

**In compliance with the Article 51 of the Health and Safety at work Act (Official Gazette of RS No. 43/11), the Management Board of Luka Koper d.d., Koper, at its 266<sup>th</sup> regular session on 1<sup>st</sup> Dec 2015 adopted the:**

**R E G U L A T I O N**  
**on the determining of the alcohol misuse and the presence of the psychoactive substances in the Port of Koper area**

**GENERAL PROVISIONS:**

**Article 1**

The primary purpose of the determining the alcohol misuse and the presence of other prohibited psychoactive substances (e.g. illicit drugs or medicines of the following groups: e.g. opiates, benzodiazepines, cannabis, amphetamines, metadone etc.) is to ensure the safety and health of the employees and other persons in the Port of Koper area resp. the ensuring of a safe working environment and care for the safety of persons and their property.

**Article 2**

This Regulation shall regulate primarily:

- competences, mode and procedures, by which employees, other individuals present in the Port of Koper area and authorised persons of Luka Koper d.d. shall take part in monitoring of the mental and physical fitness of persons and identifying the violations related to the consumption of alcohol or work under the influence of alcohol and other psychoactive substances, which are defined as such in compliance with the regulations, and the prevention of the effects if it is a case of a person for whom there is a reasonable suspicion that is under the influence of alcohol or psychoactive substances.
- proceeding related to the determining of alcohol misuse or misuse of other psychoactive substances as well as rights and obligations of persons for whom this procedure shall be conducted, or implementation of measures in order to prevent or mitigate the consequences resulting from their work or action under the influence of alcohol or other psychoactive substances.
- procedure in the event of refusal to undergo test or in the event of a positive test outcome.
- the area in which Luka Koper d.d. performs the competences as referred to in this Regulation.

**Article 3**

This Regulation shall apply for the areas under concession as well as administrative area of Luka Koper d.d. (hereinafter the Port of Koper area).

According to the resolution of the Management Board of Luka Koper d.d. the fenced area around the administrative building of Luka Koper d.d. shall be considered as administrative area of Luka Koper d.d.

The consumption of alcohol and of psychoactive substances and working or staying under their influence shall be prohibited in the Port of Koper area.

The alcohol testing or testing of other psychoactive substances may be performed for all persons present in the Port of Koper area.

#### **Article 4**

In all procedures the following shall apply:

- respect of the person's moral integrity, for whom the determining of the presence of alcohol or the presence of other psychoactive substances shall be carried out, protection and respect of his integrity and consideration and protection of the person's privacy;
- obtainment of a prior voluntary consent of the person for all declaratory proceedings;
- protection of data and documents collected at the performance of the test from unauthorised persons and their handling in compliance with the applicable legislation.

#### **Article 5**

*The persons taking medicines, which shall or may have an impact on the altered level of consciousness and are actively involved in the working process, shall be liable to inform, by restrictions prescribed by an authorised doctor, inform the supervisors of working processes.*

#### **Article 6**

It shall be established if a person is affected by alcohol or by other psychoactive substances by:

- recognizing the evident signs resp. behavioral indicators.
- defining the alcohol abuse by using the alcohol testing.
- defining the presence of illicit drugs by using an adequate tester.

Alcohol testing and testing of presence of prohibited psychoactive substances shall be performed in the event:

- there is a reasonable suspicion about the employee's alcohol abuse (e.g. drinking at the workplace, unpleasant odor of alcohol, improper conduct, uncertainty in walking, difficulties with equilibrium, disfunctions in speech, disorientation and similar – behavioral indicators).
- there is a reasonable suspicion of the abuse of prohibited substances and/or if there is a reasonable suspicion of the abuse of such substances (e.g. the aspect, mood, behaviour, manner of speaking and other visible signs, which may result from the abuse of prohibited psychoactive substances such as somnolence, absentmindedness, red eyes, apathy, euphoria...).
- persons, involved in incidents which may result in material damages and injuries, when the testing is performed if circumstances permit.
- in occasion of periodical preventive controls.

