



DOOMADGEE ABORIGINAL SHIRE COUNCIL



DRUG & ALCOHOL POLICY

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Drug & Alcohol Policy

1. OBJECTIVES

1.1. The Council is committed to ensuring so far as reasonably practicable the good health and safety of every Worker and visitor to the Council's workplace, to ensuring healthy and safe working conditions, and to the safe operation of all equipment in the workplace. For that reason, the Council's has adopted the following Drug and Alcohol Policy ('**Policy**'), which prohibits all Workers, at all levels, from working or conducting Council's business under the influence of drugs or alcohol.

1.2. For the purpose of this Policy, the following definitions apply:

'Alcohol' means any alcoholic beverage, including but not limited to liqueurs, spirits, wine or beer.

'Drug/s' means any mind altering or legally controlled substance unless it is prescribed by a doctor and used in accordance with medical directions. This includes but is not limited to any drugs listed in the *Drugs Misuse Act 1986 (QLD)* ; *Drug Misuse and Trafficking Act 1985 (NSW)*; *Drugs of Dependence Act 1989 (ACT)*; *Drugs, Poisons and Controlled Substances Act 1981 (VIC)*; *Misuse of Drugs Act 2001 (TAS)*; *Controlled Substance Act 1984 (SA)*; *Misuse of Drugs Act 1981 (WA)*; *Misuse of Drugs Act (NT)*, or similar legislation relevant to any other State in Australia that the Council may operate in, and any drugs listed in the Australian Standard AS/NZS 4308:2008 which prescribes the procedures for the collection and quantitation of drugs in urine ('**Australian Standard 4308:2008**').

Reasonable Cause means On-Site observed or reported physical symptoms and/or unusual or out of character behaviours set out in, but not limited to, *Schedule A*.

'The Council/ Council' means **The Doomadgee Aboriginal Shire Council**, Queensland.

'Worker' means any person defined as a worker in the *Workers Compensation and Rehabilitation Act (QLD) 2003* and/or any person who carries out work for a person conducting a business or undertaking (PCBU) under the *Work Health and Safety Act 2011*; including but not limited to an employee, a contractor or sub-contractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an apprentice or trainee, a student gaining work experience, an out-worker, an agent or a volunteer.

'Donor' means a Worker who provides a specimen to be assessed for the presence of drugs.

'Negative' a result at or below the nominated or target concentration used for initial testing (on-site screening).

'Non-Negative' a result that requires confirmatory testing of the specimen to unequivocally determine the presence or absence of a drug.

"Nominated concentration" a concentration expressed in units such as ng/mL, above which the drug is deemed to be 'unconfirmed', and at which a manufacturer or laboratory can show that a drug or a drug metabolite can be readily detected by the initial testing and for which performance specifications are available."

"Target concentration" a concentration expressed in units such as ng/mL, which is sufficient to detect drug use by a donor.

'Positive' means that the drug concentration in the specimen is at or above the target concentration for a specific drug following confirmatory testing.

'Compromised Drug Test' is any attempt by a 'Worker' or 'Donor' to compromise the integrity of a specimen when taking a drug test (see **Clause 4.7**)

'Random Test or Random Testing' is a reference to the non predictable pattern of selection and frequency of testing of Workers for drugs and means that some Workers may not be selected at all, some Workers may be tested once, and other Workers may be tested more than once. The selection process for random testing will be completed by an independent authorised service provider.

“**Site**” means a location where the Council’s Workers are working for or on behalf of the Council.

“**Manager**” means Manager Infrastructure and Projects, Manager Corporate, Manager Community and Manager Finance.

1.3. Workers are prohibited from:

- (a) working or conducting Council business under the influence of drugs or alcohol;
or
- (b) using, possessing, distributing or consuming drugs or alcohol on Council property during work time; or
- (c) driving a Council vehicle under the influence of drugs or alcohol at any time; or
- (d) using or consuming drugs or alcohol when off-duty if it would result in the Worker reporting to work or performing duties under the influence of drugs or alcohol.

1.4. Workers must abide by this Policy at all times when working or when present on the Site.

1.5. Workers are responsible for ensuring that they remain in a condition to be able to get home safely and must not drive a motor vehicle unless fit and lawfully able.

1.6. Workers are responsible for ensuring that at any time they are not in breach of this Policy **Clause 4.6** requirement for zero alcohol.

2. RESPONSIBILITY FOR COMPLIANCE

2.1. All Workers are responsible for ensuring their own compliance with this Policy.

2.2. Where a Worker is taking medication which is either medically prescribed or not medically prescribed, it is the Worker’s responsibility to specifically disclose the nature and duties of their work to, and enquire of, the prescriber or pharmacist what warnings apply to the medication in respect to work restrictions and/or alertness. It is the Worker’s responsibility to disclose the advice of the medication prescriber or pharmacist in respect o the medication to their Manager. The Manager may or may not require further information in the form of a written clearance from the prescriber.

2.3. The Council requires all Workers to disclose to their Manager any prescription drugs/medications or non prescription drugs/medications they are taking.

