



S5/6

## POLICY REGISTER

**Subject: ALCOHOL & OTHER DRUGS**

	<i>Current</i>	<i>Previous</i>	<i>Prior</i>	<i>Prior</i>
<i>Minute No:</i>	271			
<i>Meeting Date:</i>	12/09/2005			

**Review Date:** August 2006

### POLICY

#### **Context**

Muswellbrook Shire Council is committed to providing safe systems of work and a safe work environment.

Under the *NSW Occupational Health and Safety Act 2000*, employers have a duty of care to ensure the health, safety and welfare of all employees, and must also ensure that contractors and 'others' at the workplace are not exposed to risks to health and safety. This would include volunteers, work experience people and visitors.

Similarly, employees, contractors, volunteers and work experience persons through their own conduct, have a duty of care for the health and safety of people who are in the workplace.

The impact of drugs and alcohol in the workplace is an occupational health and safety issue. People who misuse alcohol and drugs can impact on their own safety and the safety of others.

By implementing this policy Muswellbrook Shire Council intends to:

- Provide a safer working environment by, as far as is practicable, eliminating hazards associated with the inappropriate use of alcohol or other drugs;
- Provide assistance through a range of preventative, educational and rehabilitative measures to overcome alcohol and other drug problems that impair a person's fitness for work;

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- Ensure that people who are deemed unfit for work as a result of alcohol or other drug use are managed in a fair and constructive manner;
- Ensure that Muswellbrook Shire Council meets its obligations to employees, contractors and the general public to carry out its operations safely.

### **Purpose**

To provide guidelines that will ensure people are fit for work in a Muswellbrook Shire Council's workplace.

### **References**

- Muswellbrook Shire Council's *Alcohol & Other Drugs Procedure*
- *Australian Standards (AS4308-2001)*. Procedures for the collection, detection, and quantitation of drugs of abuse in urine.

### **Definitions**

General Manager – the person who provides leadership to each council with regards to the Alcohol and Other Drugs Policy and associated procedures.

Alcohol and Other Drugs Co-ordinator - the person who assists the General Manager and Department/Section Manager(s) to fulfil the requirements of the Alcohol and Other Drugs Policies and Procedures within the Muswellbrook Shire Council with both guidance and practical assistance. The remainder of the document then simply uses the term AD Co-ordinator - refer to accountabilities below

Department/Section Manager(s) - the person who provides direct leadership to the employee at individual council level, and is guided by the General Manager and AD Co-ordinator for that council. The remainder of the document then simply uses the term D/S Manager(s) - refer to accountabilities below.

People/Persons - includes all employees, contractors, volunteers and work experience persons in the workplace.

### **Policy**

The purpose of this policy is to maintain a safe work environment free from the effects of the use of alcohol and drugs.

Illicit drugs (such as cannabis, amphetamines, cocaine, opiates and other narcotics), prescription drugs (such as benzodiazepines, barbiturates or methadone) or the misuse of non-prescription drugs (such as codeine) could pose a risk to council staff and to other people. Muswellbrook Shire Council has undertaken to, as far as is practicable, eliminate the threat that alcohol and other drug consumption can present, to both its employees and the business.

Each person at Muswellbrook Shire Council is expected to attend work in a 'fit for work' state. Accordingly, a person adversely affected by alcohol or any other drug is not permitted in, or on, any Muswellbrook Shire Council's workplace. In addition, a person

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must not, without the authorisation of their Manager or other authorised Council employee, have any alcohol or other drug that may pose a risk to health and safety in his or her possession or consume any alcohol or other drug that may pose a risk to health and safety while in the workplace.

This policy applies to all persons entering Muswellbrook Shire Council's operations, other workplaces or any other area for which Muswellbrook Shire Council has accountability.

The consequences of breaching this policy are detailed in Section 6 of the *Alcohol and Other Drugs Procedure*.

## **Fitness for work accountabilities**

### **Leadership**

#### The General Manager is accountable for

- Ensuring that all relevant individuals are aware of and comply with the requirements of Muswellbrook Shire Council's *Alcohol and Other Drugs Policy* and the Muswellbrook Shire Council's *Alcohol and Other Drugs Procedure*;
- That the policy and *Alcohol and Other Drugs Procedure* is applied fairly and consistently;
- Supporting the AD Co-ordinator and D/S Manager(s) in their roles;
- Ensuring implementation of this policy and associated procedures at Muswellbrook Shire Council. This would include the provision of adequate facilities, resources and information, instruction and training;
- Ensuring that privacy interests of those tested is provided;
- Ensuring that prompt and appropriate actions are available to address fitness for work issues.

#### The AD Co-ordinator is accountable for

- Ensuring that all relevant individuals are aware of the provisions and requirements of this policy and the Muswellbrook Shire Council's *Alcohol and Other Drugs Procedure*;
- Ensuring that the mechanisms to apply this policy and *Alcohol and Other Drugs Procedure* exist at Muswellbrook Shire Council;
- Supporting the General Manager and D/S Manager(s) by providing information, guidance and assistance for the implementation of this policy and associated procedures at the Muswellbrook Shire Council;
- Ensuring that they protect the privacy interests of those tested;
- Dealing with daily issues such as:
  - liaising with Alcohol and Other Drugs Testers, Contractors, and Contracting Companies;

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- obtaining confirmation test results;
- collating lists for 'random selection' of persons to be tested.
- Ensuring that prompt and appropriate action to address fitness for work issues is taken.

Department/Section Manager(s) are accountable for

- Ensuring that all relevant individuals are aware of and comply with the provisions of this policy and the Muswellbrook Shire Council's *Alcohol and Other Drugs Procedure*;
- That the policy and *Alcohol and Other Drugs Procedure* is applied fairly and consistently;
- Supporting the General Manager and AD Co-ordinator with the implementation of this policy and associated procedures at the local council level.
- Ensuring that they protect the privacy interests of those tested
- Assessing whether a person is fit for work; and
- Taking prompt and appropriate action to address fitness for work issues.

When making an assessment about a person's fitness for work, the Department/Section Manager should:

- Conduct a risk assessment using the Fitness for Work proforma in Appendix I of the Muswellbrook Shire Council's *Alcohol and Other Drugs Procedure*;
- Consider the nature and requirements of the persons job, and
- Consider any medical advice provided by the person.

