

FITNESS FOR DUTY PROCEDURE MANUAL

Alcohol and Drug Module

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PURPOSE

Bitu-mill is highly conscious of the safety and well-being of its employees, subcontractors, contractors, and the wider community. This extends to limiting the potential hazards associated with the effects that drugs and alcohol in the workplace.

The aim of this policy is to assess areas that may affect the employee's fitness for duty taking into consideration the following"

- Their general level of personal fitness and/or medical conditions
- The consumption of alcohol
- The use of drugs (prescription, non-prescription or illicit)
- Fatigue
- Stress

When will Tests be conducted?

Employees under an EBA are required to have a full medical check-up every twelve months to ensure their fitness to conduct the work required and to identify any risks that they may be exposed to in conducting their duties. This medical is to include an annual urine test for Drugs and Alcohol under medical supervision.

Will I be required to have further tests?

Further testing may be required in the event that an employee returns a positive test at the annual medical, or where there has been a near miss incident at the workplace involving the employee.

Random on site testing will be a saliva test and will be conducted where required by the principal contractor at any given workplace as a condition of engagement of Bitu-mill on site.

Who will conduct the test?

The testing will be done at a medical centre for the annual urine test and samples sent to an approved laboratory. Random tests will be conducted by in accordance with the details of accreditation contained in this policy.

Is the test private and confidential?

The testing is conducted to ensure the well-being of the individual employee and to assist both the employee and employer in working in safety together. Testing is treated as confidential between the employee management and the relevant medical authority.

Can I refuse to be tested?

An employee may choose to refuse a test. Such a refusal will be treated as a positive test and the employee will be stood down and refused access to any Bitu-mill worksite until such time as the test is undertaken. The employee will not be entitled to pay other than requesting accrued leave (annual, RDO's) during this period and until such time as the employee has undertaken the test.

What happens if I record a positive test result?

In the event that a positive test result is obtained by a saliva test you may be requested to conduct a follow up urine test for laboratory certification.

Should that test prove positive you will be asked to meet with management for a personal consultation to discuss the test results.

The aim of this meeting is to educate you on the dangers of drugs and alcohol in the work place, to discuss any personal issues that may be involved and to assess if there is a direct impact on your ability to perform the work. Bitu-mill will support the employee in seeking voluntary counselling by a recognised authority or rehabilitation centre and will help with the cost associated with such avenues.

This is a case by case measure and Bitu-mill will try to work with employees on a rehabilitation programme.

Employees may call for a mediator to assist with any discussion in this regard.

None the less the policy of Bitu-mill is based on a zero tolerance to Drugs and alcohol where it affects those on the worksite.

Introduction to the Policy:

This Policy outlines the principles that will be used by BITU-MILL in determining fitness for duty- alcohol and drug. It also outlines the processes that will be established to assist all personnel including managers in making judgements to correctly implement this strategy so that an enhancement of the standard of health and safety in the workplace is achieved.

This Policy has been compiled in a manner that is as non-punitive as reasonably possible. Yet it includes measures that have been intended to deter/correct any errant behaviour that might compromise the health and safety of employees/contractors, the public and other stakeholders of the organisation.

Procedures to be adopted by BITU-MILL for controlling the risks associated with the improper use of drugs and alcohol include; workforce education, counselling (including possible referral to Employee Assistance Programs (EAP), drug and alcohol testing and subsequent action for alcohol and laboratory confirmed positive test results.

SCOPE

This Policy applies to all employees, contractors and visitors whilst on duty or at a BITU-MILL facility or whilst performing in association with BITU-MILL.

DEFINITIONS

Collector – A representative of the drug and alcohol testing service provider who has undertaken and completed an accredited training course (that meets the Competency Standard) or a medical officer qualified to collect samples for sending to a recognised laboratory.

Drug – Any substance, article, preparation or mixture (with the exception of alcohol) whether gaseous, liquid, solid or in any form which, when consumed or used by any person, deprives him or her either temporarily or permanently of any of his or her normal mental or physical faculties. For the purpose of this policy the term shall be applied to the drugs/metabolites in Table 3 Confirmatory Test Cut-Off Levels in AS/NZS 4308:2008 (for urine) and as per the Test Cut-Off Levels in AS 4760:2006 (for oral fluid saliva).

Heavy Mobile Equipment – describes an aircraft, vehicle or other machine that requires human operation and weighs more than 200kg.

Fitness for duty – describes the physical or mental condition of a person whereby the person can be reasonably expected to undertake a task without incurring unacceptable risks to the health and safety of both themselves and any other person.

Non-prescribed drug – any drug legally obtained but not prescribed by a medical practitioner including but not limited to “over the counter” medication

Prescribed drug – any substance prescribed by a medical practitioner that has restriction or specific instructions associated with its use.

