



8.6 Substance Abuse and Dependency Policy

8.6.1 Objective

The primary objective of this policy is to provide guidelines to Management to ensure that substance-dependant employees are dealt with in an appropriate manner, including educating employees to prevent substance abuse developing amongst employees. It is further the objective to emphasise, to all employees, the seriousness of substance abuse and dependence in the workplace and the possible consequences thereof.

8.6.2 The Nature of Substance Dependency

The Company recognises that substance dependency is an illness which can be treated and brought under control only with the full realisation by the affected person that they are suffering from the illness.

Substance Dependency can be viewed as a disease in which a person's consumption of any habit-forming substance definitely and repeatedly interferes with that individual's health and welfare and/or work performance.

8.6.3 Policy

The following principles shall apply:

- Employees, who suspect that they shall have a substance dependency problem, even in its early stages, are encouraged to seek diagnosis and treatment that shall be prescribed by qualified professionals. Such an employee shall consult their line manager who shall refer them to the Human Resources Department, alternatively that the employee shall have themselves referred;
- The decision to request diagnosis and accept treatment is the personal responsibility of the individual whilst the line manager and Human Resources Department shall attempt to facilitate the process of referral;
- Should the employees' work performance be adversely affected as a result of a substance abuse problem, and shall such employee refuse to accept referral for diagnosis or to follow prescribed treatment, normal disciplinary procedures in respect of work performance shall be followed;
- The confidential nature of the records of the individual employee with substance abuse problems shall be strictly preserved at all times and shall be accessible only to appropriate and qualified Human Resources employees;
- Sick leave shall be granted, within Company policy, for the purpose of treatment or rehabilitation. Should the employee prefer not to utilize the treatment facilities arranged by the Company, through Employee Assistance Programmes, they are at liberty to make use of facilities provided by any other professional treatment institution. All cost related to treatment shall be dealt with through the medical aid of the affected employee;



It is expected of the employee, who has been referred for treatment, to co-operate fully with the relevant institution. Should the employee refuse to co-operate or show no motivation to rehabilitate themselves after having received treatment, their services shall be terminated on the grounds of incapacity and/or unsuitability;

- Employees shall not use Employee Assistance Programs to avoid imminent disciplinary action. In cases of this nature, impending disciplinary action shall proceed as though there is no case of substance abuse/dependency and
- The employee shall however be free to undergo the necessary treatment in terms of this policy.

8.6.4 Alcohol Consumption or Intoxication at Work

To ensure that alcohol consumption and intoxication at work are dealt with appropriately, noting substantive fairness, it is required to make a distinction between alcohol consumption and intoxication from alcohol.

- Alcohol consumption: the employee has consumed alcohol.
- Intoxication: the employee is incapable of performing duties expected as a result of alcohol.

This distinction is important as it might influence the decision as to whether the employee shall be dismissed for intoxication or receive a final/written warning for consumption of alcohol on duty. As a general rule, the consumption of alcohol at the workplace is viewed as a serious infringement and is not allowed.

8.6.4.1 Factors for Consideration

There are a number of factors which shall be considered in making an equitable decision and these are reflected below:

- Is this a first offence or is the employee in receipt of written warnings of other disciplinary offences. Should the employee be a first offender, then the degree of consumption of alcohol needs to be considered;
- The position of the employee;
- The duties of the employee;
- The potential danger to the health and safety of the employee and other employees or to the Company property and
- The prejudice suffered by the Company.

8.6.4.2 Proving Intoxication or Alcohol Consumption on Duty

There are two (2) ways of proving intoxication or alcohol consumption on duty. The first is by visual observation and the second by testing.

Visual Observation

The following indicators are viewed to be relevant:



- Bloodshot eyes, dilated pupils, signs of slurred and incoherent speech, breathe smelling of alcohol, unsteady gait, etc.

It shall be borne in mind that the line manager does not have to obtain medical proof that the employee is intoxicated or even that they had any alcohol in their bloodstream. All that needs to be shown is that based on visual observations and circumstantial evidence, it was reasonable to assume that the employee was under the influence of liquor.

To be substantively fair, a management witness, an employee representative and the line manager/supervisor shall be involved in the procedure. These officials would then be witnesses to the fact and the following shall be determined:

- Is the employee sober, has alcohol merely been consumed, or is the employee intoxicated;
- Is the employee capable of fulfilling the obligations of employment in a competent manner.