3. WORKER ASSISTANCE

- 3.1. If a Worker who is defined as an employee of the Council pursuant to the *Workers Compensation and Rehabilitation Act (QLD) 2003* (hereinafter referred to as a Council Employee Worker”) thinks he/she has a drug or alcohol problem that is affecting their work, the Council encourages Workers to ask for help from the Manager (see definition **Clause 1.2**) at an early stage (that is, **before** the problem is the immediate subject of disciplinary action), without fear of reprisal. Discussions will be kept confidential. The Council will try to help the Council Employee Worker resolve the problem, including by referring the Council Employee Worker to appropriate community resources.
- 3.2. At the Council’s sole discretion, it may allow a Council Employee Worker to take unpaid leave to participate in a drug and alcohol rehabilitation or treatment programme. Before being authorised to return to work, the Council Employee Worker will need to be examined by the Council’s nominated medical practitioner who will determine the Council Employee Worker’s fitness to return to work. The Council Employee Worker may also be required to complete a course of follow-up treatment and return a negative drug and/or alcohol test before being permitted to return to work. At all times the Council Employee Worker is expected to reach the ordinary performance standards when at work.
- 3.3. At the Council’s sole discretion, it may provide an Council Employee Worker with access to an Employee Assistance Programme (**‘EAP’**), through an appropriate EAP provider. This is a confidential service, which is independent from the Council. The EAP offers services such as information, assessment, counselling or referral, to help a Council Employee Worker resolve issues that may be affecting his/her work, such as marital problems, depression, or drug and alcohol dependency. Where the Council provides access to an EAP provider, the Council encourages Council Employee Workers to use the EAP where they have an issue that needs to be addressed with external assistance.

4. DRUG AND ALCOHOL TESTING

4.1. Pre-employment/engagement testing

- (a) Every applicant Worker will be required to undergo Drug testing before being employed or engaged as a Worker.
- (b) If an applicant Worker fails the Drug test or refuses a Drug test, he/she may not be considered for appointment;
- (c) All pre-employment Drug tests will be at the Council’s expense.

4.2. Testing during employment/engagement

During employment or engagement, the Council may require a Worker to undergo a drug and alcohol test to monitor compliance with this Policy. The Council may require a Worker to undergo drug and alcohol testing on any of the following occasions:

- (a) If the Council has Reasonable Cause, as described in **Schedule A**, to suspect, that a Worker is working under the influence of drugs or alcohol. When a Worker is suspected of being under the influence, primary consideration must be given to the safety of the individual and of others.
- (b) Due to the potentially dangerous nature of many aspects of the Council's work, Random Testing may be conducted for anyone employed or engaged in a Safety-Sensitive Position as described in **Schedule C**.
- (c) If there is an incident, accident, near miss involving potential compromise of health and safety standards and a Worker's actions, or lack of action, may have been a direct or indirect contributory factor.
- (d) If there is plant, product or property damage involving potential compromise of health and safety standards and a Worker's actions, or lack of action may have been a direct or indirect contributory factor.
- (e) If a Worker is injured in the workplace or a Worker's actions result in:
 - (i) an injury to someone else (whether directly or indirectly); and/or
 - (ii) damage to Council property,a Worker may be required to undergo a drug and/or alcohol test as part of the investigation process.
- (f) If the Council's clients or customers, or prospective clients or customers, request that a Worker submit to drug and alcohol testing due to suspecting on reasonable grounds that the Worker is under the influence of alcohol or drugs whilst performing their duties. Assessment of such reasonable grounds will be based on the client or customer identifying behaviour or physical symptoms in line with reasonable cause indicators set out in **Schedule A** to this Policy.

4.3. Testing

- (a) Drug and alcohol testing will be performed at the Council's expense by The Drug Detection Agency ('**TDDA**'), or an equivalent provider, or by its nominated

registered medical practitioner. Testing will be done in such a way as to respect the Worker's privacy and confidentiality. Test results will be treated as highly confidential.

- (b) The Council and/or its nominated testing agent may, in its/their absolute discretion, amend or vary the testing procedures set out below. This may occur when the Australian Standard **4308:2008** dictates a different procedure should apply; when the circumstances require it; or when otherwise deemed desirable.

4.4. **Drug Testing Procedure**

The drug testing procedure is as follows:

- (a) The drug test is likely to involve the testing of a urine specimen to screen for all drug classes as listed under the Australian Standard **4308:2008**. If, in the future, less intrusive but equally effective methods of testing become available, the Council will endeavour to use them.
- (b) All aspects of the testing procedure for drugs will be carried out in a confidential and private manner.
- (c) For reasonable grounds testing, the relevant Supervisor or Manager will ensure the Worker is accompanied by a Council Officer to a designated test location.
- (d) For pre-employment/engagement testing, or for internal appointments, the applicant will be verbally informed by the designated Council Officer, in a confidential manner, of the date, time and location of the collection of samples required for the test. The testing date will be within two days of the notification.
- (e) The methods and standards relating to the collection, transportation and chain of custody of samples for drugs testing purposes may vary, however, the Council will endeavour to meet the requirements of applicable Standards, which include but are not limited to the Australian Standard **4308:2008**, including any future amendments to Australian Standard **4308:2008**.
- (f) The Worker ('**Donor**') will sign:
 - (i) a consent form confirming they have been informed about the test and consent to it; and
 - (ii) an acknowledgement recording the test result and time.
- (g) The Collector will:
 - i. Explain the testing process to the worker.
 - ii. Provide the worker with the policy and any other related documents.

