

 <p><b>Mackay</b> REGIONAL COUNCIL</p>	<b>ADMINISTRATIVE POLICY</b>	
	<b>Alcohol and Other Drugs</b>	
	POLICY NO	011
	DEPARTMENT	Organisational Services
	PROGRAM	People & Culture
APPROVED BY CEO	29 <sup>th</sup> March 2019	

## 1.0 Scope

This Policy applies to all employees of Mackay Regional Council (MRC). This Policy is not restricted to the workplace or work hours. Meaning the obligations contained in this Policy extends to functions and places that are work-related including conferences, meetings, client functions, training courses, etc. This Policy also applies when employees go to other workplaces in connection with MRC work, for example when visiting a customer, client or supplier.

## 2.0 Purpose

MRC is committed to providing a safe, healthy and productive working environment for all employees. MRC is committed to minimising harm to staff and members of the wider community that can be associated with the use of alcohol and other drugs. Further, MRC recognises that the inappropriate use of alcohol and other drugs can hinder workplace safety and performance, and can significantly contribute to absenteeism, impact on morale and productivity.

MRC is committed to providing appropriate alcohol and other drug education and treatment referral as required. Council is committed to facilitating a fair and supportive response to employees hindered by alcohol or other drug use.

The overall purpose of this Policy is to reduce the likelihood of injury, damage and/or other negative effects from alcohol and/or drug use.

## 3.0 Reference

The Alcohol and Other Drugs Policy should be read in conjunction with the following MRC documents:

- [Mackay Regional Council Code of Conduct](#)
- [Fitness for Work Policy](#)
- [Employee Assistance Program Policy](#)
- [Disciplinary Procedure Policy](#)

This Policy should be read in conjunction with the following relevant documentation and legislation:

- *Work Health and Safety Act 2011*
- *Road Transport Reform Act 1999 (QLD)*
- *Transport Operations (Road Use Management) Act 1995*

- *Drugs Misuse Act 1986*
- *Drugs Misuse Regulations 1987*
- *Crime and Corruption Act 2001*
- *Local Government Act 2009*

#### 4.0 Definitions

To assist in interpretation, the following definitions shall apply:

**BAC** shall mean Breath Alcohol Concentration.

**Chief Executive Officer** shall mean the Chief Executive Officer of the Council or his/her Delegated Person.

**Council** shall mean the Mayor and Councillors of Mackay Regional Council.

**MRC Vehicle** shall mean any vehicle provided by the MRC for business purposes or related activities. In the instance where a motor vehicle allowance is paid to a specific employee in lieu of providing a MRC vehicle, the vehicle provided by that employee for business purposes during the normal course of their duties is considered a MRC vehicle for the purposes of this policy.

**Dangerous Occurrence** shall mean all incidents that are required to be notified to Workplace Health and Safety Queensland (WHSQ) or have high / extreme actual or potential outcome.

**Drug** shall mean any illegal, medically prescribed or over the counter substance that may cause an employee to not be fit for work.

**Employee** shall mean any person who performs work for Council, including trainees, work experience persons, volunteer staff, consultants and contractors and their employees. Where this Policy refers specifically to an employee of MRC rather than, for example, contractors and their employees, the expression "MRC employee" is used.

**Employee Assistance Program (EAP)** shall mean a confidential, professional counselling service available to MRC employees and their immediate family members.

**Laboratory** shall mean a laboratory which tests in accordance with AS/NZS 4308 and as chosen by Council's preferred provider.

**Medical Treatment Injury (MTI)** shall mean any work-related injury or illness that resulted in a level of treatment (not first aid treatment) given by a physician or other medical personnel under direction of a physician. Typical types of treatment that classify an injury under MTI include, but not exhaustively, the following:

- Use of prescription only medication;
- Physiotherapy or chiropractic treatment;
- Stitches or sutures;
- Removal of dead tissue or skin;
- Treatment of infection;
- Application of antiseptic during a second or subsequent visit to medical personnel;

- Removal of foreign objects embedded in an eye;
- Removal of foreign objects embedded in a wound (not small splinters);
- Treatment of deep tissue (second or third degree) burns;
- Use of hot or cold soaking therapy or heat therapy during the second or subsequent visit to medical personnel;
- Positive x-ray diagnosis of fractures, broken bones and etc.; or
- Admission to hospital or equivalent medical facility for treatment.

**MRC** shall mean Mackay Regional Council.

**Nominated Tester** shall mean a person/company trained and competent in the use of the selected equipment and the relevant requirements for the collection and testing of samples for drugs and alcohol.

**Not fit for work** shall mean for the purposes of this Policy:

- An employee who tests positive to having a breath alcohol concentration level over that defined in Section 10.3.
- An employee who tests positive to a drug-screening test as defined in Section 10.3

**Corrupt Conduct is** conduct that could, if proved, be:

- a criminal offence; or
- a disciplinary breach providing reasonable grounds for terminating the employee's services, if the employee is or was the holder of an appointment.

Corrupt Conduct must be reported to the Crime and Misconduct Commission.

**Returned laboratory result** shall mean a result returned to MRC from a laboratory which tests in accordance with AS/NZS 4308 and as chosen by Council's preferred provider.

**Reportable Incident** shall mean any incident or event that occurs in the workplace which results in personal injury, vehicle damage, property damage and/or any incident that has the potential for significant risk of harm or injury to persons or equipment.

**Serious Misconduct** shall mean when an employee willfully and deliberately breaches their obligations under their contract of employment and is reasonable for the MRC to discontinue the employee's employment. Examples of serious misconduct include but are not limited to:

- fraud, assault or other criminal behavior against the MRC, customer or employee
- serious or repeated bullying, abuse or sexual harassment of another employee or member of the public
- serious failure to observe workplace health and safety policies, instructions and requirements
- accessing internet pornography or other inappropriate websites (refer to Acceptable Usage of Council Information, Communication and Technology (ICT))

Systems Policy), refusal to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment

- stealing, misusing or deliberately damaging company property and facilities; or
- serious conflict of interest.

Examples of serious misconduct, in the context of this policy, include:

- An employee who consumes drugs or alcohol and in doing so poses significant safety risks to themselves and/or others, while acting in the course or scope of their employment.
- An employee, acting in the course or scope of their employment, who supplies illegal or prescription drugs, or alcohol to others (not including the supply of alcohol during authorised functions as per Appendix B).
- An employee who uses MRC equipment, property or facilities to distribute, grow, manufacture, or store illegal drugs
- Tampering with the results of a drug or alcohol test.
- Providing a false declaration that a positive on-site drug test is due to prescription or over-the-counter medication when confirmation testing shows that it is due to an illicit drug.

**Supervisory Staff Member** shall mean any employee who has staff, contractors and/or volunteers reporting to them.

**Testing** shall mean drug and alcohol testing as described in this Alcohol and Other Drugs Policy.

**Work Hours** shall mean the hours that the employee works including meal and rest breaks as well as call out hours and overtime.

