



Code of Conduct & Fitness for Work Handbook

No employee will be treated differently in any aspect of their employment if participating in the Fitness for Work Program.

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1 Introduction

EC&M Limited (ECM) recognises that safety is everyone's responsibility and requires a high standard of commitment to appropriate conduct and fitness for work.

This document explains the legal requirements and ECM's standards to ensure employees and contractors understand what is required of them with respect to their Conduct and Fitness for Work.

This document should be read in conjunction with all relevant Legislation, Codes of Practice, Standards, policies and procedures and industrial agreements relating to ECM's scope of operations.

All employees and contractors have a legal obligation to work in a way that does not endanger their safety and health, or that of any other person in the workplace.

(In the following, the term 'employees' includes contractors unless stated otherwise.)

2 Policies

ECM has corporate policies, which state the organisation's commitment to the environment, to quality and to ensuring the safety, health and welfare of employees, contractors and visitors to the organisation's workplaces. Policies are regularly reviewed to promote continuous improvement. Copies of these policies are available for viewing on the company Intranet page, through the Controlled Document Management System (CDMS) and displayed in prominent locations at sites.

3 Legislation - the Law

3.1 General Information

Everyone at ECM is required to comply with health, safety and environmental legislation and common law duties that apply to our workplaces.

These requirements are found in a number of Acts and Regulations including:

- State and Federal Workplace Health & Safety legislation (WHS)
- State and Federal Workers Compensation legislation
- Industry Specific Workplace legislation (for example)
 - Mines and/or Mine Safety
 - Petroleum, Oil & Gas exploration or production
 - Construction Industry
- General Safety legislation such as Roads, Air travel etc
- State and Federal regulatory or licensing legislation
 - Vehicle licensing
 - Trade licensing
 - Dangerous goods licensing
- Environmental monitoring, protection and standards legislation
- ECM's policies, rules and procedures state specific requirements for the workplaces. They do not alter or replace any legal requirements.

4 Responsibilities

4.1 Employer Responsibilities

The employer is required to provide:

- A safe place to work
- Safe systems of work
- Safe and maintained plant and equipment
- Information, instruction, training and supervision to enable you to work safely

- Management are also required to consult and cooperate with Safety & Health Representatives and other employees regarding safety in the workplace.

4.2 Management & Supervision

Management and Supervision's responsibilities include being aware of the fitness to work levels of those people under their control, to reduce any risk to workplace safety.

4.3 Employees

Employees are responsible for taking reasonable care for the health and safety of:

- Themselves
- Their workmates
- Visitors

Employees are required to cooperate with their supervisor and company management in their safety efforts, such as awareness training and the steps set out in relevant Fitness for Work Programs. Employees experiencing issues are encouraged to voluntarily seek assistance. Preparedness to allow causal testing for drugs and alcohol is a condition of employment with ECM.

4.4 Penalties

Employees are informed that there are significant penalties available to be enforced via regulatory bodies for both organisations and individuals who do not comply with relevant legislation, including WHS legislation.

Large fines can be imposed on companies, managers and employees for breaches of these WHS Acts and regulations, as well as prosecution leading to possible jail terms.

5 Certification and Licences

Employees must ensure they possess and can produce the appropriate and current licence or certificate of competency for the role they fill and the tasks they carry out in that role. Attending the appropriate re-certification training (including health checks if required) to keep that licence or competency current is an obligation of each employee.

ECM will assist where possible in maintaining registers of licences numbers, copies of certificates and expiry dates, but ultimately the responsibility for maintenance of these qualifications belongs to each employee.

6 Code of Conduct

ECM (and often our clients) has strict rules of conduct which apply to the work place, the accommodation camp and to travel arrangements to and from the site. It is a requirement that employees observe all of these rules. Any breach will be considered as contravention of the person's terms of engagement and will result in disciplinary action.

Extract from:  <http://www.fairwork.gov.au/pages/default.aspx> The Fair Work Ombudsman is an independent statutory office created by the Fair Work Act 2009 to promote harmonious, productive and cooperative workplace relations and ensure compliance with Commonwealth workplace laws.

“Conduct that is serious misconduct includes both of the following:

- wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment;
- conduct that causes serious and imminent risk to:
 - the health or safety of a person, or
 - the reputation, viability or profitability of the employer's business.

- Serious misconduct also includes the employee, in the course of the employee’s employment, engaging in:
 - theft
 - fraud
 - assault
 - the employee being intoxicated at work
 - the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee’s contract of employment.

These circumstances do not apply if the employee is able to show that, in the circumstances, the conduct they engaged in was not conduct that made employment in the period of notice unreasonable.

An employee is taken to be intoxicated if the employee’s faculties are, by reason of the employee being under the influence of intoxicating liquor or a drug (except a drug administered by, or taken in accordance with the directions of, a person lawfully authorised to administer the drug), so impaired that the employee is unfit to be entrusted with the employee’s duties or with any duty that they may be called upon to perform End of Extract”

6.1 At the Workplace

Employees are required to:

- Conduct themselves in a proper manner giving due respect to themselves and others so the workplace is free from intimidation, aggression, harassment, bullying or discrimination.
- Observe all site rules, traffic signs and other restrictive requirements issued by any recognised site authority are to be observed. Vehicles are to be parked only in designated areas and in a manner prescribed by the site rules
- Present themselves for work on time and in a fit state to work. Fitness for Work (FFW) means being:
 - free of the effects of alcohol, medication or other drugs (unless prescribed and declared)
 - properly rested
 - not suffering from any contagious or debilitating illness
 - not suffering from any other form of disability (except when under an authorised rehabilitation program)
 - wearing appropriate vision or hearing aids if required; and
 - being appropriately dressed
- Follow all lawful instructions, conscientiously and to the best of their ability.
- Adopt and maintain safe methods of work as prescribed by the Company from time to time.
- Maintain their immediate work space in a safe and tidy condition. All waste and unwanted material is to be disposed promptly and in an appropriate manner.
- Attend Pre-Start and Tool-Box Meetings as and when required.
- Wear and use such protective and/or Hi-Vis clothing and safety equipment as is determined by site or supervisory requirements.
- Register All medication they need to take during the course of a shift. It is to be registered with the site office at the commencement of a shift.

Employees are also required to observe the following:

- Personal mobile phones are not permitted on the worksite unless by prior arrangement with Company management. However, phones may be used at smoko or lunch breaks.
- Gambling, non-approved raffles or fundraising are not permitted on the worksite.
- Practical jokes and/or horseplay are considered potentially dangerous or disruptive and are not to be undertaken.

6.2 In the Accommodation Facility

The communal living area is provided for the benefit of all occupants.

Each occupant is entitled to quiet enjoyment of the facilities and it is everyone’s responsibility to ensure their activities do not intrude on that quiet enjoyment.

Occupants are to keep their quarters in a neat and tidy condition at all times, and are to cause no damage, modification, addition, or alteration to them. Should the accommodation require repair, other than for fair wear and tear, at the completion of the occupancy, the employee agrees to have the cost of the repairs deducted from their final pay.

Certain items are not permitted in the Accommodation area, including;

- Firearms, ammunition and other weapons.
- Illegal and/or recreational drugs
- Pornographic and/or sexually explicit or otherwise offensive material
- Explosives of any kind
- Merchandise of a kind meant for sale or supply
- Advertising Posters or other marketing material

Occupants must:

- Follow all lawful directions issued by the facility management
- Observe speed limits, and only park vehicles in designated areas.

6.3 During Travel To and From Site

When travelling to and from the point of hire, or otherwise on Company business, employees do so at the Company's expense and on the Company's Account. They are required to conduct themselves properly to avoid bringing discredit to the company or causing inconvenience or expense to the Company.

6.4 In Adjacent Communities

Where project works are adjacent to non-project communities, the required standards of conduct will be communicated at pre-mobilisation personnel interviews, site inductions and ongoing site meetings.

7 Fitness for Work Factors

Employees have a responsibility to make sure they are fit to carry out the duties for which they have been employed. Out-of-work activities can influence fitness for work. The three main areas are:

- Alcohol & Other Drugs,
- Fatigue, and
- Physical/psychological health & Wellness

7.1 Alcohol and Other Drugs

In line with the General Duty Of Care under the relevant WHS legislation, all ECM employees and contractors must be free from alcohol and other drugs whilst on duty.