#### **Article 7**

No person shall be employed resp. any person must be promptly removed from the working site or danger zone under close surveillance if there:

- are signs in motricity, speech, orientation, behavioral indicators or other behavioral indicators which show that the person is not able to control his behaviour irrespective of the reason, resp.
- is any reasonable suspicion of alcohol or prohibited substances consumption, due to which the

person is in a such a mental and physical state that he is not or he will not be able to perform the work reliably or if his safety, safety of workers, third persons or property is or may be in danger.

Any person who detects the mental and physical disorders of other person shall be obliged to:

- promptly provide the assistance to the disabled person,
- inform the person's supervisor, his own supervisor or the security control center (hereinafter: SCC), in order to provide the professional assistance resp. treatment, if needed.

### **Article 8**

The alcohol testing and testing of prohibited substances in cases referred to in the first three indents paragraph 2 of Article 6 shall be performed on the basis of a request of:

- supervisor of the working process,
- security personnel,
- authorised officer for safety and health at work,
- head of the organisational unit, operations manager or shift manager of the organizational unit in Luka Koper d.d..

In the events referred to in indent 4, paragraph 2 of Article 6, i.e. in the event of the periodical preventive controls are performed, the alcohol testing and testing of prohibited substances for Luka Koper d.d. employees shall be performed on the basis of the requirements of the head of the occupational health and environment department or the head of the organisational unit, for all other persons present in the Port of Koper area on the request of the head of the port's security department.

## **II. Alcohol testing procedure**

### Article 9

The determining of the alcohol in breathing air with an appropriate calibrated and certified electronic device in compliance with the manufacturer's instructions is the only allowed technical procedure of alcohol testing, straightly carried out by authorised persons for determining the alcohol misuse, skilled for the measuring with electronic device.

The test shall be performed by security personnel, who shall carry also proofs on the calibration of device and the certificate of the professional competence of the person, who shall carry out the measuring.

The authorised person shall not be liable to submit the authorisation prior to the performance of the alcohol testing of the employee.

### Article 10

The alcohol testing shall be conducted by the commission made up of three members:

1. the representative of the security personnel from Luka Koper d.d. and who is in the same time also the chairman of the commission,
2. employee's supervisor or collaborator of the comncerned person, in case this person is not employed in Luka Koper d.d. and there is no possibility to contact his supervisor or his manager,
3. the person who passed the first aid exam aid and who was directed on the training by Luka Koper; in case such a person cannot be provided, the first two members shall appoint the third member of the commission.

In case it is not possible to provide the members of the commission in a way as referred to in item 2 and 3, the head of the commission shall appoint another two members.

#### Article 11

The commission conducts the proceeding by taking the minutes in the prescribed form with mark ALK 01, which is the enclosure N°1 of this Regulation. The instructions for the performance of measurements with alcohol test are the N°2 of this Regulation.

Prior to the execution of the testing the head of the commission shall inform the person who shall undergo the testing about the procedure of the execution of testing and shall obtain a voluntary consent of the concerned person.

The form shall be filled in in three copies, whereof one copy shall be kept by the security personnel, the other by the person concerned, the third by the employer's supervisor of the person concerned.

If the person undergoing the testing draws the attention on his health status, which may have an impact on the results of the testing, this remark shall be noted in the minutes and the procedure shall continue.

#### Article 12

The result of the alcohol testing must be presented to the commission members and to the person undergoing the test. The person who has undergone the testing referred to in this Regulation, shall have the right to give comments about the mere testing procedure, and namely these shall be noted in the minutes promptly after the conclusion of the testing procedure.

The alcohol testing shall be eliminating or affirmative.

#### Article 13

The criteria to establish the alcohol level is the alcohol concentraion in the body, which is measured in miligrammes of alcohol per liter of breathing air (mg/l).

It shall be deemed that the person is under the influence of alcohol resp. alcoholized person, if the concentration of alcohol in exhaled breath is higher than 0,00 miligram.

#### Article 14

Any person, found to be under the influence of alcohol, shall be removed from the working site and adequately protected in an appropriate location in order to prevent harm to others and himself resp. the person shall be removed from the Port of Koper area.

### **II. The psychoactive substances detection procedure**

#### Article 15

The drug detection procedure shall be carried out with an appropriate certified drugtester, in compliance with the manufacturer's instructions and by adeqautely qualified professionals.