- iii. Allow them the opportunity to ask any questions and provide answers where able.
- (h) Before taking the test, the Donor should advise the Collector of any medication they are currently taking that they think might affect the results.
- (i) The Collector may carry out an on-site test to exclude or identify the presence of any or all of the classes of drugs designated in the Australian Standard **4308:2008**.
- (j) The cut-off concentrations for the on-site device shall be equivalent to the cut-off concentrations for the classes of drugs listed in the Australian Standard **4308:2008**.
- (k) The Collector shall ensure that the on-site device is within its use-by-date.
- (l) The Collector shall record the batch number and expiry date of the device together with two unique identifiers for the Donor.
- (m) The Donor will be able to observe the entire on-site collection, processing and testing procedure.
- (n) When a Donor arrives at the collecting site, the Collector will request identification from the Donor. If the individual's identity cannot be established unequivocally, then the Collector does not proceed with the collection.
- (o) After washing hands, the Donor remains in the presence of the Collector and does not have access to any water fountain, tap, soap dispenser, cleaning agent or any other materials that might be used to compromise the integrity of the urine specimen.
- (p) The Donor provides the specimen in an area such that individual privacy is maintained.
- (q) The Donor does not flush the toilet until after the collection is completed.
- (r) The integrity of the specimen shall be checked by the following:
 - (i) visual inspection of the colour or lack thereof; or
 - (ii) an on-site creatinine test and/or additional integrity testing may be performed, e.g. pH and adulterants.
- (s) The Donor may also note the temperature reading on the collection device and verify the temperature reading was correctly recorded on the form.
- (t) Where collecting conditions prevent the specimen temperature from falling within the specified range then other measures should be taken and recorded.
- (u) No device should be placed into the original collected urine unless it can be shown that the device does not contaminate the specimen.

- (v) The results obtained from the device will be interpreted strictly in accordance with the manufacturer's instructions.
- (w) If the initial drug screen is negative the Donor will be notified and that will be the end of the drug testing process.
- (x) If the on-site device indicates the possible presence of a drug(s), the Collector shall notify the Donor of the initial screening result and prepare and dispatch the specimens to an accredited laboratory for confirmation.
- (y) A drugs testing custody and control form will be completed.
- (z) The specimen will be split into two or three separate bottles, one of which will be the referee specimen, this will all be done in the presence of the Donor.
- (aa) The Donor will be asked to sign the security seals placed on the bottles.
- (bb) The Donor will be asked to read, sign and date the chain-of-custody statement certifying the specimen is that individual's and has not been changed or altered at the time of the collection.
- (cc) Both samples will be dispatched to the designated testing laboratory.
- (dd) The procedure for transportation of specimens to the laboratory will incorporate the following:
 - (i) The Collector will place the test and referee specimens in a container designed to minimise the possibility of damage and contamination during transport.
 - (ii) The container shall be securely sealed to ensure any tampering would be detected.
 - (iii) The Collector shall ensure that the chain-of-custody form with testing instructions is inside the sealed container in which the specimens are transported to the laboratory.
 - (iv) Transportation will occur in accordance with appropriate legislation.
- (ee) A positive test will only be reported by the Australian Standard 4308:2008 (or successor Standard) accredited laboratory if confirmed levels of drug or metabolite exceed designated cut-off levels. Cut-off levels will conform to the relevant Australian Standard/New Zealand Standard, where such a standard has been issued in relation to the drug concerned.
- (ff) If the Donor disagrees with an initial positive test result then they have the option of having the referee specimen independently retested at another Australian Standard **4308:2008** (or successor Standard) accredited laboratory.
- (gg) The cost of the second test will be met by the Donor but if the result is negative the Council will refund any costs incurred by the Donor. Due to possible

degradation of samples over time, re-testing need only detect the presence of the drug or metabolite. For the second test to be positive there need only be the presence of drug or metabolite detected (i.e. need not be above cut off limits). This will be accepted as a conclusive result.

- (hh) Specimens not submitted to the laboratory will be disposed of in accordance with waste disposal requirements and appropriate legislation.
- (ii) Notwithstanding any other provision within **Clause 4.9** where, for any reason whatsoever, a Worker does not complete a test required by the Council then a Positive test result is deemed with the provisions of **Clause 6** "BREACH OF DRUG & ALCOLHOL POLICY" of this Policy applying to the Worker.

4.5. **Alcohol Testing Procedure**

The breath alcohol test will be conducted using an approved testing device which meets the Australian Standard: AS **3547-1997** "Breath Alcohol Testing Devices for Personal Use" (or successor Standard). This requires the Worker to blow into the device using a disposable mouthpiece.

