

## **1.0 PURPOSE OF POLICY**

- 1.1 Klinger Limited aims to provide and maintain a workplace environment that not only protects the health and safety of all workplace participants whilst at work, but also facilitates a productive workplace. A safe and productive work environment includes the respectful treatment of others in the workplace. The use of drugs and/or alcohol in the workplace may impair a workplace participant's ability to perform their work safely, efficiently and with respect for colleagues, customers and others.
- 1.2 The purpose of this Policy is 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.
- 1.3 This Policy does not form part of any contract between any workplace participant and Klinger Limited.

## **2.0 APPLICATION OF POLICY**

- 2.1 This Policy applies to all existing and prospective full-time, part-time and casual employees, (as well as all agents and contractors (including temporary contractors or subcontractors) engaged from time to time) of Klinger Limited (and its related entities), collectively referred to in this Policy as "workplace participants".
- 2.2 This Policy is not restricted to the workplace or work hours. The obligations contained in this Policy extend to all functions and places that are work-related. A "work-related function" is any function or event that is connected to work. For example, conferences, work lunches or meetings, Christmas parties, client functions, etc. Workplace participants must comply with this Policy at all work-related functions. Any reference to work in this Policy includes a work-related function. This Policy also applies when workplace participants go to other workplaces in connection with work, for example when visiting a customer, client or supplier.

## **3.0 DEFINITIONS**

- 3.1 "**Drugs**" includes illegal drugs and prescription or pharmacy drugs, as defined below:
- a) "**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 Klinger Limited is subject or which apply to the work performed by workplace participants for Klinger Limited. For the purposes of this Policy, marijuana is considered an illegal drug. In this Policy, "illegal drugs" also includes prescription or pharmacy drugs (as defined below) which are used without the necessary prescription or for non-medical purposes.
  - b) "**Prescription and Pharmacy drugs**": Klinger Limited recognises that workplace participants 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 Policy as "prescription and pharmacy drugs".

## **4.0 RESPONSIBILITIES**

- 4.1 Except as set out in this Policy, workplace participants are not permitted to do the following:
- a) work while under the influence of drugs and/or alcohol;
  - b) commence or return to work while under the influence of drugs and/or alcohol;
  - c) consume or use illegal drugs and/or alcohol at work or during work hours (even whilst off site);
  - d) bring alcohol and/or illegal drugs to work;
  - e) sell or dispense alcohol and/or drugs at work; or
  - f) possess alcohol and/or illegal drugs at work.

4.2 Klinger Limited will not be liable for the consequences (property damage, injury etc) of any illegal or inappropriate actions of any workplace participant whilst he/she is affected by drugs and/or alcohol. The workplace participant will be personally liable in such circumstances.

### **4.3 PRESCRIPTION AND PHARMACY DRUGS**

4.3.1 Where a workplace participant is taking prescription or pharmacy drugs for a legitimate medical purpose, the workplace participant will not breach this Policy by attending work, if:

- a) the workplace participant 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;
- b) the workplace participants does not misuse or abuse prescription or pharmacy drugs;
- c) the workplace participant informs himself/herself of the impact of consumption of alcohol on prescription and pharmacy drugs and limits their consumption accordingly and in compliance with this Policy; and
- d) the workplace participant 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 a workplace participant'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 workplace participant should obtain advice in writing from the medical practitioner or pharmacist and provide it to his/her manager or supervisor, before undertaking his/her work.

If Klinger Limited suspects that a workplace participant's ability to safely perform work is affected, Klinger Limited may take steps to address the issue in accordance with this Policy.

### **4.4 CONSUMPTION OF ALCOHOL**

4.4.1 Klinger Limited may 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 Klinger Limited. Prior to the relevant function, workplace participants will be notified whether or not the prohibition of alcohol will be waived. Unless notified otherwise, all workplace participants must assume that the prohibition applies.

4.4.2 Even when Klinger Limited waives the general prohibition on consumption of alcohol, the following restrictions continue to apply at all work-related functions:

- a) workplace participants must consume alcohol responsibly;
- b) workplace participants must not become inebriated or drunk. As set out above, it is a condition of waiving the prohibition on alcohol that workplace participants consume alcohol responsibly;
- c) workplace participants must uphold an appropriate standard of behaviour at all times and inebriation is not an "excuse" for misconduct;
- d) the restrictions set out below in relation to the operation of vehicles and machinery continue to apply; and
- e) workplace participants must ensure a safe means of transport from such functions. Workplace participants must not drive any vehicle if they are over the legal blood alcohol limit. Workplace participants who do not have a means of transport should advise their supervisor or manager in order to arrange transport.

