

**W1-P Alcohol and Other Drugs Procedure**

**Purpose**

**Department** Workplace Health and Safety

**File No.** PER/0500

**Council Meeting Date**

**Minute Number**

**Next Review Date**

**Review History**

<b>Definitions</b>	As per the Alcohol and Other Drugs Policy
<b>Training</b>	Council will provide all persons covered by this Procedure with appropriate training, so they are made aware of their responsibilities and obligations under the Procedure.
<b>Amendment</b>	Council retains the sole discretion to reasonably terminate, replace or vary this Procedure from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.
<b>Interpretation of Procedure</b>	<ul style="list-style-type: none"> <li>(a) The singular includes the plural and vice versa.</li> <li>(b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements, or re-enactments of any of them.</li> <li>(c) A reference to policy or procedure means any approved policies or procedures of Council unless otherwise stated.</li> <li>(d) 'including' and similar expressions are not words of limitation.</li> <li>(e) A reference to a document (including this document) is to that document as amended, novated, or replaced unless otherwise stated.</li> <li>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</li> <li>(g) Examples used in this Procedure are for illustrative purposes only and are not intended to be exhaustive.</li> <li>(h) Unless expressly provided for, this Procedure is not in any way incorporated as part of any enterprise agreement and does not form part of any Worker's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Procedure to the extent of any inconsistency.</li> <li>(i) It is not intended that this Procedure impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction, or responsibility imposed by this Procedure must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the</li> </ul>

	<p>relevant Applicable Laws operational and personal circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Procedure should be directed to a person's Manager.</p>
--	---

## 1. Guidelines

- a) Particular processes in this Procedure will be utilised as considered reasonably necessary to ensure effectiveness.
- b) The process should ensure appropriate confidentiality for all parties.
- c) An Employee may have a support person involved for any process contained under this Procedure.
- d) The role of the support person is to assist Employees by providing emotional support, aiding the Employee's understanding or by taking notes, asking appropriate questions, or requesting breaks. A support person is not to be an advocate or speak on behalf of the Employee. An appropriate support person is a person who is not a party to a process or involved as a potential witness or who otherwise has a conflict of interest.
- e) A support person must maintain confidentiality and understand that an Employees' fitness for work in relation to Alcohol and other Drugs is a private matter between the relevant parties, and the confidentiality of those processes should be respected at all times.

## 2. Testing Procedure

### 2.1 Conducting the Test

- a) Council is authorised to conduct testing of Workers in accordance with the Policy.
- b) Council will engage the Testing Organisation to carry out testing for Alcohol and/or Drugs in accordance with the Procedure.
- c) Testing must positively establish the Worker's identity.
- d) The Testing Organisation must maintain custody of the sample and test results until authorised by Council to release them.
- e) The worker may have a Union delegate or other representative present during the testing procedure.

- f) Unless medically required, no food or drink is to be consumed for 15 minutes prior to the test.
- g) Smoking shall also not be permitted as it may distort the test results.
- h) In the event that a non-negative result is registered, a subsequent test will be carried out 15 minutes after the first test. During this 15 minute period, the worker is to be supervised continually at all times by the person conducting the tests.
- i) Workers with a non-negative second analysis test results will be presumed unfit for work and arrangements will be made to transport the person to their home. The worker will then be required to submit for a further test at the first available opportunity on the next working day before being able to resume their normal duties.
- j) Where a person presents a negative result the person will be permitted to commence or resume their normal duties.
- k) A worker who refuses to undertake an initial and/or second test will be presumed to be, and treated as if, a second non-negative test result was received.
- l) Where the testing organisation reasonably suspects that a testing sample has been tampered, interfered with, or substituted the Worker must submit a second sample.

## **2.2 Types of testing**

- a) Illicit Drugs, Prescription Drugs and/or OTC Drugs testing will be by way of oral fluid testing (saliva).
- b) Alcohol testing will be:
  - i. by way of breath analyses; and,
  - ii. if requested by a Worker, subsequent blood test to confirm results of breath analyses test.

## **2.3 Procedure for Non-Negative Test**

- a) If a Worker participates in a test and the test returns a Non-Negative Test Result, the Worker will have the option to:

- i. accept the Non-Negative Test Result and be subject to any permitted action under the Policy; or
  - ii. immediately participate in further testing in accordance with the Procedure to confirm/ disprove the result; or
  - iii. declare any prescription medication currently being taken, if not done prior to testing and participate in further testing.
- b) If after exercising the option in 2.3 (a) (ii) the second test is also in excess of the Fit for Work Limits, the Worker will be subject to any permitted action under the Policy.
  - c) If after exercising the option in 2.3 (a) (ii) the second test is below the Fit for Work Limits, the Worker will be permitted to commence or continue with their work.
  - d) If after exercising the option in 2.3 (a) (iii) the testing organisation confirms the test was positive but consistent with medication declared, the worker will be assessed for fitness to work and either returned to normal duties or given alternative duties for the duration of the use of the medication, provided such timeframe is reasonable.
  - e) If after exercising the option in 2.3 (a) (iii) the testing organisation confirms the test was Non-Negative and not consistent with medication declared, the Worker will be subject to any permitted action under the Policy.

## **2.4 Procedure for Negative Test Results**

If a Worker participates in a test and the test returns a Negative Test Result, the Worker will be permitted to commence or continue with their work.

## **2.5 Procedure for refusal to participate in a test**

- a) If a Worker refuses to participate in a test or avoids or attempts to avoid participating in Random Testing the Worker will be informed that the refusal will have the same consequences as a non-negative result, i.e. that the worker will be deemed to be under the influence of drugs and/or alcohol and will be subject to any permitted action under the Policy.
- b) The worker's manager must be informed of the refusal.
- c) The worker will be offered the test again and if still refused, the result shall be recorded as "refused test".

- d) The worker will not be permitted to return to work until a negative result is obtained.
- e) Stood down workers may be entitled to access their own personal leave entitlements if available and if not, other available accrued leave entitlements

## **2.6 Tampering**

Any attempt to tamper with samples and introduce, or alter the concentration of alcohol or other drugs in their own, or another's saliva or breath may constitute serious misconduct and be dealt under Council's Disciplinary Procedure.

## **3 Related Legislation, Regulations and Policies**

As per Alcohol and Other Drugs Policy

## **4 Responsibilities**

The responsibility of this procedure rests with the General Manager.

### Alcohol and Other Drug Testing Flowchart