4.6. **ZERO Alcohol Limit**

The following zero alcohol limit applies to all Workers and all day to day business activities for work on all Sites:

- (iii) If the first initial reading records any level of alcohol per litre of breath the result is deemed to be "detectable".
- (iv) Following a "detectable" test, a confirmatory test on the same device is performed after 15 minutes using a new mouthpiece.
- (v) If the confirmatory test result records any level of alcohol per litre of breath, the test is deemed to be a Positive breath alcohol test and the individual is removed to a safe place. The procedures under **Clause 6** "BREACH OF DRUG & ALCOLHOL POLICY" of this Policy will then apply to the Worker.
- (vi) For the avoidance of doubt where a Worker is working in an area to which the **Doomadgee Alcohol Management Plan** applies then the obligations of this Policy shall prevail at all times whilst the Worker is working for or on behalf of the Council and the ZERO alcohol limit shall apply.

4.7. **Compromised Drug Test**

- (a) If a Worker causes a drug and/or alcohol test specimen to be compromised (for example - including but not limited to: the by use of a masking agent or technique known to affect the result of a drug and/or alcohol test), or the person conducting the testing has reasonable grounds to suspect that the Worker has tampered with a specimen, then the test is deemed to be a Positive test and the procedures under **Clause 6** "BREACH OF DRUG & ALCOLHOL POLICY" of this Policy will then apply to the Worker.
- (b) If the Worker provides a specimen that is "cool" (not within acceptable temperature testing range meaning that the Council cannot verify it was provided by the Worker), or the specimen is otherwise compromised then the test is deemed to be a Positive test and the procedures under **Clause 6** "BREACH OF DRUG & ALCOLHOL POLICY" of this Policy will then apply to the Worker.

4.8. **Dilution of a drug test**

- (c) If a Worker provides a specimen that is dilute (it is in the sole discretion of the tester to determine whether a specimen is dilute) the Worker will be given one further opportunity to provide a specimen within 24 hours that is not dilute. This may mean the Worker may have to reduce his/her fluid intake during this period. If the second specimen is also dilute then the test is deemed to be a Positive test and the procedures under **Clause 6** "BREACH OF DRUG & ALCOLHOL POLICY" of this Policy will then apply to the Worker.

4.9 **Refusal to take a Drug and/or alcohol Test or Refusal to Provide a Specimen**

- (a) If a Worker is required to take a drug and/or alcohol test, and refuses to do so then a Positive test result shall be deemed and the procedures under **Clause 6** "BREACH OF DRUG & ALCOLHOL POLICY" of this Policy will then apply to the Worker.
- (b) The Worker must provide his/her specimen for drug testing within 2 hours from the time that the request has been made by the authorised collector. Any failure by the Worker to provide a specimen within 2 hours will result in a Positive test

result shall be deemed and the procedures under **Clause 6** "BREACH OF DRUG & ALCOLHOL POLICY" of this Policy will then apply to the Worker.

- (c) In relation to alcohol testing, the Worker must comply with a request for a breath alcohol test within 15 minutes from the time the request has been made by the authorised collector. Any failure by the Worker to provide a breath specimen within 15 minutes will result in a Positive test result shall be deemed and the procedures under **Clause 6** "BREACH OF DRUG & ALCOLHOL POLICY" of this Policy will then apply to the Worker.

5. DRUG AND ALCOHOL TEST RESULTS

5.1. A copy of the results of any drug and/or alcohol test will be provided to the Manager (see **Clause 1.2** definition). Results may be used in evidence or disclosed in any disciplinary or legal proceedings. In all other respects, material and information used or obtained from testing will be kept strictly confidential.

5.2. Workers should note that the test does not measure the degree to which he/she is under the influence of drugs or alcohol. If a test indicates the presence of drugs or alcohol, then the test is deemed to be a Positive test and the procedures under **Clause 6** "BREACH OF DRUG & ALCOLHOL POLICY" of this Policy will then apply to the Worker

5.3. A Worker may challenge a Positive test result and obtain an independent analysis, where possible, of the sample at the Workers own expense where the Council takes disciplinary action being taken under **Clause 6.3**.

5.4. Stand down if non-negative drug test

- (a) If any requested drug class returns a result that is non- negative, or the integrity of the specimen is in question, then that specimen is considered a 'Non-Negative' result and an interim report may be issued that can only advise that the specimen requires further testing.

- (b) If a Worker returns a Non-Negative result in relation to his/her drug test, the Council may suspend or stand down the Worker from working who will remain on ordinary pay until receipt of confirmation of the test result.

- (c) Where the confirmation test result is Positive the procedures under **Clause 6** "BREACH OF DRUG & ALCOLHOL POLICY" of this Policy will then apply to the Worker.

- (d) Where a confirmation test result is Positive, the Worker agrees that the Council may treat the stand down period as annual leave and make deductions from the Worker's accrued entitlements accordingly. If the Worker has no accrued annual leave entitlements, the Council may treat the stand down period as a period of leave without pay.
- (e) Where the Worker is sick or injured during the stand down period (or during a portion of the stand down period), the Employer will be entitled to make appropriate deductions from the Worker's sick leave entitlements.

