

**Kardinia Park Stadium Trust**  
**Drug and Alcohol Policy and Procedure**



Framework	Policies and Procedures
Policy #	HRPOL029
Department	Human Resources
Date of Issue	22/9/20
Approver	CEO
Version #	2
Next Review	30/6/21

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## **I. PURPOSE**

The Trust has accountability under relevant legislation and a 'duty of care' to ensure a safe workplace and safe systems of work for people accessing or working on our sites.

Employees, contractors and other persons accessing or working on our sites have an obligation to perform their duties in a safe manner and to comply with policies put into place.

## **II. SCOPE**

This policy and procedure apply to Trust all employees (including the CEO and the Trustees), contractors (and their subcontractors), volunteers, students on placements and labour hire employees that perform work activities at the company's workplaces. This Policy applies when employees are officially working from home and when employees are taking part in events involving alcohol that are organised or controlled by the Trust.

The Trust expects its contractors to observe behaviour consistent with this policy at all times. The Trust may apply drug and alcohol requirements to contractors from time to time depending on the circumstances, typically as a contractual requirement where construction, installation or building works are involved.

Each person to whom the Policy applies must make themselves aware of these standards and the conduct required.

## **III. POLICY**

The organisation is committed to minimising the harm to members of the workforce and the wider community with the workplace risks associated with the use of alcohol and other drugs, and to provide the community with a responsible model of behaviour.

The Trust is committed to providing a safe, inclusive, reliable and desirable work environment for our staff, clients and contractors. The Trust is committed to the prevention of harm from the misuse of alcohol. In keeping with this, the unauthorised consumption or possession of alcohol and other drugs during the hours of employment is prohibited. This includes when working from any Trust work location, onsite and offsite (i.e. working from home). Employees and contractors are also prohibited from arriving at work or returning to work from any break under the influence of drugs or alcohol. Any employee or contractor deemed to be under the presence of alcohol and other drugs above the prescribed levels described in this Policy shall be stood down. In addition, employees and contractors are prohibited from selling, distributing and manufacturing drugs or alcohol during working hours at any Trust worksite.

The Trust requires respectful social responsibility by staff and stakeholders, which mean that each person has a role to play in:

- Safeguarding a healthy stadium and work environment free of the consequences of alcohol misuse;

- Making informed decisions about their own level of alcohol consumption in an environment free of inducement and social pressure to drink to excess
- Supporting colleagues and others in the responsible use of alcohol including the choice not to consume alcohol.

The Trust will not tolerate:

- The consumption, sale or possession of any prohibited or illicit drugs at the workplace or a work-related event;
- The excessive consumption of alcohol at the workplace or a work-related event;
- The presence of employees adversely affected by drugs and/or alcohol at the workplace or any work-related event;
- The consumption of alcohol at the workplace or at a work-related event without express management permission;
- Employees entering or remaining in the workplace, when on duty, while affected by alcohol or drugs.

Staff members and relevant stakeholders are expected to observe Victorian and Australia law in relation to using, possessive, giving or selling alcohol on Trust premises such as:

- Individuals under 18 must not be supplied with and or consume alcohol;
- Alcohol must not be served to anyone who is deemed intoxicated.

Employees, contractors and labour hire employees will be required to comply with the processes and requirements set out in this policy and procedure. Staff members must meet standards of conduct and safety as set out in the Trust's Code of Conduct.

This 'Drug and Alcohol' Procedure and Policy will include effective communication of hazards and controls to relevant team members and its ongoing monitoring and effectiveness of controls.

