

**AHRWMA****"Sustainable Waste Management Through Shared Services"**

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Version No:	1.0
Approved:	May 2021
Next Review:	May 2025

DRUG AND ALCOHOL POLICY**1. POLICY**

- 1.1 Adelaide Hills Region Waste Management Authority (the "Authority") has a duty of care to provide a safe, healthy and secure environment for all employees and for those affected by its operations and services. All employees have a responsibility to ensure that they take reasonable care to protect their own health and safety and that of others whilst at the Authority locations by presenting fit to undertake their work.
- 1.2 An essential element of the Authority's duty involves the identification of potential hazards and elimination or minimisation of risks. The Authority will implement appropriate testing methods to identify potential impairment of employees through recent consumption of alcohol and other drugs, and the increased potential risks to health and safety through long-term consumption of illicit drugs.
- 1.3 This policy and procedure applies to all employees, contractors, and temporary staff whilst at the Authority's and its client's locations and visitors to the Authority's locations.
- 1.4 Employees, contractors, and temporary staff are grouped and covered by the title "employees" throughout this policy and procedure.
- 1.5 **The Authority's and Manager's obligations:**
 - 1.5.1 As part of the induction and orientation of new employees, Managers are to ensure that this policy and procedure is outlined as part of this process.
 - 1.5.2 That Employees are in a fit state to carry out the duties of their role.
 - 1.5.3 That the Authority meets its obligations to employees and to the general public to carry out all its services safely.
 - 1.5.4 To ensure that the Authority's services are not compromised by the presence of employees under the influence of alcohol, non-prescribed drugs or prescription medication that has the potential to impact their ability to work safely .
 - 1.5.5 To deal with employees that have an inability or unwillingness to comply with an Authority client's requirement to present evidence of a negative drug test prior to undertaking a site induction or working onsite. As this may potentially jeopardise the work assignment or contract, the Manager will be responsible for notifying the Executive Officer of the situation which may result in disciplinary action being taken against the employee.
 - 1.5.6 To provide assistance through a range of preventative, educational and rehabilitative measures to overcome drug and alcohol problems that could impair an employee's ability to work safely.
 - 1.5.7 Implement and manage this policy and procedure in a way that encourages employees to bring up concerns about their own or other employee's fitness for work

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- 1.5.8 Regular monitoring of employee's performance to ensure compliance with the policy and procedure.
- 1.5.9 That all employees who are deemed unfit for work are dealt with in an effective, fair and constructive manner.
- 1.5.10 Ensure employees who seek assistance will not be disadvantaged and that all employment rights will be safeguarded unless where a serious breach has occurred.
- 1.5.11 That communication is designed to bridge cultural and language difficulties.
- 1.5.12 Personnel records which relate to this policy and procedure will be retained in a secure location and kept for the minimum statutory requirement imposed by the State or Commonwealth. Such information will only be provided on a "need to know" basis subject to legal and legislative requirements and to ensure safety at the Authority.

1.6 Employees obligations:

- 1.6.1 Duty of care to present themselves at work in a condition in which they are able to carry out their duties without risk to themselves or others. This includes ensuring, and when required, demonstrating that the employee is in a fit state and not impaired by the adverse effects of alcohol or drugs.
- 1.6.2 Never attend work in possession of alcohol, illegal drugs or other drugs for which they do not have a valid prescription. Employees are required to notify their Manager if they are required to take prescription drugs while at work, and to discuss any potential side effects that might impair their ability to work safely.
- 1.6.3 To notify their Manager of any concerns about potential impairment of the employee's fitness for work, this includes but is not limited to:
 - 1.6.3.1 Any situation in which the employee or another employee may be unfit for work.
 - 1.6.3.2 Use of over the counter, or prescription medicals, or any illicit substance or any substance which may affect performance, including causing fatigue, cloud judgement and decision-making as well have any effect on physical performance.
 - 1.6.3.3 Occurrence of any lifestyle behaviour that has the potential to cause fatigue, effect physical performance or other impairment for work.
 - 1.6.3.4 The unauthorised possession or consumption of alcohol or drugs at any Authority or client location during the work period.
 - 1.6.3.5 Any situation in which they or other individuals may be unfit for work.

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1.6.3.6 Any other apparent breach of this policy and procedure.

- 1.6.4 Be aware that the Authority's clients often have a requirement for all its employees, and the Authority's employees, to present evidence of a negative drug test prior to undertaking a site induction or working onsite. Inability or unwillingness by an employee of the Authority to comply with this such that it potentially jeopardises the work assignment may result in disciplinary action being taken by the Authority against the employee, or withdrawal of the assignment or contract and any remuneration associated.
- 1.6.5 Discuss with their treating and or prescribing medical practitioner or chemist the nature of their duties and the likely impact of any medication being advised, on their safety or work performance at work.
- 1.6.6 Notify their Manager of any medication(s) that the employee is taking that could present a risk or impair their performance.
- 1.6.7 Take any prescription or non-prescription medication strictly in accordance with the medical practitioner's, pharmacist's or manufacture's recommendations, and report any side effects to their medical practitioner.
- 1.6.8 Modify any lifestyle behaviours that may cause fatigue and potentially impact on the safety or performance at work.

1. Definitions

1.1. "Abuse of alcohol and/or other drugs" for the purpose of this policy and procedure includes:

- 1.1.1. Use of alcohol which results in potential impairment of a person's performance or their ability to work efficiently and safely.
- 1.1.2. Use of illegal drugs including but not limited to cannabis, amphetamines, cocaine, opiates and other narcotics which results in potential impairment of any person's performance or their ability to work efficiently and safely.
- 1.1.3. Use of prescription drugs and the use of any other non-prescription drugs or other substances which may result in potential impairment of person's performance or their ability to work efficiently and safely.
- 1.1.4. Sale or supply of either illegal or prescription drugs, and the unauthorised consumption or possession of any alcohol, or the consumption or possession of any illicit drugs in the workplace or during the working period.
- 1.1.5. Positive drug or alcohol test result.

1.2. "Authorised Tester" means the nominated person who has been trained in the collection of samples required for the purposes of alcohol and/or drug testing.

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1.3. “BAC” means Blood Alcohol Concentration.

1.4. “Confirmatory Test” means a second analytical procedure performed to identify the presence and quantity of a specific drug. The confirmatory test is independent of the initial test and is performed in a certified laboratory using a different technique and chemical principle in order to ensure reliability and accuracy.

1.5. “EAP” means the Authority’s Employee Assistance Program.

1.6. “Employees” means employees, contractors, and temporary staff covered within this policy and procedure.

1.7. “Fitness for Work” means an individual is in a state (physical, mental and emotional) which enables the employee to perform assigned tasks competently and in a manner which does not compromise or threaten the safety or health of themselves or others. People whose fitness for work is impaired by alcohol or the use of illicit drugs (such as cannabis, amphetamines, cocaine, opiates and other narcotics), the use of prescription drugs or the misuse of non-prescription drugs (such as codeine) could pose a risk to themselves and to other people’s fitness to work.

1.8. “Initial Test” means an approved method used to identify a drug or a class of drugs. This test is a screening test used to detect the presence or absence of alcohol, and/or a particular drug compound.

1.9. “Negative Result” means any test sample returning a result where there was no detection of alcohol or a drug or class of drugs.

1.10. “Non-Negative Result” means any initial test sample returning a result that identifies the presence of alcohol, or a drug or class of drugs at or above the prescribed limits.

1.11. “Random testing” means an employer may conduct random testing for drugs and alcohol on any employee in accordance with a policy or procedure.

1.12. “Witness” means an employee working at the workplace who is reasonably and readily available to verify test results.

2. DRUG AND ALCOHOL PROCEDURE

2.1. Testing for Drugs

2.1.1. The Authority requires all employees to return a negative drug test result (at the levels specified by the relevant Australian Standard) at all times whilst at the Authority’s locations or undertaking work on behalf of the Authority. At the time of introduction of this policy and procedure the Australian Standards AS 4308-2008 and AS 4760-2006 set out the levels for a positive test result as listed below.

2.2. For Urine Testing

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- 2.2.1. For a urine Immunoassay test used during a pre-screening test such as pre-employment medicals refer to table A.

Table A	
Class of Drug	Level (Micrograms/litre)
Amphetamine type substances	300
Benzodiazepines	200
Cannabis metabolites	50
Cocaine metabolites	300
Opiates	300

Note: This does not provide a definitive result and further testing by Gas Chromatograph/Mass Spectrometer (GCMS) can be applied.

- 2.2.2. If a urine specimen is sent for further testing following an initial positive result, the laboratory will conduct GCMS as per Australian Standard 4308:2008 testing for the following levels as per table B. This is the definitive test. All results exceeding the amounts specified under AS4308:2008 are considered a confirmed positive test.

Table B		
Class of Drug	Compound	Micrograms/litre
Cannabis Metabolites	11-nor-delta-9-tetrahydrocannabinol-0 Carboxylic acid	15
Benzodiazepines	Oxazepam	200
	Temazepam	200
	Diazepam	200
	Nordiazepam	200
	7-amino-clonazepam	100
	7-amino-flunitrazepam	100
	7-amino-nitrazepam	100
Opiates	Morphine	300
	Codeine	300
	6 -Acetylmorphine	10
Sympathomimeticamines	Amphetamine	150
	Methamphetamine	150
	MDMA (Ecstasy)	150
	Phentermine	500
	Ephedrine	500
	Pseudoephedrine	500
Cocaine Metabolites	Benzoyllecgonine	150
	Ecgonine Methylester	150

2.3. For Oral Fluid Testing

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2.3.1. The levels set out below apply to oral fluid testing (taken from Table 3.1 AS 4760-2006):

On-site initial test target concentrations	
Class of drug	Target concentration (ng/mL)
Opiates	50
Amphetamine type substances	50
Delta-9 tetrahydrocannabinol	25
Cocaine and metabolites	50
NB: these targets represent the undiluted oral fluid concentration	

2.3.2. An initial positive result should be confirmed by laboratory GCMS testing with the cut-off levels as per AS 4760-2006 in table 3.2.2.

2.4. Testing for Alcohol

2.4.1. The Authority requires its employees to have a 0.0% BAC for operational staff using equipment and machinery and a 0.05% reading for office based staff at all times whilst at the Authority's locations or undertaking work on behalf of the Authority.

2.4.2. Testing will be conducted using a breathalyser that meets the Australian Standards.

3. TESTING PROCEDURE

3.1. Authorised Tester

3.1.1. Breath specimens for alcohol screening and samples for drug detection will be taken by an Authorised Tester who may be an Authority employee or from an independent testing agency. Employees being tested are allowed to have a witness present.

3.1.2. Drug test procedure performed by an Authorised Tester for reasonable cause, serious occurrence or random drug testing where an initial non-negative test result is returned includes:

3.1.2.1. Determine if initial positive reading is consistent with any advised medication.

3.1.2.2. Record positive test result.

3.1.2.3. Advise the Manager and Executive Officer of the results.

3.1.2.4. Send sample to a Nationally Accredited Testing Authority (NATA) laboratory for a confirmatory test.

3.1.3. Alcohol test procedure performed by an Authorised Tester includes:

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- 3.1.3.1. Notifying the employee that testing can be done in private if requested.
- 3.1.3.2. Notifying the employee that they may have a witness present.
- 3.1.3.3. Once the test results appear, the employee and/or witness shall be shown the reading.
- 3.1.3.4. In the case of a negative result, the result will be recorded and will be signed by the employee.
- 3.1.3.5. In the case of a non-negative result, the result will be recorded and the employee will be asked to wait a further 20 minutes without eating, smoking or drinking (except water) and must remain in the proximity of the testing location at all times, after which the employee will be tested again for confirmation.
- 3.1.3.6. The form will be signed by the employee and/or witness. Refusal by the employee to sign will not invalidate the test.
- 3.1.4. If the test is positive for a substance that could be consistent with a prescribed or over the counter medication and employee has disclosed consumption of a medication (prescription or over counter), the Authorised Tester is to contact Executive Officer, to discuss the implications of the positive screen.
- 3.1.5. The Executive Officer will advise the Manager on the appropriate course of action (removal of the employee from the workplace, or re-test, or acceptance of the result as not causing impairment of the employee) in such a circumstance.
- 3.1.6. If results of both the confirmatory screen test and GCMS test are positive (according to Australian Standard 4308) for an illicit substance or for a substance that in the opinion of the Executive Officer, based on appropriate medical advice, is likely to cause impairment in the workplace, this will be considered a breach of this policy and procedure as outlined in section 5 below.

