

DRUG AND ALCOHOL PROCEDURE (WORKERS)

1 Scope:

This Procedure applies to all workers who carry out work in any capacity for Rockhampton Regional Council including work as an employee, contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company assigned to work for Rockhampton Regional Council, an apprentice or trainee, work experience student or volunteer.

The Rockhampton Airport Drug and Alcohol Management Plan (DAMP) is excluded from this Procedure. The DAMP applies to all Rockhampton Regional Council employees or contractors participating in a Safety Sensitive Aviation Activity at Rockhampton Airport.

2 Purpose:

To support Rockhampton Regional Council's commitment in maintaining a safe and efficient working environment for all workers.

3 Related Documents:

Primary

Drug and Alcohol Policy

Secondary

Anti-Discrimination Act 1991

Australian Human Rights Commission Act 1986 (Cwlth)

Industrial Relations Act 2016

Information Privacy Act 2009

Local Government Act 2009

Local Government Regulation 2012

Right to Information Act 2009

Transport Operations (Road Use Management) Act 1995

Workers' Compensation and Rehabilitation Act 2003

Workers' Compensation and Rehabilitation Regulation 2014

Work Health and Safety Act 2011

Work Health and Safety Regulation 2011

Code of Conduct

Relevant Australian Standards

Council's Certified Agreement/s

Discipline Procedure

Fitness for Work Policy

Rockhampton Airport Drug and Alcohol Management Plan

Workplace Bullying, Discrimination and Sexual Harassment Policy

Workplace Health and Safety Policy

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4 Definitions:

To assist in interpretation, the following definitions apply:

CEO	<i>Chief Executive Officer</i> A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Council	Rockhampton Regional Council
Employee	<i>Local government employee</i> — (a) the chief executive officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Employee Assistance Program (EAP)	A confidential, professional counselling service available to Council employees.
Fitness for Work	A state (physically, mentally and emotionally) to perform assigned tasks competently and in a manner which does not compromise or threaten the health, wellbeing and safety of themselves or other persons.
GM	General Manager
Impairment	A symptom of reduced quality, strength or effectiveness of a worker due to the affects of drugs and / or alcohol consumption whilst performing their usual duties.
Manager	Any employee who holds a position with a band level 3 delegation under Council's Human Resource Management Delegations Policy.
NATA	National Association of Testing Authorities.
Negative (Drug Test Result)	The result from the first test of a sample that indicates no presence of a substance being tested for.
Non-Negative (Drug Test Result)	The result from the first test of a sample that may indicate the presence of a substance being tested for.
Over the Limit (Alcohol Test Result)	The result from the test of a breath sample which indicates a blood alcohol concentration (BAC) in excess of the limit.
Positive (Drug Test Result)	The result from a laboratory confirmation that the presence of a substance being tested for exceeds the limit specified in the relevant Australian Standard.
Investigation	An inquiry to determine whether the circumstances of an incident warrant further investigation.
Random	Having no specific pattern, purpose, or objective.
Supervisor/Coordinator	Any employee who holds a position with a band level 4 or 5 delegation under Council's Human Resource Management Delegations Policy.
Testing Provider	Council's preferred testing provider as selected by the tender process, in accordance with the requirements of the Drug and Alcohol Policy and this procedure.

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Under the Limit (Alcohol Test Result)	The result from the test of a breath sample which indicates a blood alcohol concentration (BAC) less than the limit.
Worker	Employee, contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company assigned to work for Council, an apprentice or trainee, work experience student or a volunteer.
Workplace	A place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.
Work Group	Two or more workers who routinely function as a team.

5 Responsibilities

5.1 All workers have the responsibility to:

- Adhere to and maintain knowledge of this procedure at all times;
- Present to work in a fit state;
- Attend training and education sessions as required;
- Report any issues that may affect their or other worker's fitness for work;
- Be available and participate in testing procedures; and
- Cooperate in the process of determining fitness for work while using prescription or over the counter medications in consultation with the treating medical practitioner/pharmacy.

5.2 Supervisors have the additional responsibility to:

- Ensure all workers are trained and educated in, and have access to this procedure;
- Ensure corrective actions to manage the risks associated with fitness for work issues of workers under their supervision are undertaken;
- Assist in organising random testing as required;
- Monitor and report any issues that may affect workers fitness for work;
- Request post-incident or suspicion testing;
- Attend positive and over-the-limit test interviews;
- Ensure this procedure is implemented and applied consistently in their operational area; and
- Treat all information collected with the strictest confidentiality.

5.3 Managers have the additional responsibility to:

- Ensure all workers/supervisors are trained and educated in, and have access to this procedure;
- Ensure corrective actions to manage the risks associated with fitness for work issues of workers under their supervision are undertaken;
- Request post-incident or reasonable suspicion testing;
- Request GM or CEO approval for reasonable suspicion testing;

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- Ensure this procedure is implemented and applied consistently in their operational area; and
- Treat all information collected with the strictest confidentiality.

5.4 Workforce and Strategy have the additional responsibility to:

- Assist in the coordination of this procedure;
- Assist with training and education programs for this procedure;
- Request GM or CEO approval for post-incident and/or reasonable suspicion testing submissions;
- Ensure all testing personnel are trained and competent;
- Ensure testing procedures are followed according to the relevant Australian Standards; and
- Ensure that all information collected is maintained and treated with the strictest confidentiality.

6 Consultation, Awareness and Training

6.1 Consultation

Council will ensure that the implementation and continual improvement of this Drug and Alcohol Procedure occurs in consultation with all relevant stakeholders including employees, management, relevant unions, nominated testing provider/s and Health and Safety representatives.

6.2 Awareness and Training

6.2.1 Council recognises that it is important to develop a workplace culture through awareness and training where employees are prepared to encourage each other to be safe and fit for work.

6.2.2 Employees will be provided with drug and alcohol awareness and training. In addition, a range of information on drug and alcohol consumption will be made available to employees including the different types of drugs and the risks they pose to peoples' health.

6.2.3 Drug and alcohol awareness and training for employees will cover, but not be limited to, the points below:

- The importance of being fit for work ;
- The effects of the consumption of drugs and/or alcohol on health, safety and performance in the workplace;
- What constitutes unacceptable drug or alcohol consumption;
- How to recognise workers who may not be fit for work due to the consumption of drugs and/or alcohol;
- Basic knowledge and understanding of the different types of drugs and their effects;
- Ways of dealing with the consumption of alcohol and other drugs and assisting employees who are consuming drugs and alcohol to avoid developing further problems;
- Counselling, treatment and rehabilitation services available to workers to enable those who have problems or concerns to seek effective solutions and suitable treatment of their choosing; and

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- How an employee who has a problem with drugs and/or alcohol can self-disclose.
- Council's Drug and Alcohol Policy and Procedure.

7 Drug and Alcohol Testing Triggers

7.1 Random Testing

- 7.1.1 Random drug and alcohol testing may be conducted for all workers.
- 7.1.2 Random selection will be based on work groups, not individuals, given the large geographical area that Council workers cover.
- 7.1.3 The methodology is to have a confidential random selection system which selects the work group to be tested.
- 7.1.4 The random testing process ensures that a selection of workers as determined by the preferred testing provider, are tested for drugs and alcohol.
- 7.1.5 A union representative will be invited to attend the random selection undertaken by the testing provider; however this will not be paid as overtime.

7.2 Reasonable Suspicion

- 7.2.1 Any worker has the obligation to submit a case for testing if they reasonably suspect that another worker is unfit for work due to drugs and/or alcohol during working hours. It is a worker's right to protect the health and safety of themselves and others. It should be noted that the worker submitting the case may also be tested. The GM or CEO will determine if the test will be completed or not.
- 7.2.2 Where a worker makes a submission based upon a reasonable suspicion that another worker is impaired and subsequently the submission is deemed to be vexatious or frivolous, appropriate action will be taken against the worker making the submission.

7.3 Post Incident

- 7.3.1 A drug and alcohol test may be conducted in accordance with this procedure for any worker who is involved in or may have contributed to an incident which:
 - results in the death or serious injury of any person;
 - involves significant damage to property;
 - which involves the overturning of any plant or motor vehicle;
 - had the potential to cause death, significant damage or serious injury to any person.
- 7.3.2 The workers health and safety will take precedence over a drug and alcohol test following an incident.

8 Testing Methods

Suspicion and post incident drug testing undertaken will comprise of an initial saliva test. However, if the worker cannot provide a saliva sample a urine test will be conducted.

Random testing will be either saliva or urine. Depending on the results, a secondary test may be required.

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Urine testing will be conducted in accordance with Australian Standard 4308:2008. Saliva testing will be conducted in accordance with Australian Standard 4760-2006.

Alcohol testing will be conducted in accordance with Australian Standard 3547-1997 and current random breath testing procedures in Queensland.

8.1 Authorised Drug and Alcohol Testing

The testing provider will be authorised in writing by the CEO to conduct drug and alcohol tests for all workers. Testing will only be carried out with site approved drug and alcohol testing equipment, which is regularly tested and calibrated to the standards specified by the manufacturer.

The testing provider arranges for non-negative drug test samples to be forwarded to an approved laboratory for independent analysis in accordance with NATA requirements.

9 Drug and Alcohol Testing

Workers are considered unfit for work if a sample collected and analysed in accordance with the guidelines set out in this procedure indicates the presence of a substance at or above the limits outlined below. It should be noted that these limits, as specified in the relevant Australian Standard, may change from time to time and as such the limits relevant at the time of testing will always apply.