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## V. GLOSSARY

- **Contractor:** Any person or entity who or which has a contract to provide services to the organisation
- **Drug:** A substance that has a physiological effect on the body either itself or through its metabolites and includes all drugs referenced in Australian Standard AS/NZS 4308:2008 and AS 4760:2006. In the event that substances are added to the Standard, those substances will be deemed to be within this definition.
- **Alcohol:** Refers to any beverage containing an alcoholic content that may temporarily impairs a person's physical or mental capacity.
- **BAC:** Blood Alcohol Content refers to the amount of alcohol present in the bloodstream. A **BAC** of 0.05% (point 0 five) means that there is 0.05 grams of alcohol in every 100 millilitres of blood.
- **Collecting agency:** An organisation that is accredited to AS/NZS 4308:2008 and AS 4760:2006, to assume professional responsibility for collection, initial testing if applicable, storage and dispatch of urine and oral fluid specimens.
- **Specimen collector:** A person that has successfully completed a course of instruction in compliance with AS/NZS 4308:2008 and AS 4760:2006 for specimen collection, storage, handling and despatch and received a statement of attainment in accordance with AQTF.
- **Prescribed medication:** Any substance prescribed by a medical practitioner that has restrictions or specific instructions associated with its use.
- **Non-negative site result:** An initial specimen screening that indicates the presence of a drug above the thresholds tabled in AS/NZS 4308:2008 or AS 4760:2006.
- **Positive test result:** A laboratory confirmation test that indicates the presence of a drug in the body exceeding the levels defined by AS/NZS 4308:2008 or AS 4760:2006.

## VI. LEADERSHIP

It is the responsibility of the Chief Executive Officer or delegate to ensure the appropriate implementation and management of this procedure; they shall demonstrate leadership and commitment to providing a safe workplace. The achievement of leadership shall be demonstrated by taking accountability for the effectiveness of this procedure and by providing adequate resources to carry out task safely, providing the appropriate training, information, facilities and equipment to control risks as identified and directing and supporting persons to achieve stated objectives.

## VII. RISK MANAGEMENT

Risk Management is the ongoing process of examining what could hurt people in the workplace and choosing the best way to prevent it from happening, there are four key steps in the risk management process.

1. Hazard Identification
2. Risk Assessment
3. Risk Control
4. Monitor and Review Controls

The organisation maintains a risk register that identifies all the indented risks associated with its operations.

For its onsite operations, the company's risks are identified, assessed, controlled and reviewed as detailed within Safe Work Method Statements (SWMS) or JSEA's, they are developed taking into account each site's unique task, activities and risks.

## **VIII. PROCEDURE**

This procedure establishes the method of testing for the presence of drugs and/or alcohol in the workplace, circumstances in which testing can occur, and how to deal effectively and appropriately with individuals who may be at risk and/or who are placing others at risk by being under the influence of drugs and/or alcohol whilst working for the organisation.

### **1 Drug & Alcohol**

The Trust permits the responsible use of alcohol and promotes the choice not to consume alcohol. The Trust encourages the use of non-alcoholic beverages such as water.

The Trust acknowledges that there may be certain occasions where alcohol will be available for consumption at the Trust worksites or at Trust hosted functions, offsite and onsite. In these particular situations, the Trust accepts that alcohol may be consumed within the appropriate guidelines and with the permission of management.

An overriding principle for this policy is recognising that alcohol and other drug consumption issues are treatable. The organisation is committed to a program of prevention, education and rehabilitation.

This Policy applies to people to all levels of the organisation. This Policy is not directed at the taking of prescribed or over the counter medication for medical purposes, but at situations where alcohol or other drug above the prescribed levels described in this Policy affects performance and/or safety of employees, visitors and contractors.

It's is an offence under the Victorian Traffic Act to drive, attempt to put in motion or be in charge of a motor vehicle while under to influence of liquor, drugs or with prescribed concentration of alcohol in the blood.

Permitted Alcohol levels for Vehicle and Plant Operation

- Commercial Heavy Vehicles with a Gross Vehicle Mass in excess of 4 ½ tonne, or a bus with seats for more than 8 passengers – 0.000%BAC (includes trucks and mobile plant registered for driving on public roads.
- All other vehicles – 0.005%BAC

Workplace Requirements include:

#### **1.1 Persons at work**

All persons to whom this procedure applies must at all times whilst at work comply with the requirements of this procedure.

#### **1.2 Reporting for Work**

All persons to whom this procedure applies must report for work in a condition capable of carrying out their allocated tasks in a safe and competent manner unaffected by drugs.

### 1.3 Drug Affected Persons

A person who is affected by alcohol and or drugs must not commence or continue work.