Mine sites are subject to relevant Mines Safety Acts and Regulations, and no person may be in or on any mine whilst consuming, or adversely affected by, or in possession of, alcohol or drugs.

Persons reporting for work on ECM work sites shall have a blood alcohol concentration of **no more than 0.000%**.

Everyone is required to adopt a responsible approach to alcohol use by exercising moderation and being aware of the adverse effects of over-use.

7.2 Socialising & Work

ECM has a zero-tolerance approach to the consumption of alcohol or other drugs at the workplace and/or during working hours (including lunch and other breaks). Alcohol should only be consumed once all work is finished for the day and unless approved by Senior Management shall not be consumed until the employee has left the workplace. Employees are not to return to work after having consumed alcohol.

7.3 Other Drugs

The use, possession, manufacture and distribution of many drugs (including cannabis, tranquillisers, barbiturates, narcotic analgesics, hallucinogens and amphetamines) is illegal under relevant State and Federal legislation.

The driving or attempted driving of a motor vehicle, truck, mobile equipment, etc under the influence of ANY drug or medicine (regardless of whether its use in other circumstances may be legal, such as for prescribed purposes) is illegal under relevant State Road Traffic and Safety legislation.

7.4 Over-the-Counter or Prescription Medications

If employees need to take over-the-counter or prescription medications, they are required to inform ECM immediately before starting work, and may be required to provide a letter from their doctor certifying the medication will not affect their ability to work safely.

Unrestricted drugs, such as Paracetamol, Ibuprofen, Aspirin and anti-histamines taken anywhere on site must be strictly in accordance with the manufacturer's recommended dosage.

7.5 Honesty is the Best Policy

Employees and contractors are encouraged to assess their fitness for work. If affected by the excessive use of alcohol or affected by drugs of any kind, they should not come to work. Under such circumstances ECM management prefer to be advised of the nature of the problem and may grant sick leave, annual leave or authorised unpaid leave depending on the circumstances and entitlements.

By taking this honest and responsible approach employees will remove the risk to their own safety and risks to the safety of other people on site.

For consistent absence from work due to excessive alcohol or drug use, management will attempt to facilitate rehabilitation and may require the person to attend professional counselling sessions.

Employees are encouraged seek assistance from their safety adviser, supervisor or manager if they think they have an alcohol-related or other drug dependency problem. Counselling and rehabilitation, if required, can be arranged on a confidential basis. Free confidential help is available 24 hours a day for all site personnel and their families from the nominated provider.

7.6 Workers' Compensation

Under Workers' Compensation Laws, an employee may not be able to claim compensation if it is proven that their voluntary consumption of alcohol, or of a drug of addiction, or both, impaired their faculties and contributed to the disability (unless the disability results in death or serious and permanent disablement). It is the employee's responsibility to keep their supervisor informed.

7.7 Possession, Sale or Supply

Unauthorised or illegal drugs on site will be confiscated immediately. Unauthorised drugs include prescription drugs which have not been notified to management as noted above.

If the person is suspected of having consumed drugs on site, the person will be removed from site. The disciplinary action taken will depend on all the circumstances and may include termination of employment.

Where a person is found to be involved in the sale or supply of illegal or prescription drugs on site, they will be interviewed by management and informed that their employment is terminated.

7.8 Testing

Testing and test results are confidential. Testing includes:

- Pre-employment Testing - includes Alcohol & Other Drugs (AOD) screening
- Causal Testing - if the employee or contractor is involved in or causes an injury or near miss, or displays behaviour not consistent with the company's Safety or Fitness for Work policies.
- Random Testing.
- Due cause testing - if the employee or contractor appears to be unfit for work or is appears to be under the influence of alcohol or other drugs, management may require the person to be tested for due cause.

7.9 Counselling & Discipline

Any person who appears to be affected by alcohol or drugs will be removed from site immediately and treated in accordance with the ECM Fitness for Work Procedure (SEQ-PRO-Fitness for Work).

