

WORKPLACE DRUG AND ALCOHOL POLICY

1. AIM

- 1.1 Dark Knight Engineering Group ('DKE Group') is committed to providing a safe and healthy work environment, so far as is reasonably practicable in which all workplace participants are treated fairly, with dignity and respect. The use of drugs and alcohol may impact on an individual's capacity to perform work safely, efficiently and with respect, thereby posing a risk to the health and safety of the individual and others at the workplace.
- 1.2 This Policy outlines DKE Group's commitment to a safe workplace and is aimed at preventing, or minimising, any risk of injury or harm to the health and safety of its workplace participants, or others at the workplace, from the use of alcohol or drugs. It describes the standards of behaviour expected in relation to the use of drugs and alcohol, the responsibilities of DKE Group, workplace participants and others at the workplace, and the consequences of breaching the Policy.

2. COMMENCEMENT OF THE POLICY

- 2.1 This Policy will commence on 16/01/2023. It replaces all other drug and alcohol policies (whether written or not).

3. SCOPE

- 3.1 This Policy applies to:
- a) all workplace participants of DKE Group (whether full-time, part-time or casual) and all persons performing work at the direction of, or on behalf of DKE Group (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively referred to as 'workplace participants');
 - b) all of DKE Group's workplaces and to other places where workplace participants may be working or representing DKE Group for example, when visiting a customer, client or supplier (collectively referred to as 'workplace'); and to
 - c) all work-related functions, for example, work lunches, conferences, Christmas parties and client functions.
- 3.2 This Policy has been developed and implemented in consultation and co-operation with DKE Group's workplace participants and/or the Workplace Health and Safety representatives. It does not form part of any workplace participant's contract of service, or contract for service.

4. DEFINITIONS

- 4.1 The following are terms used in this Policy:

'**drugs**' — includes illegal drugs, prescription or pharmacy drugs, or synthetic drugs as defined below.

'**illegal drugs**' — includes:

- any drug prohibited by Australian State, Territory or Federal law or any other laws (including foreign and international laws) to which DKE Group is subject, or which apply to the work performed at or for DKE Group;
- prescription or pharmacy drugs (as defined below) which are used without the necessary prescription, or for non-medical purposes;

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- any synthetic drug (whether prohibited by law or not), being a psychoactive herbal and/or chemical product which, when consumed, mimics the effects of a prohibited drug, for example synthetic cannabis (aka 'Kronic').

'management' — means DKE Group's managers, supervisors, team leaders (whichever are relevant) and all workplace participants with supervisory responsibilities.

'prescription drugs' — means lawful drugs which are prescribed by a medical practitioner for a diagnosed medical purpose and issued by a pharmacist.

'pharmacy drugs' — means drugs which are lawfully available at Australian pharmacies (without a prescription) and are required for a legitimate medical purpose.

'under the influence' — means that a person's faculties are impaired by the use of drugs or alcohol to the extent that the person is unfit to be entrusted with a duty they perform, or may be called on to perform, with efficiency and safety to themselves and others.

5. RESPONSIBILITIES

5.1 Workplace participants' responsibilities

a) All workplace participants must:

- comply with this Policy;
- observe all directions from DKE Group in regards to this Policy;
- recognise that performance of duties could be affected by alcohol or drugs; and
- immediately notify management if they are aware of any breach of this Policy by another workplace participant. Subject to any disclosures required by law, any notifications received by management will be treated confidentially. Failure to report any breach of this Policy by another workplace participant may itself constitute a breach of this Policy.

b) Except as set out in this Policy, workplace participants must not:

- manufacture, possess, distribute, sell, purchase, use or consume illegal drugs in the workplace. Such conduct constitutes serious misconduct. It may also constitute a criminal offence, in which case DKE Group may notify the police, or other appropriate government authority;
- work while under the influence of drugs or alcohol, particularly where the workplace participant's judgement and performance may be impaired by the drugs or alcohol;
- attend work, commence or return to work while under the influence of alcohol and/or drugs;
- consume alcohol and/or drugs during work, or at the workplace (note qualification for prescription and pharmacy drugs below).

5.2 Responsibilities of management

a) Management is responsible for ensuring that this Policy is implemented in their area. This includes ensuring that:

- all workplace participants are made aware and understand this Policy;

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- risk assessments are undertaken on work tasks in consultation with workplace participants and/or Workplace Health and Safety representatives;
- the behaviour of workplace participants is observed to ensure adherence with the Policy;
- any concerns or issues are addressed proactively and expediently to ensure the health and safety of all workplace participants;
- support is provided to workplace participants where appropriate; and
- any suspected breaches of this Policy are acted on promptly and in accordance with this Policy.

6. SOME SPECIFIC SITUATIONS

6.1 Prescription and pharmacy drugs

- a) Where a workplace participant is taking prescription or pharmacy drugs for medical purposes, the workplace participant will not breach this Policy by attending work, if the workplace participant:
 - takes the prescription and pharmacy drugs in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs;
 - does not misuse or abuse the use of prescription or pharmacy drugs;
 - ensures they are able to perform their work effectively, competently and safely;
 - informs themselves of the impact of consumption of alcohol with prescription and pharmacy drugs and they limit consumption accordingly; and
 - checks with their medical practitioner or pharmacist about the effect of the drug on their ability to drive vehicles, operate machinery and safely perform their normal work duties. If a workplace participant's ability to perform work competently, efficiently, and safely is affected, the workplace participant should obtain this advice in writing from the medical practitioner, or pharmacist, and provide it to their manager or supervisor as soon as possible and before undertaking their work.
- b) If DKE Group suspects that the workplace participants ability to safely perform work is affected, DKE Group may take steps to address the issue in accordance with this Policy.

6.2 Consumption of alcohol — workplace participants' responsibilities

- a) DKE Group recognises that at some work-related functions responsible consumption of alcohol is allowed, for example, at a staff function, Christmas party or customer function. Workplace participants must not consume alcohol in the workplace or at work-related functions unless specifically authorised by Management to do so.
- b) In these circumstances, the following restrictions apply at all work-related functions:
 - workplace participants must consume alcohol responsibly;
 - workplace participants must not become drunk. As set out above, it is a condition of waiving the prohibition on alcohol that workplace participants consume alcohol responsibly. Intoxication does not diminish a workplace participants responsibility for misconduct;
 - workplace participants must uphold an appropriate standard of behaviour at all times, consistent with DKE Group's Code of Conduct and workplace Policies;

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- the restrictions set out below in relation to DKE Group vehicles and machinery continue to apply; and
 - 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 for driving. Workplace participants who do not have a safe means of transport should advise management so that such transport may be arranged.
- c) If a workplace participant is required to return to work, or continue working after the function, and the consumption of alcohol could adversely affect their ability to perform work effectively and safely, consumption of alcohol by those workplace participants is not permitted.
- d) If a workplace participant breaches this Policy at a work-related function and acts inappropriately, the workplace participant may be subject to disciplinary action, and may not be permitted to consume any alcohol at future work related functions.
- e) The prohibition relating to drugs will not be waived in any circumstances, except in relation to prescription and pharmacy drugs as set out in this Policy.

7. **CONSUMPTION OF ALCOHOL - DKE Group's RESPONSIBILITIES**

When DKE Group provides alcohol at a work-related function, it will do so responsibly, ensuring that:

- a) workplace participants will be reminded of this Policy prior to the work-related function, where appropriate and practicable;
- b) food will be made available during the service of alcohol;
- c) light alcohol and non-alcoholic beverages will be available at all times;
- d) alcohol will not be provided to anyone under the age of 18 years;
- e) alcohol will not be provided to anyone who is drinking excessively, or is (or appears to be) intoxicated;
- f) alcohol service is supervised, whether held at the workplace or other locations, by a suitably qualified person, who holds a certificate in the Responsible Service of Alcohol (RSA Certificate); and
- g) workplace participants are reminded of the dangers of driving under the influence of alcohol and promote the use of alternative transport (e.g. taxis, public transport).

8. **DRIVING DKE Group VEHICLES AND MACHINERY**

8.1 Alcohol and illegal drugs

- a) DKE Group has a legal obligation to provide a safe and healthy working environment for its workplace participants and others in the workplace, so far as is reasonably practicable. To ensure a safe environment, no machinery is to be operated or used by anyone who is under the influence of alcohol or used or consumed illegal drugs.
- b) Workplace participants must comply with alcohol concentration limits applicable to particular duties they perform or may be called on to perform.
- c) DKE Group will not accept liability for any damage to a DKE Group vehicle, an injury to another person, or damage to other property caused by a workplace participant's use of a DKE Group vehicle while intoxicated from alcohol or illegal drugs. The workplace participant will be personally liable in such circumstances.

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8.2 Prescription and pharmacy drugs

- a) 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, then that workplace participant must not drive a DKE Group vehicle or any vehicle or operate machinery unless contrary specific medical advice is obtained and confirmed in writing, from the workplace participant's medical practitioner.
- b) 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, the workplace participant must not drive a DKE Group vehicle, or any vehicle, or operate machinery and must notify their Manager or Supervisor immediately.

8.3 Smoking

- a) Smoking is not permitted at any of DKE Group's workplaces.

