

Drug and Alcohol Policy

This Policy does not contain any contractual terms, nor does it form part of an employee's employment contract or contract of engagement, as the case may be, and it may be revised from time to time.

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1. Purpose

The Company and all employees share a mutual responsibility to provide a safe workplace and safe working environment, whereas the use of alcohol or drugs increase the risk of unsafe workplace practices, incidents and injuries.

The purpose of this Policy is to set out how the Company will manage and control the risks associated with the use of alcohol and other drugs, thereby providing a safe workplace and working environment and to encourage employees to present to work in a state that is fit for working.

2. Related Documents

Procedure	<i>NAT AP 152</i>	<i>Discipline Procedure for Internal Employees</i>
Procedure	<i>NAT AP 159</i>	<i>Discipline Procedure for On-hired Employees</i>

3. Definitions

For the purpose of this Policy:

Company Refers to Bayside BWE Pty Ltd and the entities and trading names operating within the following brands:

- Acclaimed Workforce
- Balpara
- Bayside Group
- NineWire

and any other entity which the Directors may from time to time assign to the Company.

Employee An internal and on-hired employee employed by the Company including an apprentice, trainee, work experience student, volunteer, contractor or any other person performing work or services for or on behalf of the Company

Applicant Any person who has applied for employment and has not yet been employed.

Manager or Supervisor Any person who has control over the activity of an Employee.

Medication Includes any prescription drugs and over-the-counter medicines.

Negative Test Result	Result at or below the drug or substance specific Cut-off Limit of any applicable Australian Standard or an alcohol test result of 0.00 BAC.
Non-Negative Test Result	a result of initial screening detecting the presence of alcohol or a drug
Positive Test Result	A positive result is a confirmed alcohol detection above 0.00 BAC, drug detection above the relevant Cut-off Limit of the applicable Australian Standard or the applicable client policy whichever is more rigorous.
Site or Workplace	Any site, workplace, location, building or premises from, at or with which the Company is carrying on business or engaging in any commercial activity. This also includes client sites where the employee conducts work. Also included is any place or vehicle at or in which any Employee performs work or services for or on behalf of the Company or the Company's client. This includes whilst working from home.

4. Scope

All Employees are required to be fit for work when performing work or services or attending any Site. Subject to the provisions of this Policy, this requires a Blood Alcohol Content (BAC) level of no higher than 0.00, and a negative result for any drug or substance as set out in AS/NZS 4760 and/or AS/NZS 4308 and their successor standard(s).

Employees distributing, selling, or in possession of drugs and alcohol in the workplace is prohibited and may constitute serious misconduct.

This Policy covers the activities of all Employees at any Site and all persons performing services for the Company. This also applies to any Employee while they are on paid on-call duties and applicants for work where a drug and alcohol test is a requirement of employment.

If an Employee is tested for alcohol and/or drugs at a client Site in accordance with the client's applicable drug and alcohol policy, and one or more test results above the relevant Cut-off Limits are obtained, the tests will be deemed to have been conducted by the Company in accordance with this Policy.

The alcohol aspects of this Policy will not apply to Employees who are required in the course of their daily duty to test beverages containing alcohol by consuming them. However, such Employees will still be subject to drug testing within the terms of this Policy outside of this duty. Also this will not apply to Company or client work functions where the responsible consumption of alcohol is permitted as per clause 6.

Any breach of this Policy may result in a disciplinary process up to and including termination of employment.

5. Responsibilities

All Employees

All Employees are expected to comply with this Policy, present to work and to continue working in a fit condition, employees are required to notify a company consultant and their site Manager or Supervisor if they have had any medication or substance that, if tested could result in a Non-negative Test Result before commencing their shift and:

- Take medication and substances as prescribed and directed by an appropriately qualified medical practitioner
- Look out for the wellbeing of work colleagues
- Participate in any training and education on this Policy
- Report any incident involving a potential non-compliance of this Policy to their Manager or Supervisor

Managers and Supervisors

Managers and Supervisors are responsible for monitoring and assessing the fitness for work of employees under their control, and for taking prompt and appropriate action whenever they believe

an Employee is not capable of working in a safe and effective manner and they suspect the Employee is under the influence of drugs and/or alcohol.

