

	<b>Procedure</b>	
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Title: **Management of Substance Abuse in the Workplace** Document Identifier: **32-37**

Alternative Reference  
Number:

Area of Applicability: **Eskom Holdings SOC Ltd**

Functional Area: **OHS**

Revision: **5**

Total Pages: **25**

Next Review Date: **April 2028**

Disclosure  
Classification: **Controlled Disclosure**

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### CONTROLLED DISCLOSURE

## 1 Introduction

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

Eskom acknowledges that substance abuse poses a threat to the business and 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 that is 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 must 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 who drive vehicles on Eskom business, operate equipment or machinery, or perform any tasks on Eskom sites, premises, or workplaces.

#### 2.1.3 Effective date

This procedure is effective from the date of authorisation.

### CONTROLLED DISCLOSURE

## 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.
- [19] 559-169475702 Appointment of a Substance Abuse Screener
- [20] 240-91330262 Appointment of a Substance Abuse Tester

### 2.2.2 Informative

- [21] Occupational Health and Safety Act 85 of 1993, as amended
- [22] Labour Relations Act 56 of 1995, as amended
- [23] Employment Equity Act 55 of 1998, as amended
- [24] Mine Health and Safety Act 29 of 1996
- [25] National Road Traffic Act 93 of 1996
- [26] Drugs and Drug Trafficking Act 140 of 1992
- [27] Compensation for Occupational Injuries and Diseases Act 130 of 1993

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[28] Prevention and Treatment of Substance Abuse Act 70 of 2008

[29] Code of Good Practice published in the Government Gazette 11405 on 15 February 2022. Vol 681 Number 46043.

## 2.3 Definitions

Definition	Explanation
<b>Addiction</b>	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.
<b>Breath alcohol concentration (BAC)</b>	The concentration of alcohol in a person's breath: milligrams per 1000 millilitres expressed as percentage BAC.
<b>Breath alcohol test</b>	Determines how much alcohol is in a person's breath by measuring the amount of alcohol in the air when you breathe out (exhale).
<b>Calibration</b>	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.
<b>Competency/Competent person</b>	Someone with the knowledge, skills and practical training in screening and/or testing substance abuse in the workplace.
<b>Compulsory testing</b>	Substance abuse testing is performed regularly on all employees, contractors, and consultants performing any tasks or driving vehicles.
<b>Confirmation substance test</b>	A <u>laboratory test</u> is a medical procedure that involves testing a sample of blood, urine, tissues, body fluids, or other substances from the body.
<b>Critical task</b>	A task that, based on severity, frequency, probability, and potential to cause serious loss, is identified by Eskom as being critical.
<b>EAP practitioner</b>	A social worker or psychologist working for or under contract to Eskom.

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Definition	Explanation
<b>Employees</b>	<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"> <li>• A full-time employee</li> <li>• A part-time employee</li> </ul> <p>b) Non-permanent employee, which includes the following:</p> <ul style="list-style-type: none"> <li>• A temporary employment service employee</li> <li>• A fixed-term contract employee</li> <li>• A vacation student</li> <li>• Third-party contractor employees</li> <li>• A person under a learnership contract</li> </ul> <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>
<b>Employer</b>	Any person who employs or provides work for any person and remunerates that person, or expressly or tacitly undertakes to remunerate him/her.
<b>Illegal or legal drugs or controlled substance screening test</b>	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.
<b>Legal substances/medication</b>	<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>
<b>Line manager</b>	Unless the context dictates otherwise, it shall be construed as the supervisor or the manager in a department or at a work site, whichever may be applicable.
<b>Occupational health practitioner</b>	Unless the context dictates otherwise, it shall be construed to mean either an occupational health nursing practitioner or an occupational medicine practitioner.