All Individuals

Each person, whether employee, contractor, volunteer or works experience person, is accountable for:

- Ensuring that they are fit for work, and in particular, not adversely affected by alcohol and other drugs;
- Raising any concerns about their fitness for work with their D/S Manager;
- Raising any concerns about another person's fitness for work with that person and their D/S Manager;
- Notifying their D/S Manager of any situation in which this policy may apply or has been breached. This includes:
  - any situation where a therapeutic or prescribed drug, which according to medical advice, has the potential to impair their fitness for work. This does not require a person to disclose the reason for, or the type of, drug being used, but the D/S

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Manager must be informed of either, the potential for impairment, or a clearance to undertake either normal or restricted duties.

- this advice can be provided verbally or in writing either directly from the medical practitioner to the D/S Manager or via the individual and will be required prior to deciding if an individual can remain at work
- if they are a witness to the unauthorised possession or consumption of alcohol or other drugs on site or during work.

All such information will be dealt with in strict confidence.

## **Summary of Accountabilities**

Procedure     Muswellbrook Shire Council's Alcohol and Other Drugs Procedure

# Procedure

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# ALCOHOL and OTHER DRUGS PROCEDURE

## Context

The *Alcohol and Other Drugs Procedure* describes how the *Alcohol and Other Drugs Policy* is applied at Muswellbrook Shire Council and should be read in conjunction with this policy.

These documents provide guidelines to Managers, employees and others involved in the process of managing and as far as is practicable eliminating the OH&S risk associated with the use of Alcohol and Other Drugs in the workplace.

The Procedures are designed to reinforce the policy themes of education / awareness, rehabilitation / support and prevention.

## Purpose

The purpose of this procedure is to help ensure that people are 'fit for work' whilst on site.

## Scope

This procedure applies to all Muswellbrook Shire Council's employees, contractors, volunteers and work experience persons in the workplace.

## References

- Hunter Councils' Alcohol & Other Drugs Policy
- *Australian Standards (AS4308–2001)*. Procedures for the collection, detection, and quantitation of drugs of abuse in urine.

## Definitions

AS4308–2001	Procedures for the collection, detection, and quantitation of drugs of abuse in urine.
Certified Laboratory	A laboratory which meets minimum performance standards set by an accrediting agency, eg from the National Australian Testing Authority (NATA).
Chain of Custody	Documented process to account for the integrity of each urine specimen by tracking its handling and storage from collection to disposal of the specimen.
Collector	A person authorised by Muswellbrook Shire Council to instruct and assist people at a collection site and who receives and makes an initial examination of the urine specimen provided by the person. A Collector shall have been instructed so as to ensure conformance with AS 4308-2001.

Confirmatory Test - Alcohol – Use of a calibrated wall mounted breathalyser to quantify the level of alcohol present.

Other drugs - A second analytical procedure performed to identify the presence 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.

Incident As described in the Hunter Councils' Incident Report Procedure as a "Reportable Incident"

Initial Test- Alcohol – Use of a hand held breathalyser to identify the presence of alcohol.

Other Drugs - A method used to identify a drug or class of drugs. This test is used as an initial screen to identify the presence or absence of a particular drug compound.

General Manager The person who is responsible for the implementation of the Alcohol and Other Drugs Policy and Procedures at Muswellbrook Shire Council.

AD Co-ordinator The person who is accountable for the co-ordination of activities relating to the Alcohol and Other Drugs Policies and Procedures at Muswellbrook Shire Council – known as the Alcohol and Drug (AD) Co-ordinator.

Department/Section

(D/S) Manager- The person accountable for assessing fitness for work of an employee, contractor or 'other' persons in the workplace.

This person, (or in their absence, a designated and appropriately trained person) may be authorised by the General Manager to conduct the 'fit for work' assessment under certain circumstances

Other Drugs Any prescription or non prescription drug or other substance, which may reasonably create a potential for an OH&S risk to themselves or others.

Positive Result – (See also Appendix 1)

- Drugs

Any confirmatory sample returning a result at, or in, excess of the levels contained in AS4308–2001 “-Recommended practice for the collection, detection and quantification of drugs of abuse in urine”.

- Alcohol

A confirmatory breath test result of equal to or greater than 0.02 Blood Alcohol Content (BAC).

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- A refusal to undertake a test as per the Hunter Councils' Alcohol & Other Drugs Policy and Procedures.

Tester A person authorised by Muswellbrook Shire Council to conduct breath tests.

Under the influence Is deemed to be a Positive Result above the alcohol or other drug levels as outlined in Appendix A

Workplace Means all those areas (including company vehicles) where an employee works, or any place at which a member of the Muswellbrook Shire Council's workforce is likely to be working in the course of carrying out their duties.

## **Procedure**

### **GENERAL**

#### ***Consultation, Communication and Information***

Muswellbrook Shire Council will ensure that the development of this alcohol and other drugs procedure occurs in consultation with all stakeholders, including the relevant unions, council committees and OHS representatives.

Employees, contractors, volunteers and work experience persons will be informed of their responsibility in relation to consumption of alcohol or other drugs which may adversely affect their work performance or conduct.

Muswellbrook Shire Council will also provide practical guidelines and training to managers and supervisors for dealing with persons who may be affected by alcohol or other drugs, including the disciplinary sanctions (for employees) and the need for maintaining strict confidentiality.

Muswellbrook Shire Council will communicate this procedure to all new starters through induction and also ensure that contractors, volunteers and work experience persons are informed of Muswellbrook Shire Council's Alcohol and other Drugs Policy and Procedures. Other communication processes in the workplace may include toolbox meetings, safety committee meetings, union delegates meetings and communication boards.

Existing employees will receive education in this procedure within 3 months of its official adoption by Council and contracting companies will also be informed of their requirements under the Muswellbrook Shire Council's *Alcohol and Other Drugs Policy and Procedures* within this timeframe.

#### **Education and Training**

Muswellbrook Shire Council recognises that it is important to develop a workplace culture through education where workers are prepared to encourage each other to be safe and not impaired at work.

Drug and alcohol training programs may be introduced to employees within a broader lifestyle program that deals with fitness for work, nutrition and well-being.

