

---

**Administration Instruction**

**MANAGEMENT OF DRUG AND ALCOHOL**

**Intent** It is Council's expectation that all employees, labour hire, contractors and volunteers are aware of, and abide by this Admin Instruction. Council will uphold a 'no tolerance' approach and if there is a breach of this Admin Instruction and disciplinary action will be taken.

**Scope** This Admin Instruction applies to all workers who carry out work in any capacity for Cairns Regional Council, including work as an employee, contractor, subcontractor, labour hire, work experience or volunteer. A person conducting a business or undertaking that is engaged as a principal contractor for a construction project is not subject to this Admin Instruction.

**Purpose** Cairns Regional Council is committed to ensuring, so far as is reasonably practicable, a safe, healthy and productive work environment for all workers by eliminating risks associated with the adverse effects of drugs and alcohol in the workplace. Council wishes to foster an attitude and culture amongst all workers that it is not acceptable to come to work or be at work whilst under the influence of illicit drugs or alcohol.

This Admin Instruction will establish standards for all workers regarding drugs and alcohol in the workplace.

**Definitions** A full list of definitions used in this Admin Instruction is contained in Appendix C.

**PROVISIONS**

**RESPONSIBILITIES**

**Workers have the responsibility to:**

- read, understand and adhere to this admin instruction
- any questions should be directed to their line manager
- maintain fitness for duty necessary to undertake the required work or responsibilities of their role
- attend relevant information sessions and training as required
- report any issues that may affect their own or other workers' fitness for duty
- cooperate in the process of determining fitness for duty while consuming prescription medication or pharmacy medication which may affect their ability to safely perform their duties
- be available and participate in testing procedures

**Supervisors, in addition to the above, have the responsibility to:**

- ensure all workers have access to and understand this admin instruction
- ensure that it is applied consistently in the workplace
- ensure corrective actions to manage the risks associated with fitness for work for workers under their supervision
- monitor and report any issues that may affect worker's fitness for work
- request post-incident or reasonable cause testing where appropriate
- ensure workers under their supervision are available for testing when required
- treat all information collected with the strictest confidentiality

**Executive Managers, Associate Directors and Directors, in addition to the above, have the responsibility to:**

- in conjunction with Wellbeing, Health and Safety (WHS) team review and make a determination on requests for post-incident, reasonable cause testing, or blanket testing.

## **BREACHES OF THIS ADMIN INSTRUCTION**

Council will have a 'no tolerance' approach to drugs and alcohol in the workplace. Workers found in breach of this Admin Instruction will be subject to disciplinary action, up to and including, termination of employment. Contractors, labour hire and volunteers found in breach will be removed from site.

The following activities are considered a breach of this Admin Instruction as they are not consistent with providing and maintaining a safe and healthy workplace:

- a positive result from a drug or alcohol test
- evading or refusing to provide a sample for a drug or alcohol test
- tampering or attempting to tamper with a drug or alcohol test
- the use, possession, consumption, delivery, distribution, exchange, manufacturing, purchasing or sale of drugs or alcohol on Council sites or while conducting Council business

## **PRESCRIPTION AND PHARMACY MEDICATIONS**

Many prescription and pharmacy medications, (including medicinal cannabis) such as cold/flu day and night formulas, non-steroidal anti-inflammatories, antihistamines, antibiotics, antidepressants, and sleep medications such as benzodiazepines (to name a few), even when taken at recommended dosage, can potentially impair ability to perform your role.

Where a worker is taking prescription or pharmacy medications for a legitimate medical reason, the worker will **not breach this Admin Instruction** by attending work, if the worker:

- takes the prescription and pharmacy medications in accordance with the instructions from their medical practitioner or pharmacist and normal directions applying to the use of those medications
- checks with their prescribing medical practitioner or pharmacist whether there is a risk that the prescribed medication may affect their ability to drive vehicles, operate machinery, and generally perform their work duties in a safe manner
- if the prescribing medical practitioner or pharmacist indicates that the prescription may impair a worker's ability to perform their work safely, the worker must notify their Executive Manager or supervisor before undertaking their work
- A worker is not required to disclose details of the condition/s being treated, just the impacts of taking the medication in relation to their specific job role and work being performed
- advises the testing provider of any prescription or pharmacy medication that may impact upon the result, prior to the test being undertaken
- Workers taking prescription drugs must be able to produce a prescription, original container or a photograph of either, that identifies the individual by name and specifies the drug, dosage, prescription date, and the prescribing doctor within 24 hours of being requested
- Workers must only use prescription drugs which are prescribed to the individual by a doctor, pharmacist and/or health care professional

If Council suspects that any worker's ability to safely perform their role is impaired (or likely to be impaired) due to prescription medications (including medicinal cannabis) or pharmacy medications, Council may take steps to address the issue in accordance with this Admin Instruction.

## **AUTHORISED PROVISION & STORAGE OF ALCOHOL**

Council recognises that the consumption of alcohol may also occur at Council depots or offices as part of an event. Prior written approval must be sought from the relevant Director or Chief Executive Officer.

Responsible service of alcohol practices will be observed at all work endorsed events and work social functions (eg it is illegal to provide any person under the age of 18 with alcohol).

Storage of alcohol in the workplace is permitted only where alcohol is:

- in limited quantities, is unopened and will only be stored for a short period of time (eg wine purchased for personal use, is unopened, and is taken home at the end of the workday)
- purchased for an authorised Council function and is stored in an appropriate and secure location

## **DRUG AND ALCOHOL TESTING**

Council may conduct testing of breath, oral fluid and urine to detect the presence of drugs or alcohol in a worker's body. Testing will be conducted by a National Association of Testing Authorities (NATA) accredited provider at Council expense.

Testing may be conducted on site, in the provider's NATA accredited mobile facility, or if required, at the provider's NATA accredited clinic. If a worker is required to undergo testing at the provider's clinic for the purposes of reasonable cause testing, the worker will be transported by a Council representative.

Council may conduct testing under any of the following circumstances:

- prior to any offer of employment
- prior to the engagement of contractors, subcontractors, labour hire, work experience or volunteers
- random selection for all workers
- reasonable cause
- post-incident testing
- blanket testing

Council and its nominated testing provider may amend or vary the testing procedure as required, for example, to accommodate changes of an Australian Standard relating to drug and alcohol testing.

## **WHAT DOES COUNCIL TEST FOR?**

The categories Council can test for include but not limited to:

- alcohol
- amphetamine
- benzodiazepines
- cocaine
- methamphetamine
- opiates
- tetrahydrocannabinol (THC)
- oxycodone
- any other drug category which may be added to the AS/NZS 4760:2019 from time to time

## **WHEN WILL COUNCIL TEST FOR DRUGS AND ALCOHOL**

### **Pre-employment testing**

As part of Council's recruitment process, all potential workers to be engaged directly with Council, will be subject to drug and alcohol testing at the pre-employment stage. Any potential worker who returns a positive result without a valid medical prescription will be deemed unsuccessful and will not progress any further in the recruitment process.