#### **4.5 VEHICLES AND MACHINERY**

- 4.5.1 Workplace participants 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.
- 4.5.2 Klinger Limited will not accept liability for any damage to any machinery or vehicle, any injury to any person, or damage to any other property caused by a workplace participant's use of a vehicle or machinery while under the influence of alcohol or drugs. The workplace participant will be personally liable in such circumstances.
- 4.5.3 Where a workplace participant is taking prescription or pharmacy drugs that contain a warning that the person should not drive a vehicle or operate machinery, the workplace participant must not drive any vehicle or operate any machinery and must notify their supervisor or manager. Further, if a workplace participant 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 workplace participant must not drive any vehicle or operate any machinery and must notify their manager or supervisor of this fact.

#### **5.0 WHAT WILL KLINGER LIMITED DO IF IT SUSPECTS A WORKPLACE PARTICIPANT IS AFFECTED BY DRUGS OR ALCOHOL?**

- 5.1 If Klinger Limited suspects on reasonable grounds that a workplace participant is under the influence of drugs and/or alcohol in breach of this Policy, Klinger Limited will take steps to address the issue. Such grounds include (but are not limited to), where the workplace participant is unable to coordinate their actions, has red or bloodshot eyes or dilated pupils, smells of alcohol, acts contrary to their normal behaviour, or otherwise appears to be affected by drugs and/or alcohol.
- 5.2 In circumstances when Klinger Limited suspects a workplace participant to be under the influence of drugs and/or alcohol Klinger Limited may take any or all of the following actions:
- a) direct the workplace participant to go home; or
  - b) direct the workplace participant to attend a medical practitioner and submit to a medical examination to determine whether the workplace participant is fit to safely perform their duties. The medical examination may include a drug and/or alcohol test, (such as a blood, saliva, hair or urine test etc). Further, in relation to prescription or pharmacy drugs, Klinger Limited may require evidence as part of the medical examination about the effects and proper usage of the drug. The workplace participant may be directed to go home following the medical examination.
- 5.3 If the workplace participant refuses to attend a medical examination, the workplace participant will be directed to go home. Refusal to attend a medical examination or refusal to go home constitutes a breach of this Policy and may result in action being taken against the workplace participant, as set out below under 'Breach of this Policy'.
- 5.4 Where a workplace participant is sent home or required to attend a medical examination, the workplace participant must report to their manager or supervisor to discuss the incident the following working day, or when the workplace participant is no longer under the influence of drugs and alcohol. Klinger Limited may deal with the issue as set out below under the heading 'Breach of this Policy'.

#### **6.0 WHAT WILL KLINGER LIMITED DO IF IT FINDS DRUGS OR ALCOHOL ON KLINGER LIMITED'S PREMISES?**

- 6.1 If Klinger Limited finds drugs and/or alcohol on any work premises in breach of this Policy, Klinger Limited may take any or all of the following steps:
- a) investigate the matter in order to attempt to determine who is responsible, including by conducting searches, as set out in this Policy;
  - b) require some, or all, workplace participants to undergo a medical examination in order to test for the presence of drugs and/or alcohol.

6.2 Workplace participants are required to co-operate in any investigation of such matters. Failure to co-operate or providing false information in an investigation constitutes a breach of this Policy and may result in action against the workplace participant, as set out below under the heading "Breach of this Policy".

**7.0 WHAT WILL KLINGER LIMITED DO IF IT SUSPECTS A WORKPLACE PARTICIPANT HAS DRUGS OR ALCOHOL IN HIS/HER POSSESSION AT WORK?**

7.1 If Klinger Limited suspects that a workplace participant has drugs or alcohol in their possession at work, Klinger Limited may take any or all of the following steps:

- a) investigate the matter to attempt to determine whether the workplace participant does have such drugs or alcohol in their possession;
- b) request the workplace participant to open their locker, bag, or vehicle or to empty their pockets or jacket for the purpose of locating any drugs and/or alcohol. Workplace participants are expected to permit such inspection and co-operate with Klinger Limited officials investigating such matters.

7.2 Workplace participants are required to co-operate in any investigation of such matters. Failure to co-operate or providing false information in an investigation may result in action being taken against the workplace participant, as set out below under the heading "Breach of this Policy".

**8.0 BREACH OF THIS POLICY**

8.1 Workplace participants must comply with this Policy at all times. If an employee is found to have breached this Policy, they may be subjected to disciplinary action in accordance with the Performance and Misconduct Policy. The type and severity of the disciplinary action will depend upon the circumstances of the case and the seriousness of the breach. In serious cases, this may include termination of employment.

8.2 Examples of disciplinary action that may be taken include (but are not limited to):

- a) counselling;
- b) a formal warning;
- c) demotion;
- d) transfer to another area;
- e) suspension; and
- f) termination of employment.

8.3 Agents or contractors (including temporary contractors) of Klinger Limited who are found to have breached this Policy may have their contracts with Klinger Limited terminated or not renewed.

8.4 In circumstances where a workplace participant's behaviour or conduct may involve a breach of any Australian laws, (or any other laws (including foreign and international laws) to which Klinger Limited is subject or which apply to the work performed by workplace participants for Klinger Limited), Klinger Limited may notify the police or other relevant authority.



Jon Lyons  
MANAGING DIRECTOR

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