

1. SUMMARY

Bartsch Builders clear, fair and equitable guidelines for dealing with issues relating to the use or abuse of drugs or alcohol are detailed within this procedure.

2. DEFINITIONS

Alcohol is defined as any drink that contains alcohol.

Drugs include drugs as listed in AS/NZS 4308:2008 & AS 4760:2006 (or any updated versions, see appendix) are defined as a chemical substance, regardless of whether it is legal or illegal, which may have the ability to impair a person's physical and/or mental capacity. These may include synthetic and designer drugs, prescribed drugs, or non-prescribed drugs such as panadeine or cold/flu tablets and illicit drugs such as, speed, heroin, amphetamines, LSD, cocaine, ecstasy, marijuana, etc.

To avoid doubt, the determination of whether a medication may affect capacity is to be based on the packaging, or the Consumer Medicine Information Sheet, for the particular prescription.

3. OBJECTIVES

Bartsch Builders management believe the use of alcohol or drugs severely impair an individual's ability to work safely, make decisions and react in time of need.

As such Bartsch Builders cannot accept their use or possession at the workplace under any circumstances.

4. RESPONSIBILITIES

POSITION	RESPONSIBILITY
Office Manager	Ensure this procedure is maintained to reflect Bartsch Builders expectations Ensure this procedure is communicated to employee (where relevant)
Office Manager	Assist the Director in maintaining and communicating the procedure
Project Supervisor	Ensure tasks \ activities \ operations are completed in compliance with this procedure
Employees / Sub Contractor	Comply with the procedure and or any reasonable request by management unless it is unsafe to do so. Communicate any suggestion, errors, omissions associated with this procedure to management

5. PROCEDURE \ PROCESS

Drug & Alcohol Testing

This Drug and Alcohol procedure applies to all of the Company's employees, subcontractors and labour hire personnel across all of the Company's premises, work sites and properties, including company vehicles. References to employee in this procedure should be read as references to any of these persons.

As part of the Company's commitment to providing a safe work environment, it has determined that workplace drug and alcohol testing is a significant way to minimise the risk of injury and property damage associated with the inappropriate use of drugs and alcohol. Testing may be administered to any employee, sub contractor or labour hire personnel.

In the event that alcohol and/ or drug testing is conducted, there should be at least two members of management present. All personnel are permitted to have another person present. All details of the testing must be recorded.

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Types of Testing

The types of testing that may be conducted, at the Company’s discretion, are:

Random testing

Random drug and/or alcohol testing shall be carried out in a non-discriminative manner, without notice, utilising a random selection process. After the daily prestart meeting, or at any stage during the day, employees may be randomly selected for testing.

A random selection process will be undertaken, for example presenting an employee with a box that contains white and coloured balls, and if the employee blindly selects a coloured ball they will be subject to a drug and /or alcohol test.

Individual work crews may be selected for testing at random, during any stage of the shift.

At Cause testing

If a member of site management receives a complaint / concern that an employee is under the influence of drugs and/ or alcohol or an employee is reasonably suspected of being affected by alcohol or drugs during work time, the Company may request the employee to undertake an alcohol and/or drug test.

Blanket testing

Senior Management may request a blanket drug and / or alcohol test on any given day. This may be due to a shortened shift the previous day, or due to staff returning to work from an extended break such as Christmas holidays, or Easter long weekend.

All personnel will be required to undergo a drug and / or alcohol test in this situation.

A blanket drug and / or alcohol test may also be undertaken on a specific work-crew prior to high risk activities being commenced on site, such as confined space works etc.

Post incident testing

In the event of a serious incident / accident that results in injury or damage to a person, plant, property or equipment, a drug and / or alcohol test may be required of the personnel involved.

Conducting post incident tests will depend on the circumstances and severity of the incident, damage, or witness accounts of the incident.

Testing Procedures

The testing procedures that may be conducted, at the Companies discretion, are:

Alcohol breath testing

For all alcohol breath testing conducted, the following process shall be applied:

- Once an employee(s) is selected for an alcohol breath test, he / she will be escorted to the designated breath testing location or the closest medical centre. All testing will be at the Company’s expense.
 Note: Smoking cigarettes and eating in not permitted within 20 minutes prior to a breath alcohol test.
- The employee will be asked to give a breath sample by blowing testing device. The employee has the right to request an immediate retest if he / she is not satisfied with the result.
- The breath test result will be verified by the person tested and the person conducting the breath test, and the result will be recorded.
- If the testing is undertaken at a medical centre, the doctor will be requested to provide a report on whether the employee is fit for normal duties.
- If the testing reads a negative result or the doctor certifies the employee fit for normal duties, the employee will be allowed to return to normal work.

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- If a non-negative breath test is recorded, the employee may elect to undertake a secondary test. This test must be conducted within 60 minutes after the initial test. The employee will not be permitted to return to the worksite, and must remain within the confines of the amenities and site office area or medical centre until the second test is undertaken. Note: a secondary test may not produce a lower Blood Alcohol Concentration reading, as the person may still be in the alcohol absorption phase (BAC still rising).
- In the event of a secondary test returning a non-negative result of 0.05%, or higher, the employee shall remain on site or at the medical centre until arrangements are made for the safe transportation of the employee by the Company. The employee will be sent home with full pay pending an investigation.
- Disciplinary actions resulting from a non-negative alcohol test shall be in accordance with relevant section of this procedure.

