

Drugs and Alcohol in the Workplace Procedure

Procedure for External Employees

To ensure a healthy and safe workplace environment for all of its employees, Maxima will undertake the following approach if any employee is found consuming, possessing, distributing, selling or manufacturing drugs or alcohol on work premises, or is believed to be under the influence of drugs or alcohol during work hours.

Possession and/or Consumption of Alcohol or Other Drugs

If a Maxima representative or host manager/supervisor suspects, on rational grounds, that an employee is in the possession of, or has been consuming drugs or alcohol at or immediately prior to work, the employee will accompany the Maxima representative and or host manager/supervisor whilst a search of their bag(s), locker or other possessions is undertaken. The employee has the right to have a witness present during the search. However, if it is not appropriate for the employee will be taken to a suitable room and instructed to remain there whilst the search is conducted. In this situation, the employee will be allowed to have a witness present at the search on their behalf.

If the employee has been found consuming drugs or alcohol, the manager/supervisor will confiscate the substance in question and retain it for possible use as evidence.

If the employee is believed to be in the possession of drugs or alcohol, the search may be performed by either a senior management representative of Maxima or in addition in the case of illegal/prohibited drugs, by the police.

An interview will be conducted between the employee concerned and management in accordance with Maxima's disciplinary procedures on dealing with misconduct at work.

The employee will be offered the opportunity of having a person of their choice attend the interview as their representative and/or as their witness. The employee will be offered the opportunity of explaining and responding to the allegations put to them.

A full investigation of the incident will be undertaken and if the manager/supervisor has sufficient evidence that the employee was in possession of, distributing, selling or consuming drugs or alcohol on Maxima or host employer premises, the employee will be subject to disciplinary action, which may include dismissal for serious misconduct.

Employee Considered being Incapable of Performing their Duties

If it is considered that an employee is affected by drugs or alcohol and is incapable of performing their normal duties in a safe and efficient manner, the manager/supervisor will arrange for a witness to also assess the employee. The witness must be familiar with the employee's normal behaviour and mannerisms and be able to support the assessment that the employee is incapable of performing their normal duties.

The assessment will be made away from the employee's work area/station. Full particulars of the situation will be ascertained and recorded.

Maxima may request the employee's work area/station. Full particulars of the situation will be ascertained and recorded.

If the assessment is supported, the manager/supervisor must advise the employee to leave the workplace and counsel the employee to go home. The manager/supervisor will assist the employee in

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finding safe transport home. If the employee leaves the workplace as a result of a positive result and admitting to intoxication with drugs or alcohol, it will be recorded as the employee being absent from work without pay, unless otherwise stated in the relevant industrial instrument or legislative provision.

If the employee refuses to leave the workplace and go home, despite having been advised and counselled to do so, the employee will be suspended and directed to leave the workplace, while the manager/supervisor reviews the employee's conduct and discusses the situation with the appropriate management personnel.

On the next occasion that the employee is rostered to attend at the workplace (or earlier if required), the employee shall attend an interview and counselling session.

The interview and counselling session shall be convened:

- to clarify that the behaviour is unsatisfactory and why
- to establish whether the behaviour was due to intoxication or other factors in the employee's life (in which case, confidence must be observed if requested)
- if necessary, to recommend assistance in line with Maxima's Employee Assistance Program Policy.

The employee will be given the opportunity of having a witness or support person present with them for the interview and counselling session. Details of the interview and counselling session will be documented.

Once the interview and counselling session are completed, appropriate disciplinary action must be undertaken in accordance with, and proportionate to, the original assessment of the employee's conduct and the results of the interview.

Poor Work Performance

A manager/supervisor may become aware that an employee's work performance has deteriorated to such an extent that it is of concern, or that the employee has placed themselves or others at risk of an accident or injury, due to the possible effects of drugs or alcohol.

Where a pattern of unsatisfactory work performance becomes clear, the details will be documented by the manager/supervisor. Maxima recognise that an employee's work performance can be affected by problems in their personal life and is committed to assisting employees in dealing with these issues. Where appropriate, an interview will be arranged with the employee to advise them of the work performance problem and to offer assistance, in line with Maxima's Employee Assistance Program Policy.

If the problem continues, a second interview will be arranged to caution the employee, to offer assistance and warn of potential disciplinary action.

If a third interview is necessary, the employee will again be given the option of obtaining help. If help is declined, appropriate disciplinary action will be taken immediately.

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Testing Procedure

If an employee is suspected of being affected by drugs or alcohol during work time and denies the accusation, then Maxima can request that they attend a local medical clinic to be tested for traces of the suspected substance, at the employer's expense. The clinic will also be requested to give a report on whether the employee is fit for normal duties. Whenever possible, testing procedures will endeavour to be in line with the Australian Standard.

If the testing reveals drugs or alcohol in the employee's system and a medical expert deems the employee unfit for normal duties, the employee will be suspended and sent home and a full investigation will commence.

If the testing is inconclusive or negative and the report deems the employee fit for normal duties, the employee will be required to resume work as normal; however, continued observation of the employee's work performance will occur, as the original conduct observed was cause for concern.

Maxima does acknowledge that employees have the legal right to refuse to be tested; however, if the employee does refuse, the employee may be subject to disciplinary action being taken.

Signature: Date / /

Authorising Manager's Title: