

Transport Safety Management System Procedure 08 Alcohol and Other Drugs Management



1. Context

Clenton's Transport believes that any individual present in the workplace who has consumed certain prescribed amounts of drugs and/or alcohol, present a potential risk to safety and may affect an individual's job performance, endanger lives, and potentially cause damage to property and equipment. The management of the risks associated with the use of drugs and alcohol at work is essential to ensuring a safe work environment.

2. Scope

This procedure applies to all Clenton's Transport's operations, transport activities and associated persons and contractors, including:

- Employees involved in the Chain of Responsibility (CoR);
- Contractors and supply chain partners whose activities are directed by, or may impact upon Clenton's Transport's operations and employees; and
- Contracted drivers of heavy vehicles driving for, or on behalf of Clenton's Transport.

3. Primary Duty

HVNL requires as a primary duty that, as far as reasonably practicable, each party in the CoR for a heavy vehicle, including Clenton's Transport, will:

- ensure the safety of the party's transport activities relating to the vehicle;
- eliminate public risks and, to the extent it is not reasonably practicable to eliminate public risks, minimise the public risks; and
- ensure the party's conduct does not directly or indirectly cause or encourage a party in the CoR and drivers:
 - to contravene the HVNL;
 - induce or cause another person and party in the CoR to contravene the HVNL.

4. Acronyms, Definitions and References

Breach means:

- a) a positive result for an illegal drug or alcohol
- b) a positive result for a legal drug where the level of the reading is such that:
 - i. the employee would or should have known they were under the influence; or
 - ii. the employee has misused the legal drug or taken it other than in accordance with the manufacturer's recommended dosage rate or as prescribed by a registered medical practitioner.

Contractor - as referred to in this procedure is any person not directly employed by Clenton's Transport undertaking transport activities on behalf of Clenton's Transport.

CoR: Chain of Responsibility

CoR Parties are described in the Transport Safety Policy of our Safety Management System and include Registered Operator, Prime Contractor, Transport Operator, Consignor/Consignee, Loading Manager, Loader and Unloader, Scheduler, Packer, and responsible persons.

Drug means any pharmaceutical, medicinal or narcotic substance.

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Employee means any person who is employed by Clenton's Transport, including managers and staff personnel.

Equipment includes any plant or vehicle which an employee is required to operate in the course of his or her duties.

First Test means the initial test conducted as part of drug or alcohol testing.

Hazard means something that has the potential to cause harm to people, property, or the environment.

Heavy Vehicle – a vehicle with a Gross Vehicle Mass over 4.5 tonnes.

HVNL: Heavy Vehicle National Law.

Illegal Drug means:

- a) any drug which it is unlawful to possess, consume or sell within the country or state in which an individual employee works; or
- b) a prescription drug that has been obtained other than by prescription from a registered medical practitioner, or which has been taken in a manner contrary to that prescription.

Legal Drug means:

- a) a drug that may lawfully be taken without a prescription from a registered medical practitioner; or
- b) a prescription drug that has been prescribed by a registered medical practitioner.

Positive Result means the finding by a suitably qualified person that an employee exceeds the prescribed limit as per Appendix 2.

Prescription Drugs means drugs which may lawfully be taken if they have been prescribed by a registered medical practitioner.

Transport activities under HVNL means activities, including business practices and making decisions, associated with the use of a heavy vehicle on a road.

Visitor means any person, other than employees, contractors, sub-contractors and labour hire employees, who is on a Clenton's Transport work site with Clenton's Transport's authority or approval.

Workplace means any premises (including vehicles) operated, owned or controlled by Clenton's Transport at which employees, contractors, sub-contractors and labour hire employees are required to work.

REFERENCES for this procedure include:

AS ISO 31000:2018 Risk Management – Guidelines

AS 4760-2006: Procedures for specimen collection and the detection and quantitation of drugs in oral fluid

AS/NZS 4308:2008: Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine

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5. Drug and Alcohol Testing

When testing may be undertaken:

- 5.1.1 **Random testing** – Clenton's Transport will undertake random drug and alcohol testing of employees, contractors and visitors in accordance with this procedure. In relation to random testing the following conditions will apply:
 - Testing can be undertaken at any Clenton's Transport workplace at any time.
- 5.1.2 **Post Incident** – Clenton's Transport will require all employees involved in a significant safety incident or an incident that has a high/significant potential risk rating to undergo drug and alcohol testing;
- 5.1.3 **Reasonable Grounds / Referral** – Clenton's Transport will require an employee to undergo drug and alcohol testing where another employee, or the employee's supervisor or manager, is reasonably of the opinion that the employee may be under the influence of drugs or alcohol;
- 5.1.4 **Pre-employment testing** – Clenton's Transport will require an employee to undergo drug and alcohol testing prior to employment;
- 5.1.5 **Medical testing** – Clenton's Transport will require an employee to undergo drug and alcohol testing as required by licensing accreditation and or to meet legislative requirements;
- 5.1.6 **Client / Customer or Regulatory Authority testing** – such testing which is a mandatory requirement by a Clenton's Transport Client/Customer or Regulatory Authority, (this may include urine testing).

5.2 Frequency of testing

- 5.2.1 Clenton's Transport will monitor the number of tests to which any employee is subjected.
- 5.2.2 Clenton's Transport will endeavour to ensure that no employee is subjected to excessive drug and alcohol testing.
- 5.2.3 Clenton's Transport will test each employee at least two (2) times per year.

5.3 Employees must attend tests:

- 5.3.1 Employees, Contractors and Visitors must take part in drug and alcohol testing as directed.
- 5.3.2 Employees may be required to confirm with their supervisor or manager that they have attended any scheduled test.
- 5.3.3 Refusal to undergo drug and alcohol testing will be subject to disciplinary action as per Appendix 3.

5.4 Identification of the Employee or Contractor or visitor

- 5.4.1 Clenton's Transport's approved tester shall take precautions to ensure the individual from whom the sample is collected is positively identified through presentation of photo identification or identification by the Manager.
- 5.4.2 The sample collection will not proceed until the individual's identity can be established.

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5.5 First Test – Drugs

- 5.5.1 The first test for drugs will be undertaken by an oral fluid (saliva) test sample taken from the employee, contractor or visitor.
- 5.5.2 If the test detects the presence of drugs exceeding the prescribed limits (Appendix 2) indicating that an employee, contractor or visitor may be under the influence, the employee, contractor or visitor will be asked to perform a confirmation test to confirm the initial result.

5.6 First Test – Alcohol

- 5.6.1 The first test for alcohol will be undertaken with a Breath Alcohol Concentration (BrAC) sample from the employee, contractor or visitor.
- 5.6.2 If the test detects the presence of alcohol exceeding the prescribed limits (Appendix 2) indicating that an employee, contractor or visitor may be under the influence, the employee, contractor or visitor will be asked to perform a confirmation test to confirm the initial result.
- 5.6.3 A confirmation test with a Breath Alcohol Concentration (BrAC) reading above the prescribed limit (Appendix 2) will be considered a positive test and will be subject to disciplinary action as per Appendix 3.

5.7 Rights to have own test samples collected

- 5.7.1 At any time, an employee, contractor, or visitor may (at their own cost), request to have an observed sample collected by an independent medical practitioner with the analysis to be completed by a laboratory acceptable to Clenton's Transport.
- 5.7.2 The results of such a test will be accepted provided the employee goes immediately to the independent medical practitioner to have a sample collected and provides confirmation to their manager of a clear result in a form that is acceptable to Clenton's Transport within 48 hours.
- 5.7.3 The employee may not return to work without presenting a clear test result and will be required to take accrued RDOs, annual leave or leave without pay for the duration of their absence.
- 5.7.4 If the test returns a positive result then the employee, contractor or visitor will be subject to disciplinary action as per Appendix 3.

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6. Non-Negative Test

The process set out below will apply where an employee returns a Non-Negative Test result following a first test.

6.1 Second Sample may be retained by employee, contractor or visitor

- 6.1.1 Where the initial result is Non-Negative, the employee, contractor or visitor may request a second sample, to be retained by the employee, contractor or visitor for later testing should the second test confirm the initial positive result.
- 6.1.2 The employee, contractor or visitor may have their second sample tested at a facility of their choice that is acceptable to Clenton's Transport and at their own cost unless the sample returns a negative result.
- 6.1.3 The results of this sample will only be accepted where the integrity of the sample retained by the employee can be confirmed by the testing facility in line with the requirements outlined in this procedure.

6.2 Chain of Custody

- 6.2.1 An appropriate chain of custody procedure will be followed in the administration of all Alcohol and Drug tests by the designated test provider.
- 6.2.2 Samples will be sealed and are to be signed by the employee, contractor or visitor and a witness. An Alcohol and Drug testing consent, custody and control form will be completed.
- 6.2.3 Every effort will be made to minimise the number of people handling the specimens. Where a breach of custody is confirmed the sample will be excluded from testing.

6.3 Laboratory Confirmation of a Non-Negative Drug Test

- 6.3.1 The sample obtained at the first test will be referred to a suitably accredited laboratory for the purposes of confirming (or disproving) the Non-Negative result.
- 6.3.2 Until the results of the laboratory assessment are known, the employee, contractor or visitor may not commence or continue work, but will be suspended with pay.
- 6.3.3 If the laboratory assessment disproves the Non-Negative result, the employee, contractor or visitor will immediately be entitled to return to work.