4.5 If a Worker returns a Non-Negative result in relation to their drug test and/or a confirmed Positive result in relation to their alcohol test, then the Council may require the Worker to sign a form acknowledging having received instruction not to operate a motor vehicle, truck, machinery or mobile equipment and advice that it is an offence to drive or operate a motor vehicle, truck, machinery or mobile equipment whilst under the influence of Alcohol and /or drugs as set out in **Schedule D**

6. BREACH OF THE DRUG AND ALCOHOL POLICY

- 6.1. The Council will enforce this Policy strictly not only in the workplace and on Site at all times. It is the responsibility of each individual Worker to ensure zero blood alcohol at the work Site at all times.
- 6.2. A Positive result from a drug and/or alcohol test will be a breach of this Policy. A Positive drug and/or alcohol test result may be declared as not amounting to a breach of this policy by the Council, at its sole discretion, in the case of prescribed and declared medication.
- 6.3. A breach of this Policy may result in the Council, at its sole discretion refer the Worker to an appropriate rehabilitation service provider at the Workers own expense or take or disciplinary action which may include suspension, termination and/or legal action and/or disciplinary action including but not limited to referrals to rehabilitation service providers, or suspension (paid or unpaid) or termination (with or without notice) of engagement and/or legal proceedings.
- 6.4. Where the Council has allowed a Worker leave in accordance with **Clause 7** and the Council becomes aware, or with Reasonable Cause, forms the view that the Worker is not complying with the rehabilitation treatment and/or programme then it may reinstate or instate its disciplinary proceedings.

- 6.5. Where a Worker has been suspended from duties for a Positive test result, the Worker will not be permitted to drive any vehicle from work and must make alternative arrangements for departing the workplace.
- 6.6. Where a Worker has been suspended from duties for a Positive test result the Council may require the Worker, at his/her own expense, to undergo a further drug and alcohol screening test, and return a negative result, before permitting the Worker to return to work.
- 6.7. If this Policy is breached, the Council (and/or its insurer) may, at its sole discretion, require the Worker to indemnify the Council for any and all costs arising out of or in connection with the drug and/or alcohol test.

7. REHABILITATION REFERRAL

- 7.1. If an Employee returns a positive test, the Council may, in its sole discretion, permit him/her to continue in their employment, subject to the requirement that they join the Council Drug and Alcohol Rehabilitation Programme.
- 7.2. The Employee must sign a contract (see **Schedule B**) agreeing to the programme and to follow up testing. Failure to sign the contract or failure to take part or complete the programme may result in disciplinary action as set out in **Clause 6.3**
- 7.3. During the programme the Employee may be suspended from his/her duties with or without pay or allocated alternative duties if available (in the Council's sole discretion).
- 7.4. For all Employees returning a positive test, the Council may, in its sole discretion, and upon the Employee's request, fund an initial assessment by a rehabilitation provider nominated or approved by the Council.
- 7.5. Where agreement has been reached under **Clause 7.4** above, the following procedure will apply:
 - (a) The Manager (see **Clause 1.2** definition) will arrange an initial appointment for the Employee to meet with the rehabilitation specialist;
 - (b) The Employee will be given a phone number to contact the rehabilitation specialist;
 - (c) All communications between the specialist and Employee will remain confidential save as provided in **Schedule B**;
 - (d) The rehabilitation specialist will arrange for treatment or further specialist advice as considered necessary;

- (e) Rehabilitation will commence and the rehabilitation provider will provide the Manager (see **Clause 1.2** definition) with information on the attendance of the Employee in accordance with **Schedule B**;
- (f) The rehabilitation specialist will report to the Manager (see **Clause 1.2** definition) after three sessions on the necessity or value of further treatment. Further sessions are at the Employee's cost;
- (g) With the permission of the Employee, the Employee's representative is to be informed of progress.

7.6. **Post-treatment Testing**

- (a) On completion of the programme and prior to returning to normal duties, the Worker will be required to return a negative drug and alcohol test (the cost of which testing will be met by the Worker).
- (b) The Worker will subsequently be subjected to at least 3 random drug and alcohol tests over the next 3 months. This provision applies specifically to a Worker who is returning to work after rehabilitation and is in addition to any other testing required by Council in compliance with this Policy.
- (c) Where a Worker has returned to work during or after rehabilitation and a Positive test result is returned then a breach of this Policy has occurred and the procedures under **Clause 6** "BREACH OF DRUG & ALCOHOL POLICY" will then apply to the Worker.

8. **EDUCATION AND TRAINING**

- 8.1. In implementing this Policy, all Workers will have access to the Policy and will attend an information session about the Policy and the issues relating to the use of alcohol and drugs. These sessions are designed to familiarise Workers with the Policy and its requirements and to advise on the potential consequences of being impaired or at risk of impairment while at work.
- 8.2. There will be ongoing training as determined as required by the Council to raise awareness of the issues relating to the use of alcohol, prescription and illicit drugs.
- 8.3. The introduction of the Policy will be supported by an education session to raise awareness of the issues relating to the use of alcohol, prescription drugs, and illicit drugs.

- 8.4. Prior to the implementation of the Policy in the Council the relevant managers and training staff will be themselves trained in:
- (a) understanding the Policy and its effective implementation; and
 - (b) the recognition, management and referral of drug and alcohol related matters.

