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1. Introduction

Eskom is committed to protecting the safety, health and well-being of all employees and other individuals in the workplace. In support of this, Eskom has adopted an Occupational Health and Safety (OHS) Strategy and the Zero Harm value.

Eskom acknowledges that alcohol and substance abuse pose a threat to the business. Eskom is, therefore, entitled to take reasonable steps to ensure that persons who are intoxicated and/or under the influence of any substances are identified and prevented from entering or working on any Eskom premises and/or operating any of Eskom's equipment or vehicles. Substance abuse has serious implications for employees' health and safety.

2. Supporting clauses

2.1 Scope

2.1.1 Purpose

The purpose of this procedure is to set out the process for the management of substance abuse in Eskom to achieve the following:

- a) Comply with the relevant statutory requirements.
- b) Provide a healthy and safe working environment.
- c) Identify, control and prevent substance abuse in the workplace.
- d) Prevent and reduce losses and incidents and improve productivity.
- e) Identify a need for rehabilitation and offer employee assistance.
- f) Prevent the abuse of intoxicating substances.
- g) Encourage employees to live a healthy lifestyle, free of substance abuse.

2.1.2 Applicability

- a) This document shall apply throughout Eskom Holdings Limited Divisions.
- b) This procedure applies to any person (Eskom employees, contractors and their employees, consultants, and visitors) while on duty or reporting for duty at any Eskom premises or an Eskom work site or on Eskom business or just visiting. Line managers are required to ensure that all consultants and contractors adhere to the requirements of applicable statutes as set out in this document.
- c) This procedure further applies to all employees while driving vehicles on Eskom business or operating equipment or machinery or performing any tasks on an Eskom site, premise or workplace.

2.1.3 Effective date

This procedure is effective from the date of authorisation.

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2.2 Normative/Informative references

Parties using this document shall apply the most recent edition of the documents listed in the following paragraphs:

2.2.1 Normative

- [1] ISO 9001 Quality Management Systems
- [2] Employment Conditions for Managerial Levels
- [3] Conditions of Service for Bargaining Unit Employees
- [4] 32-1114: Grievance Procedure
- [5] 32-727: Safety, Health, Environment and Quality Policy
- [6] 32-1113: Disciplinary Procedure
- [7] 32-1112: Disciplinary Code Standard
- [8] 240-62196227 Eskom Life-Saving Rules
- [9] 32-1250 Process Control Manual for Level 4 Health and Wellness
- [10] 32-95 Occupational Health and Safety Incident Management Procedure
- [11] 240 – 76618189 Management of employees with substance abuse problems
- [12] 240 – 62946386 Vehicle and Driver Safety Management Procedure
- [13] 240-128157536 Talent Discovery Procedure
- [14] 240-64454610 Alcohol Test Report
- [15] 240-64455308 Drug Test Report
- [16] 240-64454411 Alcohol Screening Register
- [17] 240-64453117 Identification of alcohol abuse by observation
- [18] 240-64453445 Identification of drug abuse by observation.

2.2.2 Informative

- [19] Occupational Health and Safety Act No. 85 of 1993, as amended
- [20] Labour Relations Act No. 56 of 1995, as amended
- [21] Employment Equity Act 55 of 1998, as amended
- [22] Mine Health and Safety Act 29 of 1996
- [23] National Road Traffic Act No. 93 of 1996
- [24] Drugs and Drug Traffic Act No. 140 of 1992
- [25] Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- [26] Prevention and Treatment of Substance Abuse Act, Act 70 of 2008
- [27] Code of Good Practice published in the Government Gazette 11405 on 15 February 2022. Vol 681 Number 46043.

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2.3 Definitions

Definition	Explanation
Addiction	When a person no longer has control over what he/she is doing, taking, or using. Addictions do not only include physical things that we consume, such as drugs and alcohol but may include virtually anything, from abstract things, such as gambling or pornography, to seemingly harmless products, such as chocolate. Addiction has a negative impact on a person's ability to conduct daily activities.
Breath alcohol concentration (BAC)	The concentration of alcohol in a person's breath: milligrams per 1000 millilitres expressed as percentage BAC.
Breath alcohol test	Determines how much alcohol is in a person's breath by measuring the amount of alcohol in the air when you breathe out (exhale).
Calibration	The inspection of, and adjustment, where necessary, to the reading displayed on a breath alcohol detector, so that the reading equals the value of the alcohol concentration of an alcohol standard of known concentration.
Compulsory testing	Substance abuse testing is performed regularly on all employees, contractors, and consultants performing any tasks or driving vehicles.
Confirmation substance test	Is a <u>laboratory test</u> which is a medical procedure that involves testing a sample of blood, urine, tissues, body fluids, or other substances from the body.
Critical Task	A task that, based on severity, frequency, probability, and potential to cause serious loss, is identified by Eskom as being critical.
EAP practitioner	A social worker or psychologist working for, or under contract to Eskom.