### 1.4 Drugs on Site

Under no circumstances is any employee or person permitted to bring or consume drugs (other than prescribed medication) on the Trust workplaces.

### 1.5 Prescribed Medication

At the time of purchasing medication (prescribed or over the counter) the individual should consult with their medical practitioner or chemist regarding their work requirements. It is also the responsibility of the employee to alert their Manager and/or the HR Manager of any medication that may lead to performance impairment so that suitable duties may be arranged.

## 2 Employer Responsibilities

The Trust has a responsibility to provide a safe and healthy working environment for all employees. In developing this procedure and policy, the Trust recognises the need for appropriate and consistent action where an employee demonstrates that their use of alcohol or other drugs adversely affects their work performance, or affects the safety, productivity and morale of other employees or of the general public above the prescribed levels described in this Policy.

Managers at the Trust are responsible for:

- Monitoring and ensuring that their employees are compliant with this policy at all times;
- Notifying the HR Manager if there is an emerging concern about compliance with this policy; and
- Ensuring that each member of their team understands this policy.

## 3 Employee Responsibilities

Employees of and subcontractors to the organisation have a duty to ensure not only their own safety and comfort in the workplace but also that of their colleagues. To this end, all employees have a responsibility not to be hindered by alcohol or other drugs (including intoxication or withdrawal or hangover effects), at any time during working hours or when it may negatively impact on their work performance, above the prescribed levels described in this Policy.

It is a condition of employment that all employees carry out their work not impaired by alcohol and in line with the below prescribed levels. This also applies to suppliers (where applicable) and contractors.

Prescribed levels of Blood Alcohol Concentration (BAC)

<b>High Risk Work Environment</b>  (includes but it is not limited to: handing dangerous goods, control of heavy machinery or equipment; working construction sites; other hazardous locations; electric maintenance work; active sport; performance planning and review between managers and direct	0.00%
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reports; any activities/duties /public events identified by management as 'high risk work')	
<b>Normal Duties</b> (includes work from Stadium premises during standard business hours or business hours agreed under flexible work arrangements; authorised work from home; work and training from other locations; business meetings and lunches; on call duties)	Up to 0.05%
<b>Authorised work functions; special events, involving alcohol</b>  <b>When voluntarily choosing to work outside business hours</b> (includes any work outside of standard or 'agreed' business hours in accordance with flexible work arrangements policy i.e. on weekends; later at night; after social club activities; working from home outside business hours)	No prescribed level. In line with code of conduct and responsible service of alcohol guidelines.

**If an employee or contractor is tested and exceeds these prescribed levels, they will be deemed unfit.**

Employees must at all times be able to carry out their responsibilities in a way that ensures their own safety and that of other workers and the public. Employees and subcontractors have a responsibility to be fit for duty and meet established standards for job performance and conduct. For the purposes of this Policy 'during working hours' includes lunchtime, immediately before working hours and when working from home or other location.

Employees who suspect or believe another worker is affected by substances, above the levels described in this Policy, in the workplace have an obligation under this policy to notify their direct Manager (or in the absence of their direct supervisor, through the normal may report incidents directly to the their Supervisor or Manager.

Ultimately, employees are responsible for:

- Their behaviour and actions whilst at the workplace or representing Trust away from the workplace;
- Understanding and complying with this policy at all times;
- Promptly informing their manager if they believe there has been a breach of this policy; and
- Seeking advice from a manager or HR before undertaking an action or activity that may be contrary to this policy.

#### **4 Hindrance at Work (when performing normal or high-risk duties)**

Any of the organisation's Managers, Employees or persons working on their behalf who suspect or believe another worker is affected by alcohol or other drugs, above the prescribed levels described in this Procedure and Policy, should notify their direct supervisor (or immediate Manager) of their suspicions.

