

Corporate Policy 4

Drug-Free Workplace and Prohibited Substances

Purpose

The unauthorized possession, use or abuse of drugs or alcohol in the workplace poses an unacceptable risk to the safe, healthful, and efficient performance of our job responsibilities and endangers the company's employees, customers, property, equipment and reputation. The company is committed to providing all employees with a drug and alcohol-free workplace and has established the following Drug-Free Workplace and Prohibited Substances Policy (the "Policy") with regard to the unauthorized use and possession of prohibited substances. This Policy is established to: ensure a safe environment for employees and customers; protect company and employee property; increase productivity, efficiency and quality of service; and enhance operational security.

Scope

This Policy applies to all employees and prospective employees of Stryker's domestic operations.

Basic policies

1. **When the Policy applies:** The Policy shall apply to employees when they are on company time or on company premises. It also covers certain specified conduct that takes place outside of company time and off company premises. For the purposes of this Policy, company "premises" is defined as all property, facilities, land, buildings, structures, fixtures, installations, automobiles, trucks and other vehicles, whether owned, leased or used by Stryker. Company "time" is defined as any period when an employee is on duty, is performing, expected to be performing, or is ready to perform work duties for Stryker, whether or not the employee is at his or her regularly assigned work station or location.
2. **Prohibited conduct**
 - 2.1 Unauthorized use, consumption, possession, manufacture, distribution, dispensation, solicitation or sale of a prohibited substance (as defined in Section 3) on company time or company premises.
 - 2.2 Being under the influence of an illegal drug, controlled substance or alcohol.
 - 2.3 Storing any prohibited substance in a locker, desk, office, automobile or other container or repository.
 - 2.4 Refusing to sign a statement agreeing to abide by Stryker's Drug-Free Workplace and Prohibited Substances Policy.
 - 2.5 Refusing to consent to testing, or failing to submit a sample for testing without valid medical explanation, when requested by the company consistent with the requirements of this Policy.
 - 2.6 Substituting or adulterating any body substance or specimen submitted for testing, or falsely representing that the body substance or sample fluid is the employee's own sample.
 - 2.7 Failure to notify the company of a conviction under any criminal drug statute for a violation occurring in the workplace within five (5) days after the conviction (including pleas of guilty or no contest/nolo contendere).
 - 2.8 Off-duty use, consumption, possession, manufacture, distribution, dispensation, solicitation or sale of a prohibited substance that adversely affects the employee's work performance, his/her own or others' safety at work, or Stryker's regard or reputation in the community.
 - 2.9 Failing to adhere to the requirements of any drug or alcohol treatment or rehabilitation program in which the employee is enrolled.
 - 2.10 Refusing to submit to a search when requested by Stryker consistent with the requirements of this Policy and based upon reasonable suspicion that the employee or prospective employee has engaged in unlawful or improper activity.

3. Prohibited substances

- 3.1 Illegal drugs and other controlled substances (including trace amounts) which have the effect of altering the physical and/or mental abilities of the employee. Such illegal drugs include, but are not limited to, marijuana, cocaine, opiates, phencyclidine, and amphetamines.
- 3.2 Alcohol, which is defined as alcoholic beverages and any other beverage, mixture or preparation, including any medication containing alcohol.
- 3.3 Prescription drugs which are known to or may impair a person's work performance, except as provided in section 4, or prescription medication which has not been legally obtained for personal use.

4. Prescription drugs and other medications

- 4.1 Employee responsibility
 - An employee using a prescription drug or over-the-counter medication, which is known to or may cause impairment, is responsible for being aware of any potential effect such drug may have on his/her judgment or ability to perform duties and for reporting such use to his/her supervisor prior to beginning work. Stryker, at all times, reserves the right to have its physician determine if a prescription drug or medication impairs work performance and may restrict the employee's work activity accordingly.
- 4.2 Employee affirmative duties
 - An employee shall inform his/her supervisor prior to using any prescription or over-the-counter medication that is impairing or has the potential to impair performance on the job.
 - Each prescription drug container shall be in the employee's name and shall be used only as directed by the employee's physician. Over-the-counter medications also shall be used only for the purpose intended, and in the dosage and manner recommended.

5. Implementation and enforcement of Policy

- 5.1 The following testing procedures may be employed to assure compliance with the Policy. Applicants and employees may be requested to submit samples for prohibited substance testing, which may include, but are not limited to, urine, saliva, blood, plasma, breath, hair follicle or other accepted testing procedures in the following circumstances:
 - As a condition of consideration for employment
 - Applicants who have received a contingent offer of employment may be required to undergo and pass a drug test. Applicants who test positive on a pre-employment drug test shall be disqualified for further consideration.
 - Reasonable suspicion of an employee
 - When Stryker has reasonable suspicion to believe that an employee has unauthorized possession of or has used, sold, purchased, manufactured, dispensed, distributed or is under the influence of prohibited substances on Stryker premises.
 - Reasonable suspicion that an employee has used or is under the influence of a prohibited substance exists when an employee's appearance, behavior, speech, breath or body odors indicate the use or effects of alcohol or drugs.
 - If an employee who is selected for reasonable suspicion testing does not require immediate medical attention, the company will provide transportation to a specimen collection site. If necessary, the company will also attempt to make arrangements for suitable transportation to the employee's home following testing.
 - An employee who is required to take a reasonable suspicion test is considered unqualified to work and will be placed on immediate unpaid suspension, pending the results of his/her test(s). If the test results are negative and if the employee has fully cooperated with the testing, the employee will suffer no loss of regular pay or benefits as a result of the testing.

6. Investigation

- 6.1 Searches
 - An employee's personal property will not be subject to a search for drugs or alcohol unless there is reasonable suspicion to believe the employee is in possession of or has sold, purchased, manufactured, dispensed or distributed prohibited substances while on company time or premises, unless otherwise required by law, regulation or a last chance agreement. Stryker reserves the right to inspect the contents of any company property being used by the employee at any time. This includes desks, lockers, company cars, and other company facilities.
- 6.2 Employee Privacy
 - Testing and searches will be conducted with due regard for the personal privacy and dignity of each employee.

7. **Refusal to submit to tests or searches:** No employee test or search of an employee's personal property will be conducted without the employee's written consent. However, an employee who refuses to submit to a test or search may be subject to disciplinary action up to and including discharge.

8. **Consequences and last chance agreements**

8.1 Any employee who violates this Policy will be subject to disciplinary action, up to and including discharge, at Stryker's sole and exclusive discretion.

8.2 An individual who violates this Policy may, at Stryker's sole discretion and without precedent, be offered the opportunity to enter into a "last chance agreement." The primary objective of a last chance agreement is to offer rehabilitation to an employee who has or may develop drug or alcohol problems or other health or behavioral problems. A last chance agreement shall provide that an employee who violates this Policy may return to employment at Stryker under the following conditions:

- The employee must sign a written acknowledgment admitting that he/she has a substance abuse problem.
- The employee must successfully complete a licensed rehabilitation program approved by the company. A written statement of successful completion must be provided from the licensed rehabilitation program.
- The employee must agree to submit to unannounced random testing for the duration of the treatment plus one year.
- An employee returned to work under a last chance agreement will be subject to immediate discharge for any violation of this Policy including, but not limited to, a positive test result for the use of any prohibited substance as defined by this Policy.