**Workplace** shall mean all those areas where an employee works or is likely to be working in the course of carrying out their duties. This includes but is not limited to all MRC offices, sites, vehicles and equipment as well as when visiting other workplaces in connection with MRC work, for example when visiting a customer, client or supplier. This also extends to functions that are work-related including conferences, meetings, client functions, training courses, etc.

## 5.0 Background

MRC has a responsibility to ensure that all individuals at a workplace conduct themselves in a safe manner that does not endanger themselves, any other person or inhibit anyone's ability to work. The Policy also seeks to ensure that MRC and its employees comply with the legislation of the Federal and State Governments regarding drugs and alcohol where appropriate.

The spirit of this Policy is to assist all individuals to fulfill their responsibilities with regard to working safely and to manage the risks that may be associated with the consumption of alcohol and drugs. This requires a co-operative approach from all parties

## 6.0 Policy Statement

## 6.1 Guidelines

- 6.1.1 Employees are not permitted to attend a workplace while under the influence of illegal drugs and/or alcohol over the limits prescribed in this Policy.
- 6.1.2 Employees are not permitted to attend a workplace if the ability to perform work safely is impaired by prescription or pharmacy medications.
- 6.1.3 Employees are not permitted to consume alcohol during work hours including meal and rest breaks, unless specifically authorised by the CEO
- 6.1.4 Subject to 6.1.2, the possession, distribution, sale and consumption of illegal drugs and/or alcohol while at work is strictly prohibited.
- 6.1.5 All employees who interface with members of the public must be aware that their behaviour should not portray a poor image for Council. If their behaviour does result in a poor image of Council, it may result in implementation of the disciplinary procedure.
- 6.1.6 In addition to the guidelines and requirements set out in this Policy, MRC will continue a program of education to ensure that all individuals are aware of the reasons for the Policy and the requirements of the Policy. This program will include:
  - a) Ongoing briefing in new employee, volunteer, contractor and sub-contractor induction training.
  - b) Education sessions for leaders and employees on the adverse effects of drugs and alcohol on human health and workplace performance.
  - c) Education sessions for leaders and employees on the collection procedure and discussion of the relevant Australian Standards.
  - d) Provision and explanation of the Policy to any visitor to whom MRC wants to apply the Policy.

## 7.0 **Key Roles and Responsibilities**

### 7.1 Employees

All employees have a role in and a responsibility to:

- Present as fit for work at all times including meal and rest breaks.
- Comply with the instructions given for workplace health and safety at the workplace by the employer.
- Not to wilfully or recklessly interfere with or misuse anything provided for workplace health and safety at the workplace.
- Not to wilfully place at risk the workplace health and safety of any person at the workplace.
- Not to wilfully injure himself or herself.
- Cooperate in the implementation of this Alcohol and Other Drugs Policy and in particular:
  - Be available and participate in testing procedures.
  - Present photo identification when participating in Drug and Alcohol tests

- Attend the follow-up interview(s) if a positive test result is recorded, with a support person of their choice.
- Cooperate in the process of determining fitness for work while using prescription or over the counter medications in consultation with the treating medical practitioner/pharmacy.
- Attend training & education sessions as required.

## 7.2 Supervisory Staff Members

All MRC Supervisory Staff Members have a role in and a responsibility to:

- Assist Workplace Health and Safety staff as requested in organising randomly selected employees for drug and alcohol testing.
- Request a Drug and Alcohol Test due to Concern or Following an Incident.
- Not allow employees to undertake work when an employee appears to be unfit for work due to the possible consumption of drugs or alcohol.
- Liaise with Workplace Health and Safety staff regarding testing where a test has been authorised.
- Advise staff member that they are entitled to have a personal representative (e.g. union representative, family member, friend) attend the interview with them.
- Conduct a First Positive Test Interview if required together with People & Culture.
- Attend Second Positive Test interviews if required.

## 7.3 Management Team

All MRC Managers have a role in and a responsibility to:

- Request and/or approve as required, a Request for Drug and Alcohol Test due to Concern or Following an Incident.
- Liaise with Workplace Health and Safety staff regarding testing when authorising a test.
- Attend any Second or Third Positive Test Interview if required.

## 7.4 Directors

All MRC Directors have a role in and a responsibility to:

- Request and/or approve as required a Request for Drug and Alcohol Test due to Concern or Following an Incident.
- Conduct Second Positive Test Interviews, if required, together with People & Culture.
- Review Forms.
- Conduct Third Positive Test Interviews, if required, together with People & Culture

## 7.5 Chief Executive Officer

Council's Chief Executive Officer has a role in and a responsibility to:

- Grant approval for Show Cause Notice to be issued.
- Consideration of Show Cause Notice response in consultation with the relevant members of the Management Team.
- Grant approval for authorised functions.

#### 7.6 People & Culture

Council's People & Culture Section have a role and a responsibility to:

- Assist in the Positive Drug or Alcohol Test Interview Process.
- Compile letters to Employee (following positive test results) for signature by the relevant Program Manager/Director/Chief Executive Officer.
- Through recruitment liaise with pre-employment medical attendees (preferred applicants).

#### 7.7 Workplace Health and Safety

Council's Workplace Health and Safety Section have a role and a responsibility to:

- Coordination of the Random Testing Procedure.
- Schedule all Drug and Alcohol Testing bookings excluding pre-employment testing
- Review of Requests for Drug and Alcohol Test due to Concern/Suspicion or Following an Incident.
- The discretion to test or not, lies only with the WHS Advisor and not with Supervisory staff members.
- Liaise with the Insurance Officer regarding Testing Following an Incident if applicable.
- Facilitate after-hours testing as required.
- Assist in training and education process

### **8.0 Situations where Testing will Occur**

Employees will be required to undergo drug and alcohol testing in the following circumstances:

- As a part of Pre-Employment Medical
- As part of a Random Testing Program
- In a Case of Concern or Suspicion Testing
- Post Reportable Incident Testing
- Follow up testing after a Positive Test Result
- Return to Work Test
- Self-Testing

## 8.1 Pre- Employment Medical

A pre-employment Drug and Alcohol Test, is required for all potential new permanent full-time, fixed term, part-time and casual employees at the final stage of the recruitment process.

The relevant Program Manager must advise People & Culture of the preferred applicant. People & Culture will then liaise with the applicant to organise testing.

If the applicant is based in the Mackay region or is able to attend a pre-employment medical locally, People & Culture will make the appointment with Council's preferred medical practitioner. If based outside the Mackay region, the applicant may be responsible for arranging his or her medical at a convenient location. In this instance, MRC reimburses the applicant for the cost of the appointment.

### *8.1.1 Labour Hire, Contractors, Consultants, Volunteers and Work Experience Persons*

Labour hire companies are required to ensure their employees are fit for work, supplying proof of a current (not more than four weeks old) negative alcohol and other drug test prior to commencing work for Council.

