

LABOUR NEWS

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Safe, Sober, Productive

**SOUND ADVICE &
FAIR LABOUR PRACTICE**

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As part of our ongoing commitment to maintaining a safe and productive workplace, we want to take this opportunity to explain how substance abuse, specifically alcohol and drug use, is managed and tested in work environments. Substance abuse can present serious health and safety risks, and ensuring compliance is critical to promoting a positive, productive atmosphere for everyone.

The Importance of Substance Abuse Policies

The use of alcohol and drugs in the workplace can significantly impair an employee's ability to perform their duties, putting their safety and the safety of their colleagues at risk. Additionally, it can affect the quality of work and damage the company's reputation with clients and stakeholders. For these reasons, many companies adopt a strict zero-tolerance policy regarding substance abuse.

In line with best practices recommended by the International Labour Organisation (ILO), Contact Labour emphasizes both prevention and the management of alcohol- and drug-related issues in the workplace.

Types of Substance Testing

Substance testing can take several forms. The most common types of testing include:

1. **Breathalyser Tests for Alcohol:** For companies with a zero-tolerance policy, the acceptable blood alcohol concentration (BAC) is 0.00%. In such cases, any trace of alcohol in the employee's system would be considered a violation of the policy.
 - o For companies with a standard alcohol policy, the legal limit for BAC in South Africa is as follows:
 - **0.05 g/100 ml** for regular drivers.



- **0.02 g/100 ml** for professional drivers (e.g., those operating heavy machinery or transporting goods).

- Please note that BAC tests are not entirely non-invasive, as they require either a Breathalyzer or blood sample to measure the alcohol concentration in the system. However, breathalysers are widely used and considered a less invasive method for determining BAC

2. **Physical Observation:** Managers and supervisors are trained to identify signs of intoxication, such as slurred speech, impaired motor skills, and the smell of alcohol or drugs. If an employee is suspected to be under the influence, further testing will be conducted.

The following points can be used as a checklist for physical observation:

- **Smell of Alcohol:** Check for the odour of alcohol on the employee's breath or clothing.
- **Speech:** Look for signs of slurred or slowed speech.
- **Eyes:** Check for bloodshot or watery eyes, or abnormal pupil dilation.
- **Coordination:** Ask the employee to walk in a straight line or perform basic balance tests to evaluate motor skills.
- **Behaviour:** Observe for unusual or erratic behaviour, such as aggression, excessive talking, or disorientation.
- **Reaction Time:** Assess the employee's reaction time by having them respond to simple questions or perform basic tasks.

These points serve as a checklist to guide physical observation of suspected intoxication, but formal testing is necessary for confirmation.

3. **Medical Testing for Drugs:** Drug tests can include urine or blood samples to determine if illegal substances or unreported medications are present in the employee's system. For legal and privacy reasons, all employees must provide consent before undergoing medical testing.

What Happens When Employees Test Positive?

When an employee tests positive for alcohol or drugs, it is important to differentiate between substance abuse and occasional misuse. In cases of substance abuse, while it is recommended that employers offer support through rehabilitation



programs, they are not obligated to do so, especially if the employee did not disclose the issue beforehand.

However, if the employee refuses rehabilitation or if the substance abuse persists, disciplinary action may be taken, which could lead to dismissal. For cases of occasional misuse where addiction is not a factor, the employee may face immediate disciplinary action, depending on the severity of the violation.

Did you know?

In the case of *Spoornet (Ermelo) v SARHWU obo Nkosi [1998] 1 BALR 108 (IMSSA)*, the employee, despite denying alcohol consumption, rejected offers for counseling and rehabilitation, claiming he did not have an issue with drinking. As a result, his dismissal was deemed fair, even though it was his first offense, and he had a clean disciplinary record. The ruling emphasized that if an employee denies having a drinking problem and refuses help, the behavior is regarded as misconduct.

Voluntary Self-Disclosure

Employees are encouraged to voluntarily disclose if they feel they are under the influence before starting work. If disclosed early, the employee can be sent home without pay to recover and will receive a warning for the unauthorized absence. This proactive approach allows the employee to avoid facing more severe disciplinary action. However, if an employee fails to disclose and later tests positive for being under the influence, it may result in stricter consequences, including disciplinary measures.

Your Role in a Safe Workplace

We encourage all employers to maintain clear communication and foster an environment where substance abuse issues can be discussed openly. When an employer assists an employee, it sends a strong message to others that the company genuinely cares about the well-being of its workforce. This practice not only promotes a supportive work environment but also helps maintain productivity and ensures compliance with health and safety laws. It is, however, more likely that



long-standing employees will receive assistance over those who have recently started, reflecting the company's investment in its dedicated staff.

Need Assistance with Your Policy? If your company requires assistance in drafting a comprehensive Alcohol and Drug Policy, a consent form for testing, or an alcohol/drug employee observation tick sheet, we are here to help! Our team can guide you through creating customized documentation that suits your business needs and ensures compliance with relevant legislation

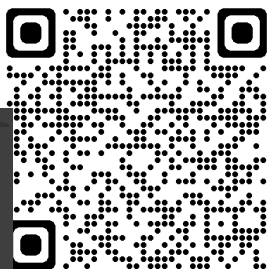
Sincerely yours!

Jade Viviers

Do you know about our Facebook and LinkedIn Business pages we just launched for Contact Labour. This is where we will be sharing our best tips to help with any Labour Relations problems or queries you might have. We would really appreciate it if you Like our new pages and if you do, you will get our best content first.

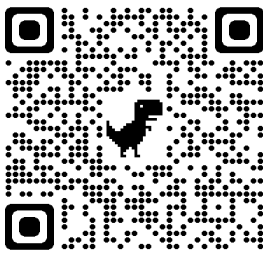
Here are the links:

<https://www.facebook.com/contactlabour>





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Contact Labour Recommends Satisfied Solutions Garage Doors

Satisfied Solutions Garage Doors in Mountain View, Pretoria, offers expert garage door installation, repair, and maintenance services. They handle all types of doors, including sectional, roll-up, wooden, and aluminium. Additionally, they install and repair gate motors and electric fencing. Known for quality and reliability, they also



provide 24/7 emergency services, making them a trusted choice in Pretoria for all garage and security needs. <https://ssgaragedoors.co.za/>




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