Testing

Alco tester/Breathalyser

It is important to note that the Alco tester or breathalyser test is considered by law only to give an indication of possible alcohol intake. A reading contained on the Alco tester merely supports the visual observation tests and circumstantial evidence.

Blood test

The only conclusive proof of the exact percentage of alcohol in the bloodstream is by a blood test. Employees retain the right to refuse to be subjected to this test. The line manager is however entitled to take action based on visual observations of the employee's conditions.

An employee suspected to be under the influence does have a choice regarding an alcohol test and blood alcohol tests shall only be conducted by a qualified registered medical practitioner.

8.6.5 Outcome of Findings

If there is no doubt that the employee is sober, then the process shall be terminated instantly.

If it is clear that the employee has either consumed liquor or is intoxicated then the employee and their representative shall be notified in writing (standard notification form) that a disciplinary hearing shall be held as soon as possible, noting that the employee is to leave the premises of the Company immediately.



8.21 Standard Operating Procedure: Incapacity, Ill-Health, Injury and/or Disability

8.21.1 Scope

- This policy applies to all employees and shall be read in conjunction with the Company's medical aid policies and procedures. Incapacity on grounds of ill health or injury shall be managed according to the provisions of the Labour Relations Act, No 66 of 1995 and the Code of Good practice of people with disability (Employment Equity Act). Disability as a consideration in this process shall be dealt with in terms of the Insurance Policy the Company subscribes to;

It is recognised that a medical condition can be managed in such a way that an employee is fully productive in the work environment. This policy however provides for the fact that some employees might not be able to continue work, and other alternatives shall be investigated;

- Incapacity on the grounds of ill health and/or injury shall be of a temporary or permanent nature. The investigation of incapacity can be initiated by the Company or can be requested by the employee;
- It is however essential to ensure that incapacity dealt with through a counseling process, involving the employee at all times;
- Absence from work as a result of incapacity shall be managed strictly in accordance with the Company's leave provision policies and procedures;
- Any investigation towards incapacity in terms of ill health or injury shall be accompanied by relevant medical evidence and reports;
- Affected employees shall be requested to submit the required reports from their medical practitioners and both the Company and the employee shall finalise the process noting urgency, confidentiality and the supply of information as and when required;
- The Company shall request that an employee be examined by an independently appointed medical professional and that a confidential report be submitted to the Company as to facilitate the finalisation of the incapacity process. Payment of costs related to such medical reports shall be facilitated through the employee's medical aid, unless approved differently.

8.21.2 Temporary Incapacity

- If an employee is temporarily unable to perform the work he/she was appointed to do, the Line Manager, in conjunction with the Human Resources Department, shall investigate the extent of the incapacity. The Line Manager, with the assistance of the Human Resource Department, shall allow the employee the opportunity to state his/her case and the employee shall be encouraged to seek assistance from a fellow employee or shop steward and
- If the employee is likely to be absent from work for an unreasonably long period in the line manager shall investigate all the possible alternatives short of termination of service. In considering alternatives, relevant factors such as the nature of the job, the seriousness of the incapacity on business operations and/or other employees and alternatives to termination of service shall be explored.



8.21.3 Permanent Incapacity

- Shall the employee be permanently unable to execute the duties he/she was appointed to do, the Line Manager, in consultation with the employee, shall explore the possibility of alternative employment within the Company or amendment of the duties or work circumstances to accommodate the employee's

incapacity. This shall be done without any negative impact on the daily operations of the Company;

- Alternative employment and/or the amendment of duties are specifically relevant in cases where the employee was injured on duty or if the employee incurred a work-related illness. A decision to terminate services shall be based on tangible and defensible documentary evidence unless the employee on their own accord decides not to continue with their work as a result of incapacity;
- If termination of service is the only possibility, determination of the appropriate period of notice according to the contract of employment is required. Adjustment of the notice period can only be effected if approved in accordance with the Company's delegated levels of authority and
- The decision to terminate services, the amendment of duties and/or redeployment in another position has to be made separately to /simultaneously with an application for disability retirement, depending on the circumstances.

8.21.4 Disability

An application for disability retirement can be initiated as part of the process of incapacity management, shall it be determined that the employee is experiencing a state of total incapacity as a result of injury; illness or disease, which results in the employee being unable to perform the normal duties of his/her occupation. The disability claim process and requirements shall be adhered to, noting the Company's Insurance policy documents and time frames.

- What Do I Have to Know About a Disability Application as an Employee?