Contractor companies may be required to provide copies of their Policy or Procedure in relation to drug and alcohol testing. If the company's drug and alcohol testing requirements are not deemed comparable with this policy, they may be required to provide proof of a drug and alcohol test for all their employees who will be undertaking MRC work.

Consultants, Volunteers and Work Experience persons may be required to undergo drug and alcohol testing prior to commencing work with Council.

## 8.2 Random Testing

Random testing of individual employees is conducted periodically by a neutral electronic selection process. Workplace Health and Safety arranges with the nominated tester/s suitable times and dates for the tests.

Random testing may be carried out at any working time/s and on any work day/s. Random testing does not occur during authorised functions, where the consumption of alcohol is approved by MRC and documented risk management strategies are implemented for the safety of Council's employees, visitors and the public. Examples of Authorised Functions are listed in Appendix B.

Random alcohol testing of multiple employees may be conducted periodically by MRC officers trained in the use of breathalyser units.

## 8.3 Test for Concern or Suspicion Testing

An employee will be required to undergo testing if any of his/her Supervisory Staff Members has reasonable grounds for concern that the employee may be not fit for work due to the presence of drugs or alcohol.

A test for concern or suspicion testing must be approved by the Program Manager, Director or the Chief Executive Officer before it is conducted. The Nominated Tester will carry out a test for concern.

An employee who is concerned that another employee may not be fit for work due to the presence of drugs or alcohol should report the concerns to any of his/her Supervisory Staff Members.

#### 8.4 Post Reportable Incident Testing

After a reportable incident, the supervisory staff member in consultation with the on-call WHS Advisor may require a worker to undergo a drug and alcohol test by the Nominated Tester.

If the incident falls within the defined criteria detailed below, for post reportable incident testing then the employee will be subject to a post incident test.

Incident Type	Definition	Testing will NOT be undertaken where it is identified
Injury	Any injury sustained in the workplace for which an employee receives Medical Treatment.	<ul style="list-style-type: none"> <li>• the incident was not within the control of the employee and the procedures were followed correctly;</li> <li>• the injury was hearing loss, skin cancer or other occupationally induced disease; or</li> <li>• the injury is of a diagnosable psychological condition.</li> </ul>
Vehicle	Any workplace incident involving a MRC vehicle where damage to the vehicle and/or third-party property is sustained	<ul style="list-style-type: none"> <li>• that the incident was not within the control of the employee AND only minor damage was sustained by any vehicle involved.               <ul style="list-style-type: none"> <li>○ examples of 'minor damage' are scratches, single panel dents, single tail light damage, and similar.</li> </ul> </li> </ul>
Plant and Machinery	Any workplace incident involving a MRC plant or machinery where damage to the plant or machinery and/or third-party property is sustained	<ul style="list-style-type: none"> <li>• the incident was not within the control of the employee and procedures were followed correctly</li> </ul>
Property Damage	Any incident resulting in equipment, property or environmental damage	<ul style="list-style-type: none"> <li>• the incident was not within the control of the employee and procedures were followed correctly</li> </ul>
Any incident that had the potential for significant risk of harm or injury to persons or equipment	Dangerous occurrences that could have resulted in injury or property damage	<ul style="list-style-type: none"> <li>• No exceptions</li> </ul>

#### *8.4.1 Employee and Supervisor Responsibility*

Employee(s) concerned will notify the reportable incident in accordance with council's Incident Reporting Procedure. This includes notifying their Supervisor when an incident occurs immediately.

If the incident falls within the defined criteria for post reportable incident testing, then they are to undertake a post incident test.

If the incident is excluded by the defined criteria for post reportable incident testing, the Supervisor must ask the employee if they have consumed any drugs, including over the counter or prescription, and/or alcohol within the past 12 hours, or if they believe that any other employee involved in the incident may be impaired by drugs or alcohol. If the employee indicates they have taken drugs and/or consumed alcohol, or believe that they or another employee involved, are impaired in any way, they will remain where they are and their Supervisor, or other nominated management representative, and/or Responsible Person will attend the scene and arrange for drug and alcohol test to occur, irrespective of whether or not it is required under the criteria nominated in the table in 8.4.

Post incident testing should be conducted as soon as practicable after the incident occurs, when it is safe to do so.

Where the police attend as a result of an incident, police testing procedures will take precedence over Council's testing procedures. However, MRC will still conduct its own drug and alcohol testing if it is practical to do so.

Testing of apprentices, trainees or work experience persons under the age of 18 is to be referred to People & Culture and an appropriate parent or guardian informed that testing is to take place.

An injured person who requires immediate medical attention may only be tested when it is practicable. This will be determined in consultation with suitably trained medical personnel. In such cases, testing procedures other than saliva or urine may be used in accordance with the appropriate Australian Standards.

Except for reasonable cause (e.g. for medical attention) an employee must remain at the scene of the reportable incident until instructed otherwise by a Supervisory Staff Member or the on-call WHS Advisor

#### 8.5 Follow up Testing after a Positive Test Result

An employee with a recorded Positive Test Result may be tested by way of follow-up test outside the random selection process at any time while on duty for up to four (4) times within 12 months from the positive test date.

#### 8.6 Return to Work Testing

Employees who test positive to alcohol or illegal drugs, or refuse a test must produce a negative return to work test result before being allowed onsite as follows:

- Illegal Drugs Positive – must provide a negative urine return to work test.

- Refusal to test – must provide a negative urine and breathalyser return to work Test.
- Alcohol Positive – must provide a negative breathalyser return to work test.

If the employee reports to work for testing and tests positive once again they will be returned home and will not return to duties until a negative test result is provided. This will also be classed as a separate positive test result.

## 8.7 Self Testing

### 8.7.1 *Self Testing Breathalyser*

Self-Test breathalyser units will be held in a custodian arrangement and will be located as follows:

- Civic Centre Precinct
- Workplace Health and Safety
- Nebo Road Treatment Plant
- Mirani Depot / Administration Office
- Mirani Treatment Plant
- Paget Depot
- Sarina Depot
- Calen Depot

Any employee that considers they may not be fit for work as a result of alcohol consumption is encouraged to utilise the self-test arrangement prior to placing themselves on duty.

The role of the self-test breathalyser custodian is to provide a safe, secure location for the breathalyser and to objectively facilitate its correct use for the benefit of employees wishing to self-test. Prior to an employee utilising the self-test arrangement, the Custodian will produce to the employee a card detailing the employee's responsibilities in relation to the test results.

Should an employee self-test higher than the acceptable levels prescribed in Section 11 of this Alcohol and Other Drugs Policy they may elect to remain off duty and self-test again up to 30 minutes after the normal starting time for that day.

If the employee can provide a self-test within the acceptable levels within the first 30 minutes after the normal starting time for that day, the employee may then place themselves on duty, but will not be paid for the time they are not on duty. If the employee decides to avail themselves of the opportunity to retest within 30 minutes they must advise their immediate supervisor of the situation.

If the employee chooses not to re-test after thirty minutes or is still over the acceptable levels after thirty minutes, the employee must arrange transport home and phone their Supervisory Staff Member to report in sick for the day.

