





Transnet SOC Ltd

Substance Abuse Policy



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Policy Owner	General Manager: Safety, Occupational Health and Wellness
Signature	
Policy Sponsor	Chief of People Management and Learning
Signature	
Date Approved	04 August 2022

Stakeholders

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Recommended by Policy Owner and Policy Sponsor:

I hereby acknowledge that a search has been conducted and that the Policy is not duplicated or in conflict with any other Transnet Policies.

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Final Approval

Name of Committee

Date Approved

Version Number	Effective Date	Summary of Changes
2.0	01 January 2008	The Substance Abuse policy formulated and implemented in 2007 for Managers. Revised in 2008 to apply to all employees.
3.0	01 October 2011	The policy was further revised to clarify management of employees who test positive for drugs.
4.0	February 2019	<p>Proposed changes:</p> <ul style="list-style-type: none"> • Replaced the use of the word promotion with appointment to align to recruitment and selection policy. This is also extended to clause 5.5. • Additional definitions added 3.26 (non-negative test results), 3.27 (positive results), 3.28 (Negative results) and Substance paraphernalia. • Additional clause 5.2 on the use of marijuana in the workplace. • Added clause 5.3.5 on the SAMSHA cut off levels. • Changed alcohol limits from BrAC 01.10mg/1000ml or its equivalent BAC of 0.02% to 0.05 or 0.24 in line with National Road Traffic Act 93 of 1996 as amended. • Changes in clause 7.3.2 changed special leave without pay to unpaid suspension. • Clause 10.3 changed to state that drug testing and screening will be done in accordance with Transnet approved standard operating procedure. • 10.4 Changed to state that testing may be conducted to determine whether an employee is fit for duty as contemplated in clause 5.4 of this policy. • Clause 11.1 changed treatment from sick leave to also cover hospitalisation. • Added a new clause 11.2 to cater for outpatient treatment.
5.0	Approved on 22 June 2022	<ul style="list-style-type: none"> • Updated Policy Reference number from TrGroup 01/2010 to TRN – GRP -PM – SAP - 001 • Amended Background and Purpose statements • Clauses 2.1, 2.3, 2.7 (Purpose statements): Deleted • Included new definitions: Positive screening result/Blow Red

	<ul style="list-style-type: none"> • Updated Definitions: “alcohol screening, Employee Assistance Programme, non-negative test result, positive drug test result, negative test result.” • Deleted definitions not referenced in this Policy • Amended Policy Scope, included “all clients, customers and visitors entering Transnet workplaces or premises” • Clauses 5.1, 5.3: Amended and include in Purpose Statement • Clauses 5.4, 5.4.2, 5.4.3, 5.4.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13: Deleted • Clauses 5.2, 5.4.1, 5.4.5, 5.10: Deleted • Deleted the following clauses and include in the Substance Abuse Standard Operating Procedure (SOP) <ul style="list-style-type: none"> ○ Clause 6 (Substance Dependency) ○ Clause 7 (Substance Abuse leading to Incapacity or Misconduct) ○ Clause 8 (Education and Health Promotion) ○ Clauses 9.1, 9.2 (Exceptions) ○ Clause 10 (Screening and Testing) ○ Clause 11 (Rehabilitation) • Clause 14 (Accountable): Amended and consolidated into Roles and Responsibilities • Compliance Monitoring, Non-compliance: Added and Updated with relevant clauses. • Warning clause: Deleted • Exclusions: Amended and updated with relevant clauses • ‘Annexure A’: Deleted and included in SOP • Human Resources: replaced with People Management wording
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1. BACKGROUND

- 1.1 Substance abuse has the potential to create unsafe working conditions and an environment that can result in accidents, injuries, fatalities, absenteeism and reduced productivity.
- 1.2 Transnet is committed to providing a healthy and safe working environment for its employees, visitors, customers and contractor employees.

2. PURPOSE

The Substance Abuse policy is in place to:

- 2.1 Comply with the Occupational Health and Safety Act no 85 of 1993 and other applicable legislation aimed at promoting a healthy and safe work environment.
- 2.2 Minimise risks, increase productivity and curb the cost of absenteeism.
- 2.3 Ensure care and support for rehabilitation where required.
- 2.4 Increase awareness of substance abuse amongst employees by providing education and counselling to employees on the impact of substance abuse.
- 2.5 Detect and deter the use and abuse of substances in the workplace, whilst respecting the dignity and privacy of employees.
- 2.6 Achieve a substance-free working environment.