6.4 Positive Results

- 6.4.1 Once the laboratory assessment has confirmed the positive result, the employee and contractor will remain on suspension pending the finalisation of disciplinary action under Appendix 3. If the person is an employee of Clenton's Transport, they will be able to access any accrued annual leave, long service leave or rostered days off.
- 6.4.2 The employee will also be able to access accrued sick leave, provided that the employee provides Clenton's Transport with a medical certificate verifying that the employee is unable to attend work due to a medical condition related to drugs.
- 6.4.3 The employee, contractor or visitor will be provided with the opportunity to explain the positive result.

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7. Disciplinary matters

- 7.1.1 **Positive Result** An employee or contractor who returns a positive result will be subject to disciplinary action as per Appendix 3.
- 7.1.2 **Refusal to undergo testing** an employee, contractor or visitor who refuses to undergo drug and alcohol testing (except for those wanting to enact clause 5.7 or is unable to produce a sample without a valid medical certificate will be subject to disciplinary action as per Appendix 3.
- 7.1.3 **Falsification of test** an employee, contractor or visitor who attempts to falsify the outcome of a drug or alcohol test, or to tamper with his or her samples, will be subject to disciplinary action as per Appendix 3.
- 7.1.4 **Malicious accusations** an employee, contractor or visitor who knowingly falsely, mischievously, or maliciously causes another employee to be accused of, or to be tested, on the basis of being led to believe the individual was under the influence of drugs or alcohol, will be subject to disciplinary action as per Appendix 3.

8. Employees who seek assistance for problems consistent with alcohol or drug abuse

- 8.1.1 An employee with problems related to the misuse of Drugs and/or Alcohol should seek assistance from their manager as soon as practicable.
- 8.1.2 Where a problem related to Alcohol or Drug abuse is confirmed by a medical officer, or the employee themselves, the employee should be referred to an organisation with recognised expertise in the assessment, treatment and rehabilitation of people suffering from misuse of drugs or alcohol. This rehabilitation is to at the employees' expense.
- 8.1.3 Clenton's Transport will liaise with the organisation responsible for the rehabilitation of the employee to monitor progress.
- 8.1.4 Upon completion of a rehabilitation programme, the employee may return to work but will be subject to targeted testing for a period of 2 years post the program completion.
- 8.1.5 Personal information collected in the management process detailed above shall be only be used or disclosed as far as is reasonably necessary for compliance with these guidelines.
- 8.1.6 Participation by an employee in a program for the treatment of a drug or alcohol problem will not, of itself, jeopardise the employee's employment. Rather, successful treatment will be viewed positively. However, participation in such a program will not relieve an employee of the responsibility of complying with this procedure.

9. Awareness

- 9.1.1 Clenton's Transport will ensure all new and existing employees, contractors and visitors are aware of and understand Clenton's Transport's Drug and Alcohol Policy and this Procedure.
- 9.1.2 Clenton's Transport will maintain records to verify the induction of new employees, contractors and visitors into Clenton's Transport's Drug and Alcohol Policy and this Procedure.

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10. General Responsibilities

Person Conducting a Business or Undertaking (PCBU)

Clenton's Transport must:

- Have effective procedures implemented for elimination of illegal drugs and misuse of alcohol in the workplace;
- Communicate and train employees and other in the details of this procedure;
- Provide information on drug and alcohol awareness and on other assistance programs available to employees with drug or alcohol issues;
- Conduct drug and alcohol testing in the circumstances listed above; and
- Where alcohol is to be provided at employer-hosted social or business functions, encourage the consumption of non-alcoholic and low-alcohol beverages.

Managers and Supervisors

Managers and supervisors must:

- Ensure this drug and alcohol policy and supporting processes are effectively implemented and monitored within the workplace;
- Immediately remove an employee from an area, where they are observed as behaving under the influence of drugs or exhibiting the effects of alcohol; and
- Resolve or appropriately escalate any breaches of this policy.

Employees and Contractors Responsibilities

Employees and Contractors must:

- Take responsibility for maintaining their personal health and fitness for work;
- Attend work in a fit state to perform their work unimpaired by alcohol or drugs;
- Not possess, consume, sell, distribute or solicit illegal drugs or non-prescribed controlled drugs in the workplace;
- Obtain a written opinion from a medical practitioner that confirms any prescribed; medication will not impact their ability to safely perform their duties (where the opinion is that the medication will impact their ability, the employee must report this to their supervisor and not perform those tasks while taking that medication);
- Take prescribed medication in accordance with the instructions of their medical practitioner and medication directions; and
- Participate willingly and honestly in drug and alcohol testing.

Visitors

Other persons at a workplace must comply with the requirements of this policy.