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Definition	Explanation
Employees	<p>This is any person who has entered into, or works under, a contract of service, apprenticeship, or learnership with an employer, whether the contract is explicit or implicit, oral or in writing, who receives or is entitled to receive any remuneration and includes a case where such a person is under the control, instruction, and supervision of his/her employer, namely, the following as defined in the Talent Discovery Procedure :</p> <p>a) Permanent employee, which includes the following:</p> <ul style="list-style-type: none"> • A full-time employee • A part-time employee <p>b) Non-permanent employee, which includes the following:</p> <ul style="list-style-type: none"> • A temporary Employment service employee • A fixed-term contract employee • A vacation student • Third-party contractor employees • A person under a learnership contract <p>c) A bursary holder while under the supervision and/or direction of an employer</p> <p>Note 1: an employee only has one employer at any time. The employer is the person with whom he/she is in a contractual relationship of employment, even when he/she performs his/her contractual obligations for another person.</p>
Employer	Any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him/her.
Illegal or legal drugs or controlled substance screening test	Is the collection and analysis of blood, urine, saliva or any other specimen from the body to evaluate for the presence of an illegal or legal drug/controlled substance using approved <u>non-laboratory</u> methods.
Legal substances/medication	<p>These are legal drugs or medications that are prescribed by a medical practitioner and may be abused by the user.</p> <p>This abuse happens when the user does not adhere to the prescribed dosage as indicated by the medical practitioner or pharmacist. When an individual overuses or overconsumes lawful/prescribed medication, he/she is “under the influence” of such a substance.</p>
Line manager	Unless the context dictates otherwise, shall be construed to mean the supervisor or the manager in a department or at a work site, whichever may be applicable.

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Definition	Explanation
Occupational health practitioner	Unless the context dictates otherwise, shall be construed to mean either an occupational health nursing practitioner or an occupational medicine practitioner.
Person	Any employee or visitor as defined in this procedure.
Premises/site	As defined in the OHSA, including any building, vehicle, vessel, train, and aircraft in which a person performs work or any place where Eskom business activity is carried out.
Random multi-drug testing	A urine test which is done randomly to any employee who might have been chosen on a particular day
Screening	Determines the presence of alcohol in a person's breath sample. Screening results are not required to be documented. An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.
Security Officer	An officer appointed within Eskom as an employee or contractor of all security-related functions and who is responsible for the protection/safeguarding of Eskom and its subsidiaries, assets, personnel, and information.
Substance abuse	The excessive use of a substance, especially alcohol or a drug that adversely alters the mind and physical coordination.
Substance testing	Is a form of testing that will detect the presence of drugs or alcohol in a person's body; this process uses some kind of biological matter taken from an individual to determine the amount of illegal/controlled substance present at the time of the test. (This can be breath, saliva, urine or blood).
Task	A segment of work that requires a set of specific and distinct actions for its completion.
Tester	A person with the necessary training/qualification and appointed to fulfil the role of a tester in terms of this procedure.
Under the influence/intoxicated	Under the influence/Intoxicated: the use of alcohol, drugs, and/or a controlled substance to the extent that: a) the individual's senses are in any way impaired by the consumption or use of the aforesaid substances; b) the individual is unable to perform in a safe, productive manner; c) the individual's alcohol/drug reading is positive at the time of testing in line with Eskom's Life-Saving Rules; or d) the individual is and/or appears to be under the influence of alcohol/drugs and/or his/her blood, urine, saliva, and/or breath alcohol concentration registers a positive reading.

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Definition	Explanation
Visitor	Any individual who has come to visit or spend time at Eskom for any purpose.
Workplace	Any premises or place where an employee is authorised to perform work in the course of his/her employment, including a private home or portion of it.
Workplace boundaries	<p>On Eskom property, the boundaries of the workplace include the area where a person enters through any defined first point of entry, for example, entrance, gate, boom, etc. The actual point of entry/exit will be the point where Eskom actively exercises control over such site, entrance/exit area, gate, or boom.</p> <p>In the case of a lease agreement, the first access point where a person enters through any defined first point of entry, for example, entrance, gate, boom, etc will be regarded as the boundary of the leased premises.</p> <p>In the absence of the above, any area up to the point where the employee's actual workplace boundary will be where the employee enters or leaves his/her vehicle or public transport.</p>

2.4 Abbreviations

Abbreviation	Explanation
BAC	Breath Alcohol Concentration
COS	Conditions of Service
EAP	Employee Assistance Programme
OHP	Occupational Health Practitioner
OHSA	Occupational Health and Safety Act
SHEQ	Safety, Health, Environment, and Quality
UN	Unique Number
SHEQS	Safety, Health, Environment, Quality, and Security
TES	Temporary Employed Staff
SHE	Safety Health and Environment