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Education and training for employees will cover:

- The importance of being sober and drug free at work
- The effects of the misuse of alcohol and other drugs on health, safety and performance in the workplace
- What constitutes unacceptable alcohol or other drug use
- Impairment and how to recognise impairment
- Muswellbrook Shire Council's policy on dealing with the misuse of alcohol and other drugs; both long term and isolated incidents
- Basic knowledge and understanding of the different types of drugs and their effects and testing techniques used at Muswellbrook Shire Council
- The consequences for employees who fail to comply with Muswellbrook Shire Council's *Alcohol and Other Drugs Policy and Procedure*
- Ways of dealing with the misuse of alcohol and other drugs and assisting employees who are misusing alcohol and drugs from developing further problems
- Counselling, treatment and rehabilitation services available in the workplace and externally to enable employees who have problems to seek effective solutions and treatment of their choosing
- Healthy lifestyle and well-being information
- The appropriate person/s to approach for assistance with a problem related to the misuse of alcohol and other drugs
- The legal position (rights and penalties) of employees and management in relation to alcohol and other drug testing, privacy and confidentiality.
- How an employee who has a problem can self-disclose

Contractors, volunteers and work experience persons will

- Be provided with appropriate information

### Specialist Training

Training for managers, supervisors, Consultative or OHS Committee members and other designated persons

- Their role and responsibility for implementing this policy
- How to identify and approach persons who are affected by alcohol or other drugs in the workplace
- Observation of people suspected of being under the influence of a substance
- Basic knowledge and understanding on the different types of drugs and their effects and testing techniques and results interpretation
- Dealing with the long-term user and those intoxicated in one-off situations
- Role of responsibility in relation to privacy
- How to sensitively refer an employee to specialist counselling and treatment and to avoid taking on the counselling role themselves
- Testing requirements (if testing is required to be carried out in-house by Muswellbrook Shire Council's staff)

### **Employee Assistance and Information**

See Also Appendix J

Muswellbrook Shire Council is committed to the principle of rehabilitation of those employees affected by alcohol and/or drug abuse. Alcohol and other drug problems can be associated with other difficulties that can sometimes be overcome with assistance from professional counsellors.

If an employee has issues of concern including those related to alcohol and other drugs, Muswellbrook Shire Council encourages employees to make use of the Employee Assistance Program (EAP) and seek appropriate support and assistance.

The EAP is paid for by Muswellbrook Shire Council up to the prescribed limits **4 visits** and may be extended with appropriate authorisation. Employees will normally need to undertake any counselling sessions in their own time.

It is ultimately the person affected by alcohol or substance abuse who must be prepared to take steps to rectify their situation.

Information about the effects of alcohol and other drugs and the EAP program is available from the AD Co-ordinator. Muswellbrook Shire Council may require the services of a trained medical officer to review the implications of a positive drug test result and provide advice for employee assistance and support.

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## ***Rehabilitation***

With the approval of the employee's manager, sick leave benefits, long service leave, annual leave (where accrued) or unpaid leave may be available to the employee undertaking alcohol/other drugs rehabilitation or counselling.

Where necessary the AD Co-ordinator, in consultation with D/S manager, the person and possibly the EAP, should develop a rehabilitation plan to manage the fitness for work issue. The details of the plan should be agreed between the parties and may include the aim of the plan, the actions to be taken, the progress reporting procedure, the review date and the timeframe for return to work.

Where a person is on an alcohol and other drug rehabilitation plan, the employee should be tested at intervals determined in the rehabilitation plan and before returning to any high risk work. At the completion of the rehabilitation program, they will undergo further random testing when their individual council is undergoing their bi-monthly testing program.

## **DRUG AND ALCOHOL TESTING**

### **Program of testing**

Muswellbrook Shire Council has established a program of testing that includes Self-testing, Post Incident, Fitness for Work (Causal) & Random testing. This will:

- Provide people with information about the effects of alcohol and other drugs
- Discourage people from coming to work where they may be unfit for work because of alcohol or other drugs; and
- Assist in identifying people who may be unfit for work.

### **Post Incident Testing**

After an incident at the workplace, the D/S Manager may require an employee, contractor, volunteer or work experience person in the workplace to undergo an alcohol or other drug test. This test should be completed as soon as possible after the incident has occurred and be administered by trained personnel.

An injured person who requires immediate medical attention may only be tested when it is appropriate. This will be determined in consultation with suitably trained medical personnel.

### ***Fitness for Work (Causal)***

The D/S Manager may require an employee, contractor, volunteer or work experience person in the workplace to undergo an alcohol and/or other drug test if, in their considered opinion, the person may not be fit for work after assessment using the Fitness for work form (Appendix I)

In ensuring an accurate record of all testing results, only authorised personnel and calibrated equipment are to be used.

See also Appendix B "Requirements for Alcohol Testing".

## ***Random Selection - Alcohol***

### **General**

Random testing for Muswellbrook Shire Council's staff, contractors, volunteers and work experience persons will generally be conducted at any time, but will be undertaken at least twice per year. Random testing will be conducted on entry to the site or in the workplace in appropriate areas. The testing will be done privately. People will be selected for testing by using a simple random selection process, involving the selection of a person, location or group of people located in a specific area, including groups of persons involved in 'high risk' tasks. The initial test will be used to identify the presence of alcohol. Where alcohol is detected a confirmatory test will be used to quantify BAC levels.

All results with a BAC level equal to or greater than 0.02% will be communicated to the person's Manager. Any actions taken from the results of random tests will be managed in accordance with Section 6 Consequences of a Positive Result.

### **Employees**

On the day of testing employees working on a Muswellbrook Shire Council's worksite may be tested using a random selection process. People who are selected will be asked to present themselves for testing immediately.

All results with a BAC level equal to or greater than 0.02% will be communicated to the D/S Manager. Any actions taken from the results of random tests will be managed in accordance with Section 6 Consequences of a Positive Result.

### **Contractors/Volunteers/Work Experience Persons**

On the day of testing, contractors/volunteers/work experience persons working on a Muswellbrook Shire Council's worksite may be tested using a random selection process. People who are selected will be asked to present themselves for testing immediately.

All results with a BAC level equal to or greater than 0.02% will be communicated to the D/S Manager. Any actions taken from the results of random tests will be managed in accordance with Section 6 Consequences of a Positive Result.