### 8.7.2 *Self-Test for Drugs*

Self-test kits for drugs will be reimbursed within reason, for use by MRC employees to self-test after a positive test, prior to return to work.

## 9.0 Testing Timeframes (Cause for Concern)

Concern or suspicion testing should be conducted as soon as practicable after the concern or suspicion is raised.

## 10.0 Testing Methods

Two methods of testing will be utilised:

### 10.1 Alcohol

Screening for alcohol will be conducted using a relevant breathalyser unit. Breathalyser testing is a highly accurate and effective way of detecting alcohol levels for the purpose of determining fitness for work. Each breathalyser unit will be appropriately calibrated to ensure accurate results.

### 10.2 Drugs

Preliminary testing for drugs will be conducted using oral fluid sampling, however:

- an employee may request preliminary testing be conducted using urine sampling or
- MRC may elect to conduct urine sampling for Dangerous Occurrences involving high risk work

If a non-negative result is obtained from the preliminary test, all further testing including confirmatory testing by a laboratory and Return to Work testing will be urine based.

The following table summarises the method of testing that will generally be used for the different situations, however MRC reserves the right to use oral or urine at times different to what is listed below:

Pre-Employment Medical	Urine
Random Testing	Oral / Urine
Case of Concern or Suspicion Testing	Oral / Urine
Post Reportable Incident	Oral / Urine
Follow up testing after a Positive Test Result	Urine
Return to Work Test	Urine
Confirmatory Laboratory Test	Urine

MRC may change the methods for testing in the future having regard to operational and financial criteria.

### 10.3 Acceptable Levels

Below are the acceptable levels for the purposes of determining whether a person is hindered for work due to drugs and/or alcohol as defined in this Policy.

#### 10.4 Alcohol

- a. For all employees (with the exception of those included in 10.4b and 10.4c below) a breath alcohol concentration (BAC) of less than **0.05%** is required.
- b. For all employees that carry out activities listed below, a BAC of **0.00%** is required:
  - Truck and Bus drivers – when operating vehicles that require LR licence or higher.
  - 
  - Mobile plant operators – when operating plant such as earthmoving equipment or plant requiring a high risk work licence.
  - Small plant – when operating small plant including but not limited to:
    - Mowers.
    - Edge trimmers.
    - Hedgers.
    - Chainsaws.
    - Dingo / stump grinders.
    - Wood chippers.
    - Grinders.
    - Demolition saws.
    - Wood chippers.
    - Explosive power tools.
    - Firearms.
    - Cranes – including vehicle loading cranes, vehicle mounted cranes, overhead cranes.
    - Elevated work platforms.
    - Remote controlled plant.
  - Other high risk activities including but not limited to:
    - High risk construction work (as defined in WHS Regulation 2011)
    - Confined space work and rescue
    - Traffic control
    - Electrical work
    - Using and handling hazardous chemicals
    - Work requiring a High Risk Work Licence – e.g. rigging, dogging, scaffolding.
    -
- c. “P” and “L” plated drivers require a breath alcohol concentration (BAC) of 0.00% when operating a vehicle within work related hours.

## 10.5 Drugs

All employees are to produce a result of 'negative' for drugs less than the levels indicated in the table below, for the five (5) drug classes, namely:

- Cannabinoids
- Sympathomimetic Amines
- Opiates
- Cocaine
- Benzodiazepine

<b>DRUG CLASS</b>	<b>Drug Name (including Street Name)</b>	<b>Level</b>
Cannabinoids	Marijuana, Weed, Pot, Hash etc.	50µg/L
Sympathomimetic Amines (Incl. Amphetamines)	MDMA, Speed, Ecstasy, Uppers	300µg/L
Opiates (very strong pain killers)	Heroin, Morphine, Codeine	300µg/L
Cocaine (Metabolites)	Crack, Blow, Candy, Snow etc.	300µg/L
Benzodiazepine	Rohypnol, Temazepam, Serepax, Valium	200µg/L

For more information, refer to Appendix C - Drug classes and Confirmatory cut-offs.

## 10.6 Synthetic Drugs

MRC reserves the right to test for synthetic drugs as new testing methods and procedures are developed by Council's nominated tester

## 11.0 Consumption of Alcohol

Alcohol is not to be consumed during work hours including any meal or rest breaks This is in line with Mackay Regional Council's Code of Conduct that requires employees to avoid acting in a way that may cause public concern about the integrity of Council. Employees must be aware that at all times and even when off duty, if they are in MRC uniform they may be perceived as representing MRC and must act accordingly. Employees should be mindful of the effects of consuming alcohol prior to commencing work.

Alcohol may be consumed at work related functions outside work hours, such as conference dinners. If the function is within work hours, alcohol may only be consumed if the employee is on leave, TOIL, etc. for the remainder of the day. If the employee will be returning to work after the function they must not consume alcohol at the function. If an employee is consuming alcohol at a work related function or in MRC uniform, they must ensure that their behaviour does not bring Council's reputation into disrepute and must still adhere to the Code of Conduct.

If a Program or Department wants to hold a function involving the consumption of alcohol, approval must be provided by the CEO as per Appendix B: Authorised Functions.

## 12.0 Employees On-call or Responding to After-hours Emergencies

Employees who are rostered as On-Call Duty Officer according to Council's on-call arrangements are required to have a breath alcohol concentration as outlined in section 10.4.

In cases where an employee is requested to respond to an after-hours call, the employee is required to immediately notify their on-call Supervisor if they are unable to meet the expectations of this Alcohol and Other Drugs Policy, in which case the Supervisor will make alternative arrangements.

## 13.0 Currency of Positive Tests

When an employee tests positive either to illegal drugs or alcohol, the test result will remain current for a period of two (2) years from the date of the positive test result. Three (3) positive tests within a two (2) year timeframe, regardless of whether they are for drugs or alcohol, will result in an employee being issued with a Show Cause Notice, although usually this will be considered reasonable grounds for dismissal.

The following table provides some example scenarios for positive test results:

What If?	Result
Positive test for drugs one day Positive test for alcohol another day	This will be recorded as two separate positive results. Next positive result for either drugs or alcohol will lead to a Show Cause Notice.
Positive test for both drugs and alcohol during the one testing session	This will be recorded as one positive test result.
Return to work test - If the employee reports to work for testing following a positive test result and tests positive once again	This will result in two separate positive results – one positive for the original test and another positive for the return to work test.

All negative test results will be retained permanently as an employee may wish to use the information in the case of a Show Cause Notice. Evidence that an employee has undertaken a full Drug and/or Alcohol Rehabilitation Program will be held in high regard, provided the employee is able to show evidence that they have successfully completed the program.

## 14.0 Tampering with Samples

Any attempt to:

- Tamper with samples;
- Falsify any drug and/or alcohol test; or

- Alter the concentration of drugs or alcohol in their own or another's sample before or after providing a breath, oral fluid or urine sample;

will constitute serious misconduct and will be dealt with in accordance with Council's Discipline Policy.