A potential worker who has previously been unsuccessful in a recruitment process due to a failed pre-employment test may apply for future vacancies with Council.

Workers who have previously had their employment terminated by Council as a result of a breach of this Admin Instruction will not be eligible to apply for future employment with Council, unless determined otherwise, as assessed on a case-by-case basis by the relevant Director and the Executive Manager Organisational Performance and/or the Director of People and Organisational Performance.

### **Random testing**

Any worker employed or engaged by Council may be required to undergo drug and alcohol testing at any time in accordance with the Council's random drug testing program. Random selection of workers for testing will be undertaken by the testing provider and will be independent of Council.

### **Reasonable cause testing**

Reasonable cause testing may occur when information is received by a worker, supervisor or Executive Manager relating to a worker, or workers, use or involvement with the use, possession, consumption, delivery, distribution, exchange, manufacturing, purchasing or sale of drugs or alcohol on Council sites or while conducting Council business.

Reasonable cause testing should be conducted as soon as possible after receiving the information. Vexatious or misleading information provided will not be tolerated and may result in disciplinary action.

### **Post-incident testing**

In the event of any type of workplace incident, Council may require any or all workers involved in the incident to be drug and alcohol tested. The relevant Supervisor and/ or WHS team will determine if any worker or workers require testing on a case-by-case basis.

### **Blanket testing**

Council may conduct drug and alcohol testing of an entire work group when two or more workers of that work group produce a non-negative result for drugs or alcohol from their secondary test.

The non-negative results must be produced during the same testing program, at the same location, on the same day (eg two workers from same work group random tested at Martyn St depot, from 6am to 8am on the same day). The initial non-negative results from two or more workers, may arise from random testing, reasonable cause testing or post-incident testing.

The Director, in conjunction with the WHS team will determine if blanket testing of the work group is to be conducted on a case-by-case basis.

Blanket testing may be conducted on an entire work group prior to, or during completion, of a high-risk project or activity.

## **DRUG TESTING METHOD**

### **Oral fluid testing**

A worker will be required to provide an oral fluid sample for testing in accordance with AS/NZS 4760:2019, and any successor standard, in the following circumstances:

- random testing
- blanket testing

An oral fluid sample that produces a non-negative result will require a secondary test conducted through a urine sample in accordance with AS/NZS 4308:2008, and any successor standard.

### **Urine testing**

A worker will be required to provide a urine sample for testing in accordance with AS/NZS 4308:2008, and any successor standard, in the following circumstances:

- pre-employment or engagement testing
- reasonable cause testing
- post-incident testing
- following a non-negative oral fluid test result

A non-negative result from the urine test, for any drugs identified in the sample, will require the testing provider to forward part of the sample to a NATA accredited laboratory for analysis.

## DRUG TEST OUTCOMES

### Negative test result

A worker who has been tested and returned a negative result in an initial oral fluid test, or a secondary urine test, is permitted to return to normal duties and/or remain at the workplace.

### Non-negative test result

A non-negative result occurs when the presence of drugs, above the relevant cut-off level, is detected through an oral fluid or urine test.

### Positive test result

A positive test result occurs when the presence of drugs, above the relevant cut-off level, is detected through a NATA accredited laboratory analysis of the urine sample.

### Non-negative test result due to medication

If a worker declares the use of prescription medication (including medicinal cannabis) or pharmacy medications **prior** to presenting for testing and provides a test result of non-negative for a substance known to be in that medication, the worker will be considered fit for work and allowed to continue normal duties if the actual medication does not cause any impairment, risk of impairment, or place them outside the legal limits for operating plant and motor vehicles.

Council approves the testing provider to send the result to a NATA accredited laboratory for confirmation testing to confirm that the result of the urine sample is consistent with the prescription provided.

## ALCOHOL TESTING METHOD

### Breath testing

A worker will be required to provide a breath sample in accordance with AS/NZS 3547:2019 in all alcohol testing circumstances:

Testing will screen for the Blood Alcohol Concentration (BAC) level of the worker.

A non-negative result from a breath sample will require a secondary test conducted through another breath sample conducted 15 minutes after the initial sample. The result of the secondary test will be treated as the confirmed result.

## ALCOHOL TEST OUTCOMES

### Negative test result

A BAC that is equal to 0.00% for any worker is considered to be a negative result and the worker may return to normal duties.

### BAC - Greater than 0.00% but less than 0.05%

A BAC that is greater than 0.00% but less than 0.05% for a worker (**non high-risk**) is considered to be a negative result and the worker may return to normal duties.

A BAC that is greater than 0.00% for a learner/provisional licence holder or a **high-risk** worker is considered to be a positive result.

### BAC - Greater than 0.05%

A BAC that is greater than 0.05% for any worker will be considered a positive result.

## REFUSAL TO PROVIDE A SAMPLE FOR TESTING

If a worker refuses to provide a sample for drug or alcohol testing it will be considered a breach of this Admin Instruction. The worker will be advised that action will be taken in accordance with Council's Disciplinary Procedures Administration Instruction.

## **EVADING TESTING**

If a worker deliberately evades drug and alcohol testing it will be considered a breach of this Admin Instruction. The worker will be advised that action will be taken in accordance with Council's Disciplinary Procedures Administration Instruction.

## **TAMPERING OF SAMPLES**

If a worker, or potential worker, deliberately alters, contaminates or substitutes, or attempts to alter, contaminate or substitute a sample for drug and alcohol testing it will be considered a breach of this Admin Instruction. The worker will be advised that action will be taken in accordance with Council's Disciplinary Procedures Administration Instruction.

## **REFERRAL AND REHABILITATION**

Council recognises that some workers may require support for alcohol or drug related issues. Where a worker believes they require support and proactively 'self-refers' prior to being required to undertake a drug or alcohol test, Council will provide assistance and support for that worker in accordance with Council's Drug & Alcohol Referral and Rehabilitation as contained within the Drug and Alcohol Testing Procedures – Appendix A.

## **EDUCATION**

All workers at commencement of employment shall receive information about this Admin Instruction and this information will be distributed to all workers on a regular basis to raise awareness of Council's 'no tolerance' position.

## **CONSULTATION**

Council will ensure that the implementation and continual improvement of this Drug and Alcohol Admin Instruction, and associated procedures, occurs in consultation with all relevant stakeholders including workers, management, health and safety representatives, relevant unions, and nominated testing provider/s.

## **CONFIDENTIALITY**

All information gathered as a result of testing or participation in a rehabilitation or treatment program is collected for the purpose of implementing this Admin Instruction and achieving its objectives.

All information will be held by the People and Organisational Performance Directorate for the duration of the individual's employment/engagement or longer where deemed necessary by the Council or by law. Relevant information may be disclosed to the worker's supervisor or manager. Workers are able to have access to this information upon request.

No information relating to any testing or rehabilitation will be disclosed to an external party without the written consent of the worker concerned, except as required by law.

◆◆◆◆◆

**This Admin Instruction is to remain in force until otherwise determined by Council.**

**Director responsible for Review:**

**People and Organisational Performance**

**Originally Approved:** 20/11/2023

**Current Approval:** 20/11/2023

**Due for Revision:** 20/11/2027

**Revoked/Suspended:** NA



**Mica Martin  
CHIEF EXECUTIVE OFFICER**

## APPENDIX A

---

### CAIRNS REGIONAL COUNCIL

---

#### Procedure

#### DRUG AND ALCOHOL TESTING PROCEDURE

- Intent** It is Council's expectation that all employees, labour hire, contractors and volunteers are aware of, and abide by this Admin Instruction. Council will uphold a 'no tolerance' approach and if there is a breach of this Admin Instruction, disciplinary action will be taken.
- Scope** These procedures apply to all workers who carry out work in any capacity for Cairns Regional Council, including work as an employee, contractor, subcontractor, labour hire, work experience or volunteer.
- Purpose** Cairns Regional Council is committed to ensuring, so far as is reasonably practicable, a safe, healthy and productive work environment for all workers by preventing drug and alcohol related incidents in the workplace. Council wishes to foster an attitude and culture amongst all workers that it is not acceptable to come to work, or be at work, affected by drugs or alcohol.

#### PROVISIONS

##### DRUG TESTING PROCEDURE

Council may conduct testing of a worker's breath, oral fluid or urine to detect the presence of alcohol or drugs while employed or engaged by Council. This may occur as part of random, post-incident, reasonable cause or blanket testing.

Testing will be conducted by a National Association of Testing Authorities (NATA) accredited testing provider in accordance with Australian Standards 4308:2008, 3547:2019 and/or 4760:2019.

Testing may be conducted on site, in the testing provider's mobile facility, or if required, at the testing provider's workplace. If a worker is required to undergo testing at the testing provider's workplace, the worker will be transported by a Council representative to the location.

##### Random testing

- Council will supply the testing provider with an updated list of all workers employed or engaged by Council on a regular basis
- the testing provider will randomly select workers for testing each month and supply Council with a list of the selected workers
- Council will supply the testing provider with the work location, work hours and two supervisors contact details of the selected workers
- the testing provider will contact the worker's supervisor to arrange for the worker to attend the nominated testing location
- the testing provider will conduct the tests in accordance with their accredited standards
- any selected workers who were not tested due to being absent due to leave etc, will remain on the list to be tested and will be followed up until the test has been completed

##### The worker ('donor')

- will sign a consent form confirming they have been informed about the test and consent to it
- declare any medication they are currently taking that they think might affect the results to the testing provider

### **The testing provider**

- may carry out an on-site test to exclude or identify the presence of any or all of the classes of drugs designated in the Australian Standard 4308:2008 and/or 4760:2019 as well as any additional drug classes listed in the Administration Instruction
- will ensure the cut-off concentrations for the on-site device shall be equivalent to the cut-off concentrations for the classes of drugs listed in the Australian Standard 4308:2008 and/or 4760:2019
- will ensure that the on-site devices are calibrated and consumables are in date.
- will record the batch number and expiry date of the device together with two unique identifiers for the donor
- will ensure the donor will be able to observe the entire on-site collection, processing and testing procedure
- will request identification from the donor ego Council ID, drivers licence or confirmation from the donor's supervisor. If the donor's identity cannot be established unequivocally, then the testing provider will not proceed with the collection
- will ensure the results obtained from the device are interpreted strictly in accordance with the manufacturer's instruction.
- will ensure the donor is notified of the test result

In the case of a non-negative result:

- will notify the donor if the on-site device indicates the possible presence of a drug(s) and will prepare and dispatch the specimens to an accredited laboratory for confirmation
- will ensure a chain of custody form is completed
- will split the specimen into two or three separate collection tubes, one of which will be the referee specimen. This will all be done in the presence of the donor
- will ask the donor to sign the security seals placed on the samples.
- will ask the donor to read, sign and date the chain-of-custody statement, certifying that the specimen belongs to the donor and has not been changed or altered at the time of the collection
- will ensure that both samples are dispatched to the designated testing laboratory

### **ORAL FLUID TESTING PROCEDURE**

Testing will screen for the following classes of drugs at the levels stipulated in AS/NZS 4760:2019 and any successor standard:

- amphetamines
- benzodiazepines
- cocaine
- methamphetamines
- opiates
- tetrahydrocannabinol (THC)
- oxycodone

### **The donor**

- after washing hands, remains in the presence of the testing provider and does not have access to any water fountain, tap, soap dispenser, cleaning agent or any other materials that might be used to compromise the integrity of the oral fluid specimen
- provides the specimen in an area such that individual privacy is maintained (except for the presence of the collecting technician)

### **The testing provider**

- will ensure that no device should be placed into the original collected oral fluid unless it can be shown that the device does not contaminate the specimen

### **URINE TESTING PROCEDURE**



Testing will screen for the following classes of drugs at the cut-off levels stipulated in AS/NZS 4308:2008, and any successor standard:

- amphetamines
- benzodiazepines
- cocaine
- methamphetamines
- opiates
- tetrahydrocannabinol (THC)
- oxycodone

#### **The donor**

- after washing their hands, remains in the presence of the testing provider and does not have access to any water fountain, tap, soap dispenser, cleaning agent or any other materials that might be used to compromise the integrity of the urine specimen
- provides the specimen in an area such that individual privacy is maintained
- does not flush the toilet until after the collection is completed and instructed to do so by the Collector

#### **The testing provider**

- ensures the integrity of the specimen is checked as follows:
- visual inspection of the colour or lack thereof
- an on-site creatinine test and/or additional integrity testing may be performed, eg ph and adulterants
- ensure the donor notes the temperature reading on the collection device and verifies the temperature reading was correctly recorded on the form
- ensures that where collecting conditions prevent the specimen temperature from falling within the specified range then other measures should be taken and recorded
- ensures that no device should be placed into the original collected urine unless it can be shown that the device does not contaminate the specimen

### **TRANSPORTATION OF SPECIMENS TO A LABORATORY**

#### **The testing provider**

- will place the test and donor specimens in a container designed to minimise the possibility of damage and contamination during transport
- will ensure the container is securely sealed to ensure any tampering can be detected
- shall ensure that the chain-of-custody form with testing instructions is inside the sealed container in which the specimens are transported to the laboratory
- will ensure transportation will occur in accordance with appropriate legislation
- will ensure specimens not submitted to the laboratory will be disposed of in accordance with waste disposal requirements and appropriate legislation

### **DRUG TEST OUTCOMES**

#### **Negative test result**

A negative result is confirmed when the presence of drugs is not detected by the approved oral fluid or urine testing device. A worker who has been tested and returned a negative result is permitted to return to normal duties and/or remain at the workplace.

