MANAGEMENT STANDARD

D02.02 - DRUG & ALCOHOL MANAGEMENT STANDARD

1 Purpose

1.1 This standard describes the Fletcher Construction (FC) EHS requirements that shall be applied to the testing for Drugs and Alcohol in the workplace.

1.2 D02.02 Drug & Alcohol Management Standard supersedes previous versions of Critical Risk Standard 24: Drugs and Alcohol.

1.3 FC is committed to ensuring that all workers operate in a safe and healthy working environment, free from the effects of illegal substances or any substance that may affect the worker's ability to perform safely in the workplace.

1.4 Drugs and Alcohol (including prescription medication) are recognised as potential hazards in the workplace, and the risks will be managed in accordance with this standard.

1.5 FC requires all employees and contractors to come to work and be fit for work – this includes carrying out all the tasks and duties of their position free from the influence of drugs and alcohol.

1.6 This standard and requirements apply to all FC operations, sites, employees and contractors. For the avoidance of doubt, this standard may be read in conjunction with other related policies and procedures, however, where inconsistencies arise this standard will apply.

2 Intent

2.1 This standard:

- Supports the company values, principles and the Life Saving Rule "We always work free from the influence of Drugs and Alcohol"
- Ensures that all employees and contractors are free from the influence of drugs/alcohol.
- Meets FC legal obligations including
  - the Health and Safety at Work Act 2015;
  - the Human Rights Act 1993;
  - the Privacy Act 2020;
  - the Employment Relations Act 2000.

3 Framework & Definitions

3.1 **Adulteration:** deliberate use of a substance to compromise, or attempt to compromise, the integrity of a urine or oral fluid specimen in order to attempt to "beat" the drug test: e.g. Urine: specimen dilution, using a masking agent, or providing a substitute urine specimen; Oral fluid: mouthwash.

3.2 **Alcohol:** includes any substance or beverage that contains ethyl alcohol including, but not limited to, beer, wine, pre-mix drinks and other spirits. Workers must report for, and remain at, work free from the effects or influence of alcohol. At FC functions, where alcohol consumption has been approved, all workers are responsible for ensuring their behaviour remains acceptable and in accordance with our policies and procedures (including our Values). Workers operating a company vehicle must comply with all New Zealand road laws and

regulations, and with company policies and procedures, including the LSR, this Standard, and any Driver Responsibility Form.

When staying in company provided accommodation, this Standard along with any applicable BU Policy or procedure must be followed.

3.3 **Breath Alcohol Testing Device (breathalyser)**: A breath alcohol testing device is an instrument designed to accurately measure the concentration of alcohol in a person's breath. For workplace testing, the device must comply with Australian Standard AS 3547:2019 "Breath Alcohol Testing Devices" (or any subsequent version of this standard), or its predecessor AS 3547:1997. The breath alcohol testing device must have a current calibration certificate.

3.4 **Chain of Custody**: the process to account for the integrity of each specimen by tracking its handling and storage from the point of specimen collection to final disposal of the urine or oral fluid.

3.5 **Collector**: a person who has been trained to collect and dispatch specimens to the laboratory.

3.6 **Contractor:** a person who is engaged by FC to do any work for gain or reward as an independent contractor (i.e. not an employee), including Subcontractors, labour hire or any employee of the Contractor or Subcontractor.

3.7 **Cut-off level**: the level of a substance that a test can reliably detect, as per the relevant AS/NZS standards (including AS/NZS 4760 for oral fluid, AS/NZS 4308:2023 for urine, and AS 3547.1:2019 for breath alcohol).

3.8 **Drug(s)**: means any mind altering or legally controlled substance, including (but is not limited to) any drugs listed in the Misuse of Drugs Act 1975 (NZ), Narcotic Drugs Act 1967, Criminal Code Act 1995, and Transport (Drug Driving) Amendment Act 2022 and and any drugs listed in the AS/NZS 4308:2023 Procedures for specimen collection and quantitation of drugs of abuse in urine and AS/NZS 4760:2019: Procedures for specimen collection and the detection and quantitation of drugs in oral fluid (or successor Standards), designer drugs (e.g. synthetic cannabinoids, herbal highs) and other synthetic drugs (e.g. opioids, hallucinogens, piperazines, stimulants, sedatives).

3.9 **Employee**: any person who has an individual employment agreement, or who is party to a collective agreement with FC or any of its business units.

3.10 **FC Workers**: includes all directors, officers, employees, independent contractors and subcontractors, consultants, temporary agency workers and secondees who work for FC, including any Business Unit.

3.11 **Influence**: for the purposes of this Standard, "influence" means the presence of drugs and/or alcohol in a person's system as indicated by a non-negative result from a drug and/or alcohol test, as defined by the relevant AS/NZS standards (including AS/NZS 4760 for oral fluid, AS/NZS 4308:2023 for urine, and AS 3547.1:2019 for breath alcohol). For the avoidance of doubt, the presence of a substance at or above the cut-off level specified in the relevant AS/NZS standard is sufficient to be considered "under the influence" for the purposes of this Standard.

3.12 **Integrity testing**: testing to determine whether there has been deliberate use of a substance to attempt to compromise the integrity of the test to show a negative result e.g. specimen dilution, using a masking agent, or providing a substitute urine sample.

3.13 **Internal Transfer testing:** testing that occurs when a worker transfers into a different Business Unit, project, or region/branch within the same Business Unit. This includes situations where

a project or client requires drug and/or alcohol testing before the worker can transfer onto the project or access the work site.

3.14 **Kava**: is a drug with sleep aiding relaxant properties, meaning it can make you feel sleepy while also slowing down the messages travelling between the brain and the body. Kava is made from the root or stump of the kava shrub.

3.15 **Laboratory**: a testing facility accredited to conduct testing in accordance with AS/NZS 4308:2008 (or any updates) and AS/NZS 4760: 2018. This definition excludes a collection facility that performs screening testing only.