## **15.0 Refusal to take a Test**

### **15.1 First Refusal**

In the first instance, refusal by an employee to submit to, or co-operate fully with, the administration of a drug and/or alcohol test will result in that employee's Supervisor being called upon to counsel the employee and encourage the employee to take the test.

### **15.2 Continued Refusal**

Continued failure to take a test, for example by refusal or by non-attendance at a notified testing time, without reasonable excuse, will be dealt with in accordance with Council's Discipline Policy, unless the employee gives medical evidence (to Council's reasonable satisfaction) of inability to undertake testing.

Furthermore, the following actions will be taken:

- They will be assisted as appropriate to return to his/her usual place of residence
- They will be placed on personal leave for that day, or if the employee has no accumulated personal leave they can elect to use either annual leave, RDO, TOIL or otherwise will be placed on leave without pay
- Negative breathalyser and/or urine test must be supplied before an employee is permitted to return to work

### **15.3 Consulting own Doctor after Refusal**

If the employee who refused to submit to a drug or alcohol test subsequently consults their own doctor who administers a test for either drugs or alcohol, no reimbursement of their wages or expenses will occur and the employee will be required to undertake return to work testing prior to returning to work

## **16.0 Nominated Testers**

MRC will contract external providers to carry out drug testing. Any provider utilised by MRC will test in strict accordance with AS/NZS 4308 and AS 4760 and only use trained collectors for all testing. MRC may change nominated testers from time to time as required.

## **17.0 Prescription and Pharmacy Medications**

17.1 Where an employee is taking Prescription or Pharmacy (over the counter) medications for a legitimate medical purpose, the employee will not breach this Policy by attending work, if:

- a) Their ability to perform work safely is not impaired by prescription or pharmacy medications.

- b) The employee takes the prescription or pharmacy medications in accordance with the instructions of their medical practitioner or pharmacist and normal directions applying to the use of those drugs;
- c) The employee does not misuse or abuse prescription and pharmacy medications;
- d) The employee is aware of the effects (including potential effects) of consumption of alcohol or illegal drugs while taking prescription and pharmacy medications; and
- e) The employee checks with their medical practitioner or pharmacist about the effect of the drug on their ability to drive vehicles, operate machinery and generally perform their work duties in a safe manner. If an employee's ability to perform his/her work safely could be impaired by prescription or pharmacy medications, the employee should obtain advice in writing from the medical practitioner or pharmacist and provide it to his/her manager or supervisor, before undertaking his/her work.

MRC will reasonably attempt to arrange alternate duties for an employee who is temporarily unfit for his/her normal duties because of prescription or pharmacy medication.

If MRC suspects that an employee's ability to safely perform their work is impaired (or likely to be impaired), MRC will take steps to address the issue in accordance with this Policy.

*Note - it is **not** compulsory for employees to disclose their medication to MRC except where medication has the potential to affect an employee's ability to perform their work safely, or safely provide first aid and / or medical treatment.*

*It is, however, the employee's responsibility to present as fit for work, to take medication responsibly, to understand how medication affects their fitness for work and if they are fit for work, and to cooperate with MRC in the implementation of this Alcohol and Other Drugs Policy.*

## 17.2 Non-negatives

The following is a non-exhaustive list of prescribed and pharmacy medications that may produce a non-negative result when screening for employees who may not be fit for work due to drugs.

<b>DRUG CLASS</b>	<b>COMMON MEDICATIONS (trade names)</b>
Opiates	Panadeine, Panadeine Forte, Actuss, Codalgin, Codox, Durotuss, Mersyndol, Panacodin, Proladone, Actacode, Dymadon Co, Panalgesic, Verganin, Aspalgin, Disprin Forte, Codis, Oridine, Fiorinal, Kapanol.
Amphetamines	Actifed, Logicin, Robitussin, Dimetapp, Orthoxicol, Benadryl, Sinutab, Tylenol cold/flu, Panadol cold/flu, Codral, Demazin, Lemsip Flu, Day/Night, Duramine.
Benzodiazepines	Temazepam, Murelax, Ducene, Paxam, Mogadon, Serepax, Valium, Alodorm, Nocturne, Temtabs, Euhypnos.

## 18.0 Vehicles and Machinery

Employees must not, in any circumstances, operate vehicles or machinery if they have consumed alcohol, illegal drugs or prescription or pharmacy drugs that advise not to operate vehicles or machinery. MRC does not accept liability for any damage to any machinery or vehicle, any injury to any person, or damage to any other property caused by an employee's use of a vehicle or machinery while under the influence of alcohol or drugs.

### 18.1 Motor Vehicle Accidents

As per clause 8.4, Post Reportable Incident Testing, any workplace incident involving a MRC vehicle where damage to the vehicle and/or third party property is sustained, testing will occur unless the incident was not within the control of the employee involved. These circumstances include when the employee is driving to or from work.

For example, if a MRC vehicle is parked and it is hit by another car causing damage there is no requirement to drug and alcohol test the employee. In these instances where the accident was through no fault of the employee and the vehicle was stationary and/or unattended, the Supervisory staff member must contact on-call WHS Advisor.

### 18.2 Private Use of MRC Vehicles

If a MRC employee has private use of a MRC vehicle and they have an accident in that vehicle within the MRC area and during their working hours (including commuting to/from work), clause 18.1 applies. If the accident is outside the MRC employee's working hours or outside the MRC area it will not be practical to organise testing.

Regardless of where or when the accident takes place, police testing may still occur and normal procedures will still apply to reporting for insurance purposes.

### 18.3 Plant and Machinery

As per clause 8.4, Post Reportable Incident Testing, any work related incident involving a MRC plant or machinery where damage to the plant or machinery and/or third party property is sustained, testing will occur unless the incident was not within the control of the worker involved..

## 19.0 Managing a Drug and/or Alcohol Related Event

This procedure is to be used by Supervisory Staff Members who have reasonable grounds for concern (refer section 8.3 of the Alcohol and Other Drugs Policy) that a person may not be fit for work due to the presence of drugs or alcohol:

- a) The Supervisory Staff Member is not to allow the employee to commence work.
- b) If the employee has started work, the Supervisory Staff Member will immediately relieve the employee of his or her designated duties.
- c) Where feasible, the Supervisory Staff Member should direct the employee to a quiet, discreet location where the Supervisory Staff Member will enquire as

to the circumstances of the employee's apparent condition and from the answers given, decide what further action is required.

- d) The Supervisory Staff Member is to report the concern to their immediate Supervisor, Program Manager and Workplace Health and Safety or People & Culture who together will determine whether drug and alcohol screening should be conducted.

## 20.0 Positive Drug or Alcohol Test Interview

Interviews may be helpful for the employee to explain his/her situation and the underlying reasons behind him/her not being fit for work. An interview is an important step in the process of identifying underlying causes for not being fit for work due to drugs and/or alcohol. The employee has a right to have a support person (eg. union representative, family member, friend) present at all times during any Positive Drug or Alcohol Test Interview.

