provide a negative test result after this period will result in termination unless management determine there is a valid reason for extension of the period.
- All employees who produce a positive test result for alcohol or a confirmed positive test result for drugs will be issued with a first and final warning.
- Employees who produce a second confirmed positive test result for drugs and/or alcohol will be terminated.
- Employees who test positive will discreetly participate in all random tests conducted by the company in the following six months from the initial positive result.

### 4.2.6 Pre-Employment Testing

As part of the overall strategy for recruitment, all prospective employees including casuals will undergo alcohol and drug screening prior to commencement.

Prospective employees will be advised that in the event of a positive test being returned, they will not be employed and will be unable to work on Tyree sites as employees, contractors or labour hire.

## 4.3 PROCEDURE EXEMPTIONS

### 4.3.1 Approved Company Functions

Tyree periodically will hold sanctioned company events which may include the consumption of alcohol. An event is considered sanctioned only if approved by either the CEO or CFO.

These events will typically be held in licensed premises and responsible serviced of alcohol provisions will be observed.

Workers are expected to conduct themselves in a safe, responsible and courteous manner ensuring they do not cause injury to themselves, others, property or harm to the company's reputation.

Senior Managers (or their nominee) are expected to monitor the event to ensure workers are behaving responsibly. Where worker behaviour is unacceptable, management will discretely ask the worker to leave the event and/or restrict further supply of alcohol to the worker concerned.

Workers are expected to make their own transport arrangements for these events to ensure compliance with the road rules.

Workers who may be driving company provided vehicles to these functions must continue to observe the road rules and other company rules.

Workers who consume alcohol at these functions will not return to work until fit for work with a BAC less than 0.020%.

### 4.3.2 Management of Prescribed and Over the Counter Medications

Workers taking over the counter medication which may impact the safe and efficient performance of their duties should disclose this information to their supervisor or manager prior to commencing work. The supervisor/manager will assess the impact on the worker's role and responsibilities and determine if the restrictions can be reasonably accommodated without impacting on safety, profitability and efficiency. Where the restrictions cannot be reasonably accommodated the employee will be placed on leave.

Workers taking prescription drugs are required to confer with their doctor to establish if the use of the drug will impact on their safe and efficient performance of their duties, and specifically their ability to operate machinery and vehicles.

Where a doctor identifies a reduction in capacity due to the use of prescription medicines the worker shall request a letter from the medical practitioner which details any restrictions. The worker will then advise their supervisor/manager who will determine if the restrictions can be reasonably accommodated without impacting on safety, profitability and efficiency. Where the

Section: HR	Rev: a	Page: 4 of 6
Date: 28 September 2015	Doc No: HR-006	Review Due: 28 September 2017

restrictions cannot be reasonably accommodated an employee will be placed on sick leave, employees with insufficient leave entitlement will be on leave without pay. Contractors or visitors will be asked to leave the facility and will only return with the company's approval.

Drug screening results may be affected by prescribed and over the counter medicines. Employees are obligated to disclose the use of these medicines to management prior to any testing. In the event a non-negative result is obtained an employee will be required to take a urine test to confirm the non-negative aligns with the medication disclosed. If the screening results align with the disclosed medicines, no record of the result will be retained on file and disciplinary action will not be commenced. If the screening results do not align with the disclosed medications a positive result will be recorded and the employee will be managed in accordance with the enclosed disciplinary process.

#### **4.3.3 Communication of Results**

The Authorised Collection Officer will communicate the results of the initial tests immediately to the person being tested and, in the case of a non-negative result, the responsible Tyree Senior Manager designated on the testing.

Tests results will only be released to those who have a legitimate need to know and this will generally be confined to the individual, the Operations Manager, HR coordinator and the CEO. Tyree will endeavour to maintain confidentiality of the results at all times and workers are encouraged to maintain the same level of confidentiality for themselves to avoid unnecessary speculation and rumours in the workplace.

The only exception to this requirement is where the input or expertise is required from other managers or professional advisors for the purposes of internal reporting or support. Compliance with the requirements of the Privacy Act will apply in all instances. Information obtained from testing will not be disclosed to the Police unless requested under warrant, unless illegal drugs are found on company premises, worksites or in company vehicles.

#### **4.3.3 Disputed Test Results**

Workers may elect to dispute the test results, the process is outlined below for each test method:

##### **Alcohol Testing**

If the worker disputes a BAC reading, they may request to be retested immediately after the first test is completed to confirm the first reading. Where a second breathalyser is available in the workplace for testing within 30 minutes of the first test, the worker may request a second test on this instrument to ensure consistency of results.

##### **Drug Testing**

All individuals who present a non-negative or positive test may request a retest of a urine sample at a laboratory of their choice at their cost.

## **5.0 REVIEW**

This procedure shall be reviewed whenever there is a change in safety legislation, workplace regulation, relevant Australian Standards are amended or a change in process is warranted to improve the management of drugs and alcohol in Tyree's workplaces.

Section: HR	Rev: a	Page: 5 of 6
Date: 28 September 2015	Doc No: HR-006	Review Due: 28 September 2017

**TYREE INDUSTRIES**  
**Tyree Drug & Alcohol Procedure**

**HR-006**

**Annexure 1:** Applicable Testing Threshold Levels

The threshold levels for the detection and quantification of drugs in accordance with Australian Standard AS4308 and AS4760.

Class of Substance	Cut-off Level
Opiates	300 mg/L
Sympathomimetic Amines by Screening Test Amphetamine	300 mg/L
Methyl-amphetamine	500 mg/L
Sympathomimetic Amines by Laboratory Immunoassay	300 mg/L
Cannabis Metabolites	50 mg/L
Cocaine Metabolites	150 mg/L
Benzodiazepines	200 mg/L

Note: in addition to these illicit drugs listed, where legislation is altered to incorporate other intoxicating substances as illegal, the levels will be in accordance with the legislation for these substances. e.g. designer drugs.

Section: HR	Rev: a	Page: 6 of 6
Date: 28 September 2015	Doc No: HR-006	Review Due: 28 September 2017