This includes:

- Inform Employees of this Policy
- Isolating the suspected Employee from the workplace and any hazards
- After discussion with the Employee, and where appropriate, organise drug and alcohol testing
- Work with Testing Agency staff and/or the Company and/or client staff to facilitate testing
- Taking appropriate action in accordance with Company policy and procedures in the event of an Employee impaired by alcohol or other drugs in the workplace or an Employee repeatedly reporting unfit for work
- Providing assistance for the Employee's safe return home (if required/appropriate)
- Maintain confidentiality

6. Work Functions and Responsible Service of Alcohol

The Company considers it is unacceptable for Employees to be adversely affected by alcohol when representing the Company at work functions/events. Employees found in breach of this may face disciplinary action.

The Company has a duty of care to ensure that where alcohol is served or provided at functions, it is done so in a responsible manner. All functions involving alcohol consumption should meet the following requirements:

- The function must have a designated start and finish time
- There must be food of some description served
- Where alcohol is served, non-alcoholic drinks and low alcoholic drinks must be provided
- Standard drink sizes should be served thereby allowing Employees and guests to monitor their alcohol intake
- Alternative transport arrangements should be provided for Employees and guests who are deemed unfit to drive, which will be at no cost to the Company
- Any Employee or guest who appears to be intoxicated will not be served and/or will be advised that they are no longer to drink alcohol on the premises

Employees have a responsibility to conduct themselves in a professional manner.

7. Confidentiality

All information gathered as a result of drug and/or alcohol testing is collected for the purpose of implementing this Policy and achieving its objectives.

The Company will regard test results as confidential and will treat such information in accordance with its obligations under the Australian Privacy Principles and any other applicable federal and state legislation.

8. When Testing may be Carried Out

Testing may occur under any of the following circumstances listed below.

- **Random testing:** The Company may conduct random testing at any time during work hours and without notice. The Tester, Collector or Testing Agency will have sole and independent discretion as to how and when the random sample is to be tested.
- **For cause testing post-incident:** A Manager may require all Employees involved in a significant incident to be tested. A significant incident is an incident that results in, or has the potential to result in, illness, injury, fatality, or damage to property, or disruption of any production or commercial activity. A near miss may be regarded as a significant incident.
- **For reasonable suspicion testing:** A Manager or Supervisor who observes an Employee who appears to be in an unsafe condition, or who receives a report that an Employee is in an unsafe condition, or who is advised by a client of the Company that an Employee was tested for drugs and/or alcohol at any client Site and returned a Non-negative Test Result, may require the Employee to be tested/retested.
- **Ongoing fitness for work testing:** If an Employee has tested positive to alcohol and/or drugs and after the disciplinary process remains in employment with the Company, they may be included automatically in any random test at the site for a period the company deems necessary following the date of the Positive Test Result.

- **Pre assignment testing:** Client request or for roles the Company deems necessary

The Company's testing procedures will comply with the applicable Australian Standard and will be administered by staff trained in the correct procedures for undertaking alcohol and drug testing, or a certified testing clinic.

Employees will have the option of having an employee representative who is available and on-site at the time of testing and present during testing.

9. Objections and Grievances

Any Employee or Applicant who objects to any provision of this Policy must complete any testing required, and then pursue the objection in accordance with the applicable grievance policy.

10. Refusal to Undertake a Test

Failure and/or refusal to complete testing and/or to comply with the instructions of the Tester, Collector or staff of the Testing Agency while conducting testing shall be deemed as a Positive Test Result.

As an employer, the Company acknowledges a duty of care and, where reasonably practicable, may make arrangements or provision for transport home for an Employee or Applicant who may be unfit to drive.