2.5 Roles and responsibilities

2.5.1 Line management

Line management:

- a) shall be responsible for the implementation of the procedure in their area of responsibility;
- b) shall carry the cost of substance abuse testing;

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- c) shall provide fair and consistent treatment in the screening and testing of persons for substance abuse;
- d) shall ensure that employees and supervisors are identified and trained in the understanding and practical working of the procedure and shall ensure that they are trained and certified in the correct methods and processes of testing;
- e) shall ensure that all testing equipment is calibrated as prescribed by the relevant legislation and manufacturer specifications;
- f) shall ensure an adequate supply of testing equipment required per site or business unit;
- g) shall, where possible ensure that contractors, consultants, and visitors (within his/her area of operation) are made aware of the procedure;
- h) shall ensure that a maintenance and calibration register is maintained for all equipment used for testing;
- i) shall ensure that persons under the influence or intoxicated are not permitted access to work sites or are removed from their work environments and safely transported to their place of residence;
- j) shall ensure that processes required for the various test methods for the identification of persons under the influence or intoxicated are implemented in accordance with the procedures as directed by business unit SHEQS/Safety risk managers or OHS representatives;
- k) shall ensure that the drug and alcohol test register is correctly completed and available for the division/business unit SHEQS/Safety risk manager/line manager when requested by him/her;
- l) if a person reports any potential impact on his/her capability to perform work safely due to the consumption of medicinal substances, the line manager shall refer the employee to the OHP to ensure that a fitness-for-duty assessment is performed;
- m) shall ensure that employees voluntarily requesting help relating to any form of substance abuse are referred to an EAP and/or OHP for assistance in line with the procedure 240 – 76618189: Management of employees with substance abuse problems and monitoring the progress of any referred employees to support where necessary/required.

2.5.2 The Occupational Health Practitioner (OHP)

- a) Assist managers and security personnel with the referral process and the laboratory request forms for the employee who is under the influence of a substance which includes information about the nearest laboratory, as well as providing the required laboratory forms.

NB! A confirmation substance test should only be conducted where the screening results are disputed by the employee or the employee's union representative but still remember that Eskom has zero tolerance for being under the influence of substances in the workplace.

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- i. The specimen should be conducted at the laboratory to avoid further disputes.
 - ii. There is no need to refer a person who is under the influence, to the medical centre for a fitness for duty assessment, because such an employee is not allowed to enter Eskom premises. Medical centres are inside Eskom premises and a person who is under the influence as identified through behavioural observation and a positive screening test is a risk to OHNPs.
- b) Assist the employee who has substance abuse problems in line with Procedure 240 – 76618189: Management of employees with substance abuse problems.
 - c) Maintain the medical records of the employees who have declared to be on medication.

2.5.3 EAP practitioners

EAP is available to employees with substance abuse problems.

The EAP practitioner shall:

- a) assist the employee who has substance abuse problems in line with Procedure 240 – 76618189: Management of employees with substance abuse problems;
- b) Inform the line manager where the employee has been formally referred;
- c) receive feedback and progress from the external service provider or institution where the employee is receiving treatment; and
- d) monitor and evaluate the treatment intervention and provide a progress report, where required.
- e) arrange aftercare service for the employee to facilitate a smooth reintegration following institutionalisation, if there is a need to do so; and
- f) educate/advise managers and supervisors on how to manage and/or refer employees with substance abuse problems.

2.5.4 Divisional/Business Unit SHEQS/Safety Risk Managers

The SHEQS/Safety risk manager shall be responsible for:

- a) keeping copies of BU test registers and calibration certificates;
- b) monitoring compliance with this procedure;
- c) consolidating site test results and providing feedback to line managers and supervisors;
- d) analysing and presenting the test results to the relevant forums;
- e) assisting line management with testing protocols, where necessary.

2.5.5 Security management

The security officers shall:

- a) assist line management in carrying out daily and/or random alcohol screening and/or breath alcohol testing

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- b) ensure that testing will be done at points/locations best suited to enable confidentiality and non-disruption of traffic and/or services; and
- c) inform line management of the test results in their area of responsibility.

2.5.6 Employees

- a) Employees who are identified through the organisational screening and testing procedures for substance abuse or who know that they have a problem are encouraged to seek assistance from the EAP advisors.
- b) If a person consumes any substances/medication (prescribed or not) that is likely to impair his/her faculties/judgement or ability to perform work safely, he/she shall inform the OHP and/or line manager accordingly.

2.6 Process for monitoring

Compliance with this procedure will be monitored through the BU internal audit processes.