Shall/Will – indicates that a statement is mandatory

Should – indicates a recommendation

POC – Point of Collection or Point of Care device

Alcohol – Ethyl Alcohol, Ethanol

Metabolite – a substance formed in the human body by a biochemical reaction. For the purposes of this policy its meaning shall be restricted to metabolites formed from drugs and as such the confirmed presence of a metabolite acts as a marker of drug use.

BAC – Blood Alcohol Concentration or its equivalent Breath Alcohol Concentration. The units used for expression of Blood Alcohol Concentration in this policy being per cent (%) with the equivalent breath concentration being expressed as grams to 210 Litres of expired breath

Laboratory – A laboratory which has been accredited by NATA to carry out chemical analyses in conformity with the requirements of AS/NZS 4308:2008 (“Procedures for the collection, detection and quantisation of drugs of abuse in urine”) or AS 4760:2006 (“Procedures for the collection, detection and quantisation of drugs in oral fluid”).

NATA – National Association of Testing Authorities

NIDT – Non Instrument Drug Testing Device

Transportation – Any form of transportation controlled by a person for which a licence is required and other forms of transport capable of being used on public roads such as but not limited to bicycles and animals

Contractor – A person who carries out any work required by the company but is not an employee of the company

Persons – Employees, contractors and visitors

REFERENCES

- Australian/New Zealand Standard; AS/NZS 4308 “Procedures for the collection, detection and quantisation of drugs of abuse in urine” (current version)
- Australian Standard; AS 4760: 2006 “Procedures for the collection, detection and quantisation of drugs in oral fluid”
- Course in Collection and Management of Samples for Workplace Drug Testing
- Australian Standard: AS 3547 “Breath Alcohol Testing Devices for Personal Use” (current version)

ACCOUNTABILITIES

All Management Staff are accountable to ensure that:

- employees and contractors undertake work consistent with their accountabilities; and
- all employees and contractors understand and accept their accountabilities under this Policy.

All employees and contractors are accountable to:

- maintain a level of personal fitness for duty required to meet the safe requirements and performance of their role;
- attend for work in a state that does not limit their ability to meet these requirements and within the limits outlined within this Policy;
- advise their manager before commencing work of any factor that may influence their fitness for duty.

Employees must ensure that their manager is advised if they are taking any prescription drug or pharmaceutical product that contains a warning that:

- ☹ the product may cause drowsiness; or

Caution should be exercised in the operation of machinery or equipment.

- ☹ to advise their manager at any time whilst performing work if they believe that they are unfit to continue for any reason

The BITU-MILL Manager or employee responsible for a visitor is accountable to ensure that the contractor or visitor meets the same standards that apply to BITU-MILL employees. Where the contractors’ employees have had to travel to site, this accountability includes ensuring that a suitable period for rest has been provided following the completion of the previous job and travel to the BITU- MILL site.

PROCEDURE

1. Education

- 1.1. The Company will address this policy to all employees during induction training and it will be emphasised as a condition of employment at BITU-MILL.
- 1.2. When requested or if necessary, the Company will provide all employees with access to information on the importance of the issues addressed by this Policy; and
- 1.3. The Company will provide contact information for relevant Assistance Programs for employees who request assistance and/or counselling in relation to any issue arising under this Policy.
- 1.4. All contractors will ensure that they meet the requirements of this section.

2. Alcohol and Drugs

2.1. Testing

- 2.1.1. All employees, contractors and visitors; whilst on a BITU-MILL site or whilst performing duties for BITU-MILL may be tested in accordance with this Policy.
- 2.1.2. BITU-MILL shall conduct an initial screening test of all BITU-MILL employees/contractors at a date to be nominated by the Company.
- 2.1.3. The testing shall be conducted by a trained Collector from a specialist drug and alcohol testing service provider.

2.2. Testing Criteria

- 2.2.1. The testing is voluntary.

However, any employee or contractor who refuses voluntary testing shall not be admitted into the premises or workplace and will be deemed to have returned a confirmed positive test result and the provisions stipulated in sections 2.8 and 2.9 shall apply as appropriate.

2.2.2. Any visitor who is requested to undergo voluntary testing and refuses such a request will not be admitted to any premises or workplace.

2.2.3. The person being tested is to complete the Consent – Chain of Custody Form which is to be provided by the Collector.

2.2.4. The tester is to follow an Alcohol and/or Drug Screening Collection Protocol (for urine or oral fluid) as documented in the testing organisation's operations manual (not part of this policy).

2.2.5. Any person who has returned a positive alcohol test and/or a laboratory confirmed positive urine or oral fluid drug test result in the last twelve (12) months may be subjected to additional alcohol and/or drug testing, in addition to the random alcohol and drug testing program for the next twelve (12) months. The selection of persons to undergo additional testing shall be at the discretion of BITU-MILL.