All interviews must be recorded on the approved form. A copy must be given to the employee and a copy placed on the employee's personnel file.

### 20.1 First Interview

Interviews are conducted by the relevant Supervisory Staff Member, together with a People & Culture representative, for a **First Positive Test Result** for drugs or alcohol.

During this interview, the employee is advised of the health and safety risks within the workplace associated with drug or alcohol use.

The employee's view of any underlying reasons should be discussed.

A MRC employee who acknowledges a drug or alcohol problem will be referred to a counsellor in accordance with Council's Employee Assistance Program (up to five (5) confidential counselling sessions are available). Referrals to drug or alcohol education/rehabilitation will also be offered.

### 20.2 Second Interview

Interviews will be conducted by the relevant Coordinator and Program Manager together with a People & Culture Representative, for a **Second Positive Test Result** for drugs or alcohol.

During this interview the employee will be strongly recommended to seek professional assistance/counselling. The employee will again be advised of the health and safety risks and given a list of approved drug and alcohol counsellors. If the employee did not participate in counselling or drug/alcohol education after the first interview, they will be reminded of Council's offer in this regard and strongly encouraged to participate.

### 20.3 Third Interview where applicable

Following a **Third Positive Test Result** for drugs or alcohol, and after having considered the response to the Show Cause Notice, at the Program Manager's and/or Director's discretion, a third interview session may be held by the relevant Director or their nominee in attendance.

*Note - a third interview will only be held in special cases e.g. if an employee is receiving counselling and showing signs of improvement or has recently gone through a traumatic event such as the death of a close family member.*

## **21.0 Breach of this Policy**

If an employee is found to have breached this Policy, they may be subject to disciplinary action. Examples of disciplinary action that may be taken include (but are not limited to):

- Counselling
- Formal warning
- Suspension
- Termination of employment

Appendix A outlines the procedure to be followed in situations of positive drug or alcohol tests.

Contractors (including temporary contractors) of MRC who are found to have breached this Policy may have their contracts terminated or not renewed.

In circumstances where an employee's behaviour or conduct may involve a breach of any laws to which MRC is subject or laws which apply to the work performed, MRC may notify the police or other relevant authority.

## **22.0 Education and Training**

### **22.1 Education of Employees**

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

Employees will be provided with Drug and Alcohol education. In addition, a range of pamphlets on drug and alcohol consumption will be made available to staff. Posters will be maintained throughout Council, providing information on the different types of drugs and the risks they pose to people's health.

Drug and Alcohol education for employees will cover the points below:

- The importance of being fit for work while at work.
- The effects of the consumption of drugs and alcohol on health, safety and performance in the workplace.
- What constitutes unacceptable drug or alcohol consumption.
- How to recognise being not fit for work.
- Basic knowledge and understanding of the different types of drugs and their effects.
- Ways of dealing with the consumption of alcohol and other drugs and assisting employees who are consuming drugs and alcohol to avoid developing further problems.

- Counselling (EAP), treatment and rehabilitation services available externally to enable employees who have problems to seek effective solutions and treatment of their choosing.
- How an employee who has a problem can self-disclose.

## 22.2 Education of Custodians

Self-Test Breathalyser Custodians will receive training for the correct use and care of the Alcohol testing equipment only, in accordance with the manufacturer's requirements.

## 22.3 Supervisory Staff Members

Training for Supervisory Staff Members will include:

- Their role and responsibility in implementing this policy.
- Observation of people suspected of being hindered by drugs or alcohol in the workplace.
- How to identify and approach persons who may be hindered by drugs or alcohol in the workplace.
- Knowledge of the different types of drugs and their effects, testing techniques and results interpretation.
- Dealing with the long-term user or those intoxicated in one-off situations.
- Responsibilities in relation to privacy.
- How to sensitively refer an employee to specialist counselling and treatment and to avoid taking on the counselling role themselves.

## 23.0 **Support for Accessing Rehabilitation**

MRC is committed to the principle of recovery of those MRC employees hindered by drug and/or alcohol consumption. Drug and alcohol consumption can be associated with other difficulties that can sometimes be overcome with assistance from professional counsellors. MRC will support MRC employees who are diagnosed with a drug and/or alcohol problem and who are committed to their own rehabilitation. Ultimately, it is the person hindered by alcohol or substance consumption who must be prepared to take steps to rectify their situation. An employee's commitment to their recovery will be evident through accepting assistance offered and attending counselling in order to resolve their problems.

Strategies have been developed to support MRC employees with drug and/or alcohol or other problems at Council. This includes access to personal leave and other accrued leave including RDO, TOIL, annual and long service leave. Leave without pay to seek treatment will follow Council's Certified Agreement. Other strategies include general support, group referrals, counselling and drug and alcohol education/training/ workshops.

The opportunity for rehabilitation in terms of alternative duties within MRC will be assessed on a case-by-case basis. This will depend on Council's ability to offer alternative duties that will not compromise the safety of others within the workplace and where there are appropriate resources and supervision.

Following the successful completion of treatment, the MRC employee should return to their original position. MRC may request written advice from the employee's treating

medical practitioner that states they are able to return to their normal duties before going back to work.

## **24.0 Employee consultation, Communication and Information**

MRC will ensure that the implementation and continual improvement of this Policy occurs in consultation with all stakeholders including employees, management, relevant unions, nominated testing provider and Health and Safety Representatives.

Employees will be informed of their responsibility in relation to the consumption of drugs and alcohol, and their role in maintaining a safe workplace.

MRC will provide practical guidance and training to Supervisory Staff Members for dealing with persons who may be affected by drugs or alcohol, including the disciplinary processes and the need for maintaining strict confidentiality.

MRC will communicate this Policy and Procedure to all new employees through inductions and will also ensure that contractors, volunteers and work experience persons are informed of Council's Drug and Alcohol Testing guidelines.

## **25.0 Documentation, Confidentiality & Disclosure of Information**

### 25.1 Documentation

MRC's Workplace Health and Safety Section is responsible for managing testing documentation. All test records will be filed securely in personnel files and will remain confidential. An employee may request and obtain a copy of their own test records if they wish. Documentation relating to positive test results will be held in accordance with statutory requirements and with restricted access. However, the positive test result will only remain current for a two (2) year period. Documentation relating to negative results will be held permanently as an employee may wish to use the information in the case of a Show Cause Notice.

### 25.2 Confidentiality and Disclosure of Information

The testing procedure for drugs and alcohol will be conducted so as to respect the privacy of the person. Personal information relevant to this Policy will be safeguarded in accordance with relevant Privacy Legislation. Results of post-incident tests will be made available to all relevant parties as permitted/required by law.

## **26.0 Liability**

If an employee tests positive for alcohol and/or drugs following an incident and as a result, an insurance claim is denied, that employee may be held responsible for any losses incurred by Council.