2.7 Related/Supporting documents

[1] 32-37 Rev 3

3. Substance Abuse Procedure

3.1 The rules concerning Eskom employees, contractors, consultants, and visitors are as follows:

- a) A person shall not be allowed access to the Eskom workplace for duty or continue with his/her duties if he/she is under the influence or intoxicated.
- b) A person shall not consume alcohol or drugs/controlled substances (unless prescribed) while on Eskom premises or while on Eskom business.
- c) A person shall not engage in any improper or unlawful activity related to alcohol or drugs/controlled substances while on Eskom's premises or while on Eskom business.
- d) A person shall not permit another person to consume or engage in any improper or unlawful activity related to alcohol or drugs/controlled substances while on Eskom premises or while on Eskom business.
- e) A person may not permit another person to carry out work if it is suspected that the other person is under the influence or intoxicated.
- f) A person shall not bring, sell, and/or store alcohol or drugs/controlled substances while on Eskom premises or while on Eskom business unless authorised by Eskom.

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- g) If a person is using a legal substance/medication (prescribed or not) that is likely to impair his/her faculties/judgement or ability to perform work safely, that person is obligated to inform the line manager for referral to the OHP to ensure that a fitness-for-duty assessment is performed.
- h) Persons shall comply with requests to undergo random or specific substance or alcohol screening or testing. Refusal to comply with such a request may result in an adverse inference being drawn that the person is under the influence or intoxicated.
- i) Where substance or alcohol testing is being conducted at a unit/department, the testing shall take precedence over all other planned activities.
- j) No person is permitted to leave the confines of the unit/department without the express permission of the supervisor, manager, or their delegated stand-in in consultation with the tester, while testing is being conducted.
- k) Adverse inference shall be drawn against a person if he/she leaves the confines of the unit/department without express permission and may lead to disciplinary action being considered against the person.
- l) EAP services will not be a substitution for discipline or the management of misconduct where an employee has been found under the influence of alcohol or drugs.

NOTE: Alcohol testing of customers falls outside the ambit of what is permissible for members of the public that enter Eskom sites. Customers will not be subjected to screening and testing, however, they may be refused access to Eskom premises should there be a suspicion that the person is or may be under the influence of alcohol or drugs, for the safety of other customers and Eskom personnel.

3.2 Management of persons under the Influence of any substance

- a) Screening may be done at any time by competent, authorised persons at the designated area on any Eskom premises/site. If a person is found positive in terms of the screening process, he/she will be sent immediately for a test (with reading). NB: The screening and testing process is performed by utilising two different instruments. If at a location where there is no handheld testing unit, a second screening device can be utilised to do the first and second confirmation tests after which an informed decision can be made.
- b) If the person tests positive, then a second test is done immediately after 30 minutes have elapsed. If the second test result is anything above 0.000mg per 1000ml, the person will be regarded as being under the influence.
- c) If the test result is above the legal limit (0.24mg per 1,000ml – breath alcohol concentration), he/she will have to get someone to come and fetch him/her at work, or the person will have to stay in a designated location until the BAC levels are below the legal limit, then he/she will be allowed to drive home.
- d) No person who is under the influence or intoxicated will be permitted to enter or remain on Eskom premises or to remain in control of an Eskom vehicle/equipment.

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- e) If a person is identified as being under the influence or intoxicated, the tester shall inform the person's line manager or any other line manager on site in the absence of the person's line manager.
- f) The line manager (or his/her delegate) of any person who is under the influence shall ensure that the person is safely transported to their place of residence and instructed to report for duty at the commencement of the next working shift. If the person's line manager is not on site, any other line manager shall ensure that the person, who is under the influence or intoxicated, leaves the work site and is safely transported to their place of residence.
- g) Employees will not be remunerated for the period not worked as a result of being under the influence. Contractor management and consultants are encouraged to adopt a similar stance regarding their employees.
- h) Whenever an Eskom employee tests positive, he/she will be subjected to disciplinary action in line with Eskom's Disciplinary Procedure for the contravention of a Life-Saving Rule.
- i) When a contractor or visitor presents a positive result, his/her manager or organisation will be required to make the necessary transport arrangements when they are notified of the result.

3.3 Identification of persons who are under the influence/intoxicated

3.3.1 Breath alcohol screening: process to perform alcohol screening at Eskom sites or contractor sites

This is the preferred method to indicate whether a person is under the influence of alcohol.

This process establishes the steps to be followed in implementing the Eskom alcohol screening requirements, including:

- how alcohol screening will be conducted;
- the actions to be followed in response to alcohol screening, including immediate responses and follow-up actions; and
- how the matter of confidentiality will be dealt with.

Note: Should there be any questions or uncertainty regarding the maintenance/testing/usage or calibration of equipment please refer to the manufacturer's specification and guidance.