3. DEFINITIONS

- 3.1 **"Alcohol"** means any beverage containing any percentage of alcohol.
- 3.2 **"Alcohol screening"** means the assessment of employees, clients, customers, visitors, contractor employees to determine the level of alcohol on their breath or in their blood. The screening is done using scientifically recognised breathalyser or breath alcohol detector instruments such as the Lion Alcometer, Dragger Alcotester and Alcoscan, which are recommended by Transnet but not limited to such.
- 3.3 **"Blood alcohol concentration" (BAC)** means the concentration of alcohol in any specimen of blood from any part of a person's body, expressed in milligrams per 100 millilitres or any applicable unit of measurement.
- 3.4 **"Breath alcohol concentration"** means the concentration of alcohol in a person's breath, expressed in mg/1000ml.
- 3.5 **"Calibration"** means the checking of and adjustment, where necessary, to the reading displayed on a breathalyser or breath alcohol detector instrument so that the reading equals the value of the alcohol concentration of an alcohol standard of known concentration.
- 3.6 **"Call-out"** means time worked by an Employee because of an emergency when called out for duty outside their normal working hours.
- 3.7 **"COIDA"** means the Compensation for Occupational Injuries and Diseases Act, 130 of 1993.
- 3.8 **"Company premises"** means Transnet premises and includes any building, property, as well as any vehicles, vessels, trains, aircraft, or machines owned by or leased to Transnet.
- 3.9 **"Confirmation by observation testing"** means when a person refuses to take a breathalyser test, or is unable to provide an adequate breath sample, or there is reasonable suspicion of the individual being intoxicated or under the influence of substances and confirmation of this is derived from other observable evidence.

- 3.10 **"Employee Assistance Programme" (EAP)** means a workplace-based employer sponsored program designed to assist employees in resolving personal and or work-related problems that may be threatening or adversely affecting the health and or work performance of the employee.
- 3.11 **"OHSA"** means the Occupational Health and Safety Act, No 85 of 1993.
- 3.12 **"Negative test result"** means the results reported by the laboratory indicate that a suspected substance present in the sample is below a specified cut-off level or that there is no drug present in the sample.
- 3.13 **"Non-negative test result"** means a preliminary result established by a screening test that indicates the possibility of a drug present in the sample provided.
- 3.14 **"Pre-employment screening and/or testing"** means candidates who apply for jobs at Transnet are subjected to substance testing and/or screening as part of the selection process to ensure that they are medically assessed to determine Fitness for Duty and are free of any substances before being issued with appointment letters. This process applies to internal appointments, transfers, and promotions as well as for external appointments.
- 3.15 **"Positive drug test result"** means results reported by the laboratory as positive and confirms that there is conclusive evidence that a drug is present in the tested sample.
- 3.16 **"Positive screening result/Blow Red"** means the result established by a screening test and indicates the presence / level of alcohol concentration in the sample provided on an individual's breath or blood.
- 3.17 **"Random screening and/or testing"** means the screening or testing of employees, who are subjected to random selection screening or testing on entry or re-entry to Transnet premises, at the discretion of Transnet irrespective of position.
- 3.18 **"Standby"** means a requirement for an employee to be available to possibly perform duty outside of their normal working hours. Scheduled standby employees will be treated as if reporting for normal duties.
- 3.19 **"Substance/s"** means any form of psychoactive substance such as alcohol and drugs that can be classified in any of the following categories: depressants, stimulants, narcotics, hallucinogens, and cannabis (dagga), and includes alcohol and substance paraphernalia. It may also include medication that could lead to physical impairment and mental intoxication.
- 3.20 **"Substance Paraphernalia"** means any equipment, product or accessory that is intended or modified for making, using, or concealing alcohol and or substances typically for recreational purposes.
- 3.21 **"Substance screening and/or testing"** means the testing/screening of employees, clients, customers, visitors, contractor employees, to determine the presence of substances including alcohol and or other substances in the urine, breath, blood, or saliva, using approved testing equipment.
- 3.22 **"Safety critical jobs"** means the functions and activities which have a direct or indirect impact on safe operations, this includes all positions regarding the movement and or operating of vehicles, machines, equipment, vessels, trains, or aircraft owned, rented to, or leased by Transnet.
- 3.23 **"Workplace"** means any place where an employee or contractor and employees of a contractor perform work during his/her employment with Transnet. This is not limited to Transnet premises; it also means any other place where an employee, a contractor or employees of a contractor are required to render services.

4. SCOPE

This policy applies to:

- 4.1 All employees of Transnet, both permanent and on fixed-term contract including employees who work off-site or at client premises.
- 4.2 All external contractors and their employees working at Transnet premises or workplaces.
- 4.3 All employees who are designated for Standby Duty.
- 4.4 All clients, customers and visitors entering Transnet workplaces or premises.