#### **Non-negative test result**

A non-negative result occurs when the presence of drugs, above the relevant cut-off level, is detected through an oral fluid or urine test.

A worker who has been tested and returns a non-negative result to a urine test will be required to immediately leave the workplace until the NATA accredited laboratory analysis result is received.

The worker will be entitled to utilise any paid leave entitlements (personal, annual or long service leave) they have accrued at that point in time. If the worker does not have any paid leave entitlement available, Council will be entitled to treat the stand down period as a period of unpaid personal leave.

If the NATA accredited laboratory analysis result is negative, the worker will return to work immediately or on their next ordinary working day.

Any paid leave utilised during the period of stand down will be reimbursed to the Worker. In the situation where the worker is a casual employee, reimbursement will be made for time when the employee was rostered to work or would reasonably have been expected to work in their normal capacity.

### **Transport Home**

As a result of a non-negative result, the worker will not be permitted to drive their personal vehicle, or a Council vehicle, from the workplace to protect the worker's own personal safety and the health and safety of others.

- for Council workers, Council may help facilitate arrangements to transport the worker to their personal residence, or alternatively, a suitable place of rest.
- or a contractor, sub-contractor or labour hire employee, the relevant Council representative will liaise with the individual's employer regarding transport home.
- for a volunteer Council will offer to make safe travel arrangements at the volunteer's expense
- if a worker elects to drive home contrary to the above, Council may contact the Police if it is considered there is a safety risk to the worker or the public

### **Positive test result**

A positive test result occurs when the presence of drugs, above the relevant cut-off level, is confirmed in the sample by a NATA accredited laboratory.

If a worker returns a positive test to drugs which is deemed to be a breach of this policy, the worker will be advised of the result.

The worker will also be advised that they must remain out of the workplace on any paid leave entitlements (personal, annual or long service leave) they have accrued at that point in time. If the worker does not have any paid leave entitlement available, Council will be entitled to treat the stand down period as a period of unpaid personal leave.

The period of leave will be determined by Council for a period that may reasonably be necessary to enact disciplinary action in accordance with Council's Disciplinary Procedures Administration Instruction.

Any worker that tests positive to drugs will be advised of the Employee Assistance Program (EAP).

### **Non-negative test result due to medication**

If a worker declares the use of prescription or pharmacy medications prior to presenting for testing and provides a test result of non-negative for a substance known to be in that medication, the worker will be considered fit for work and allowed to continue normal duties if the actual medication does not cause any impairment, risk of impairment, or place them outside the legal limits for operating plant and motor vehicles.

The worker's sample will be sent to a NATA accredited laboratory for analysis by the testing provider to confirm the levels of the detected drug are consistent with the prescription or pharmacy medication specified dosage for the medication declared by the worker.

Should a laboratory result contradict or indicate misuse of the prescription or pharmacy medication declared by the worker, this will be treated as a positive result and action will be taken in accordance with Council's Disciplinary Procedures Administration Instruction.

In the event the worker's supervisor / Executive Manager raises concerns regarding the worker's fitness for work, Council's Rehabilitation Advisor or other delegate, will be engaged to determine

whether the worker can safely continue work. The Rehabilitation Advisor or other delegate will have a confidential discussion with the worker about the nature of the unconfirmed result, their use of medication and their current fitness for work.

Council's Rehabilitation Advisor or other delegate will then provide advice to the supervisor / Executive Manager regarding the worker's fitness for work. The outcome of this discussion will determine if the worker can remain at work or is to be removed from the workplace.

## DRUG CUT-OFF LEVELS

### Oral Fluid

In accordance with AS/NZS 4760:2019 Procedure for specimen collection and the detection and quantification of drugs in oral fluid immunoassay cut offs as follows:

| Class of Drug               | Cut off concentration (ng/mL) |
|-----------------------------|-------------------------------|
| Amphetamine type substances | 50                            |
| Cannabinoids                | 15                            |
| Cocaine and Metabolites     | 50                            |
| Opiates                     | 50                            |
| Oxycodone                   | 40                            |

### Urine

In accordance with AS/NZS 4308:2008 Procedure for specimen collection and the detection and quantification of drugs of abuse in urine immunoassay cut-offs as follows:

| Class of Drug               | Cut off concentration |
|-----------------------------|-----------------------|
| Amphetamine type substances | 300 µg/L              |
| Cannabinoids                | 50µg/L                |
| Cocaine                     | 300 µg/L              |
| Opiates                     | 300 µg/L              |
| Benzodiazepines             | 200µg/L               |

## ALCOHOL TESTING PROCEDURE

The breath alcohol test will be conducted using an approved testing device which meets the Australian Standard: AS 3547-2019 "Breath Alcohol Testing Devices for Personal Use" (or successor Standard).

This requires the worker to blow into the device using a disposable mouthpiece.

A non-negative result from a breath sample will require a secondary test conducted through another breath sample using a new mouthpiece, conducted 15 minutes after the initial sample. The result of the secondary test will be treated as the confirmed result.

## ALCOHOL TEST OUTCOMES

### All workers (*non high-risk*)

The following general alcohol limit applies to all work activities **except** for where legislation requires a 'zero' alcohol limit (learner/provisional drivers or high-risk workers eg heavy vehicle, special vehicle drivers, etc)

#### **BAC is 0.00%**

A BAC that is equal to 0.00% for any worker is considered to be a negative result and the worker may return to normal duties.

#### **BAC - Greater than 0.00% but less than 0.05%**

A BAC that is greater than 0.00% but less than 0.05% for a worker (**non high-risk**) is considered to be a negative result and the worker may return to normal duties.

#### **BAC - Greater than 0.05%**

A BAC that is greater than 0.05% for any worker will be considered a positive result.

#### **Learner/Provisional licence holders or high-risk workers**

A BAC that is greater than 0.00% for a learner/provisional licence holder or high-risk workers is considered to be a positive result.

High-risk work is defined as:

- any form of high-risk construction work as defined by the *Work Health and Safety Regulation 2011*, section 291
- undertaking activities specified as requiring a 'high-risk work licence' or a class of 'high-risk work' as defined by the *Work Health and Safety Regulation 2011 (Qld)*, Schedule 3
- all licence holders when driving, or in charge of a:
  - truck (any motor vehicle with a GVM greater than 4.5t)
  - a bus (built or fitted to carry more than 12 adults, including the driver)
  - an articulated motor vehicle (e.g. B-double, or road train)
  - a vehicle carrying a placard load of dangerous goods
  - a taxi, limousine or other vehicle that is available to be used, about to be used or being used to provide a public passenger service (for example, a driver of a ride-booking vehicle that is on duty to accept bookings)
  - a tow truck, pilot vehicle, or escort vehicle escorting an oversize vehicle
  - a vehicle being used by a driver trainer to give driver training
  - a specially constructed vehicle, including a tractor

#### **Positive test result**

A positive test result occurs when the presence of alcohol above the relevant cut-off level is detected through an alcohol breath test.