Applying and receiving disability benefits is a complex process, which shall impact on many aspects of an employee's life, and therefore important that all employees fully understand and complies with the set requirements.

The granting of disability benefits is a decision that rests with the insurance Company contracted to the Company is based on various factors, and not only just a prevailing medical condition. Hence, even though an employee shall believe that he/she is ill, or the employee's medical practitioner indicates that the employee is disabled, the employee shall only be granted the benefit of the conditions stipulated in the disability policy are satisfied. Further conditions related to waiting periods, retirement fund requirements, leave and sick leave provisions are detailed in the relevant policy documents.

8.21.4.1 The Following Conditions Shall be Noted:

- One (1) of the conditions of the policy is that after two (2) years, the definition of disability changes. An employee shall therefore qualify for a disability benefit initially, but after a maximum period of two (2) years the



situation would be reviewed, and the benefit shall be discontinued. The Company is not obligated to reinstate the employee in another position as a result of the fact that the formal employment terminated on the date that the employee was admitted as being disabled by the insurance Company;

- The employee would remain a member of the Company retirement fund for as long as the employee is disabled, and membership would only terminate if the employee is found to no longer be disabled or, if the employee died or retired. Whilst the employee shall retain the death benefit;
- There are some criteria, which immediately disqualify an employee from receiving a disability benefit, regardless of the employee's medical condition – these are listed as “exclusion clauses” and are reflected below;
- Alexander Forbes handles all medical information needed whilst processing a disability claim in the strictest of confidence;
- The Company is usually not involved in the collection and analysing of medical evidence;
- Hence employees shall be reassured that they shall in no way be discriminated against on the basis of having a medical condition.
- There are various other technical and benefit issues regarding disability and more information on this is available as part of the Insurance Policy of which information can be obtained from the Human Resources department;
- It is essential however that staff are aware that there are serious psychological; vocational and social implications and hence an application for disability benefits needs to be given serious consideration. At the same time, staff shall be reassured that Company is always willing to assist when faced with a legitimate medical condition.

Since the application and approval for disability benefits shall be determined by the rules of the Disability Benefit Insurers, employees shall note of the listed exclusion clauses relevant to a disability application.

8.21.4.2 Exclusion Clauses of Interest and Relevance to you

Pre-existing condition

- The condition would be applicable if the disability occurs within twelve (12) months of employment and eligibility for the benefit or recommences within twelve (12) months of recovery, and the disability results directly or indirectly from an illness or injury for which the employee consulted a medical advisor or receive treatment during the twelve (12) month period prior to employment and eligibility for the benefit. There is a possibility that the employee shall be exempted from this provision if the employee were a member of a previous income disability benefit scheme. Further information is available from the Human Resources Department.

Active at Work Clause

- The condition requires the employee to be at work on the first working day of employment. If the employee is absent from service on the first day of employment due to illness, an accident or injury and are incapable of performing the job for which the employee was employed, the employee shall only become eligible for the benefit after completing two (2) consecutive months of duty.



No Claim Shall Be Admitted If It Arises Directly or Indirectly From, Or Is Traceable To:

- An act of willful self-injury;
- War and armed conflict, terrorism or insurgency activities, uprising, civil commotion, rebellion, sedition and sabotage, or any security force activity;
- A deliberate act in the violation of criminal law;
- The refusal to undergo medical attention, surgery or appropriate treatment which could reasonably be expected;
- The participation in dangerous pursuits, which are defined as motorised speed contests and racing, parachute jumping, skydiving, hang gliding, mountaineering, deep sea diving and bungee jumping and
- Traveling or flying in an aircraft other than a fair-paying passenger on board the aircraft of a registered airline operator flying between recognised airfields.

The above is a summary of the relevant policy conditions and does not contain all the conditions applicable to the income disability policy. In the event of a dispute the policy shall be referred to and shall be binding.

Shall the disability not be approved in terms of the mentioned insurance rules, the manager, employee and the Human Resources representative shall consider alternatives to the performance of the employee's own occupation. Relevant factors such as the nature of the job, the seriousness of the incapacity, the securing of a temporary replacement, the effect of the incapacity in the business operations and/or other employees and alternatives to dismissal shall be explored.

8.21.5 Documentation

The process followed to determine incapacity, shall be accompanied by the relevant documentation. Any documentation or written communication, termination information and formal decisions shall be done in accordance with the requirements of the LRA and policy documents