## ***Random Selection – Other Drugs***

See also Appendix E "Procedure for specimen collection of urine sample".

### **Employees**

Random selection for drug testing may be carried out simultaneously or separately to the process for alcohol testing. If separately – the selection will follow the same process as for alcohol testing.

### **CONTRACTORS/VOLUNTEERS/WORK EXPERIENCE PERSONS**

Contractors/volunteers/work experience persons who work at a Muswellbrook Shire Council site, may be randomly selected for testing from lists of persons who perform 'higher risk' work or alternatively, they may be selected for testing by using a simple random selection process, involving the selection of a person, location or group of people

located in a specific area. Examples include Muswellbrook Shire Council administration buildings, works depots, and libraries.

### ***Self-testing – Alcohol***

#### **Employees**

A person who believes that their fitness for work may be affected by alcohol are encouraged to self-test prior to commencing work by using the breathalyser available in the designated area specified by Muswellbrook Shire Council.

Self testing shall not be witnessed by the D/S Manager or other employees. If the person displays a positive result, they shall notify their D/S Manager who will treat the person appropriately in accordance with these procedures except that the event will not be recorded as a positive result. If requested, the D/S Manager will make arrangements for confirmatory testing and safe transport home, where required i.e. If the person records a test result which is equal to or greater than 0.02% BAC, the person will then be deemed unfit for work and arrangements will be made to transport the person off site, or if greater than 0.05% BAC, to their home.

With the approval of the employee's manager, sick leave benefits, long service leave, annual leave (where accrued) or unpaid leave may be available to the employee.

Absenteeism from work will initially be managed as an attendance issue and if necessary the employee will be managed under the guidelines of the Local Government (State) Award.

Employees who have attendance issues shall receive information on the EAP, in case absenteeism is due to causes that may require counselling.

If the person who is self-testing is a contractor, volunteer or work experience person in the workplace, a suitable person will be notified and arrangements for their safe removal from Muswellbrook Shire Council will be made. Persons who require arrangements for their safe removal on a frequent basis (more than 3 occasions in a 2 month period), may be requested not to work on site unless they can demonstrate commitment to a rehabilitation and counselling program arranged by either themselves or their company.

#### **CONTRACTORS/VOLUNTEERS/WORK EXPERIENCE PERSONS TO MUSWELLBROOK SHIRE COUNCILS**

Contractors/volunteers/work experience persons working on a Muswellbrook Shire Council's site are also encouraged to self-test prior to commencing work if they believe that their fitness for duty may be affected by the use of alcohol. They may make use of the breathalyser available in the designated area specified by Muswellbrook Shire Council.

Self testing shall not be witnessed by the D/S Manager or other persons. If the contractors/volunteers/work experience person displays a positive result, they shall notify their D/S Manager who will treat the person appropriately in accordance with these procedures except that the event will not be recorded as a positive result. If requested, the D/S Manager will make arrangements for confirmatory testing.

Where a contractor/ 'other' returns a positive confirmatory test the person will be escorted from the site, their employer notified and transport arranged to ensure the safety of the person.

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## **TEST RESULTS – ALCOHOL**

See also Appendix B: Requirements for Alcohol Testing.

### ***Conducting the Test***

An authorised Tester (or trained Muswellbrook Shire Council representative) will be used to conduct all alcohol testing (except the self-test outlined in 2.5). All confirmatory testing will be performed in accordance with Muswellbrook Shire Council's site requirements (See Appendix 2).

### **EMPLOYEES**

The Tester will record the results of all tests conducted using **Initial Breath Testing Record** (Appendix C). Where a person presents a result of less than 0.02 BAC, the person will commence or continue their normal duties.

When a person records an initial test result which is equal to or greater than 0.02% BAC, the person will be asked to wait in a designated 'safe' area.

The person will be asked to wait for up to half an hour until a confirmatory test is conducted.

In the subsequent confirmatory testing procedure, if the same person records a test result which is equal to or greater than 0.02% BAC, then the result will be regarded as a positive test. The person will then be deemed unfit for work and arrangements will be made to transport the person off site, or if greater than 0.05% BAC, to their home.

If the confirmatory test is less than 0.02% BAC, then the person will be permitted to continue performing their normal duties.

If the person does not want to undertake the confirmatory test, then the test will be presumed to be, and treated as if it were, a positive test. The person will be deemed unfit for work and arrangements will be made to transport the person to their home.

### **CONTRACTORS/VOLUNTEERS/WORK EXPERIENCE PERSONS**

Where a contractor/volunteer/work experience person records a positive alcohol test result, the individual will be deemed unfit for work and the D/S Manager or the AD Co-Coordinator will make arrangements to transport the person off site, or if greater than 0.05% BAC, to their home.

Contractors/volunteers/work experience persons at Muswellbrook Shire Council must adopt measures that are compatible with these procedures including the management of positive results.

## **TEST RESULTS- OTHER DRUGS**

See also Appendix E: Procedure for Specimen Collection of Urine Sample.

### ***Initial Test***

In the event of a drug compound being detected in a person's urine in the initial test:

### **EMPLOYEES**

- The sample will be sent for confirmatory analysis to identify the drug compound, in accordance with this procedure and the AS 4308 – 2001.
- Provided that the person declared the medication prior to the on site pre-screen test being conducted, and the drug class(es) declared is consistent with the drug class(es) detected (presence of opiates or amphetamines only, no methamphetamines present), then the D/S Manager will conduct a risk assessment using the Fitness for Work Proforma in Appendix I
- If the person is assessed to be fit for work, the person will be permitted to return to work and will be allocated low risk tasks pending the results of the confirmatory test. If the person is assessed to be unsafe for work, then arrangements will be made to transport the person to their home. The D/S Manager or AD Co-ordinator may request further information such as a medical certificate from the person's Doctor.
- If the person did not declare the medication prior to the on site pre-screen test being conducted, or if the drug class(es) declared is inconsistent with the drug class(es) detected, or there are methamphetamines present, then the person will be assessed as unfit for work and arrangements will be made to transport the person off site or, if required, to their home.