5. POLICY STATEMENT

- 5.1 Transnet is committed to providing a substance-free environment and recognises that substance abuse may be a condition or illness, and as such requires treatment and rehabilitation.
- 5.2 Transnet prohibits the possession, sale, use, abuse, purchase, storage, manufacturing, transport, distribution, or transfer of substances and substances paraphernalia on Transnet premises and workplace and will view any contravention of this policy in a very serious light.
- 5.3 The use of substances in the workplace is prohibited as it jeopardizes the health, safety and wellbeing of the user and other employees.
- 5.4 An employee including employees of a contractor, will be considered unfit for work in terms of this policy if:
 - 5.4.1 The individual refuses to undergo substance screening and /or testing.
 - 5.4.2 The individual has been screened or tested for drugs and found to be non-negative.
 - 5.4.3 The individual has a positive test for alcohol and or any other substance measured through sample analysis by a registered pathological laboratory.
 - 5.4.4 It is evident from the physical, emotional, mental, or behavioural state of the employee or contractor employee that they are intoxicated or under the influence of substance/s.
- 5.5 Employees are not allowed to use substances when on Standby Duty.
- 5.6 Any employee who is called out for work due to an emergency, must inform their line manager if they have consumed any substance.
- 5.7 All medical assessments will include drug testing. A system of random drug testing may also be applied at any Transnet work site/s.
- 5.8 Involvement with any unlawful substances, including their manufacture or distribution is prohibited during and outside working hours.
- 5.9 Employees, clients, customers, visitors, contractors, and their employees who are deemed to be under the influence of drugs and or alcohol will not be allowed to enter or remain in the workplace or on Transnet premises.
- 5.10 Employees are prohibited from using substances during working hours or before reporting for duty, and/or being under the influence of substances while at work.
- 5.11 Any contravention of this policy by any Transnet employee will constitute misconduct and will lead to disciplinary action.

- 5.12 Any contravention of this policy by a non-Transnet employee, including contractors and their employees who work for or render services to Transnet, constitutes a breach of the relevant contract.
- 5.13 Employees who may have addiction to any substance, must seek assistance from their line managers or via the relevant EAP channels.
- 5.14 Employees who wish to enrol in a rehabilitation program, will be provided with reasonable support.
- 5.15 An employee's participation in a rehabilitation programme will be treated confidentially unless it is necessary to inform the employee's line manager or supervisor of the progress in relation to job performance or where it poses a potential safety risk. Progress reports from rehabilitation institutions on safety critical jobs is mandatory and will be provided to Occupational Health and Wellness and Line Managers or Supervisors.
- 5.16 Transnet will ensure that existing and new employees are informed of this policy, educated about the dangers of substance use in the workplace, the related support services, and rehabilitation support available through EAP.
- 5.17 All infection prevention and safety protocols must be observed during alcohol/ drug screening and testing processes to ensure that the risk of contamination by screening equipment is mitigated.

6. ROLES AND RESPONSIBILITIES

- 6.1 Accountable : OD Chief Executives, Line Managers
OD Environment, OD Safety
- 6.2 Responsible : OD Occupational Health and Wellness
Line Managers, All employees
- 6.3 Consultation : Group Employee Relations,
Labour Representatives
- 6.4 Supports : All employees
- 6.5 Monitors and Maintains : Group Safety, Occupational Health and Wellness,
Group Enterprise Risk, Group Environment

7. RELATED INFORMATION AND REFERENCE

This policy should be read in conjunction with the following supporting guidelines:

7.1 Internal Documents:

- 7.1.1 Occupational Health and Wellness Policy
- 7.1.2 Substance Abuse Standard Operating Procedure and Guidelines
- 7.1.3 Talent Acquisition Policy
- 7.1.4 Incapacity Standard Operating Procedure

7.1.5 Employee Assistance Programme Standard Operating Procedure

7.1.6 Transnet Disciplinary Code and Procedures

7.2 External Documents

7.2.1 Occupational Health and Safety Act 85, 1993.

7.2.2 Protection of Personal Information Act 4, 2013

7.2.3 The Labour Relations Act 66, 1995

7.2.4 Basic Conditions of Employment Act 75, 1997

7.2.5 Prevention of and Treatment Substance Abuse Act 70, 2008

7.2.6 The Compensation for Occupational Injuries and Diseases Act 130, 1993

8. FINANCIAL IMPLICATIONS

Transnet will provide the resources to support the implementation and maintenance of this policy.

9. EXCLUSIONS

The following exclusions apply to this Policy:

9.1 Limited serving and consumption of alcoholic beverages is permitted at designated

9.2 Transnet functions such as conferences. Employees who consume alcohol at designated functions hosted by Transnet may not return to work thereafter.

10. REQUEST FOR DEVIATIONS

10.1 In cases where material and compelling circumstances merit deviation(s) from particular provision(s) of this Policy, written submissions shall be sent to the Group Chief Executive, who shall have full authority to grant such request, in whole or in part, or to refuse same.

11. COMPLIANCE MONITORING

11.1 Regular audits will be undertaken to monitor compliance to this policy.

12. NON-COMPLIANCE

12.1 Breaches of this policy and the operating procedures that support this policy will be seen in a very serious light. Employees who do not conform to this Policy or the standard operating procedures applicable to the Policy, will be subject to disciplinary action in terms of the applicable Transnet disciplinary processes and procedures.