9.1 Drugs

Initial screening for drugs will comprise of a urine test for the following drug levels:

According to AS/NZS 4308:2008:

Amphetamine type substances	300µg/l
Cannabis metabolites (THC)	50µg/l
Cocaine metabolites	300µg/l
Opiates (heroin)	300µg/l
Benzodiazepines	200µg/l

µg/l = micrograms per litre

Screening for THC as part of the urine test is an indicator of the presence of cannabis metabolites only and does not necessarily indicate impairment.

Saliva testing will screen for the following drugs:

According to AS4760-2006:

Tetrahydrocannabinol (THC)	25ng/ml
Amphetamine related compounds	50ng/ml

ng/ml = nanograms per millilitre

Drugs that may return a non-negative result for the urine test include (but are not limited to) heroin, cocaine, amyl nitrates (rush), PCP (angel dust), crack, ecstasy, LSD, speed, magic mushrooms and ice.

Drugs that may return a non-negative result for the saliva test include marijuana and other products containing THC and amphetamine related compounds.

9.2 Alcohol

9.2.1 All workers (with the exception of those included in point 9.2.2 must provide, if tested, a blood alcohol concentration (BAC) of less than 0.05g/100ml (0.05%) to be permitted on any Council workplace.

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9.2.2 Any worker who conducts or is involved in any of the following activities must provide, if tested, a BAC of 0.00g/100ml (0.00%):

- Construction and maintenance works;
- Operation of plant requiring an LR licence or above to operate including trucks / buses;
- Operation of plant or machinery that requires a statement of attainment or licence issued by Workplace Health and Safety Queensland to operate;
- High risk construction activities as defined by the Work Health and Safety Act 2011;
- Confined space work and rescue;
- Operation of vehicle loading cranes;
- Traffic control;
- Electrical work;
- Operation of explosive power tools and firearms;
- Operation of chainsaws;
- Operation of dingo/stump grinders;
- Operation of demolition saws;
- Operation of wood chippers;
- Welding, grinding or oxy acetylene activities
- Workers who hold a learner or provisional licence;
- Rail safety sensitive duties specified by the Department of Transport and Main Roads (TMR); or
- Operation of a fly system in a theatre.

10 Drug Testing Results

10.1 Confidentiality

All drug testing results are treated with the strictest confidentiality.

10.2 Negative test result

If the sample records a negative result, the worker will be considered fit for work and return to normal duties.

In the case of post-incident testing, the supervisor and the worker will discuss the appropriateness of the worker returning to normal duties.

10.3 Non-negative test result from declared prescription or pharmacy medication

If a worker declares the use of prescription or pharmacy medications prior to presenting for testing and tests non-negative for a substance known to be in that medication, the worker will be considered fit for work and allowed to continue normal duties if the actual medication does not cause any impairment, risk of impairment, or place them outside the legal limits for operating plant and motor vehicles. The worker's sample will be sent to the approved testing facility to confirm declaration.

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Should a laboratory result contradict the prescription or pharmacy medication declared by the worker, this will be treated as a positive result. If an employee returns a positive result they will be immediately suspended from the workplace and will be required to 'show cause' why their employment should not be terminated. The employee will remain on a suspension until the discipline process is finalised.

10.4 Non-negative test result

If a worker tests non-negative following a drug test, the worker will be transported home.

The worker will not be permitted to return to work until the results of the sample are returned to Workforce and Strategy and they have been approved to return to work. For an employee returning a non-negative sample result, they will be immediately suspended from the workplace until the final sample results are received.

If the final result is negative, the employee will return to work immediately or on their next ordinary working day.

10.5 Positive test result

If a worker returns a positive test to drugs, they will be advised of their situation and will not be permitted to return to work until such time a negative sample is provided. If an employee returns a positive sample the employee will be required to 'show cause' why their employment should not be terminated. The employee will remain on a suspension until the discipline process is finalised.

Any employee that tests positive to drugs will be advised of the EAP process.

10.6 Option to challenge test result

A worker may, at their own expense, request a practitioner of their own choice to arrange an additional analysis of the sample provided by the worker at the time of testing by an approved laboratory that meets the Australian Standard. If this sample returns a negative result, the costs incurred by the worker for testing purposes are reimbursed by Council.

11 Alcohol Testing Results

11.1 Under the Limit

11.1.1 If the sample returns a result which indicates a blood alcohol concentration (BAC) is under the limit, the worker is considered fit for work and return to normal duties.

11.1.2 In the case of post-incident testing, the supervisor and the employee will discuss the appropriateness of the employee returning to normal duties.

11.2 Over the Limit

11.2.1 A worker is assessed as unfit for work when they are breath tested and return a blood alcohol concentration (BAC) of 0.05mg/100ml or greater, except those workers listed under 9.2.2 who must return a BAC of 0.00mg/100ml.