If a worker returns a positive test to alcohol which is deemed to be a breach of this policy, the worker will be advised of the result. The worker will also be required to immediately leave the workplace.

The worker will be entitled to utilise any paid leave entitlements (personal, annual or long service leave) they have accrued at that point in time. If the worker does not have any paid leave entitlement available, Council will be entitled to treat the stand down period as a period of unpaid personal leave.

The period of leave will be determined by Council for a period that may reasonably be necessary to enact disciplinary action in accordance with Council's Disciplinary Procedures Administration Instruction.

#### **Transport home**

A provisional licence holder who records over 0.00% or a worker who records a BAC over 0.05% will not be permitted to drive their personal vehicle, or a Council vehicle, from the workplace to protect the worker's own health and safety and the health and safety of others.

- for Council workers, Council may help facilitate arrangements to transport the worker to their personal residence, or alternatively, a suitable place of rest.
- for a contractor, sub-contractor or labour hire employee, the relevant Council representative will liaise with the individual's employer regarding transport home.
- for a volunteer Council will offer to make safe travel arrangements at the volunteer's expense
- if a worker elects to drive home contrary to the above, Council may contact the Police if it is considered there is a safety risk to the worker or the public

#### **DRUG & ALCOHOL REFERRAL AND REHABILITATION PROCEDURE**

If a Council worker believes that they have a drug or alcohol concern, Council encourages workers to proactively ask for help and support from Human Resources and/or the Rehabilitation Team.

Asking for help after you have been notified that you are required to participate in drug and alcohol testing that day or after a 'non-negative drug result or positive alcohol test' result will not result in a lesser penalty.

The worker will be provided with contact details of Alcohol and Drug rehabilitation providers and advised that it is the worker's responsibility to initiate contact.

Treatment options may include:

- General Practitioner (GP) support
- In-patient private or public hospital detoxification programs
- Out-patient hospital support programs
- Consultation with a specified Drug and Alcohol agency eg ATODS, ADIS which may include:
  - ATODS assessment
  - Engagement in educational and support services
  - Opioid Team program
  - Hospital consultation team
  - Alcohol Diversion Program (ADP)
  - Day Withdrawal Services
  - Indigenous Youth Alcohol and Other Drug Service (IYAOD)

### **Employee Assistance Program (EAP)**

The worker will have ongoing access to Council's EAP to seek confidential counselling and support. EAP services are free to access for Council workers and members of the worker's immediate household. Council's EAP provider is independent to Council and is totally confidential.

For longer term support, a worker may wish to discuss obtaining a Mental Health Care Plan through the worker's GP, for ongoing community-based treatment.

### **Rehabilitation programs and absence from work**

Council recognises that a worker's commitment to some programs would require them to be absent from work to participate.

Council may, at its discretion, allow a worker to take up to two (2) months of paid or unpaid leave to participate in a medically supervised and registered off-site drug and alcohol rehabilitation or treatment program of their choosing.

Should random testing conducted during the program identify a non-negative or positive test result, the worker will be managed in line with Council's Disciplinary Procedure Administration Instruction.

### **Return to work after absence to attend program**

The worker must provide adequate notice to the HR or Rehabilitation team if they intend to return to work.

On completion of the absence to attend a program and prior to returning to normal duties, the worker will be required to return a negative drug and alcohol test through Council's nominated provider. The cost of testing will be met by Council.

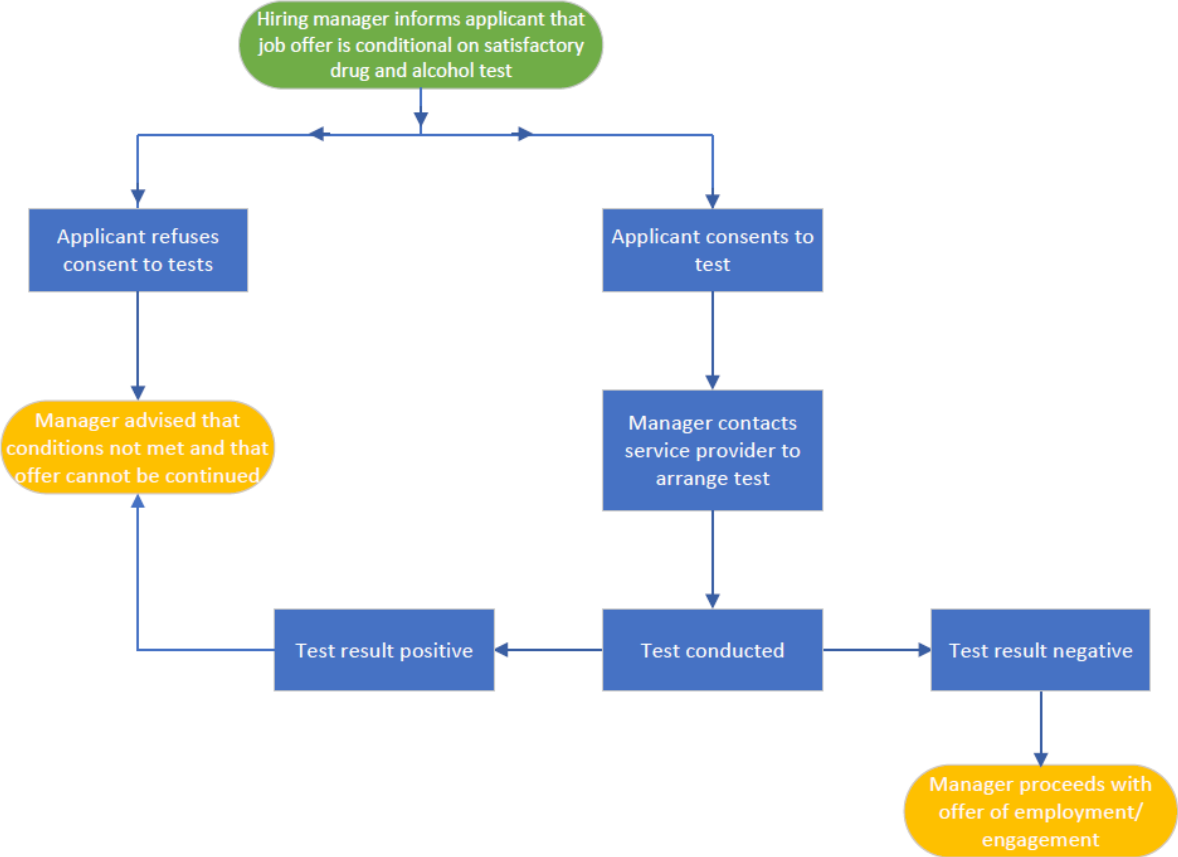
The worker will subsequently be subjected to at least six (6) random drug and alcohol tests over the next six (6) months.