9. **WHAT WILL DKE Group DO IF IT SUSPECTS A WORKPLACE PARTICIPANT IS AFFECTED BY DRUGS OR ALCOHOL?**

9.1 If DKE Group suspects, on reasonable grounds, that a workplace participant is under the influence of drugs or alcohol in breach of this Policy, DKE Group will take steps to address the issue. Reasonable grounds may include (but are not limited to) where the workplace participant:

- a) is unable to coordinate their actions;
- b) has red or bloodshot eyes, or dilated pupils;
- c) smells of alcohol;
- d) acts contrary to their normal behaviour;
- e) exceeds alcohol concentration limits applicable to the task they perform or may be called on to perform;
- f) is not behaving in a professional and competent manner and in accordance with DKE Group standards; or
- g) otherwise appears to be impaired or affected by drugs or alcohol.

9.2 In such circumstances, DKE Group may take the following actions (but is not limited to these actions):

- a) Direct the workplace participant to go home. Suitable arrangements for safe transport will be made by the relevant Manager; or
- b) Direct the workplace participant to attend a medical examination to determine whether the workplace participant is fit to perform their duties effectively and safely. The medical examination may include a drug and/or alcohol test, such as a breath test, blood test, urine test or oral swab. In relation to prescription or pharmacy drugs, DKE Group may require evidence as part of the medical examination about the effects and proper use of the drug. The workplace participant may be directed to go home following the medical examination.
- c) If the workplace participant refuses to attend a medical examination, they will be directed to go home. Refusal to attend a medical examination, refusal to go home, or providing false information constitutes a breach of this Policy and may result in disciplinary action being taken against the workplace participant, including action as set out below under 'Breach of Policy'.

- d) Where a workplace participant is sent home, or required to attend a medical examination, the workplace participant must report to Management (or as directed) on the next working day, or as soon as possible once the workplace participant is no longer under the influence of drugs or alcohol. DKE Group will deal with the issue as set out below under 'Breach of Policy'. Failure to report constitutes a breach of this Policy.

10. WHAT WILL DKE Group DO IF IT FINDS DRUG OR ALCOHOL AT THE DKE Group's WORKPLACE?

10.1 If DKE Group finds drugs or alcohol at the workplace in breach of this Policy, DKE Group may take the following action, which includes, but is not limited to:

- 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 or alcohol in their system.

10.2 Workplace participants are required to co-operate in any investigation. Failure to co-operate, or providing false information in an investigation, constitutes a breach of this Policy and may result in action as set out below under 'Breach of this Policy'.

11. WHAT WILL DKE Group DO IF IT SUSPECTS A WORKPLACE PARTICIPANT HAS DRUGS OR ALCOHOL IN THEIR POSSESSION AT WORK?

11.1 If DKE Group reasonably suspects that a workplace participant has drugs or alcohol in their possession at work, DKE Group may take the following action, which includes but is not limited to:

- 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 or alcohol.

11.2 Workplace participants are expected to permit such inspection and co-operate with DKE Group's investigation. 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 'Breach of this Policy'.

12. WHEN WILL DKE Group CONDUCT DRUG AND ALCOHOL TESTING?

Dictionary

12.1 The following definitions will apply to this part:

'Alcohol screen test' — means any analytical procedure or test which is carried out on a workplace participant to determine the presence and/or the concentration alcohol (including but not limited to a breath test, urine sample, oral swab, and blood test). These procedures are not limited to those which presently exist. As new technology is developed these may also be used for alcohol testing purposes.

'Authorised Officer' — means a suitably trained, qualified, and authorised person from an independent testing agency or a suitably trained, qualified and authorised person appointed by DKE Group for the purposes of undertaking or arranging an alcohol screen test and/or drug screen test.

'Confirmatory test' — means any analytical procedure or test which is undertaken subsequent

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to a first alcohol screen test or drug screen test, which is used to verify the presence of drugs or alcohol. This may include, but is not limited to the following:

- a test applied to a second sample of a workplace participant's urine;
- a test applied to any oral swab taken from a workplace participant;
- a second breath test;
- analysis of a workplace participant's blood.

'Drug screen test' — means any analytical procedure or test which is carried out on a workplace participant to determine the presence and/or the concentration of any drug (including but not limited to a breath test, urine sample, oral swab, and blood test). These procedures are not limited to those which presently exist. As new technology is developed this may also be used for drug testing purposes.

'Sample' — in relation to urine, includes, if the sample is divided into portions, a portion of the sample.