2.3. Random Testing

2.3.1. Random testing will be carried out in a non-discriminatory manner that involves a neutral selection process.

2.3.2. An impartial selection process will randomly select when testing is to occur, and which random group (or individuals) will be tested. This process is designed to ensure that employees are breath alcohol tested at least four times per year and for drugs at least, twice per year.

2.3.3. All employees within the workgroup chosen will be tested. Employees selected for drug testing may be a subset of those selected for breath alcohol testing.

2.3.4. In the event that any person selected for testing is not available at the scheduled time, the Collector will record this and the designated senior manager will investigate the circumstances relating to that person's inability to attend on that occasion. At the discretion of the designated Senior Manager that person may be included in future additional random testing performed by the company. Several specific reasons for non-attendance such as refusal to test are dealt with further within this policy.

2.4. Significant Incidents

2.4.1. In the event of a significant incident that involves injury or equipment damage, the Company will require all persons involved and any witnesses to the incident to be tested for alcohol and drugs in accordance with this policy.

2.5. Testing at the Request of a Manager

2.5.1. In the event that a manager has reasonable suspicion that a person may not meet the "Fitness for Duty" drugs and alcohol criteria; the manager shall direct them to the approved testing contractor for assessment. A drug and/or alcohol test may be administered and the provisions of Section 2.2.1 applied.

2.5.2. In the event that an employee or contractor has a reasonable suspicion that another employee or contractor may not meet the "Fitness for Duty" drugs and alcohol criteria, they shall request via their manager for the person so suspected to undergo an assessment. The manager shall consult with that person and direct them to the approved testing contractor to undergo an assessment. A drug and alcohol test may be administered and the provisions of 2.2.1 applied.

2.5.3. In the event that it is not possible or practical to direct such a person as stipulated in 2.5.1 or 2.5.2 to an approved testing contractor for assessment, the person will be relieved of active duty and asked to remain in an area where they present no safety risk to other staff members or the public, and/or they shall be taken home or arrangements made for their safe transport from the workplace.

2.5.4. The Company may carry out more frequent monitoring of specific groups or individuals where the manager considers it appropriate to do so.

2.6. Pre-Employment Testing

2.6.1. The Company may require prospective employees to undertake a drug and/or alcohol test as a pre-requisite to establishing an employment contract with the company.

2.6.2. The results of such testing may be considered amongst other criteria in determining the suitability in matching that person to the task(s) required in that role.

2.7. Testing Instruments

2.7.1 Alcohol

2.7.1.1 Alcohol testing will be achieved by collection and analysis of a breath specimen utilising a calibrated breathalyser that meets the Australian Standard AS 3547 "Breath Alcohol Testing Devices for Personal Use" and/or OIML International Measurement Standards. A positive initial test will require a further analysis after the expiry of 20 minutes from the first test. The lower concentration reading shall be used as the basis of any action to be taken. In terms of this policy the second test is deemed to be confirmatory as to the presence of alcohol.

(Note: The second reading is not necessarily the lower reading as the person may still be in the absorptive phase with the blood alcohol concentration rising.)

2.7.2. Drugs

2.7.2.1. Drug testing will be undertaken by the collection and analysis of a urine or oral fluid sample using a urine or oral fluid testing device and laboratory confirmation testing where required utilising the parameters stipulated in this policy and in accordance with AS/NZS 4308:2008 (for urine) or the confirmatory cut-off levels stipulated in AS 4760:2006 (for oral fluid).

2.7.2.2. Testing shall screen for the following classes of drugs:

- Amphetamines
- Benzodiazepines
- Opiates
- Cannabinoids
- Methamphetamines
- Phencyclidine

2.7.2.3. An authorised collector shall undertake initial screening tests using a NIDT device. All collection and possible dispatch procedures shall be in accordance with AS/NZS 4308:2008 (for urine) Or the manufacturers' directions for saliva

2.7.2.4. Subsequent confirmation testing on any specimens that have produced "presumptively positive" results by use of the NIDT shall be conducted at a National Association of Testing Authorities (NATA) AS/NZS 4308:2008 (for urine) or AS 4760:2006 (for oral fluid) accredited laboratory. The drug classes to be screened for and the drugs/metabolites to be confirmed (if applicable) and the concentrations of the drug/metabolites at or above which are considered "positive" for both the NIDT device (as of AS/NZS 4308:2008 (for urine) or AS 4760:2006 (for oral fluid).) and the laboratory confirmation (as of AS/NZS 4308:2008 (for urine) or AS 4760:2006 (for oral fluid)).

2.8. Test Results – Alcohol Testing

2.8.1. Alcohol Breath Test – BAC of 0.00% or Refusal to Undergo a Test

In accordance with the alcohol testing procedure (section 2.9.1), employees or contractors with a BAC of more than 0.00%

2.8.1.1. Shall not drive heavy mobile equipment, operate machinery or undertake maintenance work

2.8.1.2. Shall not train or be trained to operate mobile equipment or machinery

2.8.1.3. May be able to do work approved by the individual's manager of the area following an assessment of the risks associated with the work

2.8.1.4. If applicable, a contractor's employer or the contractor's site representative shall be informed as soon as possible and a subsequent written report sent to the contractor's designated manager.