MRC does not accept liability for the consequences (property damage, injury, etc.) of any illegal or inappropriate actions of any employee whilst they is affected by drugs and/or alcohol. The employee is responsible for the consequences of their actions.

## **27.0 Right of Appeal**

If at any time an employee disputes the results of testing, the employee has the right to appeal. This may mean immediately attending their medical provider for further alcohol

testing or transportation of the urine sample to an alternative NATA (National Association of Testing Authorities) accredited laboratory for further drug testing. Any appeal testing is to be organised by the employee and conducted at their own cost. When confidential results are returned to People & Culture or delegate, results may require initiation of an interview. This should occur as soon as possible.

## 28.0 Conclusion

The co-operation and support of all individuals in the implementation of this Policy is essential to ensure that the operations of the MRC workplaces and the environment in which the Individuals are required to work, are free from the detrimental and unwelcome effects of drug or alcohol consumption. The intention is to ensure a safer and more productive workplace. If you believe that you are hindered by alcohol or drugs of any kind, do not come to work and endanger both your safety and that of your colleagues. If you think you may have a problem or consider that you may have a drug or alcohol dependence, it is your responsibility to seek help. You should feel free to approach your Manager or People & Culture for assistance.

Alcohol and Drug Information Service (ADIS) 1800 177 833 or Employee Assistance Program (1800 056 076).

## 29.0 Review of Policy

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

1. The related documents are amended or replaced.
2. The Chief Executive Officer can vary all administrative policies at any given time.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

## 30.0 Attachments

Appendix A - Procedure

Appendix B - Authorised Functions

Appendix C - Drug Classes and Confirmatory Cut-offs

Appendix D - Approved Forms

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	Review of Policy	Amendments to Policy	CEO	24/09/13
2	Review of Policy	Amendments to Policy	CEO	09/06/16
3	Review of Policy	Administrative amendments made to definition of MRC Vehicle	CEO	18/01/2017
4	Review of Policy	Amendments to Policy	CEO	29/03/2019

## APPENDIX A - PROCEDURE

### 1.0 Procedure – Positive Alcohol Result

#### 1.1 First and Second Positive Alcohol Test Results

Should an employee register a result above permissible levels indicated in clause 10.3 the employee will be required to undertake a subsequent breathalyser test 20 minutes later.

Should the subsequent result also register a result greater than or equal to the limits described in clause 10.3, the employee will be deemed not fit for work and attract a **First Positive Test Result** or if it is the second positive result in a two year period the employee will attract a **Second Positive Test Result**. The following actions will be taken:

- a. TheyThey will be assisted as appropriate to return to his/her usual place of residence.
  - If the result is greater than or equal to 0.05%, transportation will be organised for the employee.
  - If between 0.00% and 0.05% the employee will be allowed to drive themselves home (excluding “L” and “P” plate drivers).
- b. TheyThey will be placed on personal leave for that day, or if the employee has no accumulated personal leave they can elect to use either annual leave, RDO, TOIL or otherwise will be placed on leave without pay.
- c. Another breathalyser test will be conducted before the employee is permitted to return to work and they must test negative.
- d. An interview with the employee will be conducted on their first day back to work (or as soon as practical) using the Positive Drug or Alcohol Test Interview form.
- e. They will be encouraged to attend a course in alcohol education or attend counselling. If it is a second positive test result, this will be strongly encouraged if it was not taken up in the first instance.
- f. If it is a second positive test result, they will be advised of the consequences should there be any further positive test recorded.
- g. A copy of the Positive Drug or Alcohol Test Interview will be placed on the employee’s personnel file and a letter provided to the employee advising that this constitutes a **First Positive Test Result** or **Second Positive Test Result** under Council’s Alcohol and Other Drugs Policy.
- h. The employee will be involved in Follow up Testing as described in 8.5.

## 1.2 Third Positive Alcohol Test Result

Should an employee register a result greater than the acceptable limits stated in clause 10.3 the employee will be required to undertake a subsequent breathalyser test 20 minutes later.

Should the subsequent result also register greater than or equal to the limits described in clause 10.3, that person will be deemed not fit for work and attract a Third Positive Test Result in a two year period. The following actions will be taken:

- a. They will be assisted as appropriate to return to his/her place of residence.
  - If the result is greater than or equal to 0.05%, transportation will be organised for the employee.
  - If between 0.00% and 0.05%, the employee will be allowed to drive themselves home (excluding "L" and "P" plate drivers).
- b. They will be placed on personal leave, or if the employee has no accumulated personal leave, they can elect to use either annual leave, RDO, TOIL or otherwise will be placed on leave without pay.
- c. A Show Cause Notice will be issued to the employee, giving the employee the opportunity to show cause in writing to the Chief Executive Officer as to why they should not be dismissed.

If, without reasonable excuse, the employee fails to show cause in writing to the Chief Executive Officer within 24 hours, the Chief Executive Officer will finalise investigations and the employee will be notified of the decision, though usually this will be considered reasonable grounds for dismissal. If Show Cause information is received, the Chief Executive Officer will investigate the matter further and the employee will be notified of the decision.

## 2.0 Procedure – Positive Drug Result

### 2.1 First and Second Positive Drug Test Result

If an employee registers a positive result from the initial oral or urine drug screening, the following actions will be taken:

- a. If the preliminary test was by way of oral sample, it will be confirmed by a subsequent urine test. If the urine test is negative the employee is deemed fit for work and can immediately return to their normal duties. If a positive urine result is obtained, the employee is deemed unfit for work and the remainder of this procedure will apply.
- b. The urine sample will be sent to a laboratory. The handling of all samples will occur via 'chain of custody' arrangements with the relevant laboratory.
- c. They will be assisted to return to his/her usual place of residence.

- d. They will be placed on personal leave, or if the employee has no accumulated personal leave they can elect to use either annual leave, RDO, TOIL or otherwise will be placed on leave without pay.

Note: If the employee believes they have received a positive screening result due to cross reaction from prescription or over the counter medication, they have an option to inform the testing officer to this effect and therefore will be able to return to work and the above procedure points c. to d. will not apply. However, if the subsequent laboratory confirmation test finds that there were drugs present, this may be deemed as serious misconduct and the employee will be subject to the Disciplinary Policy and the positive test result procedure. **This option will only be available for first positive test results.**

If either of the onsite oral and/or urine samples produces a positive result for THC (tetrahydrocannabinol/marijuana) the above option will not be available and procedure points c. to d. will apply.

If the returned laboratory result provides a negative result, the employee is no longer deemed unfit for work and will usually resume normal duties. The employee will be paid for their ordinary hours of work and personal leave, annual leave, RDO or TOIL taken whilst deemed unfit for work will be reinstated.