3.16 **Medication**: includes medication that is prescribed by a medical practitioner, or over-the-counter medication that may have side effects which could impact on the worker's ability to safely and effectively perform their role or attend their workplace.

3.17 **Negative result**: a result that shows no indication of the presence of drugs, alcohol or metabolites, or a level below the AS/NZS cut off level for a particular substance. May be from on-site screening or confirmed by a laboratory. For alcohol, this means a level of alcohol in the breath below the NZTA drink driving limit.

3.18 **Non-negative result**: a result that indicates possible presence of drugs or drug metabolites but has not yet been confirmed by a laboratory. NB: legal food items or medications may cause a non-negative result.

3.19 **On-site screening test**: an Immunoassay device used to exclude the presence of drugs and/or metabolites in urine or oral fluid at the site of specimen collection. The urine test shall be carried out by a NZQA qualified collector. In the event that the specimen gives a non-negative screen, it shall be sent to a laboratory for confirmatory testing.

3.20 **Positive result**: a result that a laboratory confirms contains a level of drug above the cut off levels contained in AS/NZS standards (including AS/NZS 4760 for oral fluid, AS/NZS 4308:2023 for urine, and AS 3547.1:2019 for breath alcohol).

For alcohol: a level of alcohol in the breath at or above the NZTA drink driving limit. Where a worker returns a result that is greater than zero but below the NZTA driving limit, this will not be considered a positive result for the purpose of this Standard (and our LSR), however, the worker will be stood down from duties until they are able to provide a zero result.

Where testing is undertaken by the NZ Police following an incident or near miss, any test results that meet or exceed the cut-off levels will also be treated as a positive result for the purposes of this Standard. Workers are required to inform FC of any positive result that involves a company vehicle at the earliest possibility. Failure to inform FC may be considered a breach of this Standard.

3.21 **Post-incident/near miss**: testing required for drug and alcohol use after an incident and/or near miss has occurred (including but not limited to where there was a potential or actual serious injury or fatality). This includes where the worker was involved in the incident/near miss or their actions may have contributed to the event.

3.22 **Pre-employment testing**: testing required as part of the pre-employment checks, and recruitment process. Appointment of a new employee is conditional on the applicant returning a negative urine drug test and breath alcohol test.

3.23 **Random drug testing**: allows for an employer to select, using a random process, one or more workers to undergo testing. In addition, it may involve selecting an entire site, or a defined part of a site, so that everyone present at the time is tested.

3.24 **Reasonable (just) cause testing**: testing where an employer has reason to believe, through observation, that a worker's appearance, behaviour and/or conduct indicate the possible use of drugs or alcohol. Reasonable cause testing may also occur where a worker discloses the use of drugs and/or alcohol (including prescription medication), or where the employer receives a complaint alleging drug and/or alcohol use.

3.25 **Refusing a test**: behaviours that constitute refusal include, but are not limited to, the following situations:

- Refusal to consent to a drug and/or alcohol test;
- Refusal to provide a sample for testing;
- Unreasonably failing to advise, in a timely manner, of an accident or incident where testing may be required;
- Leaving the scene of an accident or incident without a valid reason before a test has been conducted;
- Failing to provide sufficient quantities of breath or/and urine for testing without a valid medical explanation (a maximum of three hours is the limit for providing a urine sample);
- Tampering with, or attempting to adulterate, the specimen or collective procedure;
- Failure to comply with the chain of custody or other testing procedures outlined in this Standard.

3.26 **Relevant standards:**

- AS/NZS 4308:2018 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine;
- NZS 4760:2019 Procedures for specimen collection and the detection and quantification of drugs in oral fluid.

3.27 **Return to Work testing:** where a worker has previously returned a confirmed positive drug and/or alcohol test result, refused to undertake a drug and/or alcohol test, or returned an alcohol result greater than zero but below the NZTA driving limit the employer may require a return to work drug and/or alcohol test before allowing the worker to resume their duties, and/or work. For alcohol results above zero, the purpose of this test is to confirm a zero reading before the worker recommences any duties. This is a singular test, not connected to a testing programme.

3.28 **Return-to-Work Testing Programme:** where an employee is permitted to return to work following a disciplinary or other agreed process, this may be subject to a drug and/or alcohol testing programme. The decision to offer a testing programme is at the sole discretion of the BU.

3.29 **Serious Misconduct:** recording a confirmed position result in accordance with this Standard will be considered serious misconduct. Refusing to take a drug or alcohol test, attempting to tamper with a sample (including adulteration), or taking, selling, supplying, or being in possession of drugs or alcohol at work (or alcohol outside of an approved function) will also constitute serious misconduct. For clarity, any breach of this Standard may be treated as serious misconduct.

3.30 **Support:** employees have access to seek support independently via Employee Assistance Programmes (e.g. Sonder) assistance services for any drug and/or alcohol related concerns.

3.31 **Voluntary Disclosure**: where a worker voluntarily discloses, they may be under the influence of drugs and/or alcohol (including prescription medication), a reasonable cause test may be required. Voluntary disclosure does not prevent disciplinary action.

3.32 **Worker**: includes FC employees, contractors, subcontractors, casuals and labour hire.

3.33 **Workplace/work site**: anywhere FC is carrying out workplace duties, including offices, operational sites, and company vehicles. This also includes company-provided accommodation.

4 Responsibilities

4.1 Managers

4.1.1 Managers' responsibilities include:

- Being aware of and implementing the requirements of this Standard;
- Taking allegations relating to drugs and/or alcohol seriously while maintaining worker dignity and privacy;
- Ensuring that Chain of Custody requirements are followed, including supervision of workers between the need for a test being identified and that test being administered;
- Ensuring all positive test results are managed in a fair manner, with the support of the People and Performance team.