12.2 Drug and alcohol testing

DKE Group may require workplace participants to undergo testing for the presence of drugs or alcohol in the following circumstances, with or without, prior notice:

a) Causal based

- (i) if DKE Group suspects, on reasonable grounds, that a workplace participant is under the influence of drugs or alcohol in breach of this Policy;
- (ii) upon finding evidence that a workplace participant has used, possessed, sold, purchased, solicited or transferred drugs whilst in the workplace or while on DKE Group property;
- (iii) where DKE Group finds drugs or alcohol in the workplace in breach of this Policy;
- (iv) upon receipt of a report of drug or alcohol use, provided by a reliable and credible source and confirmed by investigation, in breach of this Policy;
- (v) upon obtaining evidence that a workplace participant has interfered with, tampered with, falsified or destroyed an alcohol screen test or drug screen test;
- (vi) where a workplace participant has previously received a positive alcohol screen test or drug screen test and has refused to undergo a confirmatory test, he/she shall be required to undergo subsequent testing;
- (vii) where a workplace participant has previously received a confirmatory test result confirming the use of illegal drugs or alcohol in breach of this Policy, he/she shall be required to undergo subsequent testing;
- (viii) where a workplace participant notifies DKE Group that he/she has a drug or alcohol problem;
- (ix) where a workplace participant is taking prescription or pharmacy drugs which may affect their ability to perform the duties and responsibilities of their position in an efficient, competent and safe manner, without risk to the health, welfare or safety of the workplace participant, or others in the workplace.

b) Post incident or near-miss

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Where the investigation of an incident or near-miss determines that the workplace participant's actions may have been impaired due to the use of drugs or alcohol, or the workplace participant was under the influence of drugs or alcohol.

c) Random testing

When a workplace participant, or group of workplace participant's are randomly selected by DKE Group or an authorised officer to undergo a drug screen test and/or alcohol screen test.

DKE Group will conduct random quarterly drug and alcohol testing at the company head office location.

Employees will be randomly selected for participation in the workplace drug and alcohol testing which is automatically generated.

Employees will be notified if they have been selected for testing and required to undergo the drug and alcohol testing.

A workplace participant who is required to undertake a drug screen test and/or alcohol screen test will be requested to sign a consent form before taking a drug screen test and/or alcohol screen test.

All information obtained through the above testing is covered by Australian privacy laws and DKE Group's privacy Policy. DKE Group will not use this information other than for the purposes for which it is collected. The purposes of such monitoring and examination are to ensure the productivity, health, and safety of personnel, to apply this Policy, and for disciplinary purposes.

A refusal to undergo a drug screen test and/or alcohol screen test or providing false information, constitutes a breach of this Policy and may result in action being taken against the workplace participant, including action as set out below under 'Breach of this Policy'.

13. **BREACH OF THIS POLICY**

13.1 Workplace participants must comply with this Policy at all times.

13.2 If a workplace participant is found to have breached this Policy, they may be subjected to disciplinary action. 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.

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

- performance counselling;
- a formal warning;
- suspension;
- demotion;
- termination of employment;
- referral to an Employee Assistance Programme ('EAP') and/or some other referral source, for counselling, treatment or rehabilitation for drug or alcohol dependency.

13.4 Agents or contractors (including temporary contractors) of DKE Group who are found to have breached this Policy may have their contracts with DKE Group terminated, or not renewed.

13.5 In circumstances where a workplace participant's behaviour or conduct may involve a breach of any Australian law, DKE Group may notify the police or other relevant government authority.

14. **ACCESS TO SUPPORT SERVICES**

If a workplace participant notifies DKE Group that they have a drug or alcohol problem, they will be encouraged to complete a rehabilitation programme or undergo counselling.

15. **EDUCATION AND TRAINING**

15.1 DKE Group will inform and conduct training or information sessions for all workplace participants, relating to:

- a) this Policy, including but not limited to the consequences of breaching this Policy;
- b) the effects of alcohol and drug use (including prescription and pharmacy drugs) in the workplace;
- c) the risks to the health and safety of workplace participants and others by the use of alcohol and drugs in the workplace; and
- d) the EAP (if applicable) and any other referral sources for counselling, treatment, or rehabilitation, which are available to workplace participants.

15.2 Where appropriate, DKE Group will conduct induction sessions for agents, contractors, and their respective workplace participants when they undertake work for DKE Group in the workplace. These induction sessions will cover:

- a) this Policy, including but not limited to the consequences of breaching this Policy;
- b) the effects of alcohol and drug use (including prescription and pharmacy drugs) in the workplace;
- c) the risks to the health and safety of workplace participants by the use of alcohol and drugs in the workplace.

16. **MORE INFORMATION**

16.1 If a workplace participant is unsure about any matter covered by this Policy, they should seek the assistance of their Manager.

Variations

DKE Group reserves the right to vary, replace or terminate this policy from time to time.