3.3.2 Selection process for screening

(a) Timing

Alcohol screening will typically be undertaken at the start of the working day, start of shifts, following breaks, during site visits and at any designated area. Eskom reserves the right to conduct screening at any time during the working day/shift period. Screening may also be undertaken after hours, during weekends, or on public holidays.

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(b) Candidate selection

All Eskom employees, contractors, and/or visitors to an Eskom or contractor site could be subjected to alcohol screening when arriving at the workplace. Candidates entering sites/offices as pedestrians could be required to undertake alcohol screening in public. All candidates entering the workplace in a vehicle could be tested while in the vehicle.

Any candidate who has a positive reading will not be allowed to enter the workplace. He/she will be requested to proceed to a dedicated testing area to undertake a confirmation alcohol test, as specified in this procedure.

(c) Procedure for screening

- All alcohol screening will be done by people trained and certified as competent to operate the handheld screening equipment. The screening equipment will be calibrated and maintained as per the manufacturer's specifications.
- The person being screened will be required to supply an air sample from his/her lungs directed into an approved breath analysis instrument (mobile hand unit). The sample shall be sufficient to obtain a valid reading on the instrument.
- If the instrument indicates a positive result, the person will be immediately required to do a confirmation alcohol test.
- Should the confirmation alcohol test reflect a positive result, a second confirmation test must be carried out 30 minutes after the first confirmation test was performed. Both confirmation tests will be conducted using a calibrated handheld testing unit and performed by an appointed and certified tester, according to the requirements as specified in this procedure.
- The person being tested must refrain from taking any fluid or substance during the waiting period; this includes smoking. Should the person need to take anything (to control diabetes for example) within the 30-minute waiting period it must be declared upfront.
- If an employee reflects a positive screening result at a location where there is no handheld testing unit, the employee's supervisor must arrange for him/her to be transported to a site that has the appropriate equipment to conduct the confirmation testing if it is within 30 minutes driving distance. Should this option not be available, a second screening device can be utilised to do the first and second confirmation tests after which an informed decision can be made.
- If any confirmation test result reflects a negative result the person may return to his/her normal duties. No further action will be required.
- If the result of the second confirmation test is above 0.000 mg/1000 ml BAC, then a positive result will be recorded. The tester will notify the employee's supervisor, who will commence the actions outlined in the procedure.

3.3.3 Identification of alcohol abuse by observation

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This method of identification shall be followed with all persons while on Eskom premises who are unable to provide an adequate breath sample, or if the necessary test instrument to measure alcohol is not available, or who are behaving erratically or demonstrating erratic behaviour. The checklist for the identification of alcohol abuse by observation, (Unique Identifier: 240-64453117) shall be completed during observation.

The following evidence regarding the person's appearance and/or conduct may provide reasonable and sufficient grounds to believe that the person is under the influence or intoxicated:

- a) Slurred speech
- b) Unintelligible speech
- c) Unsteady gait
- d) Abusive language
- e) Unsteady on feet
- f) Smell of alcohol/drugs
- g) Aggressive behaviour
- h) Bloodshot/glazed eyes
- i) General appearance
- j) State of alertness/falling asleep
- k) Vomiting
- l) Inability to carry out simple instructions/tasks that he/she can normally do.

NOTE: For detection purposes, both procedures (breath alcohol screening or testing, and identification of alcohol abuse by observation) do not have to be carried out; one or the other is sufficient.

3.3.4 Drug testing

- a) The preferred method to establish whether a person is under the influence of drugs is the urine sample test. Should a division/BU already make use of the saliva testing methodology, they will be allowed to continue with the method, until an alternative/improved method is available or the procedure specifies different requirements.
- b) The method of testing will be either a saliva or urine sample.
- c) The tester shall complete and sign the drug test report (Unique Identifier: 240-64455308).
- d) All drug testing will be done by people trained and certified as competent to operate the testing equipment. The testing equipment (testing device or screening kit) will be maintained and calibrated (as applicable) as per the manufacturer's specifications.

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- e) The person being tested will be required to supply a saliva/urine sample. The sample shall be sufficient to obtain a valid reading on the instrument.
- f) If the urine sample indicates a positive result, the sample will be sent to a laboratory for analysis and confirmation, while ensuring no contamination in the process.
- g) Should the confirmation drug test reflect a positive result, the necessary corrective measures will need to be implemented.

Note: Should there be any questions or uncertainty regarding the maintenance/testing/usage or calibration of equipment please refer to the manufacturer's specification for guidance.

3.3.5 Identification of drug abuse by observation

This method of identification shall be followed with all persons while on Eskom premises who are unable to provide an adequate saliva/urine sample or if the necessary testing equipment or instrument to measure drug usage is not available. The checklist for the identification of drug abuse by observation, (Unique Identifier: 240-64453445), shall be completed during observation.