If the returned laboratory result provides a positive result, the employee will attract a First Positive Test Result or if it is the second positive result in a two year period the employee will attract a Second Positive Test Result and the following actions will be taken:

- a. The employee may be reimbursed for self-test kits to assist in ascertaining when they are fit to return to work.
- b. A negative urine test must be provided before the employee is permitted to return to work.
- c. An interview with the employee will be conducted as soon as practical using the Positive Drug or Alcohol Test Interview form.
- d. They will be encouraged to attend a course in drug education or attend counselling. If it is a second positive test result, this will be strongly encouraged if it was not taken up in the first instance.
- e. If it is a second positive test result, they will be advised of the consequences should there be any further positive test recorded.
- f. A copy of the Positive Drug or Alcohol Test Interview will be placed on the employee's personnel file and a letter provided to the employee advising that this constitutes a **First Positive Test Result** or **Second Positive Test Result** under Council's Alcohol and Other Drugs Policy.
- g. The employee will be involved in Follow up Testing as described in 8.5.

## 2.2 Third Positive Drug Test Result

If an employee registers a third positive result in a two year period from the preliminary drug screening, the following actions will be taken:

- a. If the preliminary test was by way of oral sample it will be confirmed by a subsequent urine test. If the urine test is negative the employee is deemed fit for work and can immediately return to their normal duties. If a positive urine result is obtained, the employee is deemed unfit for work and the remainder of this procedure will apply.
- b. The urine sample will be sent to a laboratory. The handling of all samples will occur via 'chain of custody' arrangements with the relevant laboratory.
- c. They will be assisted to return to his/her usual place of residence.
- d. They will be placed on personal leave, or if the employee has no accumulated personal leave they can elect to use either annual leave, RDO, TOIL or otherwise will be placed on leave without pay.

If the returned laboratory result provides a **negative result**, the employee is no longer deemed unfit for work and will usually resume normal duties. The employee will be paid for their ordinary hours of work and personal leave, annual leave, RDO or TOIL taken whilst deemed unfit for work will be reinstated.

If the returned laboratory result provides a **positive result**, the employee will attract a **Third Positive Test Result** and the following actions will be taken:

A Show Cause Notice will be issued to the employee, giving the employee the opportunity to show cause in writing to the Chief Executive Officer as to why they should not be dismissed. If, without reasonable excuse, the employee fails to show cause in writing to the Chief Executive Officer within 24 hours, the Chief Executive Officer will finalise investigations and the employee will be notified of the decision, though usually this will be considered reasonable grounds for dismissal. If Show Cause information is received, the Chief Executive Officer will investigate the matter further and the employee will be notified of the decision.

## 3.0 **Official / Serious Misconduct**

The above procedures do not apply in instances which would constitute official / serious misconduct or that otherwise could result in summary dismissal. Further, any inappropriate behaviour/actions resulting from the consumption of alcohol or drugs are to be handled as per Council's disciplinary policy. Should an incident involve employee(s) driving under the influence, MRC may report the incident to the Police. All employees should ensure their behaviour does not present a poor image for Council.

## 4.0 **Contractors, Consultants, Volunteers and Work Experience Persons**

Contractors, consultants, volunteers and work experience persons who are not directly employed by MRC will not be subject to the above procedures. If any of these people return a first positive drug or alcohol result they will immediately be required to leave Council's worksite and may not be allowed to return for a period of two (2) years.

## **APPENDIX B - AUTHORISED FUNCTIONS**

MRC may waive the prohibition on the consumption of alcohol in certain circumstances such as for authorised functions. Departmental employee social events, which are authorised by the CEO, include, but are not limited to:

- MRC Christmas Party
- Social Club Bar

All authorised functions are subject to the MRC Responsible Service of Alcohol Policy and compliance with the relevant Liquor Act (1992) and the revisions as per February 2005.

Even if the general prohibition on consumption of alcohol is waived, the following restrictions continue to apply at all work-related functions:

- Employees who consume alcohol should do so in a responsible manner and not become inebriated or drunk.
- Employees must uphold an appropriate standard of behaviour at all times. Inebriation will not be accepted as an 'excuse' for misconduct.
- Employees must not drive any vehicle if they have consumed a drug (being any drug that could impair the ability to safely operate the vehicle) and should be aware of their consumption of alcohol to ensure compliance with the legal drink driving limits.

## APPENDIX C

### DRUG CLASSES AND CONFIRMATORY CUT-OFF'S

AS/NZ 4308:2008 Procedures for Specimen Collection and the detection and quantitation of drugs of abuse in urine

**TABLE 1**

**Urine Immunoassay/On-site Screening Test Cut-off Levels**

<b>Class of Drug</b>	<b>Cut-off Level (ug/L)</b>
Opiates	300
Amphetamine Type Substances (ATS)	300
Cannabis metabolites	50
Cocaine metabolites	300
Benzodiazepines	200

**TABLE 2**

**Confirmatory Test Cut-off Concentration (As Total Drug) for Urine**

<b>Compound</b>	<b>Cut-off Level (ug/L) CG/MS Test (Confirmatory)</b>
Morphine	300
Codeine	300
6-Acetylmorphine	10
Amphetamine	150
Methylamphetamine	150
Methylenedioxymethylamphetamine	150
Methylenedioxyamphetamine	150
Benzylpiperazine	500
Phentermine	500
Ephedrine	500
Pseudoephedrine	500
11-nor-delta-9-Tetrahydrocannabinol – 9-carboxylic acid	15
Benzoyllecgonine	150
Ecgonine methyl ester	150
Oxazepam	200
Temazepam	200
Diazepam	200
Nordiazepam	200
Hydroxy-Alprazolam	100
7-amino-clonazepam	100
7-amino-flunitrazepam	100
7-amino-nitrazepam	100

+ All cut-off levels are expressed as total concentration of drug or metabolite after hydrolysis

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

## **ORAL FLUID INITIAL TEST TARGET CONCENTRATIONS**

**TABLE 1**

<b>Class of Drug</b>	<b>Target Concentration (ng/mL)</b>
Opiates	50
Amphetamine Type Stimulants	50
Delta-9-tetrahydrocannabinol (THC)	25
Cocaine and metabolites	50

**TABLE 2**

## **ORAL FLUID NON-IMMUNOASSAY INITIAL TEST AND CONFIRMATORY TARGET CONCENTRATIONS**

<b>Compound</b>	<b>Target Concentration (ng/mL) CG/MS Test (Confirmatory)</b>
Morphine	25
Codeine	25
6-Acetylmorphine	10
Amphetamine	25
Methylamphetamine	25
Methylenedioxymethylamphetamine	25
Methylenedioxyamphetamine	25
Delta-9-Tetrahydrocannabinol	10
Cocaine	25
Benzoyllecgonine	25
Ecgonine methyl ester	25

Notes:

- (1) These targets represent the undiluted oral fluid concentration
- (2) For analytes not included in this Table, the laboratory should select a target concentration as appropriate for oral fluid

## APPENDIX D

### Approved Forms

1. Custodian Officer's Notice
2. Letter Advising of Positive Result
3. Positive Test Interview
4. 1<sup>st</sup> Positive Letter Template
5. 2<sup>nd</sup> Positive Letter Template
6. 3<sup>rd</sup> Positive Show Cause Template
7. Termination Letter After 3 Positives & Show Cause