2.8.1.5. If an employee/contractor is placed on restricted work as a consequence of their result, a further test shall be conducted one hour after the second test was conducted to ascertain their current status

2.8.1.6. If the employee/contractor cannot carry out their normal role, the employee/contractor may be sent home or stood aside until their BAC drops to 0.00%. Persons who are known to hold a restricted driving licence will be counselled against being in charge of any form of transportation. If this advice is refused and they elect to do so, the person shall be informed that BITU-MILL would have an obligation to report the matter to the police.

2.8.1.7. Employees who cannot carry out their normal role will be counselled and a copy of the record of discussion placed on their personal file in accordance with the requirements of sections 2.9.11 to 2.9.12 as appropriate

2.8.1.8. Persons who refuse to have a breath test will be deemed to have a BAC of 0.05% or greater.

Persons who intentionally and without permission or legitimate reason leave the test site without providing a breath test when requested to do so will be deemed to have a BAC of 0.05% or greater. Such persons are to be dealt with using the appropriate clauses of Section 2.8.2.

2.8.1.9. Repeated breaches of the alcohol levels stipulated within this policy will be dealt with in accordance with the company's normal disciplinary procedures.

This may result in termination of employment for an employee or termination of a contractor's employment at the workplace at the discretion of BITU-MILL.

2.8.2. Alcohol Breath Test – BAC of 0.05% or Greater or Refusal to Undergo a Test

2.8.2.1. In accordance with the alcohol testing procedure (section 2.8.1), persons with a BAC greater than 0.00% are unfit for work and/or unfit to be on the worksite. Employees/Contractors will be stood aside.

2.8.2.2. The company manager may send the employee/contractor home. Visitors will be taken out of the workplace and sent home. If sent home, the person will be provided with transport or asked to arrange for their own transport. Persons shall be advised that they should not be in charge of any form of transportation. If this advice is refused and they elect to do so, the person shall be informed that BITU-MILL would have an obligation to report the matter to the police.

2.8.2.3. If applicable, a contractor's employer or the contractor's site representative shall be informed as soon as possible and a subsequent written report sent to the contractor's designated manager.

2.8.2.4. Persons who refuse to have a breath test will be deemed to have a BAC of 0.05% or greater. Employees/Contractors who intentionally and without permission or legitimate reason leave the test site without providing a breath test when requested to do so will be deemed to have a BAC of 0.05% or greater.

2.8.2.5. Employees will be counselled and a record of discussion entered on their personal file in accordance with the requirements of sections 2.9.11 to 2.9.12 as appropriate.

2.8.2.6. Repeated breaches of the alcohol levels stipulated within this policy will be dealt with in accordance with the company's normal disciplinary procedures.

This may result in termination of employment for an employee or termination of a contractor's employment at the workplace at the discretion of BITU-MILL.

2.8.2.7. Should an employee/contractor claim that they have not been using alcohol or dispute that their reading is above 0.0% BAC they will be given the opportunity to have either a saliva alcohol test carried out using an approved POC saliva alcohol testing device or a breath alcohol test using a disposable dichromate crystal test certified to AS 3547. A significant discrepancy in the results can be used in mitigation.

2.8.2.8. In relation to contractors BITU-MILL will charge the contracting company for all costs incurred.

2.8.3. Payments

2.8.3.1. Employees will not be paid for time they are stood aside. The Employee will be required to pay for pathology / doctor costs in obtaining a negative result to enable the person to return to work.

2.8.4. Calibration of Testing Equipment

2.8.4.1. Equipment used for breath testing must be calibrated in accordance with the Australian Standard AS/NZS 3547.

2.9. Test Results – Drug Testing

2.9.1. Negative on-Site Drug Screening Test

Persons returning a negative result to the on-site screening test shall:

2.9.1.1. Return to normal duties after completion of the necessary paperwork by the collector or if a visitor be admitted to the workplace.

2.9.1.2. Should the collector form a reasonable suspicion that the person may not meet the "Fitness for Duty" drugs criteria even though they have returned a negative test, the collector shall advise a company manager and the manager shall request an independent medical examination by a qualified medical practitioner.

2.9.1.3. The manager under advice from the medical practitioner may return an employee or contractor to normal duties or allocate suitable duties if required and available. A visitor may be admitted to the site if considered under medical advice to be unaffected by drugs and excluded from the site if considered affected by an unknown drug or condition.