It shall be performed by the security personnel who shall be in possess of the proof of the certificate of the drugtester and the certificate on the professional competence of the person performing the measuring.

Prior to the performance of test the head of commission informs the person who performs the test about the procedure of the performance of the test and shall the person's free consent.

#### **Article 16**

In the event of a suspect that a certain person is under the influence of prohibited substances the commission referred to in Article 10 of this Regulation shall be composed and shall conduct the testing procedure by taking the minutes in the prescribed form with mark P 01, which is the enclosure N° 3 of this Regulation.

The instructions for the performance of the measuring with the drugstester are the Enclosure N° 4 to this Regulation.

The form shall be filled in in three copies, whereof one copy shall be kept by the security personnel, one copy by the person concerned, and one copy by the employer's supervisor of the person concerned.

If the person undergoing the test, gives the information about his state of health which may have an impact on the result of a test, this remark shall be noted in the minutes and the procedure shall continue.

#### **Article 17**

The result of the test must be submitted to the members of the commission and to the person undergoing the test. The person who has undergone the test as referred to in this Regulation, shall have the right to present his comments with regard to the mere procedure of testing, which shall be noted in the minutes promptly after the completed testing.

The performed test may be eliminating or confirming.

#### **Article 18**

It shall be deemed that the person is under the influence of prohibited substances, when the presence of prohibited substances or their metabolites is established by the drug tester in the body of the person concerned.

The continuation of the procedure for the person, for whom it shall be deemed that is under the influence of prohibited psychoactive substances shall be performed by applying the provisions of Article 14 of this Regulation.

### **IV. Refusal to undergo the test for the determining the presence of the alcohol or the presence of prohibited psychoactive substances or refusal to sign the minutes**

#### **Article 19**

In the event the person for whom the alcohol misuse or the presence of prohibited substances are to be defined, refuses to undergo the test, the commission shall note it in the minutes and indicate the reasons for the refusal.

As refusal to undergo the test shall be considered the direct refusal as well as the conduct of the person, by which the person obstructs or unables the performance of the test (e.g. intentional blowing past the mouthpiece of the electronic alcohol testing, chewing of the mouthpiece of the drugstester and similar).

In case the person who has undergone the test, declines the signing of the minutes, the commission shall take the note on the minutes and shall state the reasons for such refusal.

In such cases the commission shall be liable to note and describe in the minutes its establishments and detections related to the mental and physical state of the person and his conduct, which proves that he is under the influence of alcohol or prohibited substances.

#### Article 20

If the person declines the performance of the procedure related to the determination of the presence of alcohol or the presence of prohibited psychoactive substances, his inadequate mental and physical state shall be proved in other ways, and namely, comparably but not exclusively:

- by witnesses, whose personal data and the given evidences shall be documented in writing.
- by direct detection of persons conducting the procedure and namely according to external signs and the behaviour of the person concerned respectively the behavioral indicators, which shall be noted in the minutes.

#### Article 21

The refusal to undergo the alcohol or prohibited substances testing without justified reasons for Luka Koper d.d. shall be considered the violation of this Regulation, serious violation of the Employment agreement and of the safety at work regulations.

#### Article 22

As a serious violation of the contractual obligations from the employment agreement or the violation of other contract beside the listed ones in this Regulation shall be deemed:

- the arrival of the person at work resp. in the Port of Koper area under the influence of the alcohol or under prohibited psychoactive substances.
- the consumption of the alcohol or prohibited substances during the work or at work.

The measures which shall apply for violators who are not employed in Luka Koper d.d. (external violators) shall be defined by the Regulation on the protection of the health and safety at work in the Port of Koper, as defined also in in the Agreement on ensuring safety at work, fire safety and environmental protection Luka Koper d.d. shall stipulate with external companies and individuals, performing an activity in the Port of Koper or staying there for business purposes.

### **III. Obligations of company services**

#### Article 23

Luka Koper d.d. shall ensure a multidisciplinary approach in order to prevent the misuse of alcohol and psychoactive substances at work place. Within the framework of a single organisational unit various preventive measures shall be carried out.