3.2. Pre-employment medicals

- 3.2.1. Potential employees who have been shortlisted for employment at the Authority may be required to undergo a pre-employment alcohol, drug and substance abuse screening test as part of the pre-employment medical process. Pre-employment screening for drugs, alcohol or other substances is designed to prevent the hiring of individuals whose use of drugs, alcohol or other substances indicates a potential for impaired or unsafe job performance.
- 3.2.2. The decision to employ will be based on the potential employee's ability to perform the job, however a potential employee with a confirmed positive test result may be considered unsuitable for employment (unless there are good reasons to the

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contrary, e.g. potential employee has taken prescription medication according to the prescription). The final arbiter in such cases will be the Executive Officer.

- 3.2.3. Refusal by a potential employee to submit to, or cooperate fully with the administration of an alcohol, drug or substance test, may result in the potential employee not being considered for the position .
- 3.2.4. Any attempt by a potential employee to manipulate or falsify any alcohol and/or drug test during the pre-employment screening will result in rejection of the employment application.
- 3.2.5. Where an offer of employment is made to a potential employee, it will be conditional upon satisfactory test results.

3.3. Random testing

- 3.3.1. The Authority or an Authority client may conduct random testing for drugs and alcohol on any employee from time to time according to this policy and procedure.
- 3.3.2. The frequency of testing will be determined by the Manager in compliance with this policy and procedure.
- 3.3.3. The method of testing (urine sample or oral fluid) will be randomly determined.
- 3.3.4. Refusal by an employee to submit to, or cooperate fully with the administration of an alcohol, drug or substance test, will be deemed to be a failure to comply with a reasonable and lawful direction and will result in the disciplinary process being commenced. This may lead to disciplinary action up to and including dismissal.

3.4. For Cause Testing

- 3.4.1. Where a Manager has grounds to suspect that an employee may be impaired by alcohol or other drugs, then the employee will be required to submit to an alcohol and/or drug test.
- 3.4.2. The Manager is to obtain authority from the Executive Officer prior to testing on any employee.
- 3.4.3. The method of testing for the presence of drugs in "For Cause" situations will be by oral fluid testing.
- 3.4.4. The employee being tested must be informed by the Manager the reasons for the decision and where required, shall be suspended from duty on ordinary pay pending confirmation in the case of an initial non-negative test result, and any subsequent investigation.

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3.4.5. Testing may be carried out following the occurrence of any one or more of, but not limited to, the following circumstances.

3.4.5.1. Where an employee is erratic, unusual, at-risk or dangerous behaviour raises concerns that they may be impaired either by alcohol or other drugs.

3.4.5.2. Where there is reason to believe that an employee is affected by alcohol or other drugs.

3.4.5.3. Where evidence is found of possible alcohol or other drug use at work (e.g. drug paraphernalia, alcohol containers at the Authority location or in vehicles).

3.4.5.4. Where an employee who has previously tested positive is being monitored to ensure compliance with this procedure.

3.4.5.5. Failure to adhere to written, verbal or posted procedures, rules or regulations.

3.4.5.6. Where an employee is involved in a near miss incident.

3.4.5.7. Inappropriate use/operation of or damage to any equipment.

3.4.6. Mandatory testing applies for:

3.4.6.1. Incident involving personal injury to the employee or a third party.

3.4.6.2. Vehicle incidents.

3.4.7. Refusal by an employee to submit to, or cooperate fully with the administration of an alcohol, drug or substance test, will be deemed to be a failure to comply with a reasonable and lawful direction and will result in the disciplinary process being commenced. This may lead to disciplinary action up to and including dismissal.

4. BREACH OF POLICY AND PROCEDURE

4.1 First breach

4.1.1 The Manager will immediately notify the Executive Officer of any employee who tests above the detection limits on a saliva drug screen for cannabis and its metabolites, or on a urine drug screen or saliva drug screen for all other illicit drugs, or alcohol.

4.1.2 The Manager will address with the employee that they have tested above the detection limits on a saliva drug screen for cannabis and its metabolites, or on a urine drug screen or saliva drug screen for all other illicit drugs, or alcohol.