2.9.1.4. If a decision has been made that an employee or a contractor is unfit for suitable duties, the collector shall split the urine or oral fluid sample between two (2) sample containers and both shall be sent to an NATA approved laboratory for a comprehensive analysis for drugs. One (1) sample shall be analysed while the remaining sample (1), the referee sample, will be stored appropriately at the laboratory and is and shall remain the property of the Donor until the expiry of the appeal period. After the expiry of this period, it may be destroyed in accordance with the laboratory's policy for disposal of samples.

- 2.9.1.5. If a contractor is considered unfit for suitable duties, the contractor's employer or the contractor's site representative shall be informed and a subsequent written report sent to the contractor's designated manager.
- 2.9.1.6 If the person is considered unfit for suitable duties and/or unfit to be admitted to the site, they shall be transported home or asked to arrange for their own transport.
- 2.9.1.7. The person shall be advised that they should not be in charge of any form of transportation. If this advice is refused and they elect to do so, the person shall be informed that BITU-MILL would have an obligation to report the matter to the police.
- 2.9.1.8. Should a subsequent analysis of the urine or oral fluid confirm the presence of a drug (or its metabolite) which is not included in Table 3 Confirmatory Test Cut-Off Levels in AS/NZS 4308:2008 (for urine) or in accordance with the Test Cut-Off Levels in AS 4760:2006 (for oral fluid) and which is capable in expert opinion of depriving a person either temporarily or permanently of their normal mental or physical faculties, the company shall seek expert medical and toxicological advice as to the significance of the finding.
- 2.9.1.9. Based upon that expert advice, the company at its discretion may consider the analysis to be equivalent to a confirmed positive laboratory test and under these conditions proceed in accordance with Section 2.9.9 or 2.9.10 as appropriate.
- 2.9.1.10. A negative laboratory result or a result where expert opinion attaches no significance to the laboratory result shall be deemed a negative result and treated in accordance with section 2.9.13.

2.9.2. Presumptive Positive to On-Site Drug Screening Test

Persons who have returned a presumptive positive result to the on-site drugs of abuse screening test shall:

- 2.9.2.1. If the presumptive positive result is due to a drug class which contains non- prescription or prescription drugs, the collector shall ascertain in accordance with the testing organisation's operations manual whether the donor claims that the positive is due to drugs of this nature. Should the donor claim that this is so the collector shall proceed in accordance with 2.9.4.
- 2.9.2.2. Have the employee's manager informed that a presumptive positive result has been returned and in the case of a contractor the contractor's employer or the contractor's site representative shall be informed and a subsequent written report sent to the contractor's designated manager. Visitors shall be refused permission to enter the site.
- 2.9.2.3. The urine or oral fluid sample of an employee or a contractor will be split between two (2) sample containers and both shall be sent to an NATA approved laboratory in conformance with the requirements of AS/NZS 4308:2008 (for urine) or AS 4760:2006 (for oral fluid). One (1) sample shall be analysed while the remaining sample (1), the referee sample, will be stored appropriately at the laboratory and is and shall remain the property of the Donor until the expiry of the appeal period. After expiry of this period, it may be destroyed in accordance with the laboratory's policy for disposal of samples.
- 2.9.2.4. The person shall be offered transport home or asked to arrange for their own transport.
- 2.9.2.5. The person shall be advised that they should not be in charge of any form of transportation. If this advice is refused and they elect to do so, the person shall be informed that BITU-MILL would have an obligation to report the matter to the police.
- 2.9.2.6. Employees/contractors who produced presumptive positive drugs of abuse tests must provide a negative test from an approved medical practitioner before they are able to recommence work .Once a negative report is submitted the employee may resume normal duties after an information session with their manager. For a contractor, if negative, they will recommence normal duties. The result of the contractor's recommencement test will be communicated to the contractor's employer or the contractor's site representative as appropriate.
- 2.9.2.7. If the recommencement test is presumptive positive for the same drug class as the original test proceed in accordance with 2.9.2.4 to 2.9.2.6. A positive recommencement test for the same drug class as the original test is not considered a new default by the employee/contractor.

2.9.3. Presumptive Positive to On-Site Drug Screening Test – Contractor

- 2.9.3.1. Contractors who return a presumptive positive result to an on-site drugs of abuse test shall be subjected to the provisions of Section 2.9.2 and Section 2.9.4 if applicable, with the following addition
- 2.9.3.2. BITU-MILL will charge the contracting company for all costs incurred.

2.9.4. Persons Claims Test Positive On- Site Test Due to Medication

- 2.9.4.1. Where any person who tests presumptive positive for a drug test, claims that the positive result is due to medication, the following procedures shall apply.
- 2.9.4.2. The person is to sign a Medication Declaration Form stating that the presumptive positive test is due to non-prescription or prescription drug(s) that they are taking.

The person shall state the name of the drug(s) or the name(s) of the commercial preparations(s). They shall further certify that the drug(s) has/have been administered in accordance with the manufacturers' and/or Medical Practitioners' instructions. The Declaration Form also specifies that the presumptive positive test result is not due to an illicit substance.