### **CONTRACTORS**

- Where a contractor presents a positive drug test result, the Muswellbrook Shire Council's D/S Manager and AD Co-ordinator will be informed. The Contractor's supervisor will be contacted to discuss the issue with their employee and make arrangements to transport the person off site or, if required, home.
- The sample will be sent for confirmatory analysis (at the contracting company's expense) to identify the drug compound, in accordance with this procedure and the AS 4308 – 2001. If the contracting company refuses to pay for the confirmatory analysis, the non-negative contractor will not be allowed to work on any Muswellbrook Shire Council's site until such time as a negative report is presented to Muswellbrook Shire Council.

### **VOLUNTEERS/WORK EXPERIENCE PERSONS**

- Where this person presents a positive drug test result, the Muswellbrook Shire Council's AD Co-Coordinator and D/S Manager will be informed and they will contact the company or organisation who has control of this person to discuss the issue with them and to make arrangements to transport the person off site or, if required, home.

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- The sample will be sent for confirmatory analysis (with charges imposed to the 'other's' organisation/company at the discretion of the AD Co-ordinator) to identify the drug compound, in accordance with this procedure and the AS 4308 – 2001.

### ***Confirmatory Test is Positive (consistent with medication)***

- The external agency will forward the results to the AD Co-ordinator who will then advise the person's D/S Manager in writing the confirmatory test was positive but consistent with medication declared.
- If the employee, contractor, volunteer or works experience person has previously been allocated low risk duties, the D/S Manager will reassess them and either return them to normal duties or have them remain on low risk duties for the duration of the use of the medication.
- If the employee, contractor, volunteer or works experience person had been stood aside pending the confirmatory results, the D/S Manager will contact them and request that they return to work. On return to work, the D/S Manager will reassess them and either return them to normal duties or reassign them to low risk duties for the duration of the use of the medication.

### ***Confirmatory Test is Positive (not consistent with medication and/ or detection of other drugs)***

See also Section 6 Consequences of a Positive Result

- The external agency will forward the results to the AD Co-ordinator who will then advise the person's D/S Manager in writing that the confirmatory test was positive but inconsistent with any medication
- Muswellbrook Shire Council will forward an alcohol and other drug Letter of Confirmation to the employee confirming the test result, together with advice as to a nominated time and date when the employee will discuss further action with the D/S Manager.
- If a contractor, volunteer or works experience person returns a positive result Muswellbrook Shire Council will forward an alcohol and other drug Letter of Confirmation to his/her employer confirming this result. Before the person returns to work, they will be required to submit a negative test (at their company's expense).

### ***Confirmatory Test is Negative***

- The external agency will forward the results to the AD Co-ordinator who will then advise the person's D/S Manager in writing that the confirmatory result was negative.
- If the employee had been stood aside pending the outcome of the confirmatory test, the AD Co-ordinator will contact them and request the employee to return to work.
- If the person is a contractor, volunteer or work experience person the employer or organization in control will be notified by the AD Co-ordinator who will request that they return to work.

## **REFUSAL OR TAMPERING OF TESTS**

### **Refusal**

The authorised Collector shall use the following procedure if a person refuses to take a drug or alcohol test:

1. Inform the person who has refused the test that the refusal will have the same consequences as a positive result. The person will be offered the test again.
2. If the person still refuses, the Collector will notify the persons' D/S Manager of their refusal to take the test. After discussion between the D/S Manager and the person, the D/S Manager will re-offer the test to the person. The D/S Manager should discuss the refusal and likely consequences with the person, try and determine the reasons then reoffer the test.
3. If the person still refuses, the refusal will be recorded as "Refused Test" on the **Breath Test Positive Result** (Appendix D) or the **Initial Drug Test Record** (Appendix F), depending on the test refused.
4. Arrangements will be made to transport the person off site of, if required, to their home.
5. Inform the Department Manager of the situation and ensure all documentation is forwarded to AD Co-ordinator for recording and filing.
6. The Person concerned will not be permitted to return to work until a discussion is held with the appropriate Manager and a negative result is obtained.
7. With the approval of the employee's manager, sick leave benefits, long service leave, annual leave (where accrued) or unpaid leave may be available to the employee.

### **Tampering**

Any attempt to tamper with samples and introduce, or alter the concentration of, alcohol or other drugs in their own or another's urine before submitting to a breath analysis or providing a sample of urine may constitute serious misconduct and be dealt with according to the provisions of the Local Government (State) Award.

Contractors, volunteers and work experience persons will usually have access to the site withdrawn permanently.

## **CONSEQUENCES FOR POSITIVE RESULTS**

### ***Employees***

The person's AD Co-ordinator is accountable for monitoring the frequency of a person testing positive and shall determine the appropriate action in accordance with the following on a case-by-case basis.

The person may be accompanied by an OHS Committee Member or OHS or Union Representative (if they request).

**Muswellbrook Shire Council**

## **FIRST POSITIVE RESULT**

- The D/S Manager will afford the person the usual procedural fairness and discuss the positive result with the person. The D/S Manager will provide an opportunity for the employee to provide any information or comments that may affect the confirmatory result. After consideration of this information the confirmatory test results are adopted or rejected.
- If the person is an employee, they should be advised of counselling services available and, if necessary, be referred to an appropriate service.
- Before an employee returns to work, they will be required to submit a negative test.
- If a positive result is obtained while attempting to return to work, this will not be counted as a second positive result. A monitoring program will be implemented in conjunction with the employee upon the employee's return to work. The person will be tested randomly at least twice for the next 6 months.
- A Formal Written Warning for non-compliance with this procedure will be issued. The warning will remain on the employee's personnel file and expire after 12 months.
- The D/S Manager should advise the person of the consequences of a future breach. The D/S Manager and AD Co-ordinator may decide it is necessary to develop a rehabilitation plan.

## **SECOND POSITIVE RESULT**

See also 6.1.1. First Positive Result

- A positive result will be regarded as a second positive result if it occurs within 12 months of the first positive result being recorded. A Second Positive Result will be managed as per First Positive Result.
- In addition, the D/S Manager and AD Co-ordinator will require that the employee can demonstrate that they are dealing with this issue seriously through attendance for counselling by a professional drug and alcohol counsellor, which can be arranged through the Muswellbrook Shire Council's EAP. The drug and alcohol counsellor should assess the employee to determine what assistance may be required to enable the employee to ensure fitness for work. The person's D/S Manager and AD Co-ordinator should develop a rehabilitation plan in consultation with the employee (see 1.3 Rehabilitation). The treatment of costs and absences will be at the discretion of the D/S Manager and will be in line with the EAP Policy.
- A Formal Written Warning for non-compliance with this procedure will be issued. The warning will remain on the employee's personnel file and expire after 12 months.