This technique also needs to be applied when an employee's screening result is positive, and the line manager is awaiting the confirmation substance test results. This will be done to determine whether the employee should be allowed to perform his/her duties.

The following evidence regarding the person's appearance and/or conduct may provide reasonable and sufficient grounds to indicate that the person is under the influence of drugs:

- a) Slurred speech
- b) Runny nose
- c) Profuse sweating
- d) Lack of facial expression or animation
- e) Strange gait
- f) Poor muscle control
- g) Aggressive behaviour
- h) Bloodshot eyes
- i) Sleepy eyes
- j) Uncontrollable moods
- k) Unnatural thirst or hunger
- l) Dry mouth
- m) Stains on hands
- n) Needle prick scars on open or visible skin
- o) Talkative or giggling

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3.4 Substance abuse testing

Every person has the right to be treated with respect and dignity when being tested. Testing shall be done in the circumstances set out below.

3.4.1 Pre-placement testing

Pre-employment substance abuse testing will be applicable where freedom from substance abuse and/or dependency has been identified as an inherent job requirement or the person performs a critical task and where the law allows such testing (Occupational Health and Safety Act No. 85 of 1993 and Employment Equity Act No. 55 of 1998).

The test information shall be confidential between the applicant for employment and the occupational health practitioners.

3.4.2 Compulsory testing

All persons entering Eskom premises and/or required to perform any tasks or to drive vehicles may be required to undertake a drug and/or breath alcohol test prior to commencing their duties and, where necessary, on a periodic or random basis.

The tester shall be responsible for ensuring that the person is tested in accordance with the testing procedures. The tester shall immediately report the test results to the person's manager if a person is found to be under the influence.

3.4.3 Post-accident, near miss or incident

In all cases of accidents, near misses, or incidents, the injured person and/or the persons who were involved in the accident, near miss, or incident may be required, where circumstances permit, to undergo a breath alcohol or other substance test. Testing shall be in accordance with the identified procedures set out in this document.

3.4.4 Reasonable suspicion

When a person appears to be under the influence of alcohol or other substance, the person who has observed this shall report it to the person's immediate line manager or to another line manager if the immediate line manager is not available. If the line manager confirms the suspicion, the person shall be tested in accordance with the identified procedures set out in this document.

3.4.5 Ad hoc screening/testing

Persons may, where necessary, be screened/tested on a random basis, in a non-discriminatory manner, in accordance with the respective procedures for testing as outlined in this document.

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3.4.6 Return to work

- a) Any employee undergoing rehabilitation may be required to undergo regular screening/testing. The nature and frequency of the screening/testing will be determined by the person's counsellor and/or an occupational health practitioner.
- b) The tester shall be responsible for ensuring that the person is tested in accordance with such requirements.
- c) The employee's line manager shall immediately report the test results to the person's counsellor or an occupational health practitioner if the person is found to be under the influence.

3.4.7 Follow-up testing

- a) Any person who has been disciplined for being under the influence or who has been disciplined in terms of this procedure may be required to undergo a regular urine or saliva drug and/or breath alcohol test for a specified period. Such period shall be clearly stated under "corrective measures" on the disciplinary report form.
- b) The tester shall be responsible for ensuring that the person is tested in accordance with the agreed-upon requirements.
- c) The tester shall immediately report the test results to the person's manager if the person is found to be under the influence. Further disciplinary action against the person may be taken.

3.5 Testing procedure

3.5.1 Equipment requirements: Breathalyser screening or testing instruments

Shall meet the following requirements:

- a) Shall be portable.
- b) Shall have a minimum measuring range of 0 to 1.50 mg/L or 0.000 to 0.300% BAC.
- c) Should be able to operate in the following conditions:
 - d) Temperature: -5 to +40°C;
 - e) Pressure: 600 to 1 300 mbar;
 - f) Humidity: 20 to 95% RH.
- g) Shall comply with specification requirements stipulated by recognised international standards laboratories.
- h) Shall be ready to do the test within 30 seconds after switch-on, and if the reading is below 0.19 mg/L, then it should be ready for the next test within 30 seconds.
- i) Shall reflect the breath alcohol concentration (BAC) level.
- j) Shall perform at least 500 tests from an alkaline (battery) power supply.