4.2 Workers

4.2.1 It is the responsibility of all workers to:

- Attend work free from the influence of drugs and alcohol;
- Identify concerns about any individual's immediate ability to perform their job safely and effectively, and take appropriate steps to notify management without delays;
- Report incidents that may require a drug and/or alcohol test in a timely manner;
- Notify their manager as soon as practicable of any alcohol-related incident involving a company vehicle, including failing an alcohol checkpoint or roadside alcohol test;
- Formally advise of prescription medication, or other factors, that could influence their ability to safely and effectively perform their role including;
  - New prescriptions
  - Any change to previously advised prescriptions (including dosage, frequency, or type)
  - Commencement, cessation, or adjustment of medication
- Refer section 5.5.1 below

4.3 Contractors

4.3.1 FC requires all workers to be free from influence of drugs and alcohol. Contractors will be required to either adopt the FC Policy and this Standard or have an equivalent (or more comprehensive) standard.

4.3.2 All subcontractors and contractors (including their employees and workers) must provide evidence of a negative drug and alcohol test taken within 30 days prior to attending a site induction or entering any of our workplaces. Any individuals who are unable to provide evidence of a valid negative test result will not be permitted to enter the workplace, attend site induction, or commence work.

4.3.3 Where a contractor provides a positive drug test for any reason, they will be removed from site and a record kept in the agreed FC system. They are not permitted to return to any FC site at all in the 6 months following and, if they return after that, are required to provide proof of a current negative drug and alcohol test result and be re-inducted.

4.3.4 Where FC is the sub-contractor on a customer site, FC will agree with the customer any additional testing protocols and cadence over and above this standard. Such protocols and cadence may be reviewed from time to time during the duration of the project / contract period.

5 General Requirements

5.1 Legal Medication

5.1.1 Workers who take any prescription or over-the-counter medication, must:

- Discuss with the prescribing medical practitioner (including pharmacist) their tasks, duties and the nature of the workplace, in order to ascertain any possible impact of the medication on their safety or performance at work. This includes any potential side effects from the medication (e.g. dizziness, fatigue, drowsiness, altered perception, mood swings, or loss of coordination).
- Disclose to their manager/supervisor, at the earliest possibility, of any medications they are taking, which could affect their safety or performance at work, and provide medical confirmation that the medication (including the side effects) does not impact on the safety or performance at work.
- Ensure any medication is taken strictly in accordance with the medical practitioner or manufacture's recommendations (for over-the-counter medications).
- Declare any medications that may cause a non-negative test result, as part of the testing process, prior to undergoing testing.

5.1.2 FC may direct the worker to undertake a reasonable cause drug test, in order to understand the potential impact of the medication on the individuals' ability to safety and effectively perform their role.

5.1.3 Where the worker has provided a medical certificate/opinion, FC has the right to seek a second opinion and/or seek further clarification from the medical practitioner.

5.1.4 In the event FC is concerned how the medication may affect the worker's ability to safety and effectively perform their duties, the worker may be removed from the workplace (as per section 5.3 of this Standard)

5.1.5 The FC Prescription Medication Guidelines for Managers will apply when managing situations that involve prescription medications (including over the counter medications) that could affect fitness for duty.

5.1.6 Where a FC employee fails to disclose usage of prescription medication (or over-the-counter medication) which has the potential to impact on the individual's ability to effectively and safely perform their role (or attend the workplace), this may be considered a breach of this Standard and constitute serious misconduct.

5.2 Privacy

5.2.1 All information gathered as a result of drug and/or alcohol testing is collected for the purposes of implementing this critical health and safety standard and ensuring

compliance with it. It is recognised that information relating to drug and/or alcohol testing is considered sensitive personal information, and all information will be handled and stored in accordance with the Privacy Act 2020 (and any other applicable legislative requirements).

5.3 **Removal from Site - Process**

5.3.1 As a non-negative test requires further investigation from laboratories, removing someone from site while further analysis is completed requires us to follow suspension requirements. This is also a requirement of our employment and collective agreements.

5.3.2 In situations where it may not be possible to follow this process in full e.g. during night shift, or no managers available then arrangements should be made to meet with the employee, and their manager as soon as possible the next day.

5.3.3 Arrangements should be made to take the employee home without them needing to drive.

5.3.4 In the event of a confirmed positive test result, the suspension may continue while a formal process (including disciplinary process) occurs.

5.3.5 If a worker records a breath alcohol result greater than zero but below the NZTA legal driving limit, they will be considered temporarily unfit for work on health and safety grounds. The worker will be stood down and must not recommence work until they provide a zero reading.

5.3.6 Any stand down will be reasonable and proportionate, taking into account factors such as the result level, nature of the role, and associated safety risks. This may mean the remainder of the shift or until the next safe opportunity to return to work.

5.3.7 This process only applies to FC employees.

6 Test Processes

6.1 Procedural Requirements

6.1.1 Workers shall be advised that a drug test is required, and why; and follow testing agency requirements

6.2 Breath Alcohol

6.2.1 For the test to be positive there shall be a level of alcohol in the employee's system at or above that defined by the NZ Transport Authority, currently 250 micrograms of alcohol per litre of breath (for those over 20 years of age) or zero micrograms of alcohol per litre of breath (for those under 20 years of age) or at a lower level specified by the Client.

6.2.2 All aspects of the testing procedure will be carried out in a confidential and private manner with the consent of the worker being tested. Refusal to take a breath alcohol test shall be treated as serious misconduct.

6.2.3 The test for alcohol will be carried out by using a breath alcohol-testing device, which complies with the AS 3547-1997/ Amendment 1- 2000 (Type 2), for the measurement of alcohol. Where possible the test should be carried out within 1 hour of the decision that a test is required.

If a worker records an alcohol result above zero but below the NZTA driving limit, they will be stood down until they return a zero reading. If the stand-down applies for the full shift, arrangements should be made for the worker to return home safely without driving.