Any paid or unpaid leave taken during this period will not count towards the six (6) months.

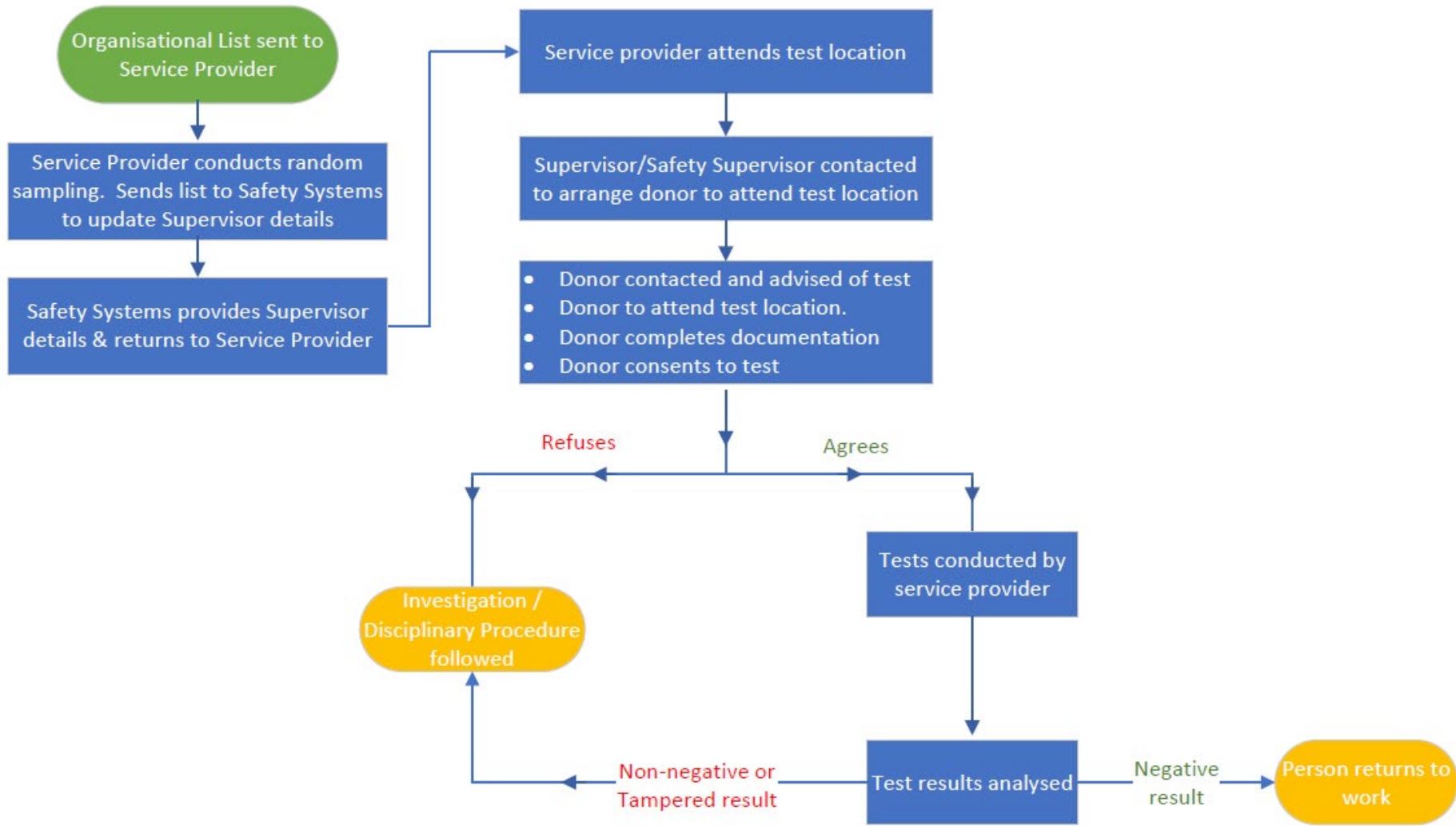
Should a test identify a non-negative result, the worker will be managed in line with Council's Disciplinary Procedure Administration Instruction.

**APPENDIX B – Process Flowcharts**

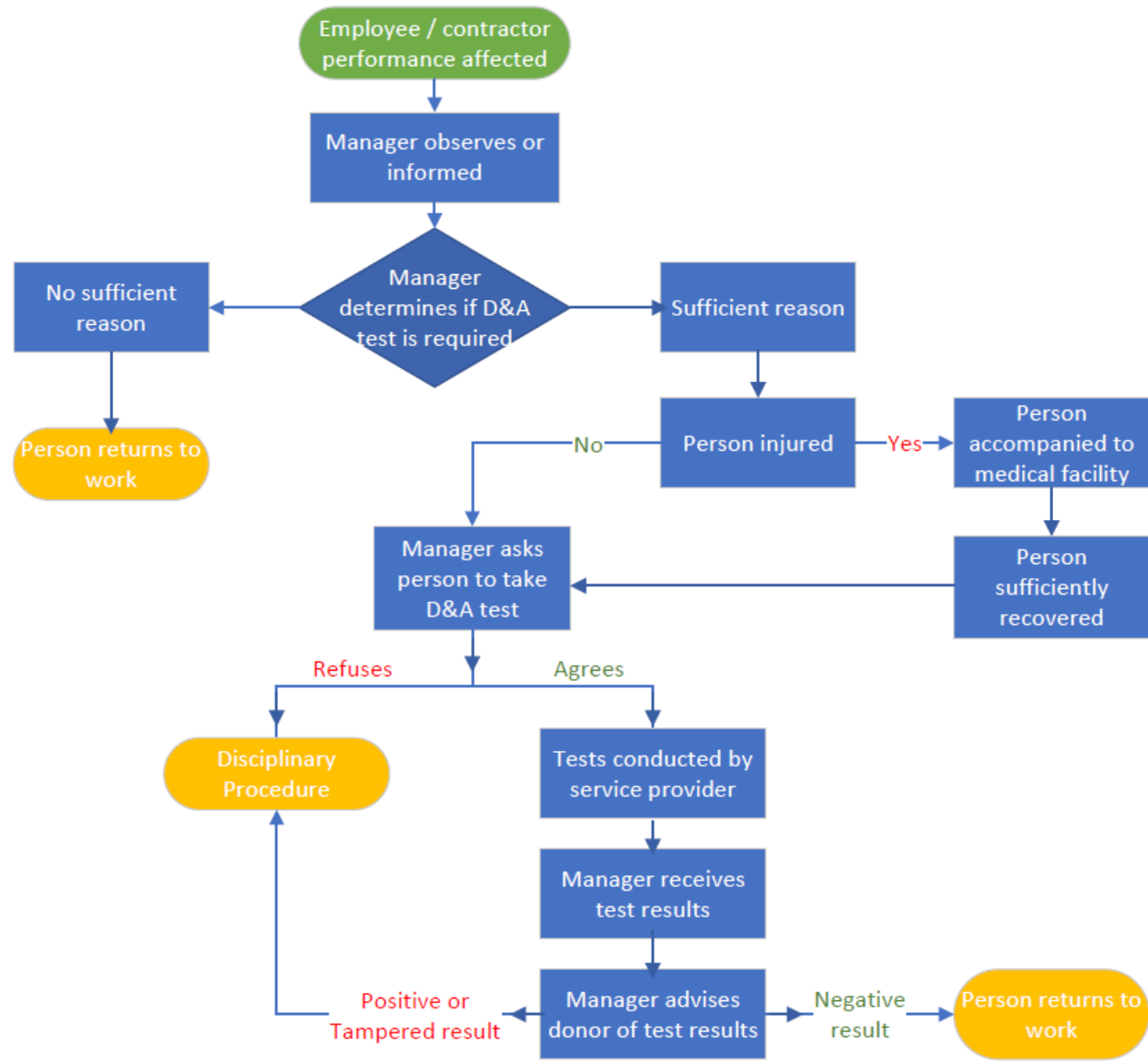
Pre-Employment/Engagement D&A Testing Process Flowchart