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- k) The sensor shall make use of an electrochemical fuel cell that is specific to ethanol and shall not respond to other substances normally found in the breath.
- l) Shall be simple to use, and its operational procedure shall be automatic and fail-safe.
- m) Shall be microprocessor-controlled to ensure repeatability.
- n) The automatic sampling procedure shall be capable of being overridden and operated manually in the case of uncooperative subjects or those with weak exhalation.
- o) Shall indicate that it is operational and when it is ready to perform a test.
- p) Shall produce an audible beep to indicate an adequate breath sample.
- q) Should indicate an incomplete breath sample.
- r) Internal calibration of the instrument shall be simple, with the option to be externally calibrated at a local calibration laboratory.
- s) It should not be possible for an unauthorised person to change the settings of the instrument.
- t) Calibration personnel shall be trained and certified by the supplier.
- u) All equipment used in Eskom in the course of testing for substance abuse shall be calibrated in accordance with the manufacturer's prescription, not less than six-monthly, or as per minimum criteria from manufacturer and/ or supplier specifications, even if the calibration check is within acceptable limits, and a complete record of such calibration shall be kept in a dedicated register.
- v) Under no circumstances shall an instrument be used that has not been calibrated within the specified period.
- w) The sensor should have a warranty period of at least 24 months.
- x) Shall be well maintained according to manufacturer and/or supplier specifications, with internal status checks to be done at a set frequency.
- y) To be submitted for maintenance/repairs and/ or calibration, when determined to be faulty, damaged or delivering invalid results.
- z) To be stored in a safe and sound location, as per manufacturer and/or supplier specifications.
- aa) To be legibly marked with unique identification and registered accordingly on an equipment register/ inventory.
- bb) To be for the sole use of the certified tester.

3.5.2 Equipment requirements: Urine and saliva drug instruments

- a) Shall be portable.
- b) The sealed sampling/testing kits should be opened in the presence of the person to be tested and should be used once only.
- c) The test instrument shall cover a minimum of six different drug components which are:
 - i. Amphetamine (AMP),

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- ii. Benzodiazepines (BZO),
 - iii. Cocaine (COC)
 - iv. Marijuana (THC),
 - v. Methamphetamine (MET),
 - vi. Opiate (OPI 2000).
- d) Should be able to operate in a temperature of -5 to +40°C.
 - e) Shall comply with specification requirements stipulated by recognised international standards laboratories.
 - f) Should indicate an invalid urine or saliva sample.
 - g) Testers shall be trained and certified by the supplier.
 - h) All instruments used in Eskom in the course of testing for substance abuse shall be kept under the manufacturer's prescription.
 - i) Shall be well maintained according to manufacturer and/or supplier specifications, with internal status checks to be done at a set frequency.
 - j) To be submitted for maintenance/repairs and/ or calibration, when determined to be faulty, damaged or delivering invalid results.
 - k) To be stored in a safe and sound location, as per manufacturer and/ or supplier specifications.
 - l) To be legibly marked with unique identification and registered accordingly on an equipment register/inventory.
 - m) To be for the sole use of the certified tester.
 - n) The same/similar calibration criteria should apply, as mentioned for the above instrumentation.

3.5.3 Screening/testing requirements

- a) All screening/testing for substance abuse in terms of this procedure shall be done in accordance with the applicable legislation.
- b) Testing will be done at points/locations best suited to enable confidentiality and non-disruption of traffic and/or services; and
- c) Any screening/testing shall be done with due cognisance of, and consideration for privacy.

3.5.4 Testers

- a) Each site will be issued with applicable test instrument(s). Testers will be trained in the use of the test instrument(s) and may be required to undergo evaluation or retraining in this regard.
- b) The tester shall be responsible for the maintenance and calibration of the test instrument following the manufacturer's handbook.

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- c) The tester shall be responsible for maintaining the test register of the test instrument.
- d) On a monthly basis, the test register of each instrument(s) shall be forwarded to the SHEQS Manager/Safety risk manager. The tester shall keep a copy of the test register on file.

3.5.5 Test register

The tester shall record the details of each and every test in the drug and/or alcohol test register.

3.6 Testing process

3.6.1 Drug testing procedure

- a) If someone is suspected to be under the influence of drugs, based on the observation process, he or she will be tested according to the requirements specified in this document.
- a) The line manager shall initiate testing and arrange for a qualified/trained person to conduct the test at a designated area.
- b) The qualified/trained person shall make the necessary arrangements for the test and obtain the person's express consent verbally or, where required, in writing.

3.6.2 Conducting the test and recording the results

The qualified/trained person shall conduct the test and record the result following the procedure for testing as set out in this document.

3.6.3 Interpretation and feedback

- a) The qualified/trained person shall interpret the results of the test and provide an explanation of these to the relevant line manager, with specific reference to the presence of drugs in the sample.
- b) In the event that the line manager receives evidence of substance abuse in contravention of Eskom's Life-Saving Rules, a disciplinary process shall be instituted following Eskom's Disciplinary Procedure.

3.7 Refusal to undergo testing or failure to provide an adequate testing sample

- a) Cooperation with the testing process provides the person with an opportunity to prove compliance with the procedure.
- b) A person who is suspected of being under the influence or who is selected for testing in terms of this procedure and who refuses to undergo appropriate testing or who fails to provide an adequate breath, urine, or saliva sample shall be removed from the work site immediately and shall not be remunerated for the period not worked.