An alcohol result at or above the NZTA legal driving limit, this will be treated as a positive result under this Standard and the worker will be removed from site immediately, with arrangements made to ensure they do not drive and return home safely. They must also provide a zero reading before recommencing their duties.

6.3 Saliva and Urine Drug Testing

6.3.1 All aspects of the testing procedure will be carried out in a confidential and private manner. Both saliva and urine testing methods are available and can be used. The Business Unit and/or Project will have the discretion to determine which testing method is used.

6.3.2 Where saliva test is used, should the test be positive or inconclusive, then a further Urine test shall be undertaken. The procedures will comply with the strict criteria dictated by AS/NZS 4308: 2008: "Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine" (or any updates).

6.3.3 Observed or monitored collections will only be considered if the individual has previously been suspected of compromising the specimen integrity and is being given a second opportunity to provide a specimen.

6.3.4 NZQA qualified collectors will collect specimens, conduct an "on-site" screening test using a fully verified device and processes which comply with AS/NZS 4308: 2008, forward any "non-negative" specimens to the accredited laboratory for confirmation testing. If an extended panel of drug testing is required e.g. kava, anabolic steroids or synthetic cannabinoids then this can also be requested.

6.3.5 All urine samples collected as part of a testing programme or return to work testing will be sent to the laboratory for both screening and confirmation of drug levels.

6.4 Oral Fluid Drug Screening

6.4.1 Test kits shall be verified as meeting the requirements of AS/NZS 4760:2019.

7 Pre-Employment Testing

7.1 Appointment of a new employee is conditional on the applicant returning a negative urine drug test and breath alcohol test. An applicant who refuses to take a drug and/or alcohol test shall not be employed.

7.2 Non-negative test result or integrity test fail

7.2.1 Where a non-negative result is given then the urine sample should be forwarded to an approved laboratory for confirmation testing.

7.2.2 Samples that fail integrity tests should be sent to the laboratory and the applicant supervised until a second sample can be collected which should also be sent for confirmation testing.

7.2.3 If the laboratory confirms a negative result, then the employment process can continue.

7.3 Positive Test Result

7.3.1 Applicants returning a positive test following laboratory confirmation shall not be employed and cannot be considered for employment again in any FC Business unit, including through a Subcontractor or Labour Hire, for a minimum of six months from the date of their first test.

7.3.2 In the event the Applicant has returned a positive test due to prescription medication, FC may seek further medical information, before determining whether or not to proceed with the recruitment process (and any required steps by the Applicant). This is discretionary and assessed on a case-by-case basis.

7.3.3 Generally, a positive drug or alcohol test result will result in the pre-employment medical check being deemed unsatisfactory.

8 Internal Transfer

8.1 Testing shall be carried out by a NZQA qualified urine collector, with the applicant's consent along with verification of identification.

8.2 Internal transfer testing shall be applied to all employees (and contractors where stated) in the following situations

- When an employee transfers between Business Units; or
- When an employee is transferred to a different region or branch within the Business Unit; or
- When an employee or contractor is transferred to, seconded to, or shall carry out specific activities on a Project (or any site that requires workers to undergo a drug and alcohol test as part of their induction process)

9 Post Incident Testing

9.1 A worker may be tested for the presence of alcohol (via breath) or drugs (via saliva and/or urine) where they are directly involved, or could have played a part in any of the following circumstances (including but not limited to):

- An incident involving death, injury or harm; or
- An incident requiring treatment by a medical professional; or
- An incident or near miss that caused or was likely to cause an event with the potential for a major or catastrophic outcome (P3+ event); or
- An incident that causes or with the potential to cause damage, or loss to a vehicle, property, plant, equipment or FC reputation, or
- Any incident that is or may be in breach of any law, rule or regulation or any contractual requirement or other obligation on FC and/or any person or party.

The Business Unit/Project will determine which testing method is used (e.g. either saliva or urine).

9.2 Emergency Situations

9.2.1 Where it is not practical for a test to be carried out immediately due to injuries to the worker or where other corrective actions are required (injury, fire, spill etc.) the manager or supervisor shall:

- Attend to the other corrective actions and make sure people are kept safe; and

- Ensure that a company representative accompanies the worker to the hospital/doctor; and
- Drug and alcohol testing (if required above) shall be done once the worker has been discharged. If pain medications have been given, then these shall be noted on the chain of custody information and taken into account by the confirming laboratory.

10 Reasonable (Just) Cause Testing

10.1 Grounds for reasonable cause testing include (but are not limited to):

- Physical signs of influence such as slurring words, changes to pupil size not consistent with lighting levels;
- Out of character behaviour or personality changes;
- Paranoid, secretive, defensive or aggressive behaviour;
- Pattern of absence around weekends or other holidays;
- Paraphernalia consistent with drug or alcohol use is found on or in a Company premises, worksite or vehicle;
- Observation of drug or alcohol use at work;
- Disclosure of drug and/or alcohol use;
- Receipt of a complaint or allegation of drug and/or alcohol use.

10.2 Determining grounds for just cause testing:

10.2.1 Where the manager believes a reasonable cause test may be appropriate, steps shall be taken to engage with the worker around the concerns/observations, and that a reasonable cause test is being considered. The individual should have the opportunity to explain their perspective, prior to a decision is reached on the testing. In the event the decision is made to proceed with the reasonable cause test, the worker should be informed, and clear directions should be provided around the testing.

10.2.2 The “Consideration of Just Cause”, in Appendix B may be used by the manager when assessing whether a reasonable cause test may be reasonable. This is not a compulsory requirement and is intended to provide guidance only.

11 Random Testing

11.1 Random testing applies to all workers, with a minimum of 10% of the workforce will participate in random testing.

11.2 The approved selection processes are:

- An entire site is selected and all workers (including contractors and labour hire), clients and visitors on site tested;
- On large sites, a part of a site is selected and all workers (including contractors and labour hire), clients and visitors on site tested. In this scenario measures need to be in place to ensure testing is not avoided by people moving to a different area onsite;
- A random selection process is employed to select workers; this shall be robust and include a provision for testing contractors and labour hire workers currently employed as well as FC employees.