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Definition	Explanation
<b>Person</b>	Any employee or visitor as defined in this procedure.
<b>Premises/site</b>	As defined in the OHSA, it includes any building, vehicle, vessel, train, or aircraft in which a person performs work or any place where Eskom business activity is carried out.
<b>Random multi-drug testing</b>	A urine test is done randomly on any employee who might have been chosen on a particular day.
<b>Screener</b>	A person with the necessary competency to conduct substance abuse screening and so appointed in terms of this procedure.
<b>Screening</b>	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.
<b>Security Officer</b>	An officer appointed within Eskom as an employee or contractor for all security-related functions and who is responsible for the protection/safeguarding of Eskom and its subsidiaries, assets, personnel, and information.
<b>Substance abuse</b>	The excessive use of a substance, especially alcohol or a drug, that adversely alters the mind and physical coordination.
<b>Substance testing</b>	A form of testing that will detect the presence of drugs or alcohol in a person's body; this process uses some 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.)
<b>Task</b>	A segment of work that requires a set of specific and distinct actions for its completion.
<b>Tester</b>	A person with the necessary competency to conduct substance abuse testing and/or screening, and so appointed in terms of this procedure, to conduct substance abuse testing and/or screening.
<b>Under the influence/intoxicated</b>	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
<b>Visitor</b>	Any individual who has come to visit or spend time at Eskom for any purpose.
<b>Workplace</b>	Any premises or place where an employee is authorised to perform work during his/her employment, including a private home or portion of it.
<b>Workplace boundaries</b>	<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
<b>BAC</b>	Breath Alcohol Concentration
<b>CCF</b>	Central Consultative Forum
<b>COS</b>	Conditions of Service
<b>EAP</b>	Employee Assistance Programme
<b>OHP</b>	Occupational Health Practitioner
<b>OHSA</b>	Occupational Health and Safety Act
<b>SHEQ</b>	Safety, Health, Environment, and Quality
<b>UN</b>	Unique Number
<b>SHEQS</b>	Safety, Health, Environment, Quality, and Security
<b>TES</b>	Temporary Employed Staff
<b>SHE</b>	Safety, Health and Environment

## 2.5 Roles and responsibilities

### 2.5.1 Line management

Line management:

- shall be responsible for the implementation of the procedure in their area of responsibility;
- 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 testers and screeners have the necessary competency on how to conduct substance abuse testing and/or screening, are trained to use the testing and/or screening instrument and supporting equipment, in accordance with the Management of Substance Abuse in the Workplace Procedure (32-37) criteria and have been formally appointed as either a tester or screener. Refresher training must be conducted every two years.
- e) shall ensure that all testing and/or screening equipment which the tester or screener uses in the course of testing and screening for substance abuse is calibrated and maintained in accordance with the manufacturer's specifications, including general checks, e.g. condition, battery status, etc..
- f) on an ad hoc basis, by way of conducting job observations, for example, shall monitor the work of alcohol screeners and testers, ensuring they follow the proper procedures and maintain professional standards;
- g) shall ensure an adequate supply of testing and screening equipment required per site or business unit;
- h) shall, where possible, ensure that contractors, consultants, and visitors (within his/her area of operation) are made aware of the procedure;
- i) shall ensure that a maintenance and calibration register is maintained for all equipment used for testing and screening;
- j) 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;
- k) shall ensure that processes required for the various methods for the identification of persons under the influence or intoxicated are implemented in accordance with the procedures as directed by the business unit SHEQS/Safety risk managers or OHS representatives;
- l) 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.
- m) 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;
- n) 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 Procedure 240 – 76618189: Management of employees with substance abuse problems and monitoring the progress of any referred employees to support where necessary/required.

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### 2.5.2 The occupational health practitioner (OHP)

- a) Assists managers and security personnel with the referral process and laboratory request forms for employees under the influence of a substance, including information about the nearest laboratory and 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. However, remember that Eskom has zero tolerance for being under the influence of substances in the workplace.

- i. The specimen should be conducted at the laboratory to avoid further disputes.
- ii. There is no need to refer a person 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 with 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 they are 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;

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- 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;
- 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) likely to impair his/her faculties/judgement or ability to perform work safely, he/she shall inform the OHP and/or line manager accordingly.

### **2.5.7 Testers**

- a) Only commence testing or screening in accordance with Eskom's Management of Substance Abuse in the Workplace Procedure (32-37) once they have the necessary competence to do so, have been trained to use the testing or screening instrument and supporting equipment, and are appointed as a tester.
- b) Before conducting any testing and/or screening, ensure that the instrument or any other equipment to be used has been calibrated in accordance with the manufacturer's specifications, including general checks, e.g. condition, battery status, etc.
- c) If a person is under the influence, the tester shall immediately report the test results to the person's manager and/or occupational health practitioner.
- d) Maintain the test register of the test instrument.
- e) On a monthly basis, forward to the SHEQS manager/safety risk manager, the test register of each instrument and a copy of the test register shall be kept by the tester on file.

### **2.5.8 Screeners**

- a) Only commence screening in accordance with Eskom's Management of Substance Abuse in the Workplace Procedure (32-37) once they have the necessary competence to do so, have been trained to use the screening instrument and supporting equipment, and are appointed as a screener.
- b) Only use a substance abuse screening instrument or supporting equipment with a valid calibration certificate.

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- c) Only conduct screening in the area(s) assigned to the screener.
- d) If a screening reflects a positive result, the screener shall immediately report the screening result to an appointed substance abuse tester.