# Random D&A Testing Process Flowchart

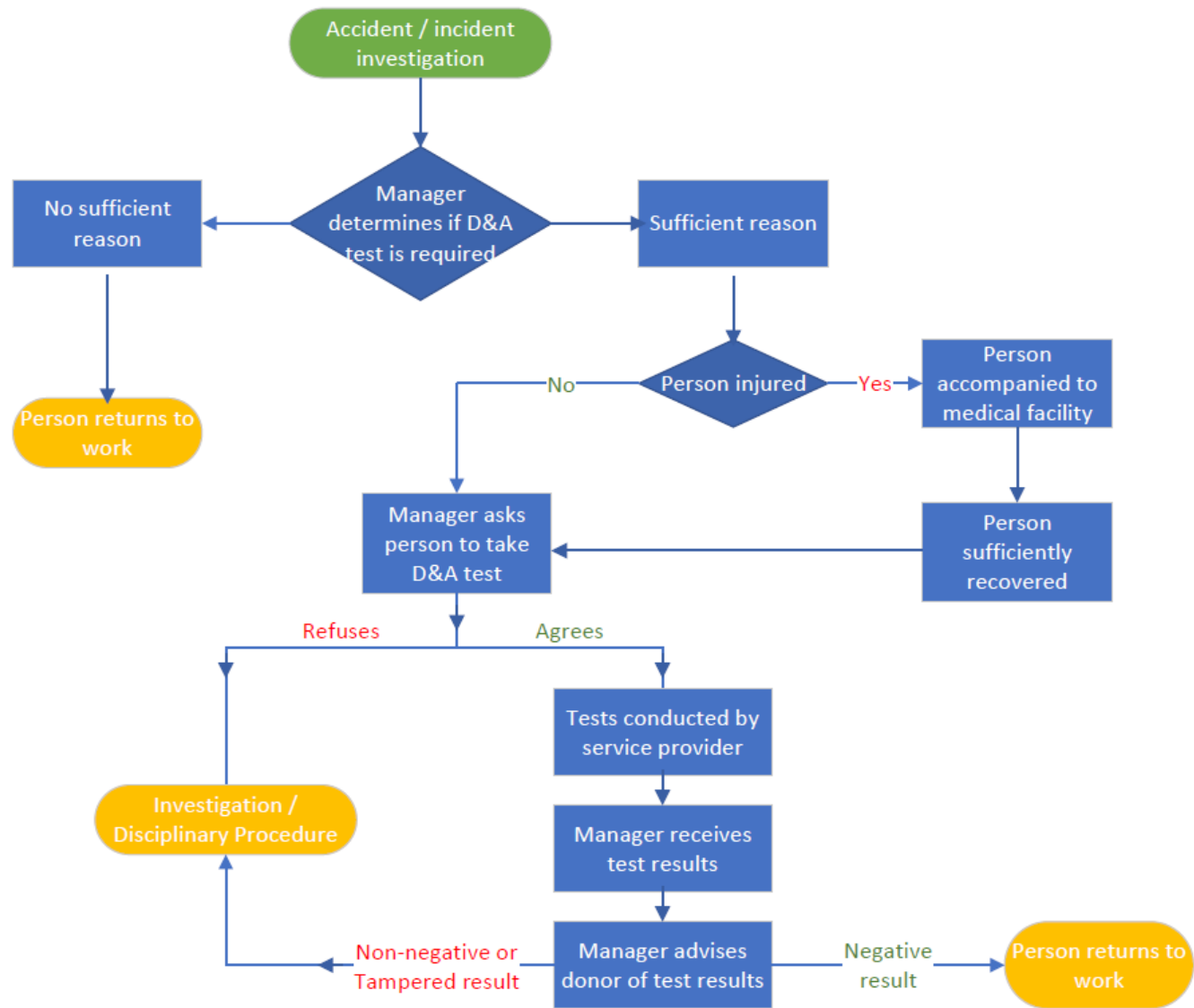


# Reasonable Cause Testing Flowchart

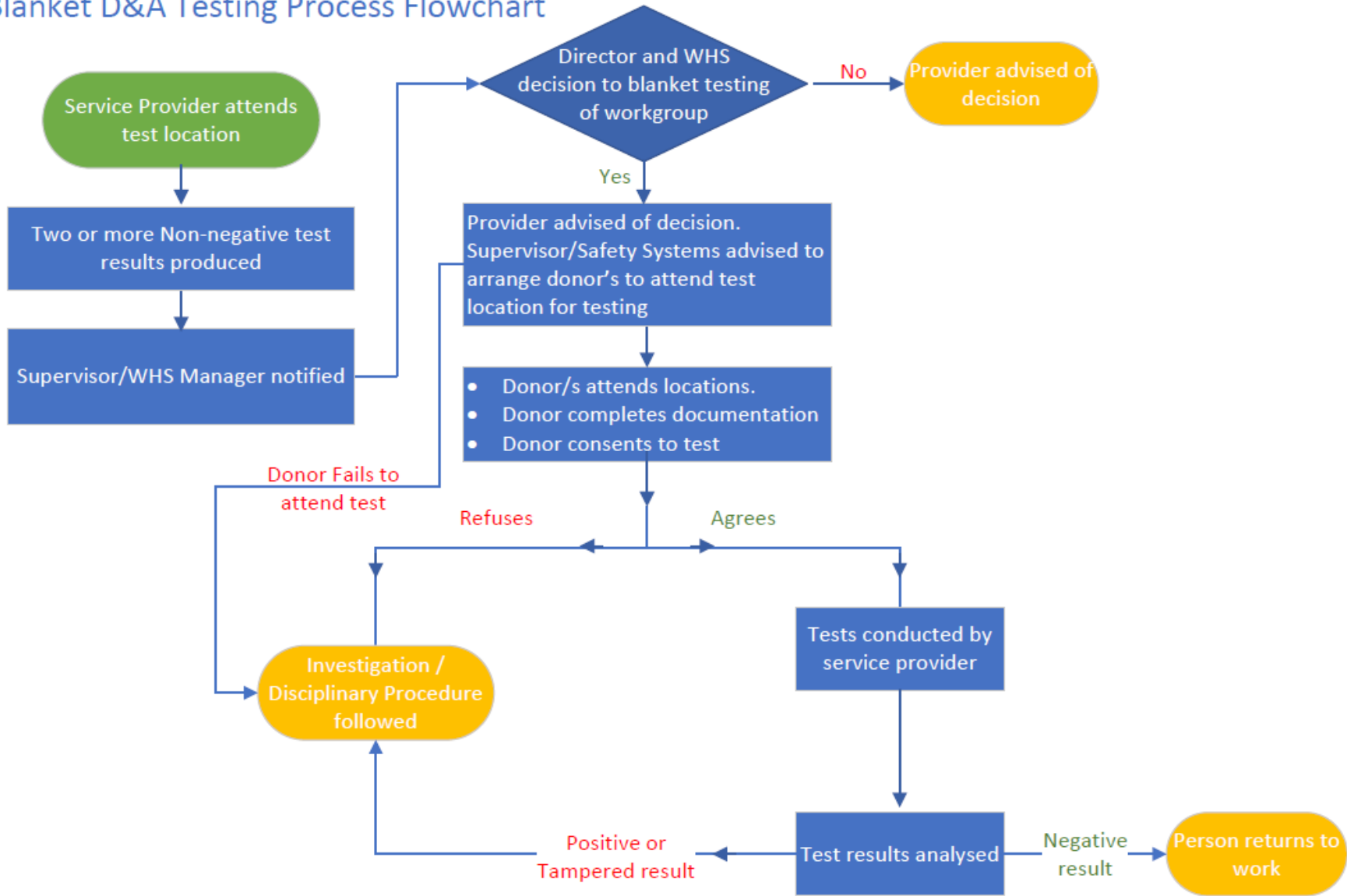




## Post Incident D&A Testing Process Flowchart



# Blanket D&A Testing Process Flowchart



## APPENDIX C - Definitions

|   |   |
|---|---|
| <b>Alcohol:</b>   | means any alcoholic beverage, including but not limited to liqueurs, spirits, wine or beer and including any food or drink containing alcohol.  |
| <b>Council:</b>   | means the Chief Executive Officer or a delegate of the Chief Executive Officer.   |
| <b>Construction Project:</b>                              | as per the meaning of construction project in section 292 of the <i>Work Health and Safety Regulation 2011</i> .  |
| <b>Drugs:</b>   | <p>means any mind altering or legally controlled substance unless it is prescribed by a doctor and used in accordance with medical directions.</p> <p>This includes any drugs listed in the <i>Drugs Misuse Act 1986 (QLD)</i> or similar legislation and any drugs listed in the Australian Standard AS/NZS 4308:2008 which prescribes the procedures for the collection and quantitation of drugs of abuse in urine and listed in the Australian Standard AS/NZS 4760:2019 which prescribes the procedures for the collection and quantitation of drugs of abuse in oral fluids.</p> <p>The Council may also include drugs other than those listed in Australian Standards 4308:2008 and 4760:2019 such as those drugs referred to as “designer drugs”, including (but not limited to) synthetic cannabinoids and herbal highs, as well as other drugs such as opioids, hallucinogens, piperazines, stimulants (including betel nut) and sedatives.</p> |
| <b>Evade:</b>   | means to deliberately fail to attend a required drug and alcohol test when required to do so. May involve leaving the workplace without a reasonable excuse.  |
| <b>Incident:</b>  | is any unplanned event at the workplace that resulted in, or had the potential to result in, an injury, illness or property damage.   |
| <b>Management:</b>  | includes persons appointed to positions with the title or function of Executive Manager, Associate Director, Director or Chief Executive Officer.   |
| <b>Negative Drug or Alcohol Test:</b>                     | result is a test result obtained either through initial testing or secondary (confirmatory) testing, which reports the tolerance levels of drugs and/or alcohol have <u>not been exceeded</u> .   |