11.3 The selection process for random testing is as negotiated in each region/project but shall be implemented in a way as to ensure a minimum of 10% of the workforce is tested per month, with 100% of the workforce \tested per calendar year.

12 Test Results

12.1 Non-negative test result or integrity test fail

12.1.1 Where a non-negative result is given then the urine sample should be forwarded to an approved laboratory for confirmation testing.

12.1.2 Samples that fail integrity tests should be sent to the laboratory and the worker supervised until a second sample can be collected which should also be sent for confirmation testing.

12.1.3 During the laboratory testing period the manager may remove the worker from site (and/or duties) while the confirmation testing is completed If a FC employee will be removed from site (and/or their duties), then the process set out in this Standard must be followed. Employees will be on full pay but not contractors or other worker types.

12.1.4 For pre-employment and internal transfer testing, if the laboratory confirms a negative result, then the transfer / recruitment process can continue.

12.2 Refusal to take test

12.2.1 Where a FC employee refuses to take a drug and/or alcohol test this will be considered a breach of this Standard and constitute serious misconduct. Therefore, refusal to take a drug and/or alcohol test may be subject to disciplinary action up to and including summary dismissal.

12.2.2 A disciplinary process will be followed, which will include providing the employee with the opportunity to provide their explanation and responses.

12.2.3 The employee shall be suspended until the conclusion of the disciplinary process. The suspension will be as per the process set out in this Standard (Section 5.3).

12.2.4 Where a candidate refuses to undertake a pre-employment drug and/or alcohol test, the recruitment process will not proceed, and the candidate will not be appointed into the role.

12.2.5 Other workers (contractors, subcontractors, etc.) who refuse a test shall be removed from site. Return to site shall only be considered after provision of evidence of a negative test result confirmed by a laboratory; however, FC retains the discretion to not allow the worker's return.

12.3 Positive test result

12.3.1 An employee returning a positive drug and/or alcohol test will be subject to disciplinary action, up to and including summary dismissal.

12.3.2 A disciplinary process will be followed, which will include providing the employee with the opportunity to provide their explanation and responses.

12.3.3 The employee shall be suspended until the conclusion of the disciplinary process. The suspension will be as per the process set out in this Standard (Section 5.3).

12.3.4 Where an employee is terminated, due to a positive test result, they should not be re-employed in any FC Business Unit, or engaged in any way (contractor, labour hire, or otherwise), for a period of 6 months. A candidate who returns a positive drug and/or alcohol test will not be appointed into the role, and the employment will not commence. They will not be considered for any roles within FC for a period of 6 months.

12.3.5 Other workers (including Contractors, Subcontractors, labour hire workers) who return a positive test result, will be removed from site, and will not be permitted to return for a period of 6 months (or attend any FC site). After this time, they will be required to undertake a drug and/or alcohol test as part of the re-induction process.

12.4 Laboratory process (applies to FC employees only)

12.4.1 Where the original sample was split, the employee can request additional testing (at their own cost) of the rest of the sample within 7 days of receiving the result. For the second test to be positive there need only be the presence of drug or metabolite detected (i.e. not cut off limits). If the second test proves negative this will be accepted as a conclusive result and costs associated with this test will be reimbursed by FC.

12.5 Expert advice (applies to FC employees only)

12.5.1 In circumstances when a positive drug or alcohol test is disputed, or where the result could be due to a prescription, other medication or food (e.g. poppy seeds), FC may obtain consultancy advice from an appropriately qualified expert such as an occupational physician or toxicologist. They may:

- Discuss the results with the employee and ask if they have any explanation for the result;
- Request to talk to the employee's medical practitioner to see if there could be any reason for the specific reported drug and its concentration (with consent);
- Determine that there is a valid reason for the positive test (e.g. resulted from a prescribed medication or another medication legitimately used), and advise the Manager that the result of the test was negative;
- Advise there is no justification for the positive and advise the employee and the Manager of the positive test result; or
- Discuss any concerns regarding the effects of any medication (prescribed or otherwise) in relation to the employee's job.

The business retains sole discretion to determine whether or not to seek expert opinion

13 Kava

13.1 What is Kava

13.1.1 Kava is a drug with sleep aiding relaxant properties, making an individual feel sleepy while also slowing down the messages travelling between the brain and the body. Kava is made from the root or stump of the kava (Piper methysticum) shrub.

13.2 Kava Assessment Process

13.2.1 There is currently no testing device that can measure influence or impairment due to Kava use.

13.2.2 When assessing for Kava, physical, behavioural and performance symptoms and signs shall be considered. If a person exhibits signs and/or behaviours as listed in Appendix B, Supervisors/Managers should consider Kava use as a possible cause. The signs may occur singularly or in combination and not necessarily in the order in which they are listed.

13.2.3 If observed behaviour has reasonable cause for concern that an individual could be a safety hazard due to the influence of Kava:

- Follow Appendix B: Consideration of Just Cause to determine any physical, behavioural and performance symptoms and/or signs that may be associated with Kava.
- Where an employee has been deemed to be affected by Kava, a Manager may choose to offer a return to work programme for the individual). This programme will involve signing of a Kava Individual Health Contract (Appendix I) to include:
  - Acknowledgement of a positive drug or alcohol test or Kava symptoms
  - Consent to follow-up tests (random and specific)
  - Acknowledgement that, for health and safety reasons, the employee will be unable to resume work
  - Provision of drug, alcohol, or Kava education material

14 Related documents:

- Health and Safety at Work Act 2015
- Human Rights Act 1993
- Privacy Act 2020
- Employment Relations Act 2000
- Prescription Medication Guideline for Managers
- FC Drug and Alcohol Policy

15 Appendices & Links

A. FC Drug & Alcohol Policy
B. Consideration of Just Cause
C. Pre-employment / Internal Transfer Drug and Alcohol Testing Process
D. Post-Incident Drug and Alcohol Testing Process
E. Just Cause Drug and Alcohol Testing Process
F. Kava and Betel Individual Health Contract

Appendix A: FC Drug & Alcohol Policy

DRUG & ALCOHOL POLICY

We are committed to meeting our health, safety and wellbeing obligations by providing and maintaining a workplace where all workers are fit for work and free from the influence of drugs and alcohol.