9. SEARCH AND SURVEILLANCE

- 9.1. In order to further assist with achieving the objectives set out in this Policy, the Council may undertake search and surveillance. In particular:
- (a) The Council may search any property located within any area in the Council's possession or control or within the possession or control of any client or customer of the Council ('Council Premises'). This may include offices, vehicles, workstations, production areas, lockers, and storage areas. Such searches may be carried out on a random basis.
 - (b) The Council may operate electronic surveillance equipment (including covertly) within Council Premises at any time.
 - (c) The Council may employ a specialist drug detection dog team to conduct inspections (including random inspections) within the Council Premises.
 - (d) If a drug detection dog or other detection mechanism indicates the recent possession and or use of drugs by a Worker, the Council may require the Worker to undergo drug testing in accordance with this Policy.

10. CONFIDENTIALITY AND *THE PRIVACY ACT 1988*

- 10.1. All information gathered as a result of testing or participation in a rehabilitation or treatment programme is collected for the purpose of implementing this Policy and achieving its objectives.
- 10.2. All information will be held by the Human Resources and/or Health and Safety Manager and will be held for the duration of the individual's employment/engagement or longer where deemed necessary by the Council or by law. Relevant information may be disclosed to the Worker's supervisor or manager. The Worker is able to have access to this information upon request.
- 10.3. Save as required by law, no information relating to any testing or rehabilitation will be disclosed to an external party without the written consent of the Worker concerned.

11. APPLICATION

- 11.1. This Policy applies to all Workers as defined at **Clause 1.2** 'Worker'. However, some aspects of this Policy may only be applicable to Workers, such as Rehabilitation and Support.
- 11.2. Nothing in this Policy is intended to create an employment relationship between the Council and its Workers such as Contractors and Sub-Contractors.