11. Evading or Falsifying a Test or Spoiling a Sample

Evasion or falsification of a test, or spoiling a sample, will be deemed as a Positive Test Result and may be treated as serious misconduct.

The behavior of anyone who assists in the evasion or falsification of a test, or spoiling of a sample, may be deemed serious misconduct.

12. Communication of Test Results

Test results will be communicated to the Employee or Applicant concerned, as well as their Manager or Supervisor and relevant Company management.

All information related to all test results will be retained permanently in personnel files held by the Company in line with clause 7.

13. Medication and Work

The use of prescription or over the counter medication may impact upon an Employee's ability to perform their work safely. Some roles the Company supplies may not be suitable for the use of some prescription medication in these cases medical clearance must be gained prior to placing Employees into these roles (i.e. forklift or heavy machinery operation).

Employees must ensure that any prescription or over the counter medication is taken strictly in accordance with the medical practitioner's recommendations or medication's label.

This requires Employees to:

- Discuss with the prescribing medical practitioner the nature of their duties to ascertain their ability to work safely
- Notify their Manager or Supervisor of any medication they are taking which:
 - could affect their safety or performance at work
 - contains any alcohol or drug that may impair or affect their ability to perform their duties safely

If the medical practitioner or pharmacist advises an Employee that it would be unsafe to work, the Employee must not commence work and promptly advise their Manager or Supervisor.

The onus is on the Employee to ensure they are fit for work and are not working while they may be in breach of this Policy. Ignorance of the effect of any medication an Employee is taking, and the fact that it may result in a positive result, is not an excuse.

14. Employee Assistance

The Company understands that a certain percentage of any population may develop a drug or alcohol dependence but also recognises that this dependency can be successfully treated. The Company encourages Employees with drug or alcohol dependencies to assume ownership of gaining control over their dependency and will support any Employee in seeking appropriate assistance.

The Company has therefore contracted the services of a professional Employee Assistance Program (EAP) provider, to assist Employees with counselling, advice and rehabilitation for drug and alcohol-related difficulties.

Employees can seek assistance from the EAP provider by self-referral or referral through their Manager, Supervisor or Company Representative.

Employees who have entered a rehabilitation program will be encouraged and assisted to take responsibility for the management of their own recovery program.

In addition, free confidential advice, assistance and information is also available from any of the following:

Location	Organisation	Phone Number
National	Family Drug Support Australia	1300 368 186
New South Wales	Alcohol and Drug Info Service (ADIS)	02 9361 8000 (metro) 1800 422 599 (regional)
Queensland	Alcohol and Drug Info Service (ADIS)	07 3837 5989 (metro) 1800 177 833 (regional)
South Australia	Alcohol and Drug Info Service (ADIS) SA	08 8363 8618 (metro) 1300 131 340 (regional)
Tasmania	Alcohol and Drug Info Service (ADIS)	1800 811 994
Victoria	Australian Drug Foundation	03 9278 8100
Western Australia	Alcohol and Drug Info Service (ADIS)	08 9442 5000 (metro) 1800 198 024 (regional)

15. Calibration or Collection Standards

Equipment shall be calibrated or collected as per the relevant Australian or International Standard:

- AS 3547:2019 Breath Alcohol Testing Devices
- AS/NZS 4760:2019 Procedure for specimen collection and the detection and quantification of drugs in oral fluid and/or
- AS/NZS 4308:2023 Procedure for specimen collection and the detection and quantification of drugs in urine

and their successor standard(s).

HISTORY OF ISSUE & REVISIONS

REV NO	PARTICULARS	APPROVED BY	DATE	REVIEW DATE
5	Complete rewrite and now includes on-hire employees	Board	Feb 25	Feb 27
6	Schedule 1 removed 15.Calibration or Collection Standards added Applicant added to multiple clauses Clause 8 clarified All clauses adjusted	Board	Aug 25	Aug 27

End of Policy