2.9.4.3. For an employee or contractor, the urine or oral fluid sample shall be split between two (2) sample containers and both shall be sent to a NATA approved laboratory for analysis, in conformance with the confirmatory requirements of AS/NZS 4308:2008 (for urine) or AS 4760:2006 (for oral fluid).

One sample shall be analysed while the remaining sample (1), the referee sample, will be stored appropriately at the laboratory and is and shall remain the property of the donor until the expiry of the appeal period. After which it may be destroyed in accordance with the laboratory's policy for disposal of samples.

2.9.4.4. Provided the collector does not form a reasonable suspicion that the person may not meet the "Fitness for Duty" drugs criteria, the employee or contractor may return to normal duties or if a visitor be admitted to the site.

2.9.4.5. Should the collector form such a suspicion, the collector shall advise a company manager and the manager shall request an independent medical examination by a qualified medical practitioner.

2.9.4.6. The manager under advice from the medical practitioner may allocate suitable duties to an employee or a contractor if required and available. A visitor may be admitted to the site if considered under medical advice to be unaffected by drugs and excluded from the site if considered affected by an unknown drug or condition. If the person is considered unfit for suitable duties and/or unfit to be admitted to the site, they shall be transported home or asked to arrange for their own transport.

2.9.4.7. The person shall be advised that they should not be in charge of any form of transportation. If this advice is refused and they elect to do so, the person shall be informed that BITU-MILL would have an obligation to report the matter to the police.

2.9.4.8. If a contractor is considered unfit for suitable duties, the contractor's employer or the contractor's site representative shall be informed and a subsequent written report sent to the contractor's designated manager.

2.9.5. Refused Test/Intentional Leaving of a Test Site

2.9.5.1. Testing is voluntary, however to ensure that this policy is complied with, any employee or contractor who refuses voluntary drug testing shall be removed from the site under the provisions of Section 2.9.2. Employees and contractors shall be deemed to have returned a laboratory confirmed positive test result and sections 2.9.9 or 2.9.10 as appropriate will apply.

2.9.5.2. Employees and contractors who intentionally without permission or legitimate reason leave the test site without providing a urine or oral fluid specimen for drugs of abuse testing when so requested will be deemed to have a returned a laboratory confirmed positive test result and sections 2.9.9 or 2.9.10 as appropriate will apply.

2.9.5.3. Visitors who refuse voluntary drug testing or intentionally without permission or legitimate reason leave the test site without providing a urine or oral fluid specimen for drugs of abuse testing when so requested shall be removed from the site. See appropriate sections of 2.9.2.

2.9.5.4. The production of a Medical Practitioner's Certificate indicating a negative test will not exonerate the refusal or the intentional leaving of the test site without providing a urine or oral fluid specimen for drugs of abuse testing when so requested. A BITU-MILL employee shall be placed on disciplinary level at the discretion of the BITU-MILL Manager. A Contractor's employment at the workplace may be terminated at the discretion of the BITU-MILL Manager.

2.9.6. Tampering

2.9.6.1. Any employee/contractor who provides a substituted sample or interferes with a urine or oral fluid sample so as to prevent detection of a drug/metabolite, shall be placed on disciplinary procedures.

2.9.6.2. Any visitor who is suspected of substituting or adulterating a urine or oral fluid sample shall be removed from the workplace. No subsequent laboratory analysis of a urine or oral fluid sample provided by a visitor or the provision of a further sample from the visitor is required.

2.9.6.3. Any person who provides a urine sample which has a temperature either below 33oC or above 38oC within 4 minutes of voiding will be deemed to have provided an invalid sample in accordance with AS/NZS 4308. Such urine has a high probability of being a substituted sample. A subsequent sample shall be taken and tested and forwarded to the laboratory if required.

2.9.6.4. A urine sample tested with an adulterant test strip which produces a presumptive positive test to an adulterant or has a creatinine level below 20mg/100mL shall along with any subsequent specimen be dispatched to a NATA accredited laboratory for analysis in accord with the Urine Drug

Screening Collection Protocol as documented in the testing organisation's operations manual (not part of this policy). The sending of the sample to the laboratory conforms with the requirements of Section 3.3.3 (f) of AS/NZS 4308 as there is a reasonable suspicion of adulteration or water loading formed by the collector.

2.9.6.5. Should the laboratory confirm the presence of an adulterating substance or confirm that the creatinine concentration is less than 20mg/100mL using the SAMHSA adulterant cut-offs or the AS/NZS 4308:2008 (for urine) creatinine cut-off respectively, the sample will be deemed adulterated or dilute as applicable.

2.9.6.6. A BITU-MILL employee who provides an invalid specimen or an adulterated specimen or a dilute specimen shall be placed on a disciplinary level at the discretion of the BITU-MILL Manager.