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- c) Refusal by a person to undergo a substance abuse test or to provide an adequate breath, urine, or saliva sample may result in an adverse inference being drawn against the person's version and shall lead to a situation, which may result in disciplinary action taken. In the case of a contractor, such refusal may result in the exclusion of that contractor from Eskom's workplaces.

3.8 Procedure for call-out and standby persons

3.8.1 Call-out (not on standby)

- a) A call-out (not on standby) for the purposes of this procedure is where, without prior notice or arrangement, a person is requested to report for duty outside of his/her normal hours of work.
- b) A person must declare when he/she is called out, whether or not he/she has been drinking alcohol or using any drugs or controlled substances since his/her last period of duty.
- c) A person reporting for a call-out who is under the influence of alcohol, or drugs/controlled substances will not be allowed to enter the site or perform any task.

3.8.2 Standby

- a) Standby, for the purposes of this procedure, is where a person is paid a standby allowance/premium to make his/her services available outside normal hours of work over a pre-agreed period (for example, a standby roster).
- b) Persons shall not use any alcohol, drugs, or controlled substances while on standby. In any event, persons on standby shall ensure that they are not under the influence, as defined in this procedure, at any time during the standby period.

3.9 Disciplinary process

Being under the influence, consuming alcohol or drugs/controlled substances, and/or engaging in improper or unlawful activity related to alcohol or drugs/controlled substances while on Eskom's premises or Eskom business constitutes serious misconduct, and a person will be subject to the disciplinary process in terms of Eskom's Disciplinary Procedure.

3.10 Rehabilitation for substance abuse (alcohol or any type of drugs)

- a) When substance abuse has become a problem to the extent that an employee's functioning is impaired and he/she finds it difficult to carry out and perform his/her normal day-to-day work-related duties, the employee may seek evaluation and rehabilitation.
- b) Rehabilitation is among the best options in the treatment of substance abuse and addictions, where an individual is admitted to an approved institution specialising in the treatment of such for a set period.

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- c) Persons who voluntarily seek evaluation and rehabilitation before they are found to be under the influence at work are assured that they will not be dismissed because of their participation in a rehabilitation programme, although they will not be exempt from disciplinary action arising from other conduct.
- c) Persons who did not voluntarily seek evaluation and rehabilitation and were found to be under the influence at work will be subject to disciplinary action. Such persons may be referred for rehabilitation for substance abuse following such misconduct depending on the circumstances of each case.
- d) All assistance is confidential, and it will not impact the person's future at Eskom.
- e) Eskom's intention is to assist, not punish, employees who voluntarily seek treatment and rehabilitation before they are found to be under the influence at work. However, employees who only admit to substance dependency at the time of the commission of misconduct or at any time thereafter will be subject to disciplinary action.
- f) It is best to deal with the problem before it becomes a disciplinary matter.

3.10.1 Process to follow

- a) Where the initiator is the employee, the employee should contact anyone in the health and wellness team of professionals (for example, the Eskom medical practitioner, occupational health nurse practitioner, employee assistance practitioner, or wellness practitioner) in his/her area of work.
- b) Where the initiator is either a line manager, supervisor or a colleague, the reasons for referral should be discussed with the employee concerned and consent for referral be agreed on by the employee. NOTE: This excludes TES employees, contractors and their employees, consultants, and visitors

3.11 Confidentiality

When an employee voluntarily seeks treatment or is advised by the occupational health practitioner/EAP practitioner that he/she requires treatment, all information will be treated confidentially between the practitioner and the employee. When management refers an employee for assessment or treatment, the employee's personal medical details will remain confidential.

If, in the opinion of an occupational health practitioner, a situation arises where an employee could endanger himself/herself and/or fellow workers, the employee's manager shall be advised. The employee's manager shall also be advised if, in the opinion of an occupational health practitioner, an employee is unfit to perform the task or tasks assigned to him/her.

NOTE: this excludes TES employees, contractors and their employees, consultants, and visitors.

4. Acceptance

This document has been seen and accepted by:

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5. Revisions

Date	Rev.	Compiler	Remarks
December 2008	1	Christinah Maphanga	Revised and updated 32-37
July 2014	2	Metse Mphelo	Revised and updated to align with Eskom requirements and the Life-Saving Rules Standard
May 2016	3	Alex Stramrood	Revised and updated with input from FTHSRs, and more direction was provided regarding drug testing. Content and changes shared at CCF during August 2017
August 2023	4	Mike Townsend	Revised and updated in line with the review date

6. Development Team

The following people were involved in the development of this document:

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7. Acknowledgements

Risk and Sustainability OHS staff

Organised Labour CCF representatives

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