## **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 Management of Substance Abuse in the Workplace Rev 4
- [2] 559-169475702 Appointment of a Substance Abuse Screener
- [3] 240-91330262 Appointment of a Substance Abuse Tester

## **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 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 Eskom business unless authorised by Eskom.
- 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.

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- 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 who 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 an appointed tester or screener 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 uses 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, 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, at which point he/she will be allowed to drive home.
- d) No person under the influence or intoxicated will be permitted to enter or remain on Eskom premises or in control of an Eskom vehicle/equipment.
- 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 under the influence shall ensure that the person is safely transported to their 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 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.

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- 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 specifications and guidance.

##### **3.3.1.1 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.

Candidates with 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.

### 3.3.1.2 Procedure for alcohol screening

- a) All alcohol screening will be done by people trained and appointed to operate the handheld screening equipment. The screening equipment will be calibrated and maintained as per the manufacturer's specifications.
- b) The person being screened must 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.
- c) If the instrument indicates a positive result, the testing process will be immediately implemented by way of a confirmation alcohol test. (see paragraph 3.5.1)

### 3.3.1.3 Identification of alcohol abuse by observation

This method of identification shall be followed with all persons while on Eskom premises who are unable to provide an adequate breath sample if the necessary test instrument to measure alcohol is not available, or who are behaving erratically or demonstrating erratic behaviour. The checklist for identifying 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

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- k) Vomiting
- l) Inability to carry out simple instructions/tasks that he/she can generally 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 is sufficient.

### **3.3.2 Drug screening: process to perform drug screening at Eskom sites or contractor sites**

- a) Drug screening is typically conducted by way of the observation process. 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.
- b) The line manager shall initiate testing and arrange for an appointed tester to conduct it in a designated area.
- c) The tester shall make the necessary arrangements for the test and obtain the person's express consent verbally or, where required, in writing.

#### **3.3.2.1 Identification of drug abuse by observation**

In addition to being used as a screening tool, 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 identifying 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 of substance test results. This will 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

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- 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

### **3.4 Substance abuse testing**

#### **3.4.1 Testing requirements**

- a) All 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 testing shall be done with due cognisance of and consideration for privacy.

#### **3.4.2 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 85 of 1993 and Employment Equity Act 55 of 1998).

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

#### **3.4.3 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 before 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. If a person is found to be under the influence, the tester shall immediately report the test results to the person's manager.

#### **3.4.4 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 following the identified procedures set out in this document.

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### **3.4.5 Reasonable suspicion**

When a person appears to be under the influence of alcohol or other substances, the person who has observed this shall report it to the person's immediate line manager or 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.

### **3.4.6 Ad hoc screening/testing**

Persons may, where necessary, be screened/tested randomly, in a non-discriminatory manner, following the respective procedures for testing as outlined in this document.

### **3.4.7 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) If an employee is found to be under the influence, the employee's line manager shall immediately report the test results to the person's counsellor or an occupational health practitioner.

### **3.4.8 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 following the agreed-upon requirements.
- c) The tester shall immediately report the test results to the person's manager if the person is under the influence. Further disciplinary action may be taken against the person.

## **3.5 Testing procedure**

### **3.5.1 Alcohol testing process**

- a) Should the confirmation alcohol test reflect a positive result, a second confirmation test must be conducted 30 minutes after the first confirmation test. Both confirmation tests will be conducted using a calibrated handheld testing unit and performed by a trained and appointed tester according to the requirements specified in this procedure.

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- b) 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.
- c) If an employee reflects a positive screening result at a location with no handheld testing unit, the employee's supervisor must arrange for him/her to be transported to a site with the appropriate equipment to conduct the confirmation testing if it is within a 30-minute 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.
- d) If any confirmation test result reflects a negative result, the person may return to his/her normal duties. No further action will be required.
- e) If the second confirmation test result is above 0.000 mg/1000 ml BAC, a positive result will be recorded. The tester will notify the employee's supervisor, who will commence the actions outlined in the procedure.

#### **3.5.1.1 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:
  - i) Temperature: -5 to +40°C.
  - ii) Pressure: 600 to 1 300 mbar.
  - iii) Humidity: 20 to 95% RH.
- d) Shall comply with the specification requirements stipulated by recognised international standards laboratories.
- e) It should be ready to do the test within 30 seconds after switching on. If the reading is below 0.19 mg/L, it should be ready for the next test within 30 seconds.
- f) Shall reflect the breath alcohol concentration (BAC) level.
- g) Shall perform at least 500 tests from an alkaline (battery) power supply.
- h) The sensor shall use an electrochemical fuel cell specific to ethanol and shall not respond to other substances normally found in the breath.
- i) Shall be simple to use, and its operational procedure shall be automatic and fail-safe.
- j) Shall be microprocessor-controlled to ensure repeatability.
- k) The automatic sampling procedure shall be capable of being overridden and operated manually in the case of uncooperative subjects or those with weak exhalation.
- l) Shall indicate that it is operational and when it is ready to perform a test.
- m) Shall produce an audible beep to indicate an adequate breath sample.
- n) Should indicate an incomplete breath sample.