2.9.6.7. Any contractor who provides an invalid specimen or an adulterated specimen or a dilute specimen may be terminated at the discretion of the BITU-MILL Manager.

2.9.7. Dispute of Laboratory Confirmed Positive On-Site Test

2.9.7.1. In the event of a dispute in regard to a laboratory confirmed urine or oral fluid test, an employee who provided the sample has fourteen (14) days after notification to appeal the result in writing. After notifying the company of their written intention to appeal the result, the person or their legal representative shall within the appeal period request in writing that either the original laboratory conduct an analysis of the referee sample, or have the original laboratory forward the referee sample to another NATA AS/NZS 4308:2008 (for urine) or AS 4760:2006 (for oral fluid) accredited laboratory for confirmatory analysis.

2.9.7.2. Should an appeal be lodged all disciplinary procedures shall be suspended pending the result of the laboratory analysis of the referee sample or, if applicable, until such time as the referee analysis has been deemed invalid (see below).

2.9.7.3. Failure by the employee or their legal representative to contact the laboratory within the fourteen day appeal period is considered to be the equivalent of no appeal being lodged with the company and any subsequent analysis will be deemed invalid and the result of the original sample will stand..

2.9.7.4. The referee sample shall be analysed in accordance with the requirements for referee samples contained within AS/NZS 4308:2008 (for urine) or AS 4760:2006 (for oral fluid). The person shall provide BITU-MILL with a copy of the laboratory results and a copy of the completed Chain of Custody form if the referee sample is sent to another laboratory for analysis. Failure to provide this information invalidates the referee analysis and the result of the original sample will stand.

2.9.7.5. If there is a break in the Chain of Custody of the referee sample, any result will be invalid and the result of the original sample will stand.

2.9.7.6. The employee requesting confirmatory analysis of the referee sample is responsible for all costs incurred, even in the event of a negative/invalid result.

2.9.7.7. A positive confirmatory result for the referee sample or a deemed invalid result will cause a re-commencement of disciplinary procedures and will be treated in accordance with section 2.9.9 taking into consideration section

2.9.8.

2.9.7.8. A negative confirmatory result for the referee sample will be treated in accordance with section 2.9.13.

2.9.7.9. Dispute resolutions processes for a contractor are a matter for contractor policy however any such process must be in accord with the dispute procedure of BITU-MILL.

2.9.8. Classification of laboratory confirmed results

2.9.8.1. If the sample returns a laboratory confirmed result to the following drugs/metabolites listed as per AS/NZS 4308:2008 (for urine) or AS 4760:2006 (for oral fluid):

- Methylamphetamine
- Methylenedioxymethylamphetamine
- 11-nor- Δ 9-tetrahydrocannabinol-9-carboxylic acid
- Benzoylcegonine
- Ecgonine methyl ester
- 6-acetylmorphine in combination with Morphine

the sample is considered positive and will be dealt with in accordance with section 2.9.9 or 2.9.10 as appropriate however if the person signed a Medication Declaration Form and the laboratory result is inconsistent with the stated medication, the BITU-MILL employee may be placed on a disciplinary level at the discretion of the employee's manager. If the person is a contractor, their employment with the company

may be terminated at the discretion of the BITU-MILL Manager. BITU-MILL will charge the contacting company for all costs incurred.

2.9.8.2. Should the laboratory analysis confirm the presence of Morphine (in the absence of 6-acetylmorphine) which in the opinion of the laboratory is commensurate with Morphine/Heroin administration or indicate the presence of Amphetamine, the person shall be required to provide proof that they hold a legitimate S8 medical prescription for the drug(s) in question (within 48 hours of the request). If the person should fail to do so and in the absence of a Medication Declaration Form the sample will be considered positive and will be dealt with in accordance with section 2.9.9 or 2.9.10 as appropriate. If the person has signed a Medication Declaration Form and the laboratory result is inconsistent with the stated medication, the BITU-MILL employee may be placed on a disciplinary level at the discretion of the employee's manager. If the person is a contractor, their employment with the company may be terminated at the discretion of the BITU-MILL Manager. BITU-MILL will charge the contacting company for all costs incurred.

2.9.8.3. Should the laboratory analysis confirm the presence of a drug/metabolite within the Benzodiazepine class or the drug Phentermine, the person shall be required to provide proof that they hold a legitimate S4 medical prescription for the drug(s) in question (within 48 hours of the request). If the person should fail to do so and in the absence of a Medication Declaration Form, the sample will be considered positive and will be dealt with in accordance with section 2.9.9 or 2.9.10 as appropriate. If the person signed a Medication Declaration Form and the laboratory result is inconsistent with the stated medication, the BITU-MILL employee may be placed on a disciplinary level at the discretion of the employee's manager. If the person is a contractor, their employment with the company may be terminated at the discretion of the BITU-MILL Manager. BITU-MILL will charge the contacting company for all costs incurred.