| <b>Non-Negative Drug or Alcohol Test:</b>                 | result is an initial (preliminary) test result which reports the tolerance levels of either drugs and/or alcohol <u>may have been exceeded</u> and that further analysis of samples taken is required in order to confirm this test result or otherwise.  |
| <b>No Tolerance</b>                                       | Council considers a breach of this instruction or the procedures seriously and disciplinary action will be taken.   |
| <b>Person Conducting a Business or Undertaking (PCBU)</b> | as per the meaning of person conducting a business or undertaking in section 5 of the <i>Work Health and Safety Act 2011</i> .  |
| <b>Positive Drug Test:</b>                                | a test result obtained through confirmatory testing of samples by a NATA accredited laboratory, which report levels of drugs in the sample that exceed the prescribed cut-off levels in accordance with the relevant Australian standards.  |
| <b>Principal Contractor:</b>                              | as per the meaning of principal contractor in section 293 of the <i>Work Health and Safety Regulation 2011</i> .  |
| <b>Reasonable Cause:</b>                                  | An objectively justifiable reason based on specific facts or circumstances that results in a request for testing.   |
| <b>Supervisor:</b>  | includes persons appointed to positions with the title or function of, Supervisor, Team Leader, Coordinator, Ganger.  |

|                          |  |
|--------------------------|--|
| <b>Tamper:</b>           | means to make unauthorized or improper alterations, sometimes causing deliberate damage; to meddle with.   |
| <b>Testing Provider:</b> | means an accredited provider engaged by Council to carry out drug and alcohol testing services as stated in the contract.  |
| <b>Worker/s:</b>         | <p>includes a Council employee, contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company assigned to work for Council, a work experience student or a volunteer.</p> <p>A principal contractor in control of a site and their employees are not subject to this Admin Instruction</p> <p>The term 'worker/s' is applied in this Admin Instruction to align with terminology in the relevant legislation</p> |
| <b>Workplace:</b>        | <p>means a place where work is carried out for Cairns Regional Council and includes any place where a worker goes, or is likely to be, while at work.</p> <p>With a 'place' including a) a vehicle, vessel, aircraft or other mobile structure; and b) any waters and any installation on land, on the bed of any waters or floating on any waters (<i>Work Health and Safety Act 2011</i>).</p>   |