11. Related Policies

This procedure has been developed in conjunction Clenton's Transport's Drug and Alcohol Policy and overarching Transport Safety Policy. It is consistent with the requirements of HVNL and WHS legislation.

12. Supporting Forms/Record Keeping

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Forms generated by this procedure and other related records are listed below.

Title or group of documents	Location	Responsible Party or Role	Minimum Retention Period
AOD Fitness for Work Assessment			

13. Procedure Quality Control

Policy:	Policy 08 Drug and Alcohol Management
Compiled By:	CoR Advisor
Groups Consulted:	Owner/Executive management team, Compliance advisor
Approved By:	Executive Management Team
Date:	11/19
Review:	11/20
Filename:	TSMS Procedure 08 Alcohol & Other Drugs Management.docx

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APPENDIX 1

Prescribed and Over the Counter Medications

Prescription Drugs

Any employee, contractor or visitor who has been prescribed medication by a medical practitioner will not be in contravention of this Procedure as a result of taking or being in possession of that drug in accordance with the prescription, provided that:

- They have disclosed to the medical practitioner, the position which he/she occupies and the tasks he/she is required to perform;
- They receive a certificate from the medical practitioner certifying the employee or contractor as being fit to work safely whilst consuming the prescribed medication;
- The certificate must state whether the employee is taking prescription medication and confirm that the quantity prescribed does not have the potential to adversely affect the safe and efficient performance of their duties;
- The consumed level of the prescription drug does not exceed the level that the has been prescribed to take.

Over the Counter Medications

Employee's, contractors or visitors have an obligation to comply with the manufacturer's directions and warnings and seek advice from their pharmacist with respect to the impact the over the counter medication may have on the safe performance of their work. If advice from the pharmacist indicates the medication may impact their ability to perform the work safely or where there is a doubt, then the employee must advise their manager

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APPENDIX 2

List of substances to be analysed in samples collected and threshold drug cut-off levels

All substances will be analysed in accordance with procedures consistent with the recommended appropriate reference standards. Results will be compared with recommended levels of the appropriate standard for the method used for specimen collection and analysis.

The following is a list (not exclusive) of substances which are normally included in any alcohol or drug testing procedure.

For random, for cause and post incident testing the focus is on identifying any impairment and not on identifying evidence of use. For pre-employment testing the focus is on identifying evidence of previous use.

Drug Class and Common Name and/or Brand Names

Alcohol (Beer, wine, spirits)

Marijuana metabolites, 9-carboxy THC (cannabis, pot)

Cocaine (crack)

Opiates (opium, heroin, morphine, etc)

Phencyclidine (angel dust, elephant, rocket fuel)

Amphetamines, amphetamine, methamphetamine (speed, meth or ice, crystal, glass)

Methadone (heroin replacement)

Benzodiazepines (serapax, valium, xanax, etc)

Barbiturates (Amytal, Barbita, Butalan, Luminal, etc)

Propoxyphene (Darvon Puvules, Darvon-N etc)

Drug Class Cut-off (threshold level of impairment) the cut-off level identified in AS/NZS 4760 for oral fluid (saliva) testing

Alcohol.....0.0%

Cannabis (delta9THC) 25ng/ml

Cocaine 50ng/ml

Opiates 50ng/ml

Methamphetamines 50ng/ml

Amphetamines 50ng/ml.

Heroin, (opiate – 6-monoacetyl) and Sympathomimetic Amines (Methylamphetamine, “speed” and Para-methoxyamphetamine “ecstasy” MDA, MDMA and MDE also known as “ecstasy” have no cut-off limit for impairment and are also illegal.

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Appendix 3

Disciplinary Action Table

Whenever disciplinary action is being considered, Managers should ensure that they take into account all of the circumstances of the case to ensure that the action is fair and appropriate.

Table 1 – Consequence Table relating to Drug & Alcohol Test results

	Employee	Contractor (individual)	Visitor
Alcohol	Termination of employment	Removal from workplace	Removal from workplace
Legal Drug	Termination of employment	Removal from workplace	Removal from workplace
Illegal Drug	Termination of employment.	Removal from workplace	Removal from workplace

Table 2 – Consequence Table relating to Drug & Alcohol related matters

	1st Instance	2nd Instance
Refusal to undergo testing	Termination of employment. (except for those wanting to enact clause 12)	
Falsification of test	Termination of employment.	
Malicious accusations	Final Formal Written Warning stating a further breach will result in termination.	Termination of employment.
Possession, soliciting, selling, distribution or consumption of illicit or non-prescribed drugs in any Workplace whilst performing duties for <insert company name>.	Termination of employment.	
Soliciting, selling or distribution of Prescription Drugs or alcohol in any Workplace whilst performing duties for <insert company name>.	Termination of employment.	
Non approved possession and consumption of alcohol in any Workplace.	Termination of employment.	