2.9.8.4. Should the laboratory analysis confirm the presence of the non-prescription drugs Codeine or Pseudoephedrine or should the laboratory not be able to clearly establish the source of a confirmed Morphine or should the person be able to satisfy management that they hold legitimate prescriptions for the drugs covered in clauses 2.9.8.2 and 2.9.8.3 no further action will be taken and the results will be considered negative in accordance with section 2.11.14.

2.9.8.5. Should the confirmed results be considered negative in accordance with the criteria established in clause 2.9.8.4, the person shall be informed of the requirement to seek medical advice to investigate if an alternative medication might be appropriate. This is particularly so for the S8 drugs covered by clause 2.9.8.2. Should the person continue to use the drugs covered by clauses 2.9.8.2 and 2.9.8.3 the company shall seek medical advice on the situation.

2.9.9. Procedure for Confirmed Positive Laboratory Test - Employee

2.9.9.1. The employee shall be informed by their manager of conditions concerning their employment.

2.9.9.2. The employee shall be offered counselling or required to participate, if applicable, in the Employee Assistance Program.

2.9.9.3. The employee shall be informed, if applicable, that they will be included in the additional random drug testing program for the next twelve (12) months.

2.9.9.4. An employee who has failed the initial introductory site screening test "Fitness for Duty – Drugs Standard" (provisions of section 2.9.2) shall not have the event placed on their personnel file and sections 2.9.11 to 2.9.12 will not apply in these circumstances.

2.9.9.5. For employees to which clause 2.9.9.4 is not applicable proceed in accordance sections 2.9.11 to 2.9.12 as appropriate

2.9.10. Procedure for Confirmed Positive Laboratory Test – Contractor

2.9.10.1. A copy of the report of a confirmed positive laboratory test shall be sent to the contractor's employer or the contractor's representative on-site. The contractor's disciplinary procedures shall be in accordance with those stipulated in this policy.

2.9.10.2. The contractor's employer is to advise the company's representative of remedial action taken.

2.9.10.3. The contractor's employer may be required to show cause demonstrating why the defaulter's access and/or authorisations should not be cancelled.

2.9.10.4. The contractor shall be advised, if applicable, that they shall be included in the additional random drug testing program for the next twelve (12) months.

2.9.10.5. For contractors who have failed the initial introductory site screening test Fitness for Duty – Drug Standard (provisions of Section 2.9.1) BITU-MILL shall recommend to the contractor's employer that this event not be placed on their personnel file.

2.9.11. First Defaulters of the Fitness for Duty – Drug and Alcohol standard shall be:

- 2.9.11.1. Informed by their manager of conditions concerning their employment; and
- 2.9.11.2. Informed about the BITU-MILL disciplinary procedure should they be detected again within twelve (12) months.
- 2.9.11.3. Subjected to an oral and written warning placed on their file as a first warning.
- 2.9.11.4. Offered direction to applicable range of counselling services.
- 2.9.11.5. Informed that they shall be included in the additional random drug testing program for the next twelve (12) months.

2.9.12. Second Defaulters of the Fitness for Duty – Drug standard, detected within the twelve (12) months following the previous default; shall, in addition to the above:

- 2.9.12.1. Instant dismissal;

2.9.13. Negative Laboratory Results

- 2.9.13.1. If the laboratory analysis of a sample returns a negative result the BITU-MILL employee will, if applicable, have their annual leave or, if applicable, lost wages re-credited. Any reference to the presumptive positive test on the employee's personnel file will have additional notes inserted to reflect the negative nature of the laboratory confirmatory analysis.
- 2.9.13.2. For a contractor, a copy of the report of a negative laboratory test shall be sent to the contractor's employer or the contractor's representative on-site.
The contractor's employer or the contractor's representative shall ensure that additional notes are inserted in the contractor's personnel file to reflect the negative nature of the laboratory confirmatory analysis.
- 2.9.13.3. All costs for any tests on contractors who return negative confirmatory results shall be paid by BITU-MILL.

2.9.14. Payment of Wages

- 2.9.14.1. BITU-MILL employees can claim annual leave, accrued RDOs incurred as a result of a positive screening test requiring the person's removal from site. Payment of a contractor's wages is a matter to be dealt with between the Contractor's employee and the Contracting Company.
BITU-MILL will not reimburse the Contracting Company or its employee for any wages or costs incurred.

2.9.15. Employee Assistance Program

- 2.9.15.1. BITU-MILL provides an Employee Assistance Program through an approved EAP . Access to the program is private and confidential between the employee and the approved EAP. The assistance program is available to all employees and their dependents free of charge. An information brochure regarding this program shall be issued to all new employees at introduction.
- 2.9.15.2. The program will also be explained verbally to each new employee and any questions that may arise will be answered/resolved prior to that person being accepted as an employee of the company.