4.1.3 The Manager will assess the situation and will take the following steps as applicable, based on a “case management” approach:

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- 4.1.3.1 Notification that the employee will be immediately suspended from work with pay until results from the confirmatory screen and GCSM are received (within approximately 24 – 48 hours).
- 4.1.3.2 If a positive confirmatory result is received, the Employee's and Manager's obligations under this policy and procedure.
- 4.1.3.3 Risk that consumption of prohibited substances creates for the employee's safety and other individuals.
- 4.1.3.4 The employee's responsibility to demonstrate that the problem has been effectively addressed.
- 4.1.3.5 Consequences for future breaches of this policy and procedure .
- 4.1.3.6 Establishing why the employee was attempting to work in an unfit state.
- 4.1.3.7 That the employee's fitness for work will be monitored for a period of up to 12 months to ensure that they remain fit for work, which will include periodic random testing for these substances.
- 4.1.3.8 The employee is not permitted to undertake any work, operate any vehicle or use any equipment or be present in any Authority or client location until they have presented a negative test result.
- 4.1.4 The Manager will develop a management plan in conjunction with the employee, and with the assistance of the Executive Officer.
- 4.1.5 The management plan will clearly identify the ramifications of a further breach of this policy and procedure and identify steps the employee will undertake to ensure they address the cause of the current breach.
- 4.1.6 The management plan may include the provision of counselling, referral to a recognised rehabilitation program, with appointment(s) made for them to attend. It remains the responsibility of the employee to attend any such appointments that are arranged by the Manager.
- 4.1.7 The Manager will provide a copy of the management plan for the employee's personnel file.
- 4.1.8 Where the breach is a result of the employee's failure to act as required by this policy and procedure, the Manager will notify the Executive Officer.
- 4.1.9 After discussions with the Executive Officer the Manager may commence the disciplinary process which may result in a formal warning or termination of employment if the breach is considered to be serious and the employee is found to have wilfully breached or disregarded this policy.

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4.1.10 Any employee who has breached the requirements of this policy and procedure by way of a positive test for drugs or alcohol is not permitted to drive themselves off site. Arrangements are to be made by their Manager for their safe return home.

4.1.11 If the results of the confirmatory screening test are negative, the employee shall be permitted to return to work without loss of entitlements.

4.1.12 All testing will be conducted as per AS 4308-2008 or AS 4760-2006.

4.1.13 The outcome of the process will be kept confidential to the fullest extent possible by the Manager and other management representatives involved.

4.2 Second Breach

4.2.1 Where a second breach has occurred in a calendar 12 month period following a first breach, the Manager will notify the Executive Officer.

4.2.2 The Manager will notify the employee that:

4.2.2.1 They have been suspended from work on pay whilst the Authority instigates an investigation.

4.2.2.2 The Manager will arrange for the employee's safe transport home.

4.2.2.3 The disciplinary process will commence.

4.2.2.4 At the conclusion of the disciplinary process, in the absence of any significant mitigating factors, termination of the employee's employment contract in accordance with the appropriate Authority policies and procedures is the mandated outcome.

4.3 Disciplinary Action & Termination of Employment

4.3.1 Notwithstanding 5.1 and 5.2 above, the Authority at all times reserves the right to undertake disciplinary action which may include termination of employment if the breach is considered severe.

4.3.2 Serious misconduct will be grounds for immediate termination that includes, but is not limited to:

4.3.2.1 Placing the employee or any others at major risk or causing harm to themselves or others.

4.3.2.2 Employee actions that cause any damage to equipment or vehicles at the Authority or client location.

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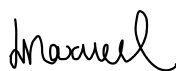
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- 4.3.2.3 Employees actions damage the reputation of the Authority or is responsible for the loss of a Authority client.
- 4.3.2.4 Attempting to sell or supply alcohol or prescription or non-prescription drugs (both legal and illegal) at a Authority or client location or in accommodation provided by the Authority.
- 4.3.2.5 Wilfully attempting to avoid or falsify any alcohol and/or drug test.
- 4.3.2.6 The unauthorised consumption or possession of any alcohol or illicit drug(s) at the Authority or client location.
- 4.3.2.7 Refusal to comply with reasonable and lawful directions to undergo drug and/or alcohol testing in accordance with this Policy and Procedure.

5. REVIEW

This Drug and Alcohol Policy shall be reviewed at a minimum within four (4) years of issue date or more frequently if required.

Signed: 

Executive Officer

Date: 25/05/2021

6. REVIEW HISTORY

Document History:	Version No:	Issue Date:	Description of Change:
New document	1.0	26 Oct 2020	Written with support of HR Consultant
Revised Document	1.0	25 Mar 2021	Formatted to ARHWMA policy template
Document Consultation	1.0	29 Mar 2021	Email all staff for consultation and comment
Approved Document	1.0	25 May 2021	Implemented by Management