All positive AOD Tests shall be subject to Incident Reporting and Investigation in accordance with SEQ-PRO-Hazard and Incident Reporting and Investigation. The individual shall not be permitted to return to work until the investigation has been completed, appropriate actions have been taken, and it can be confirmed the individual is free from the effects of alcohol or other drugs.

Confirmed positive Blood Alcohol Content (BAC) tests and confirmed positive drug tests that are inconsistent with declared over the counter or prescription medications, will result in the employee being subject to formal counselling and disciplinary action in accordance with the ECM Discipline and Termination Procedure (HRM-PRO-Discipline and Termination Procedure) and the Termination and Counselling Guide (HRM-GUI-Termination and Counselling General Guide).

Confirmed positive tests for over the counter or prescribed medications are dealt with separately in accordance with the ECM Fitness for Work Procedure.

A refusal by an employee to submit to AOD testing shall be treated as though the employee returned a confirmed positive test result.

7.10 Rehabilitation

Professional counselling for Fitness for Work related illness and any rehabilitation associated with these illnesses will generally be undertaken during periods of leave off site. Severe cases, however, may require immediate referral. Any additional time off is arranged with ECM management and is taken as paid sick leave, annual leave or authorised unpaid leave depending on the person's entitlements and circumstances. Contribution towards costs will be assessed on the circumstances of each case.

8 Fatigue

ECM recognises that fatigue can seriously impact on safety. Fatigue is an acute and/or ongoing state of tiredness that leads to mental or physical exhaustion and prevents people from functioning within normal boundaries. It is a normal physiological reaction to exertion; lack of sleep; insufficient rest; boredom; changes to sleep/wake patterns; anxiety; or stress. Fatigue may be caused by Workplace, Lifestyle, or Medical factors.

If any of the following circumstances occur the potential for fatigue impacting the ability to undertake tasks safely may exist;

- Less than 6 hours sleep in the last 24 hours.
- Less than 14 hours sleep in the last 48 hours.
- Having been awake for more than 16 hours.
- Having worked night shift in the last 3 days.

- Having a sleep disorder.

The ECM Fitness for Work Procedure deals specifically with the issue of Fatigue monitoring, management and awareness. Employees are required to report fatigue as a Hazard, in accordance with SEQ-PRO-Hazard & Incident Reporting and Investigation Procedure.

Both ECM and its employees have a responsibility to ensure the risks associated with fatigue are minimised and managed.

9 Health & Wellness

9.1 Health Assessments

All persons employed by ECM are required to undergo health assessments. The type of assessment and frequency of review depends on the type of position held within the organisation, age and the necessary level of management for any medical conditions the person may have.

If an employee is injured in the course of their duties, a Return to Work Co-ordinator will be appointed to assist with the effects of the injury/illness and the return to work as soon as safely possible

ECM will endeavour to assist employees to return to their normal duties as soon as possible, if they do not meet the required health assessment for their position.

9.2 Inappropriate Behaviour & Workplace Bullying

All ECM employees are entitled to be treated with dignity and respect in their work environment. Bullying is unacceptable and will not be tolerated under any circumstances.

Workplace bullying is repeated inappropriate behaviour that harms, intimidates, offends, degrades, threatens or humiliates an employee, whether in front of other people or alone. While a one-off incident may not be considered to be bullying, such behaviour remains unacceptable and will be addressed.

ECM encourages all employees to report inappropriate behaviour and workplace bullying to their supervisor, manager, or a member of the HSE team, as part of their duty of care.

Any reports of workplace bullying will be treated seriously, and investigated promptly, confidentially and impartially, in accordance with ECM's Grievance Management process.

9.3 Employee Assistance

ECM can put employees in touch with a network of health professionals to assist in resolving social, work-related and personal problems which can affect the employee's work and safety. Marriage and family difficulties, stress and anxiety, alcohol and drug problems, financial difficulties; and any other personal or career problems may all be reasons for requesting this service.

This service is provided free to ECM employees and their families. Information exchanged between the service provider and employee is strictly confidential and will not be made available to any party unless the employee agrees to its release. Refer to ECM's Intranet, Site Noticeboard or your HR or HSE Resources for further details with regard to accessing this service.