## **THIRD POSITIVE RESULT**

- A positive result will be regarded as a third positive result if it occurs within 12 months of the second positive result. A Third Positive Result will be managed as per the First Positive Result.

- The Third Positive Result will be viewed as “serious misconduct “ and may result in termination of employment in line with the provisions of the Local Government (State) Award.

### **CONTRACTORS, VOLUNTEERS AND WORK EXPERIENCE PERSONS**

The individual's AD Co-ordinator and D/S Manager are accountable for monitoring the frequency of a person testing positive and shall determine the appropriate action in accordance with the following on a case-by-case basis.

The individual may be accompanied during any interview by an OHS Committee Member or OHS or Union Representative (if they request).

#### **FIRST POSITIVE RESULT**

- The D/S Manager and AD Co-ordinator will afford the individual the usual procedural fairness and discuss the positive result with the person. They will provide an opportunity for the contractor/volunteer/work experience person to provide any information or comments that may affect the confirmatory result. After consideration of this information the confirmatory test results are adopted or rejected.
- Before a contractor/volunteer/work experience person returns to the worksite, they will be required to submit a negative test (normally this would be at their company's expense).
- The individual will be tested randomly at least bi-monthly for the next 6 months.
- A Formal Written Warning for non-compliance with this procedure will be issued. The warning will remain in the contractor's/volunteers/work experience person's 'personnel file' and expire after 12 months.
- The D/S Manager and AD Co-ordinator should advise the individual of the consequences of a future breach.

#### **SECOND POSITIVE RESULT**

See also 6.2.1 First Positive Result

- A positive result will be regarded as a second positive result if it occurs within 12 months of the first positive result being recorded. A Second Positive Result will be managed as per First Positive Result.
- In addition, the AD Co-ordinator and D/S Manager will require that the contractor/volunteer/work experience person and their company or 'person in control' can demonstrate that they are dealing with this issue seriously through attendance to rehabilitation and/or counselling.
- A Formal Written Warning for non-compliance with this procedure will be issued. The warning will remain on the contractor/volunteer/work experience person's 'personnel file' and expire after 12 months.

### **THIRD POSITIVE RESULT**

- A positive result will be regarded as a third positive result if it occurs within 12 months of the second positive result. A Third Positive Result will be managed as per the First Positive Result.
- The Third Positive Result will be viewed as “serious misconduct “ and may result in termination of use of the contractor/volunteer/work experience person in line with the Muswellbrook Shire Council *Disciplinary Procedures*.

### **OTHER ALCOHOL AND DRUG RELATED BREACHES**

Where an employee, contractor, volunteer or work's experience person is proven to have acted in a manner which amounts to “serious misconduct” as defined in the Muswellbrook Shire Council's *Disciplinary Procedures* (eg consumption, possession, manufacture or distribution of alcohol or other drugs that may pose a risk to health and safety on site), it may result in summary dismissal.

It is an offence under the *Road Traffic Act 1974* to drive or attempt to drive a motor vehicle, truck or mobile equipment under when under the influence of alcohol or other drugs. Such breaches may result in the notification to the police or appropriate authorities.

*\*\*\*It should be noted that insurance companies may not accept a workers' compensation claim where an injury is sustained while under the influence of alcohol or other drugs\*\*\**

### **DOCUMENTATION, CONFIDENTIALITY AND DISCLOSURE OF INFORMATION**

#### ***Documentation***

All testing documentation shall be maintained by AD Co-ordinator. Test records will be placed in a secure location and will remain confidential.

#### ***Confidentiality and Disclosure of Information***

Measures will be taken to ensure the person's privacy at all times.

The testing procedure for alcohol and drugs will be conducted so as to respect the privacy of the person but to maintain standards required by the testing agency.

Personal information relevant to this procedure will be safeguarded to protect the privacy of the person. Only the General Manager, AD Co-ordinator and D/S Manager will have access to the individual results. Results of post Incident tests will be made available to WorkCover NSW if necessary.

D/S Managers shall maintain copies of rehabilitation plans and forms relating to Fitness for Work issues involving people under their supervision.

The person may request and obtain a copy of their own test records if they wish to do so.

It should be noted that contractors, volunteers and work experience persons will be requested to sign a declaration enabling the results of any alcohol or other drug tests to be divulged to the person in control of their workplace.

**Muswellbrook Shire Council**

## **REVIEW AND AUDIT**

The procedure will be reviewed at least annually by Muswellbrook Shire Council in consultation with interested parties such as employee bodies including unions and OHS committees.

A quarterly statistical summaries of results will be provided to OHS Committee and Management meetings for trend analysis. The availability of a recognised testing standard (eg Australian Standard) including, but not limited to, impairment, saliva, pupil response etc testing, will trigger an automatic review.

### **Appendices:**

- A.** Alcohol and other drugs confirmatory cut-off levels
- B.** Requirements for Alcohol Testing
- C.** Initial Breath Test Record
- D.** Breath Test Positive Result
- E.** Procedure for Specimen Collection of Urine Sample
- F.** Initial Drug Test Record
- G.** Letter to Leader
- H.** Chain-of-Custody Form
- I.** Fitness for Work Assessment
- J.** Employee Assistance

## 9. Appendices

- K.** Alcohol and other drugs confirmatory cut-off levels
- L.** Requirements for Alcohol Testing
- M.** Initial Breath Test Record
- N.** Breath Test Positive Result
- O.** Procedure for Specimen Collection of Urine Sample
- P.** Initial Drug Test Record
- Q.** Letter to Leader
- R.** Chain-of-Custody Form
- S.** Fitness for Work Assessment
- T.** Employee Assistance

## APPENDIX A: ALCOHOL AND OTHER DRUGS CONFIRMATORY CUT-OFF LEVELS

### ALCOHOL

Alcohol- a confirmatory breath test equal to or greater than 0.02 Blood Alcohol Content

#### Alcohol

#### Positive Result Levels

#### Blood Alcohol Content (BAC) Limit

>0.02 g/100ml  
(grams per 100 millilitres)