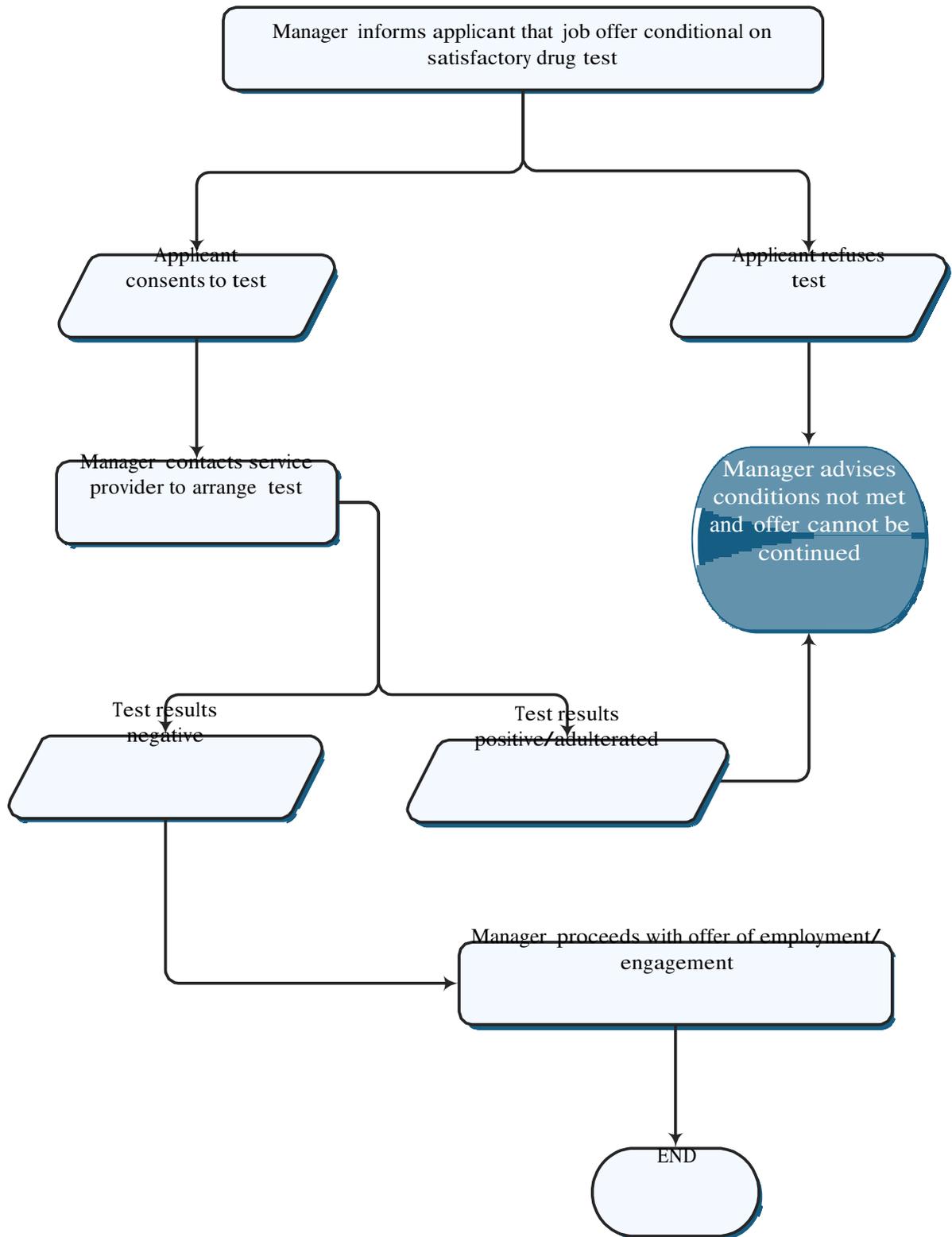
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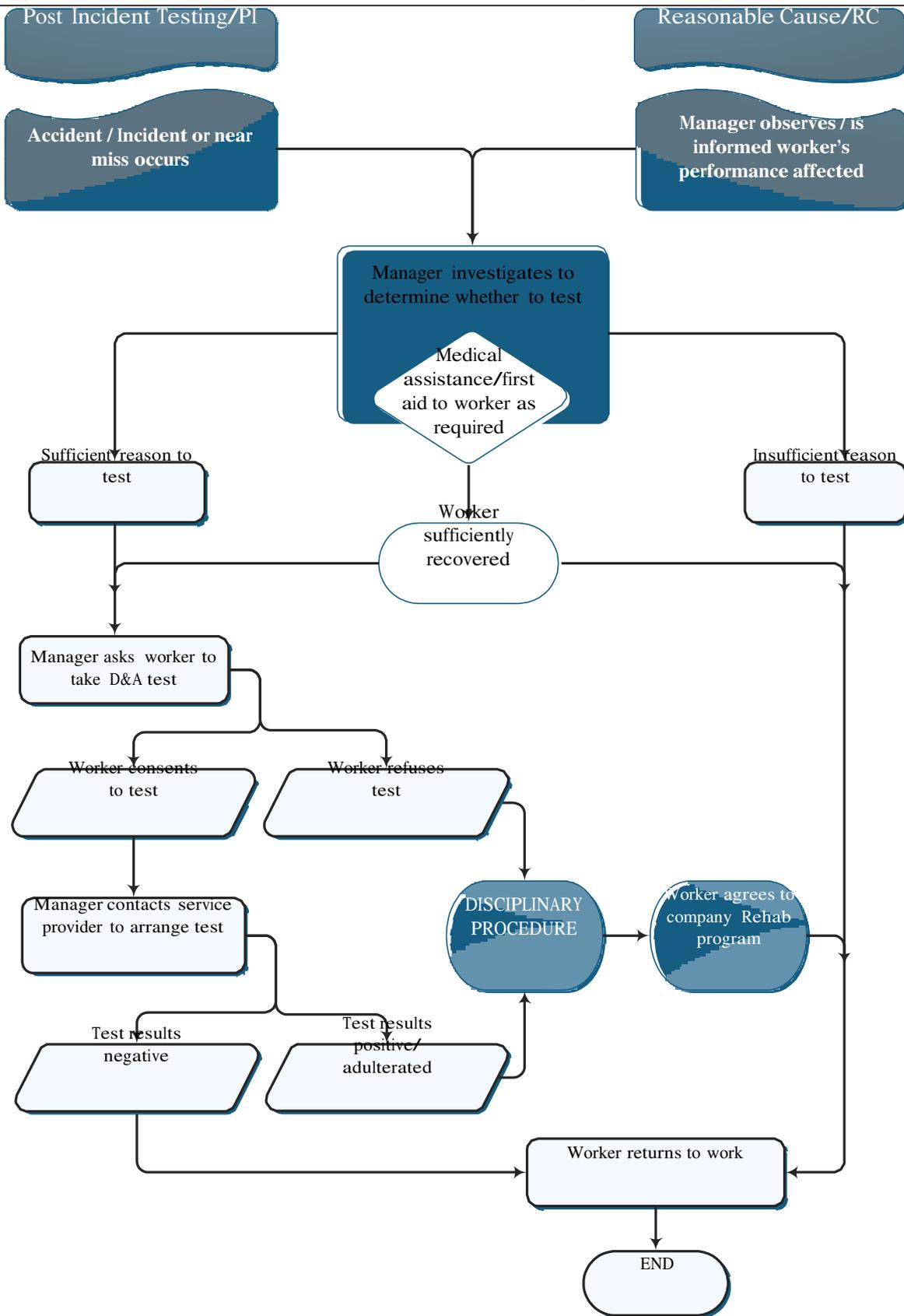
If you have any queries about this Policy, please contact the Manager (see Clause 1.2 definition)

Appendix 1: Pre-employment/Engagement Testing Flowchart

Pre-employment Testing



Appendix 2: Post Incident/Reasonable Cause Testing Flowchart – PI/RC



When determining “reasonable cause”, physical symptoms and/or unusual or out of character on-site observable behaviours must be considered.

Examples of physical symptoms or behaviours include, but are not limited to:

- excessive lateness
- absences often on Monday, Friday or in conjunction with holidays
- increased health problems or complaints about health
- emotional signs – outbursts, anger, aggression
- changes in personality
- changes in alertness – difficulty with attention span
- changes in appearance – clothing, hair, personal hygiene
- less energy
- involvement in various minor accidents
- feigning sickness or emergencies to get out of work early
- going to the bathroom more than normal
- defensive when confronted about behaviour
- dizziness
- slurred speech
- hangovers
- violent behaviour
- impaired motor skills
- bloodshot eyes
- impaired or reduced short term memory
- reduced ability to perform tasks requiring concentration and co-ordination
- intense anxiety or panic attacks
- impairments in learning and memory, perception and judgement
- irritability
- depression
- odour of alcohol or drugs
- inability to walk in a straight line
- irrational laughter and foolish behaviour
- where it is known the Worker is taking medication which a Manager reasonably considers requires monitoring.