We will:

- Provide and maintain a safe and healthy working environment where all workers operate free from the influence of drugs, alcohol, and other substances that may affect their ability to work safely.
- Require all employees, contractors and visitors to be fit for work and to undertake their duties free from the influence of drugs and alcohol at all times while undertaking work-related activities.
- Support our Life Saving Rule – "We always work free from the influence of Drugs and Alcohol" and expect all workers to intervene, speak up and take action when they believe someone may not be fit for work.
- Implement and maintain the Drug & Alcohol Management Standard, including fitness-for-work requirements, education, testing and assurance processes designed to manage drug and alcohol risks.
- Treat all workers fairly, consistently and respectfully in the application of this Policy, associated testing programmes and management processes, while protecting privacy and confidentiality.
- Apply this Policy consistently across all Fletcher Construction operations, sites, employees and contractors, ensuring that drug and alcohol risks are effectively managed, and workplace safety is maintained.

Phil Boylen
Chief Executive Officer - Fletcher Construction

Policy Issue Date: August 2026

Appendix B: Consideration of Just Cause

When assessing for 'Just cause', physical, behavioural and performance symptoms and signs shall be considered. If a person exhibits signs and / or behaviours as listed below Supervisors / Managers should consider alcohol and / or drug use as a possible cause. The signs may occur singularly or in combination and not necessarily in the order in which they are listed.

Name: **Company:**

1. Record signs of possible drug and / or alcohol abuse

The indicators listed below are 'behavioural warning signs' of drug and / or alcohol abuse and may be observed – in particular, look for changes to normal behaviour. Tick boxes where indicators are currently being observed.

Sudden unexplained change in performance		**Physical Symptoms cont.**	
Inconsistency in quality of work	☐	Dizziness / nausea or vomiting	☐
High and low periods of productivity	☐	Involuntary eye movements / blurred vision	☐
Poor judgement / more mistakes than usual	☐	Poor muscular coordination	☐
Difficulty in recalling instructions	☐	Stuffy or runny nose	☐
Increased difficulty in handling complex situations	☐	Excessively active / twitching	☐
Unusual behaviours		Difficulty concentrating	☐
Withdrawn or improperly talkative	☐	Slow and slurred speech	☐
Argumentative/Confrontational	☐	Bizarre / violent behaviour	☐
Exaggerated sense of self-importance	☐	Dry, Scaley skin	☐
Other unusual or out of character behaviour	☐	Upset Stomach, diarrhoea	☐
Incidents		Reduced or loss of appetite	☐
Taking needless risks	☐	Discolouration of teeth and gums (sometimes turning them reddish-brown)	☐
Disregard for safety of others	☐	Fast heart rate and palpitations	☐
Higher than average accident rate	☐	**Absenteeism**	
Emotional Signs		Increase in absenteeism and tardiness, especially	☐
Depressed	☐	Mondays, Fridays, before and after holidays	☐
Anxious	☐	Frequent unreported absences, later explained as 'emergencies'	☐
Irritable	☐		
Suspicious	☐	Frequent use of unscheduled leave	☐
Emotional unsteadiness	☐	Unexplained disappearances from the job with difficulty in locating employee	☐
Mood changes after lunch or break	☐		
Euphoria (Extreme happiness, sometimes more than reasonable)	☐	Requesting to leave work early for various reasons	☐
Physical Symptoms		**Relationship to others**	
Constricted / dilated pupils	☐	Overreaction to real or imagined criticism	☐
Skin sores / needle marks	☐	Avoiding and withdrawing from peers	☐
Red or watering eyes / droopy eyelids	☐	Complaints from co-workers	☐
Drowsiness / unconsciousness	☐	Persistent job transfer requests	☐

