



Managing Drugs and Alcohol Kit

Contents

Appendix A – Forms & Pro-forma Documents.....	6
Introduction	7
Section One – The Legal Framework	9
Employer’s Primary Duty of Care	9
Common Law	9
Statute Law.....	10
Tort Law.....	11
Practical Pointers	11
Employees Duty of Care.....	12
Legislation Relating to Drug and Alcohol Use	12
Section Two – Considerations When Creating a Drug and Alcohol Policy	14
Conducting a Risk Assessment.....	14
Human Resource Policies	14
Defining a Drug and Alcohol Policy	15
The Value of a Drug and Alcohol Policy	15
Drug and Alcohol Policies and Unfair Dismissal Claims.....	15
Documents to Supplement Drug and Alcohol Policies.....	16
Section Three – Drug and Alcohol Policy	19
Purpose of the Policy.....	19
Consultation	19
Essential Content of a Drug and Alcohol Policy	19
Commencement.....	20
Policy Interaction with Previous Policies/Versions	20
Aim.....	20
Policy Statement.....	20
Objectives	20
Application and Scope.....	21
Consultation	21
Training and Education	21
Interaction with Other Instruments	21
Definitions.....	22

Responsibilities	23
Reporting Unfitness to Work	23
Terminating During Temporary Absences	26
Driving Employer Vehicles and Machinery	26
Suspecting Possession of Drugs and/or Alcohol at Work	26
Finding Drugs and/or Alcohol at Work	27
Regulating Conduct Outside of Work.....	28
Complying with Client Drug and Alcohol Policies	29
Contractors/Sub-Contractors Complying with Your Drug and Alcohol Policy.....	29
Counselling and Rehabilitation.....	30
Variation	30
Review.....	30
Associated Documents.....	30
Acknowledgement.....	31
Section Four – Implementing a Drug and Alcohol Policy	33
Roll-out Period	33
Management Support	33
Policy Access and Understanding	33
Training.....	34
Training for Employees and Workers Serving Alcohol	35
Inducting New Employees	35
Workers Compliance with the Policy	35
Union Compliance with the Policy	35
Other Persons Compliance with the Policy	36
Implementation and Unfair Dismissal Claims.....	36
Section Five – Alcohol & Drug Testing	39
Is drug and alcohol testing appropriate for my workplace?	39
Who can I test?.....	40
The Value and Use of Testing	40
Australian Standards of Drug and Alcohol Levels.....	41
Ensuring Testing Accuracy	42
Types of Drug and Alcohol Testing	43
Location: On-Site versus Laboratory Testing	46

Pre-employment and Pre-placement Drug and Alcohol Testing.....	47
Testing of Workers.....	48
Testing Prior to Site Visits	48
Testing after Probation	48
Testing Post Accident or Serious Incident	48
Extraordinary Testing.....	49
Random testing.....	49
For Cause Testing	50
Break in Employment Testing.....	51
Self-Testing.....	51
Targeted Testing.....	51
Screening versus Confirmatory Tests	51
Confirmatory test	52
Second and Subsequent Confirmatory Tests.....	52
Disputed Results.....	52
Declaring Prescription and/or Pharmacy Drug Usage	53
Synthetic Drugs in the Workplace	54
Provision of an Invalid Sample	55
Unable to Provide a Sample	55
Section Six – Dealing with Positive Results, Refusals to Test & Policy Breaches....	57
Dealing with Positive Test Results.....	57
Payment for Employees Attending Drug and Alcohol Tests	58
When should an employee be suspended?	58
Breaches of the Policy	58
Access to Personal Leave	73
Arrangements for Transport Home	73
Tampering with Samples	73
Notification to Police	74
Ensuring Confidentiality.....	74
Raising Awareness.....	74
Training.....	74
Employee Assistance Program	75
Emergency.....	75

Further Assistance.....	76
How CCIWA can help you?	76
Useful links and resources.....	76
WorkSafe (WA) Guidance Note	76
Codes of Practice	76
Schedule of Rates	78