Human resources department shall ensure that at the employment, the limitations of single working places should be taken into consideration. The candidates shall take note about the responsibility for their own safety and safety of other persons, among others also considering the prohibition to work under the influence of alcohol or other prohibited substances. In the case of violations, HR shall take an active part in assistance to the employee jointly with the organisational unit where the employee is employed.

Organisational unit in charge of the safety and health at work shall monitor the situation in this field through designated periodical and other medical examinations and shall report to the organisational unit where the employee works and to the HR Department.

Organisational unit, in charge of security shall take care about the worthiness of the equipment, professional capability of executors of testings and reporting about performed testing. Organisational unit, responsible for the relationship with outsourcing companies shall inform the contractor about the violations and shall arrange the contractual and other obligations.

### **Reporting**

#### Article 24

In all cases pertaining the dealing with individuals due to the work or movement under the influence of alcohol or of prohibited substances in the Port of Koper area the security and control center in Luka Koper d.d. shall be informed about the aforesaid violations of the Regulation and performance of tests. Thereupon, the security and control center shall report to the competent organisational unit in accordance to the established reporting system.

Port's security and safety at work and environment departments once a year prepare a joint report on concerned events and taken actions, which were carried out in cases /with respect of the treatment of persons, who were under the influence of alcohol or under influence of prohibited psychoactive substances, proposing the actions in order to manage the worsening /deterioration or declines for the Management Board of Luka Koper d.d.

### **Other actions and procedures ensuring the safety**

#### Article 25

In case of suspicion of the presence of the alcohol or other prohibited substances, the entry to the Port of Koper area shall be exceptionnally allowed only to the seamen, who shall be transported to the berth and the care for their embarkement shall be taken. Should a breach of the internal order occur, the accompanying security officer shall promptly inform the control security center, who shall establish the contact with the captain in order to take care for the member of the crew.

#### Article 26

The pass shall be withdrawn to the person who contravenes the provisons of this Regulation and the entry in the Port of Koper area shall be prohibited for at least 24 hours.

In case the mental and physical state of the person concerned is affected to the extent, that the person concerned is not capable to think rationally and to master the physical and locomotory functions, the security personnel shall inform the competent medical institution and shall give assistance to the person according to its capacities.

### **Designated medical examination**

#### Article 27

In cases when the head of the organisational unit or the operations head resp. the authorised professional for safety and health of work have a reasonable cause to suspect that a person employed by Luka Koper d.d. or by subsidiaries has addiction problems because of the alcohol consumption or the consumption of the prohibited substances, which may have an impact on the safety at work or the capacity to to work of this person, he has to be directed to the medical examination in the center for occupational, transport and sport medicine.

## **VI. Costs**

#### Article 28

In the event it is established that the concerned person has in the body the concentration of alcohol over 0,00 mg/l or any prohibited substance or metabolites of these substances which may resp. which have had an impact on his physical and mental capacities, this person is liable to bear all costs related to the procedure of the establishment of the aforesaid substances such as are comparably and not explicitly the payment of the alcohol test and similar.

If conversely, it is established as the result of the test that the person in the body has not had alcohol and/or prohibited substances, the costs of the establishment of these substances shall be borne by the company.

### **VII.** Final provisions

#### Article 29

This Regulation was adopted by the Management Board of Luka Koper d.d. and shall enter into force as from the date of its adoption.

The heads of departments shall be required to inform the employees in their department about this Regulation.

Also other persons operating with Luka Koper d.d. in the Port of Koper area must be informed in this respect.

This Regulation shall be published on Luka Koper d.d. website.

This Regulation was adopted by the Management Board of Luka Koper d.d. and shall come into force with the date of its adoption. The heads of departments are liable to inform the employees about this Regulation. Also other subjects operating with Luka Koper d.d. in the Port of Koper area shall be acquainted with this Regulation.

#### Article 30

As from the date of the entry into force of this Regulation, the »Regulation on the determining the alcohol misuse and the presence of prohibited substances in the Port of Koper area, which was adopted in 2006, shall expire.

Koper, 24.11.2015

Dragomir Matić  
President of the Management Board