

4.2 Drugs and Alcohol in the Workplace

Preamble

The *Occupational Health, Safety and Welfare Act 1986* (OHS&W Act 1986) make it a requirement for all employers to provide a safe, healthy and productive workplace. Notwithstanding new national work, health and safety legislation currently before the South Australian State Government with an effective date of 01/01/2012, the current OHS&W Act requires employees to ensure that they take reasonable care to protect their own health and safety and that of others whilst in the workplace. Poly-Tech Industrial Services / Complete Acid Protection (Poly-Tech / Complete Acid) is committed to a drug and alcohol free workplace with the principle of zero tolerance relating to illegal drugs and a level of 0.05% to apply for alcohol, notwithstanding the State Government law will take preference.

Drug use and/or dependence on alcohol including intoxication may cause impaired judgement, reduced concentration, absenteeism and increased accidents, which may seriously affect employee safety. Any employee who is concerned about another employee due to possible alcohol or other drug use should report the matter to their supervisor as soon as possible.

Alcohol is defined as any drink that contains alcohol and temporarily impairs a person's physical or mental capacity.

Drugs are defined as a chemical substance, regardless of whether it is legal or illegal, which may have the ability to impair a person's physical or mental capacity. These may include prescribed drugs, or non-prescribed drugs such as panadeine or cold/flu tablets and illicit drugs such as, speed, heroin, amphetamines, LSD, cocaine, ecstasy, marijuana, etc.

Policy

Employees must not be under the influence of drugs or alcohol during working hours or when on the Company's premises or work site/s; this includes arriving at work or return to work from a break. All employees are prohibited from selling, distributing, manufacturing, possessing or consuming alcohol or other drugs during working hours.

Employees who are required to take medically prescribed drugs for a specific condition that may affect their work ability or performance must notify their supervisor prior to commencing work and provide confirmation from their doctor as to any possible side effects. It may be necessary for the employee to change duties depending on the effects of the medication if the situation is temporary, or commence sick leave (if applicable) until able to resume normal duties. Machinery should not be operated whilst under the influence of drugs that carry a disclaimer that the drug may cause side effects such as drowsiness or dizziness; this also includes working at heights or operating high risk licence machines such as a forklift.



When alcohol is made available at work functions the employee should not return to work if under the influence of alcohol. In general these functions should not take place during ordinary working hours.

When attending work functions or functions on behalf of Poly-Tech / Complete Acid, employees should behave professionally and responsibly. The duty of care according to the Act still applies during functions.

Poly-Tech / Complete Acid reserves the right to search its premises and company motor vehicles including trailers for alcohol or drugs.

Procedure

Possession and/or Consumption of Alcohol or Other Drugs

1. If it is believed on reasonable grounds that an employee is in possession of, or has been consuming alcohol or other drugs on the work premises or work site, Poly-Tech / Complete Acid may undertake a search of its premises including company motor vehicles and trailers. The employee may wish to have a witness present. Poly-Tech / Complete Acid will provide a reasonable opportunity for the employee to arrange a witness if desired.
2. Any alcohol found will be confiscated. In the case of drugs the police will be contacted and it may become a criminal matter.
3. An interview will be conducted and the employee will be given a chance to explain and respond to any allegations. This will also include the details of the disciplinary procedure on dealing with misconduct at work.
4. If, on consideration of the evidence and the employee's explanation, the General Manager and or Director forms the view that the employee has breached this policy, disciplinary action shall be instigated, which may include dismissal.

“At cause” testing for drugs and alcohol at work

If it is believed that an employee is under the influence of alcohol or drugs at work, the Company may arrange for testing to take place. An employee must immediately undergo testing if directed to do so. For more information, see Testing Procedure, below.

Should the test reveal that the presence of drugs or alcohol, the employee will be subjected to disciplinary action, up to and including termination of employment.

Poor Work Performance

If a supervisor is concerned that an employee's performance has deteriorated and may possibly be due to the effects of either alcohol or drugs, this may be placing the employee or others at risk of accident or injury.

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If unsatisfactory work performance becomes apparent the supervisor must document details before action is taken. It is recognised that an employee's work performance may be affected by problems in their personal life and these may need to be dealt with outside of the workplace. Assistance with time off may be required and will be discussed on an individual basis.

A second interview will be arranged if the problems continue. However, if there is no improvement after this, disciplinary action, including termination, may become necessary.

Drug & Alcohol Testing Procedure

If an employee is suspected of being affected by alcohol or other drugs during work time and denies the accusation, it may be necessary for the employee to be tested for alcohol or drugs in their system. This testing will be at Poly-Tech / Complete Acid expense. The testing procedures shall be in line with the Australian Standard AS/NZ 4308:2008.

Principally, the Director or General Managers will request an assessment to be carried out by an accredited member of CHG Clinic, 10 Railway Terrace, Mile End, South Australia (*the Collector*).

Should an employee refuse to take this test, the General Manager will treat this as a preliminary positive test and disciplinary action will take place which may include dismissal. Should the employee decide to take the test after this is explained and the test is negative, the employee will resume normal duties after the testing procedure. Photographic identification is required to confirm a donor's identity prior to testing. If no photographic identification is available, two other forms of identification (one of which must contain a signature) including Medicare Card, Credit Card will be accepted. All donors complete consent forms prior to testing.

Three forms of assessment may be performed such as urine testing, saliva testing and breath testing. Poly Tech's preferred assessment to be conducted by CHG Clinic will be urine testing using NATA accredited devices. Urine drug testing gives a wide window of detection (hours to months). All specimens tested that show a preliminary positive result will be sent to an accredited laboratory for confirmation via "The Chain of Custody" process.

All screening results remain confidential between the employee, the Director and or General Managers, and CHG Clinic.

The Director or General Managers, at their discretion, may request testing to be carried out on a worksite, Poly Tech premise or at CHG Clinic, 10 Railway Terrace, Mile End.

Where onsite visits are made, strict guidelines will apply:-

- A toilet is designated for the screening and all taps, basins etc. are taped off for the duration of the testing;

- A company representative is required to be present for the duration of the testing, for the safety of the *Collector*, to aid in identification of employees (where no photographic identification is available) and to deal with any preliminary positive results;
- A copy of the company's policies and procedures shall be accessible during the testing.

Immediately after the specimen is collected, the *Collector* shall inspect the urine specimen to determine its colour and look for any indication of contaminants or diluents. Any unusual finding shall be noted in the record system.

If validity of the sample cannot be established, or if it is suspected that the specimen may have been contaminated, diluted or substituted, then another specimen shall be collected as soon as possible and both forwarded to the laboratory for testing. These specimens shall be labelled and documented appropriately.

Both the *Collector* and employee shall keep the specimen in view at all times prior to it being sealed and labelled.

An equal portion of the specimen shall be transferred to a second bottle. This sample shall be called the referee sample.

The *Collector* shall request the employee to observe the transfer of the specimen and the placement of the tamperproof seals. The seals shall be signed by the donor and the transportation of the samples to the laboratory will be carried out.

Negative Result

- In the event of a “negative” reading the employee and the Director or General Managers will be immediately advised of the result. The employee will resume normal duties.
- Each result is documented by CHG Clinic and a copy will be made available to the employee and the General Manager upon request.
- The sample is immediately disposed of by the *Collector* in the presence of the employee.

Positive Result

- In the event of a preliminary “positive” reading the employee and the Director or General Managers will be immediately advised of the result.
- The “Chain of Custody” process will immediately take place.
- The result is recorded on CHG Clinic documentation. The employee is invited to sign the documentation. Such documentation shall include time and date of the screening, the employee's details, the screening number and result.
- The “Chain of Custody” process ensures the primary sample remains intact at all times.
- The primary sample is then prepared, in the presence of the employee for analysis.
- The vial is sealed with a “Chain of Custody” seal.

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- The *Collector* will forward the vial of the primary sample to the laboratory for confirmation of the initial screen.
- In the intervening period whilst waiting for the confirmed (or otherwise) screening result, the employee will be stood down with pay (7.60 hours per day) until further written notice from the General Manager. Any assistance will be given to the employee to arrive home safely. No employee will be permitted to return to work until they have a negative test result.
- If an employee returns a confirmed positive test result, the stood down period will be deducted from the employees entitlements or wages (if there is no leave available) on the basis that the employee is deemed to be unfit for work and a full investigation will commence.
- All costs associated with any screenings shall be paid by Poly Tech.

It is acknowledged that employees have a legal right to refuse to be tested however, if the employee refuses testings on unreasonable grounds, the employee may be subject to disciplinary action for such refusal.



The results of any testing must be kept private [see “Personal Details”].

Please also refer to the “Effects of Drugs and Alcohol in the Workplace”.

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Steve Church
Director

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