Reasonable grounds testing may also take place where the Council learns, from a credible source, that the Worker is working under the influence of drugs and/or alcohol, or where the Worker is observed using, possessing, distributing or consuming drugs or alcohol during work time, during any breaks and/or during Council social event or work related function, whether on or off the Council premises or during our outside normal working hours.

Schedule A: Reasonable Cause Indicators – Process Form (continued)

Worker's name:

Department:

Date(s):

Support person: Yes No

Name: _____

Supervisor's name:

Department:

Approved person's name:

Department:

Date(s):

Schedule A: Reasonable Cause Indicators – Process Form (continued)

Supervisor to record below the physical symptoms or behaviours observed:

Comments/explanation of Worker (if offered)

Comments of Supervisor/Approved Person

DETERMINING REASONABLE CAUSE

Yes No From your observation is there a risk to the health and safety of this person and others?

Yes No Are you satisfied that it is reasonably possible that the risk is a result of the possible use of drugs or alcohol?

Do NOT proceed with reasonable cause testing unless the above questions are answered with a YES.

Schedule A: Reasonable Cause Indicators – Process Form (continued)

TAKING ACTION

Reasonable cause established Yes No

Time: _____

Date _____

Action taken:

Supervisor's signature:

Date

Time

Approved person's signature:

Date

Time

Schedule B: Health Rehabilitation Contract

The Doomadgee Aboriginal Shire Council Contract:

Worker's Name

I _____ acknowledge that I have been entered into the Doomadgee Aboriginal Shire Council Health Rehabilitation Plan ('**Plan**') and that my continued employment with the Council is subject to the following:

I am committed to full participation in the Plan with the service provider(s) specified by the Council.

I authorise the service provider to release the following information to the Manager (see **Clause 1.2** definition) in the Council:

- Whether I have kept appointments;
- Whether the service provider has recommended a course of treatment;
- Whether I am following that course;
- Whether a return to work is appropriate and within what timeframe; and
- Whether I have completed the required treatment; and
- Whether there is any requirement or recommendation for further treatment

I agree to take this course outside work hours or use leave entitlements, if required and approved, to participate during work hours.

I agree to take 3 subsequent drug and alcohol tests in the 6 months following treatment and agree to the release of the results to the Council.

Optional:

I accept and agree that I will be suspended from my duties with/without pay/ allocated alternative duties at the sole discretion of the Council while I participate in the course.

I accept that if:

- I do not attend or complete the required course; or
- On any future occasion, including the 3 tests referred to above, I return a Positive drug and alcohol test; or
- I refuse to take any of the 3 subsequent tests,

the Council may terminate my employment, with or without notice.

I accept the terms of this contract, which I acknowledge may be in addition to or vary the terms of my current employment agreement.

Worker:

Manager (see **Clause 1.2** Definition): _____

Witness: _____

Date: _____

Schedule C: Safety Sensitive Positions & Roles

Please note the following is a non-exhaustive list of the types of positions and roles that are classed as safety sensitive positions or roles and which are subject to random testing under this Policy & Procedures.

- Any Worker who uses a motor vehicle as part of their role;
 - Any Worker who is working within the confines of the Warehouse facility;
 - Any Worker who is working in a marked HAZCHEM area;
 - Any Worker working at heights or in confined spaces;
 - Any Worker working with or operating machinery or power tools;
 - Any Worker working in trenches or excavations;
 - Any Worker who is working in water or boats;
 - Any Worker who is working with dangerous animals;
 - Any Employee or Contractor working at high risk sites, for example active constructions or road maintenance sites or regular visits to such sites.
-

The Doomadgee Aboriginal Shire Council Safety & Offence Acknowledgement

Worker's Name

I _____ acknowledge and confirm that as a result of alcohol and other drugs testing conducted today:

I have been expressly instructed by the Council not to drive or operate a motor vehicle, truck, machinery or mobile equipment off-site due to a confirmed presence of alcohol/unconfirmed presence of another drug or other drugs in the test sample provided by me.

I further agree that in the event that I am staying on Council arranged accommodation (i.e. when away from my principle place of residence), that I will not drive or operate a motor vehicle, truck, machinery or mobile equipment off-site while I am under the influence of alcohol/unconfirmed presence of another drug or other drugs and that I will at all times act in accordance with the Council policy.

I am aware that it is an offence to drive or operate a motor vehicle, truck, machinery or mobile equipment when I am over the legal alcohol limit which may vary depending on my license status and type, or with illicit drugs or prescribed/over-the-counter-medication that may be deemed to affect my performance.

I understand that it is a requirement under Council policy not to drive or operate a motor vehicle, truck, machinery or mobile equipment under these circumstances, and agree to comply with this requirement.

Worker: _____

Manager (see **Clause 1.2** definition): _____

Witness: _____

Date: _____