Oral Fluid Drug testing

If oral fluid drug testing is to be conducted, the following procedure shall be followed:

- Once an employee(s) is selected for a drug test, he / she will be escorted to the designated drug testing location or the closest medical centre. All testing will be at the Company's expense.
- The employee will be requested to undertake the drug test by means of oral fluid sampling. The testing shall be conducted in compliance with *AS 4760:2006 - Procedures for Specimen Collection and the Detection and Quantisation of Drugs in Oral Fluid*.
- All drug testing shall be undertaken by a registered and NATA certified collection agency.
- If the testing is undertaken at a medical centre, the doctor will be requested to provide a report on whether the employee is fit for normal duties.
- If a negative result is found or the doctor certifies the employee fit for normal duties, the employee will be allowed to return to normal work.
- Where a non-negative drug test result has been registered, the sample collected shall be sent to a NATA certified laboratory by the collector for confirmation of the result. The employee shall be sent home with full pay pending an investigation.
- If a negative result is returned from the laboratory, the employee shall be reimbursed any wages lost during the stand down period.

Urine Drug testing

If urine drug testing is to be conducted, the following procedure shall be followed:

- Once an employee(s) is selected for a drug test, he / she will be escorted to the designated drug testing location or the closest medical centre. All testing will be at the Company's expense.
- The employee will be requested to undertake the drug test by means of urine sampling. The testing shall be conducted in compliance with *AS/NZS 4308:2001 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine*.
- All drug testing shall be undertaken by a registered and NATA certified collection agency.
- If the testing is undertaken at a medical centre, the doctor will be requested to provide a report on whether the employee is fit for normal duties
- If a negative result is found or the doctor certifies the employee fit for normal duties, the employee will be allowed to return to normal work.
- Where a non-negative drug test result has been registered, the sample collected shall be sent to a NATA certified laboratory by the collector for confirmation of the result. The employee shall be sent home with full pay pending an investigation.
- If a negative result is returned from the laboratory, the employee shall be reimbursed any wages lost during the stand down period.

Blood testing

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In the event that an employee has been involved in a serious workplace incident that has resulted in the employee being incapacitated (i.e. unconscious), so that they cannot consent to Drug or Alcohol testing, the Company may refer the employee to undergo blood testing without the employee's consent.

Blood testing will be conducted and validated by appropriately trained and qualified persons in accordance with applicable Australian standards.

Refusal to take test

It is acknowledged that employees may have a right to refuse to be tested, however if the employee refuses testing on unreasonable grounds, the employee may be subject to disciplinary action as if the employee had failed the test.

A refusal to undergo a test by a subcontractor employee, or any labour hire personnel will result in the person involved being removed from site and his employer notified of the circumstances.

Notification of Prescribed Drugs

Employees who are required to take medically prescribed drugs for a specific condition that might or could affect their work ability or performance (see the packaging and the Consumer Medicine Information Sheet for side effects) must notify their supervisor before commencing any work. The supervisor will then, if necessary, make alternative arrangements.

It may be necessary to change the employee's duties or send the employee home on sick leave depending on the effect of the medication and how long the employee is required to be on the medication for. If it is not reasonable to make modifications to the workplace, the employee may be required to take personal leave. Operating machinery, working at heights or other high risk work should not be performed whilst on medication that carries a disclaimer of side effects such as drowsiness or dizziness.

Managing Substance Abuse

Suspected Incapacity to Perform Duties

If it is believed that an employee is affected by alcohol or drugs and is not able to perform their normal duties safely, the supervisor needs to arrange for another person to also assess the employee. Full particulars of the situation should be recorded.

The Company may require the employee to undertake a test in accordance with the testing procedure.

If it is determined that a test will not be conducted, but there are reasonable concerns that an employee is incapable of performing their job, they should be counselled and sent home.

The employee must not be permitted to drive themselves and appropriate transport should be arranged. If the employee does go home this absence will be with pay and will be deducted from sick leave, unless otherwise stated in the relevant award or workplace agreement.

If the employee refuses to go home, the employee will be suspended (on full pay) while the Company reviews the conduct and discusses the situation with the appropriate Company personnel.

Managing Poor Work Performance

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

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

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

Possession of Alcohol and/or Drugs

The Company has a zero tolerance for the possession, distribution, selling, use or being under the influence of alcohol and/ or drugs during working hours or while on Company premises or work sites.

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Where the Company suspects that an employee is in possession of alcohol and/or drugs, the following procedure shall be followed:

- The Company may undertake a search of its premises. Any employee affected by the search has the right to have a witness present.
- Any alcohol found will be confiscated; any drugs found will be secured and reported to the police.
- An interview will be conducted and the employee will be given a chance to explain and respond to any allegations. This will also include the details of the disciplinary procedure on dealing with misconduct at work.
- If, on consideration of the evidence and the employee's explanation, management forms the view that the employee has breached this policy, it is at management's discretion as to what disciplinary action may be taken or if employment will be continued. The employee shall also be counselled to:
 - Clarify that the behaviour is unsatisfactory and potentially dangerous to both the employee and others
 - Establish whether the behaviour was due to intoxication or other factors in the employee's life (in which case strict confidentiality must be maintained)
 - If necessary, recommend assistance.

Consequence for Breach of this Procedure

An employee shall be subject to disciplinary action up to and including termination of employment, for a breach of this procedure including, but not limited to:

- Returning a confirmatory breath test result greater than 0.00%
- Returning a non-negative or false negative drug test
- Refusing to be tested on unreasonable grounds
- Failing to notify the Company when taking prescribed drugs
- Possession, distribution, selling, using or being under the influence of alcohol and/ or drugs during working hours or while on Company premises or work sites
- Any other breach of this procedure

Record keeping

All confirmatory drug and / or alcohol test results shall be documented in the supervisor's/ manager's diary.

All consultation and actions taken, including warnings, will be recorded by the supervisor/ manager and recorded on the employee's personnel files.

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