11.2.2 The worker will remain in the testing facility and is not permitted to commence work or any other activity until a second test is undertaken. If an employee returns an initial over the limit reading the employee will be immediately placed on a suspension. A second test will be conducted after a cooling off period of twenty (20) minutes. This is in accordance with current random breath testing procedures in Queensland.

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11.2.3 If the second test returns a BAC of 0.05mg/100ml or greater, or 0.00mg/100ml for those workers listed under 9.2.2, the worker is not permitted to remain at the workplace and will be transported home as soon as reasonably practicable. If an employee returns a second test of over the limit, the employee is required to respond to a 'Notice of Proposed Discipline Action' letter. The level of the discipline action will be dependent upon the level of the reading returned. The employee is to remain on a suspension until the discipline process is finalised.

11.2.4 The worker will return to work on their next ordinary working day and undertake a breath test. The worker will only proceed to work following a result that returns a BAC under the required limit.

12 Prescription and Pharmacy Medications

Where a worker is taking prescription or pharmacy medications for a legitimate medical purpose, the worker will not breach this procedure by attending work, if the worker:

12.1 takes the prescription and pharmacy medications in accordance with the instructions from their medical practitioner or pharmacist and normal directions applying to the use of those medications;

12.2 does not misuse or abuse prescription and pharmacy medications;

12.3 is aware of the effects (including potential effects) of consumption of alcohol while taking prescription and pharmacy medications;

12.4 checks with their medical practitioner or pharmacist about the effect of the medication on their ability to drive vehicles, operate machinery and generally perform their work duties in a safe manner. If a worker's ability to perform his/her work safely could be impaired by prescription and pharmacy medications, the worker must notify his/her manager or supervisor before undertaking his/her work. A worker is not required to disclose details of the condition/s being treated; and

12.5 advises the testing provider of any prescription or pharmacy medication that may impact upon the result, prior to the test being undertaken.

If Council suspects that a worker's ability to safely perform work is impaired (or likely to be impaired) due to prescription or pharmacy medications, Council may take steps to address the issue in accordance with this procedure.

13 Inability to produce a sample for drug and alcohol testing

13.1 If a worker cannot produce a sample for drug and alcohol testing within a 2 hour period from an event triggering a test, the worker will be transported home as soon as practicable.

13.2 Within the 2 hour testing period, a maximum of 3 breathalyser attempts for an alcohol test will be performed and for drug testing, 3 saliva tests and 2 urine samples will be attempted.

13.3 If an employee cannot produce a sample for drug and alcohol testing within a 2 hour period from an event triggering a test the employee will be immediately placed on a suspension.

13.4 The worker will return to work on their next ordinary working day and undertake a drug and alcohol test.

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- 13.5 If an employee is unable to provide a sample after 2 requests the employee is required to 'show cause' why their employment should not be terminated. The employee remains on a suspension until the discipline process is finalised.
- 13.6 The worker only proceeds to work following a negative test result.

14 Refusal to undertake or tampering with drug and alcohol samples

- 14.1 Any worker who refuses or has been found, after investigation, to have tampered with a sample, is considered to be in serious breach of this procedure.
- 14.2 If an employee initially refuses to undertake a test the employee will be immediately placed on a suspension. If the employee refuses a second request the employee is required to 'show cause' why their employment should not be terminated. The employee remains on a suspension until the discipline process is finalised.
- 14.3 If there is conclusive evidence that an employee has tampered with a sample, the employee will be immediately placed on a suspension and required to 'show cause' why their employment should not be terminated. The employee will remain on a suspension until the discipline process is finalised.
- 14.4 The worker is not permitted to recommence work until they have submitted themselves for testing.

15 Discipline Process – All Other Workers (excluding employees)

The following step/s will be taken for all other workers who test positive for drugs and/or over the limit for alcohol:

- 15.1 Particular circumstances and the severity of each case, will determine the appropriate step to be taken with respect to all other workers (excluding employees) who test positive for drugs and/or over the limit for alcohol.
- 15.2 The worker (excluding employees) is required to show cause as to why their Contract should not be terminated.
- 15.3 Council may terminate the Contract immediately if Council reasonably considers that the worker has committed a Serious Breach of Contract.
- 15.4 Any disputes arising from the application of this process for all other workers (excluding employees) may be progressed through the dispute resolution process in accordance with their Contract.

16 Review Timelines:

This procedure will be reviewed when any of the following occur:

- 16.1 The related information is amended or replaced; or
- 16.2 Other circumstances as determined from time to time by the GM.

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17 Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Document Owner	Manager Workforce and Strategy
Document Quality Control	Corporate Improvement and Strategy

**ROSS CHEESMAN
DEPUTY CHIEF EXECUTIVE OFFICER**

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