Odour of alcohol / marijuana ☐

2. Record comments and explanations

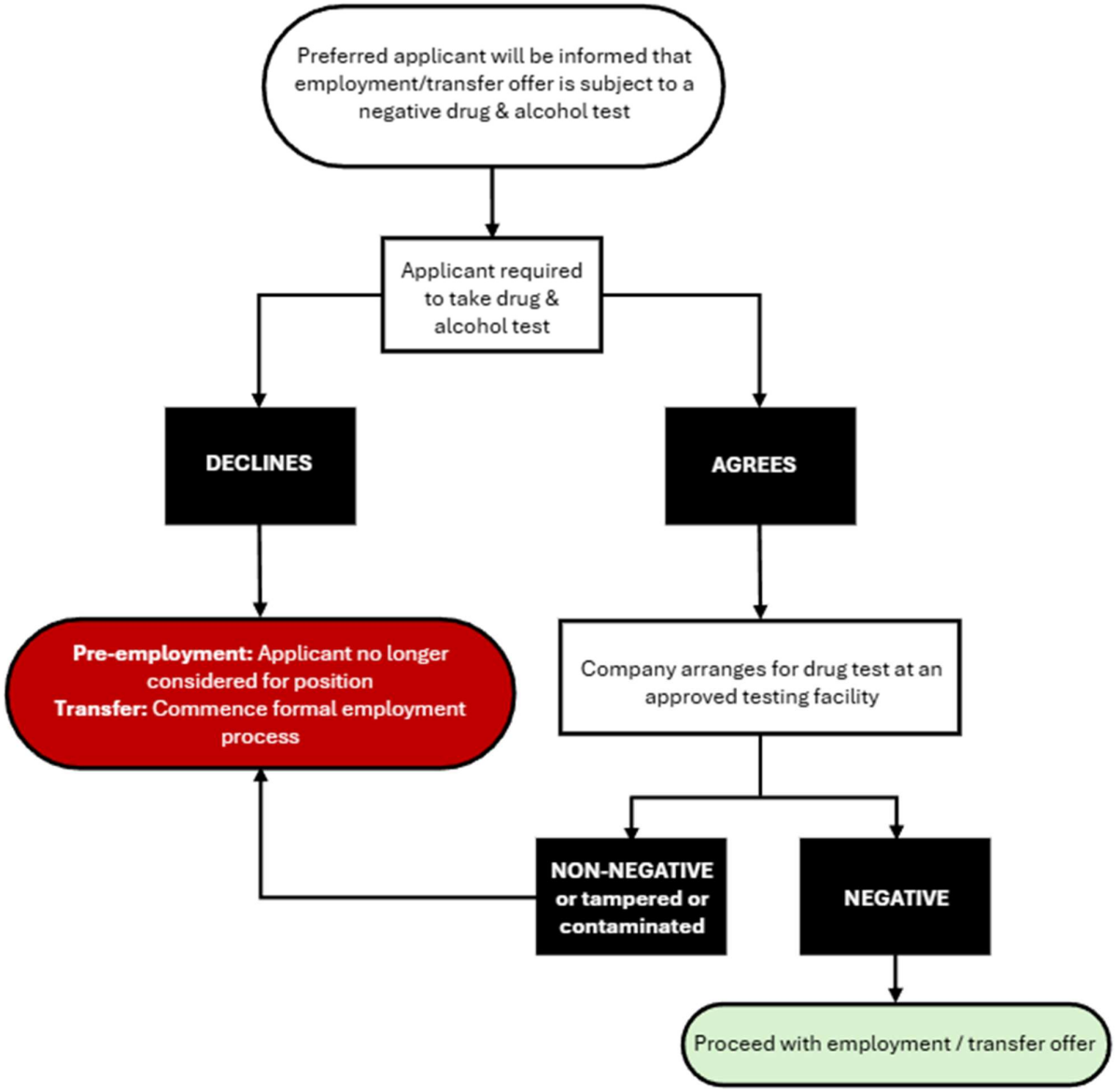
Comments / Explanation of person (if offered)

Supervisor Manager Name:

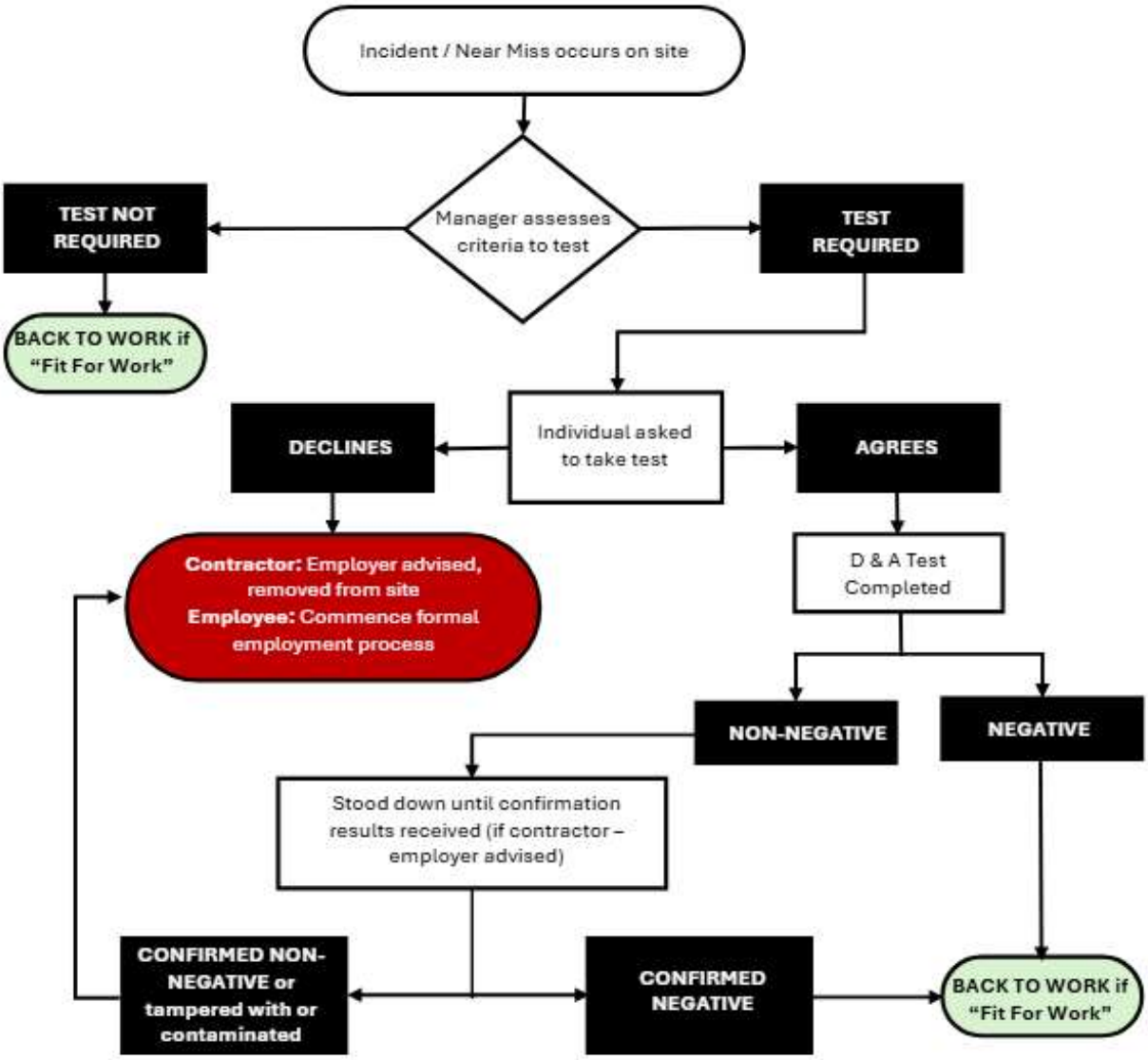
Position:

Date/ Time:

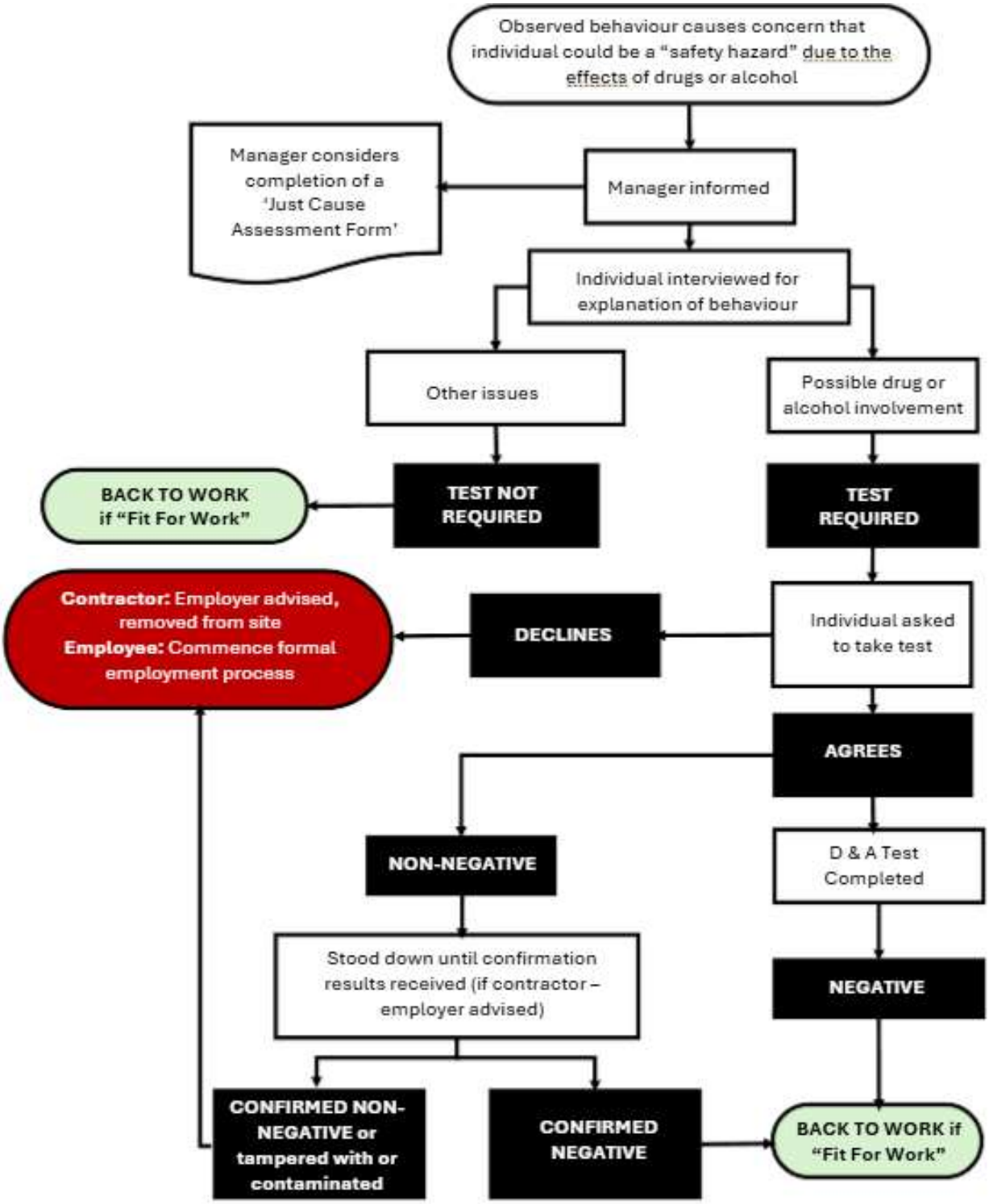
Appendix C: Pre-employment / Internal Transfer Drug and Alcohol Testing Process



Appendix D: Post Incident Drug and Alcohol Testing Process



Appendix E: Just Cause Drug and Alcohol Testing Process



Appendix F: Kava Individual Health Contract

When assessing for 'Kava', physical, behavioural and performance symptoms and signs shall be considered. If a person exhibits signs and / or behaviours as listed below Supervisors / Managers should consider Kava use as a possible cause. The signs may occur singularly or in combination and not necessarily in the order in which they are listed.

Name:

Home Address:

Date of Birth: **Contact Number:**

Employer: **Foreman:**

I hereby acknowledge that, my continued employment with [BU] is subject to the following terms and conditions:

1. I understand that due to the reasonable cause assessment for kava, I will be unable to resume work for the rest of my shift, for health and safety reasons.

2. I understand that, if on any future occasion I am found to be in possession of kava, disclose usage of kava, or attend work under the influence of kava, this may be considered a breach of the Drug and Alcohol Management Standard, and be constitute serious misconduct.

3. I agree to undertake drug and alcohol testing programme over the next [PERIOD], which will include at least [INSERT] tests that will occur on a random basis.
4. I agree to undertake any further reasonable cause test where [BU] has concerns around my ability to safely and effectively perform my role, this includes observations around my behaviour.
5. I understand that a positive test result from any of these tests will be considered a breach of the Drug and Alcohol Management Standard.
6.

Employee Signature	**Date**
For and on behalf of the [BUSINESS UNIT]	**Date**
Witness	**Date**