### DRUGS

Class	Drug Compound	Cut-off level (ug/L)
Opiates	Morphine	300
	Codeine	300
Amphetamine	Amphetamine	300
	Methylamphetamine	300
	Methylenedioxymethlyamphetamine	300
	Phentermine	500
	Ephedrine	500
	Pseudoephedrine	500
Cocaine metabolites	Benzoyllecgonine	150
	Ecgonine methyl ester	150
Cannabinoids	THC carboxylic acid	15
Benzodiazepines	Oxazepam	200
	Temazepam	200
	Diazepam	200
	Nordiazepam	200
	7-amino- clonazepam	200
	7-amino-flunitrazepam	200
	7-amino-nitrazepam	200

## **APPENDIX B: REQUIREMENTS FOR ALCOHOL TESTING**

1. The tester/ collector will be a person who has been trained and accredited to use an approved breathalyser to administer the test. The tester shall ensure the breathalyser is within calibration.
2. The collector will establish the identity of the person to be tested. Acceptable means of identification will include a company identification card or driver's licence.
3. The collector will:
  - Explain the collection and testing procedure;
  - Ask if the donor has taken any medication in the previous 24 hours, including proprietary or over the counter medication - a yes/no response is only required; and
  - Ask if the donor has eaten anything 20 minutes prior to testing and ensure no smoking within 2 minutes prior to testing.
4. The collector will request the donor to exhale into an approved breathalyser in accordance with instructions.
5. The collector will read the breathalyser measurement, show the measurement to the donor and record the alcohol level on the "Initial Breath Test Record" (See Appendix C). This form shall be forwarded to the D/S Manager or AD Co-ordinator.
6. In the event of a positive test, the person will be asked to wait up to half an hour until a confirmatory test is conducted.
7. Where the confirmed positive reading is recorded, complete the Confirmatory Breath Test Form (see Appendix D). This form shall be forwarded to the D/S Manager or AD Co-ordinator.
8. The employee/contractor returning a positive confirmatory test will be managed as per Section 6 of the Muswellbrook Shire Council's Alcohol and Other Drugs Procedure.



**APPENDIX D: CONFIRMATORY BREATH TEST**

Details of Testing:

**Date and time of test:** \_\_\_\_\_

**Name of person tested:** \_\_\_\_\_

**Site:** \_\_\_\_\_ **Department :** \_\_\_\_\_

**Reason for test** (pls circle): \_\_\_\_\_ Random Positive / Post Incident / Return to Work / Fit for Work  
(Causal)

**Date and time of incident:** \_\_\_\_\_  
(if applicable)

**Did the person refuse to be tested?                      YES / NO**

**Results:**

<b>Instrument Result:</b> (record displayed concentration of grams of alcohol in 100 millilitres of blood)	
<b>Test Result:</b>	POSITIVE / NEGATIVE

**Record of responses to questions:**

<b>Question</b>	<b>Response</b>
Have you received any medical or dental treatment lately?	
Are you taking any tablets, drugs, insulin, sprays or medicine? Have you smoked a cigarette in the last 10 minutes?	

**Name of tester:** \_\_\_\_\_ \_\_\_\_\_  
**(Signature)**

**Name of witness:** \_\_\_\_\_ \_\_\_\_\_  
**(Signature)**

**Person tested:** \_\_\_\_\_ \_\_\_\_\_  
**(Signature)**

## **APPENDIX E: PROCEDURE FOR SPECIMEN COLLECTION OF URINE SAMPLE**

1. A drug testing kit, containing specimen containers, specimen verification and chain of custody documentation (collection kit) will be used.
2. The collector will establish the identity of the person providing the specimen (donor). Acceptable means of identification will be a company identification card, except for visitors where a driver's licence or other suitable identification will be acceptable.
3. The collector will:
  - Confirm that the person is aware of the policy, collection and testing procedure – if they are unaware then the procedure will be explained to the person;
  - Enter unique employee identifiers onto the "Collection Log Sheet";
  - Ask if the donor has taken any medication in the previous 14 days, including prescription or over the counter medication. The medication should be recorded if the individual is willing to divulge this in order to determine if the test result is consistent with the medication advised; and
4. The collector will give the donor a sterile urine jar. Sterile urine jars will be kept under the control of the authorised tester at all times.
5. Collection of the specimen will take place in an area that allows for individual privacy.
6. The donor will be requested to provide a sample of urine in the specimen container.
7. If the donor is unable to provide a complete specimen, they will be given 250 mls of water every 30 minutes until a specimen can be provided. A new collection kit will be provided and the previous collection kit will be disposed of.
8. In the presence of the donor, the temperature of the urine sample will be ascertained using an approved measuring device, within four minutes of voiding. The temperature will be recorded.
9. If the temperature is not within 33 - 38°C and the validity of the specimen cannot be established, or if there is reasonable suspicion of tampering or substitution, a second sample will be collected using a fresh collection kit. The suspected tampered specimen will be appropriately identified and also sent to the laboratory for testing.
10. Both the collector and donor shall keep the specimen in full view at all times. The sample shall then be split into 2 samples. These shall be marked sample A and sample B.
11. Sample A shall then have a drug screening analysis conducted as per the manufacturer's instructions.
12. If the drug screening analysis of sample A is negative both samples shall be discarded.
13. If the sample is non-negative the collector shall request the donor observe the placement of the tamperproof seals, or equivalent devices, over the bottle caps and down the sides of the bottles for sample A and sample B. The seals shall be signed by the donor. (Note that other devices that guarantee the integrity of the urine sample may be used instead of the tamperproof seals).
14. The original "Chain of Custody Form" should accompany the samples at all times.
15. The "Custody of Custody Form" (see Appendix H) will be completed by the collector, listing all sample codes.
16. The donor will complete and sign the relevant sections of the "Chain of Custody Form" (see Appendix H).

17. The samples shall then be prepared for dispatch and transported to the laboratory.
18. The external testing agency will analyse the sample and notify the appropriate Muswellbrook Shire Council's personnel of the confirmatory test results.