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- o) Internal instrument calibration shall be simple, with the option to be externally calibrated at a local calibration laboratory.
- p) It should not be possible for an unauthorised person to change the settings of the instrument.
- q) Calibration personnel shall be trained and certified by the supplier.
- r) All equipment used in Eskom while testing for substance abuse shall be calibrated in accordance with the manufacturer's prescription, not less than every six months, 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.
- s) Under no circumstances shall an instrument that has not been calibrated within the specified period be used.
- t) The sensor should have a warranty period of at least 24 months.
- u) Shall be well maintained according to manufacturer and/or supplier specifications, with internal status checks to be done at a set frequency.
- v) To be submitted for maintenance/repairs and/ or calibration, when determined to be faulty, damaged or delivering invalid results.
- w) To be stored in a safe and sound location, as per manufacturer and/or supplier specifications.
- x) To be legibly marked with unique identification and registered accordingly on an equipment register/ inventory.
- y) To be for the sole use of the certified tester.

### 3.5.2 Drug testing process

- 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 use the saliva testing methodology, it will be allowed to continue until an alternative/improved method is available or the procedure specifies different requirements.
- b) The testing method 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 and screening will be done by people trained and appointed to operate the testing and screening equipment. The equipment (testing device or screening kit) will be maintained and calibrated (as applicable) per the manufacturer's specifications.
- e) The person being tested or screened 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, it will be sent to a laboratory for analysis and confirmation, 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.

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**3.5.2.1 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 used once only.
- c) The test instrument shall cover a minimum of six different drug components, which are:
  - i. Amphetamine (AMP),
  - ii. Benzodiazepines (BZO),
  - iii. Cocaine (COC)
  - iv. Marijuana (THC),
  - v. Methamphetamine (MET),
  - vi. Opiate (OPI 2000).
- d) It should be able to operate at a temperature of -5 to +40°C.
- e) Shall comply with the 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 to test 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 Conducting the test and recording the results**

The tester shall conduct the test and record the result following the procedure for testing as set out in this document.

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#### **3.5.4 Interpretation and feedback**

- a) The tester shall interpret the test results and explain them to the relevant line manager, including specific reference to the presence of drugs in the sample.
- b) If 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.

#### **3.6 Refusal to undergo testing or failure to provide an adequate testing sample**

- a) Cooperation with the testing process allows the person 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.
- 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 excluding that contractor from Eskom's workplaces.

#### **3.7 Procedure for call-out and standby persons**

##### **3.7.1 Call-out (not on standby)**

- a) A call-out (not on standby) for 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.

##### **3.7.2 Standby**

- a) Standby, for the purposes of this procedure, is when a person is paid a standby allowance/premium to make his/her services available outside normal work hours over a pre-agreed period (for example, a standby roster).
- b) Persons shall not use 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.

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### 3.8 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.

### 3.9 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.
- 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 they participated in a rehabilitation programme, although they will not be exempt from disciplinary action arising from other conduct.
- d) 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. Depending on the circumstances of each case, such persons may be referred for substance abuse rehabilitation following such misconduct.
- e) All assistance is confidential, and it will not impact the person's future at Eskom.
- f) Eskom intends 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 thereafter will be subject to disciplinary action.
- g) It is best to deal with the problem before it becomes a disciplinary matter.

#### 3.9.1 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 work area.
- b) Where the initiator is either a line manager, supervisor, or colleague, the reasons for referral should be discussed with the employee concerned, and the employee should agree to the referral. NOTE: This excludes TES employees, contractors and their employees, consultants, and visitors.

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### 3.10 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 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:

Name	Designation
Miranda Moahlodi	Senior Manager: Corporate Hygiene and Safety
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Risk and Sustainability Division Mancom	
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Penny Mkalipe	Senior Manager: Human Resources, Health and Wellness
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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

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Date	Rev.	Compiler	Remarks
April 2025	5	Mike Townsend	Incorporation of a definition for screener and tester and a section under roles and responsibilities for each of these roles.

## 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 at divisional level and CCF

Individuals across the divisions that, over a period of time, raised concerns and made suggestions on how to improve the content of the procedure.

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