**Note: All sample collection shall follow the recommended precautions for handling biological specimens as per Appendix B in AS 4308:2001**



**APPENDIX G: LETTER TO LEADER**

**NOTIFICATION – “PRESENCE OF DRUG” – INITIAL TEST**

**To:** \_\_\_\_\_  
(D/S Manager)

Employee / Contractor / Volunteer/ Work Experience Person (please circle)

\_\_\_\_\_ attended for a drug urine *initial* test at: \_\_\_\_\_ (Name)

\_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_.  
(Time) (Day) (Date in full)

The test result indicated the presence of \_\_\_\_\_.  
(Class of drug)

The urine sample (under strict chain of custody procedures) will be sent to an approved NATA Laboratory for confirmatory testing.

I hereby acknowledge these preliminary results (subject to confirmatory testing) and my obligations under the Muswellbrook Shire Council’s Alcohol and Other Drugs Policy and Procedure.

**Name :** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(Employee/Contractor/Volunteer) (Signature)  
(Work Experience Person)

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(Leader) (Signature)

**Name of collector:** \_\_\_\_\_ **(Signature)**

**Date:** \_\_\_\_\_

NB: Please sign this form and return it in a sealed envelope to the AD Co-ordinator for data entry and filing.

**APPENDIX H: CHAIN OF CUSTODY FORM**

Doctor's Surname	Given Name	Donor I.D. / Date of Birth	Toxicology Lab No.
1 Newcastle	Date Taken	Time Taken	Date Received

Tests required: AS4308

Other tests required:.....

Nature of Specimen: Urine

Current medication:.....

Address for Report	XXX XXXXX Diagnostics XXXXXXXX XXXXX NSW 2065 Fax Result to: (02) 49XXXX	Account to:	Mr Ray Fairweather Human Resources Manager PO Box 122 Muswellbrook NSW 2333
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<p><b>COMPANY REQUESTING TEST:</b> Contact:</p>
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**THIS SECTION TO BE COMPLETED FOR ALL MEDICO-LEGAL TESTING**

**DONOR CERTIFICATION:** I certify that the specimen accompanying this form is my own and was provided by me to the collector. Further I certify that the specimen container was sealed with a tamper proof seal in my presence and the information provided on this form and the label is correct.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Seal No. \_\_\_\_\_ Date: \_\_\_\_\_

**COLLECTOR CERTIFICATION:** I certify that the specimen identified on this form was provided to me by the donor named above, that it bears the same identification as set forth above and that it has been collected and sealed in accordance with the instructions provided.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Seal No. \_\_\_\_\_ Date: \_\_\_\_\_

Received by (Print)	Date Received	Time Received	Seal Intact	Signature

**APPENDIX I: FIT FOR WORK ASSESSMENT**

Date: .....

- This form is used to record signs and symptoms when a fit for work assessment is required.
- Observed characteristics are to be indicated. Where more than 3 Symptoms are observed the person should be considered unfit for work

<b>EMPLOYEE/CONTRACTOR DETAILS</b>					
<b>Full Name:</b>			<b>Pay No.:</b>		
<b>Department/Company:</b>			<b>Section/Crew:</b>		
In my opinion _____ (name) presented as			<input type="checkbox"/> <b>Fit To Work</b> <input type="checkbox"/> <b>Unfit To Work</b>		
because of the following observed characteristics.					
<b>Record of Observed Characteristics (please circle)</b>					
<i>Breath</i>	<b>Smell of intoxicating liquor</b>				<input type="checkbox"/> Yes <input type="checkbox"/> N/A
	Nil	Slight	Moderate	Strong	
	Other (note)				
<i>Face and skin colour</i>	Pale	Flushed	Sweaty	Other (note)	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
<i>Attitude</i>	Talkative	Anxious	Excited	Dreamy	Relaxed
	Sedated	Hostile	Aggressive	Irritable	Arrogant
	Depressed	Unable to Follow Instructions			<input type="checkbox"/> Yes <input type="checkbox"/> N/A
	Other (note)				
<i>Actions</i>	Hiccoughing	Belching	Vomiting	Swearing	Fighting
	Drooling	Restless	Runny Nose	Fearful	Itching
	Scratching	Other (note)			<input type="checkbox"/> Yes <input type="checkbox"/> N/A
<i>Eyes</i>	Watery	Glazed	Bloodshot	Eyelids Drooping	
	Pupils Pinpointed		Other (note)		
					<input type="checkbox"/> Yes <input type="checkbox"/> N/A
<i>Breathing</i>	Normal	Short	Jerky	Shallow	Slow
	Quick	Other (note)			
					<input type="checkbox"/> Yes <input type="checkbox"/> N/A
<i>Speech</i>	Incoherent	Slurred	Confused	Fast	Slow
	Clear	Other (note)			
					<input type="checkbox"/> Yes <input type="checkbox"/> N/A
<i>Balance</i>	Unsteady	Swaying	Sagging	Falling	Staggering
	Needing Support		Other (note)		
					<input type="checkbox"/> Yes <input type="checkbox"/> N/A
<i>Movements</i>	Clumsy	Jerky	Sluggish	Trembling	
	Other (note)				<input type="checkbox"/> Yes <input type="checkbox"/> N/A
<i>Opinion on Level of 'Intoxication'</i>	Slightly Affected		Moderately Affected		Well Affected
	By:	Alcohol	Other Drugs	Unknown	
					<input type="checkbox"/> Yes <input type="checkbox"/> N/A
<b>Notes &amp; Additional Indicators</b>					
<b>Names &amp; Signature</b>					
	<b>Name</b>		<b>Signature</b>		<b>Date</b>
<i>Supervisor/ Observer:</i>					
<i>Employee/ Person Observed:</i>					

## **APPENDIX J: EMPLOYEE ASSISTANCE**

<b>Agencies</b>	<b>Contact Number</b>
Employee Assistance Program	
Ray Fairweather	65493729
Vanessa Delforce	65493727
OH&S Officer	65493719
Alcohol and Drug Counselling	4924 6248
Alcohol and Drug Information Services (24hr counselling service)	1800 422 599
Alcoholics Anonymous (24 hrs)	4924 6111
Life Line	13 11 14
Salvo Care Line	9331 6000
Salvo Crisis Line	9331 2000
Narcotics Anonymous (24hrs)	4969 6767
Samaritans	4969 0000

## APPENDIX K – DRUG TESTING MANAGEMENT FLOWCHART