**Managers and/or Supervisors who are so notified by an employee, or who themselves suspect hindrance with a substance will stop the employee from carrying out further work and remove the person from any position of risk.**

The Managers and/or Supervisors should remind the person of their responsibilities to themselves, others and the organisation and that, the action they are taking is consistent with this Policy. The Manager/supervisors should not debate the problem or attempt to counsel or diagnose the person's problems. The employee will be alcohol and other drug tested and provided with safe transport home and will not return to work until the next day. If this is the case, the employee will not be paid for the lost time.

The supervisor has a responsibility to notify the Manager about the incident. If a Manager and/or Supervisor believes someone is hindered by alcohol and other drugs above the prescribed levels described in this Policy a test will be requested, if the result is over the policy level the employee will be stood down. The employee should be provided with information on how to access alcohol and other drug treatment if they feel that they would benefit from it.

The employee will be asked to re-familiarise themselves with this Policy document. If management considers the employee fit for work the employee may go back to their duties as usual after they have returned a negative return to work test prior to the next shift or as determined by the organisations' management. The employee will also need to agree as part of the return to work program, they will be Target tested as follows:

- 4 times in the first month after the initial positive
- 2 times in the second month after the initial positive
- 1 time for all subsequent months for a period of 12 months

Please Note: The employee will also be part of the random testing program

Upon return to work the following day, the employee should report to the Chief Executive Officer, or a delegate, to ensure that they are fit for work. If the employee had a non-negative alcohol and other drug reading a negative result must be given before returning to work.

If an employee has tested positive onsite, confirmation from an accredited laboratory will be received within 24-48 hours; if positive to an illicit drug group the employee will be required to provide a certificate of fitness if positive to prescription medication the employee may be required to provide a letter from their doctor for fitness for work. If Management cannot determine fitness at this point, the employee will be required to provide a certificate of fitness from their general practitioner prior to commencing work (if they decline, they will be sent home again with a second warning).

## **5 Repeated Hindrance**

If a pattern of unsatisfactory work performance or repeated presentations to work in a hindered state is evident, the acute hindrance phase should be handled as per the disciplinary process. On return to work the person will be interviewed by Management to advise the employee of the problem and to determine a relevant course of action with another referral to a treatment facility and a warning of disciplinary action to follow on the next occasion.

This constitutes the second and final warning and a notation will be added to the employees personnel file. If the situation occurs a third time, the employee may face disciplinary action by way of instant dismissal. They will also need to produce a negative return to work sample for alcohol and other drugs and also agree to the target testing program indicated above.

## **6 Prescribed Medicines or Over the Counter Medication**

Any person who is taking prescribed or over-the-counter medication must disclose the details of that medication to their immediate Managers or company official before commencing work, if there are any possible effects (including restrictions) the medication may have on their capacity to work safely.

Such information will be treated confidentially and only be used to arrange suitable alternate duties for that person or to determine whether the person should remain on site.

If a person is unable to perform their duties safely as determined by an approved medical practitioner because of the effect of the medication, the employee may be sent home on sick leave or annual leave until they have ceased their medication and can perform their duties unaffected by the medication or drugs.

#### Prescribed levels of Legally Prescribed Drugs

High Risk Work	As prescribed from treating doctor/chemist and medication warning sticker
Normal Duties	As prescribed from treating doctor/chemist and medication warning sticker
Work Functions	As prescribed from treating doctor/chemist and medication warning sticker

## 7 Illicit Drugs

Illicit drugs, including but not limited to cannabis, synthetic cannabinoids, heroin, amphetamines, LSD, cocaine, and ecstasy, are prohibited from any work areas by the organisation and any of its clients, are not to be consumed by employees or contractors during working hours and any effects of illicit drugs previously taken so as to be adversely hindered at work is also prohibited in any workplace.

Any individual found in **possession** of illicit drugs in the workplace may be dismissed. The sale, transfer or manufacture of illicit substances in the workplace may also result in instant dismissal and the police will be notified. This includes the sale or distribution of prescribed drugs.

Such use, involvement or misuse is prohibited at any time to the extent that it violates the law and/or negatively affects the Trust or our client's business and reputation by undermining public and/or client confidence in the ability to provide a safe work place for all personnel engaged.

## 8 Alcohol & Drug Testing Process

### 8.1 Testing Levels

The testing levels adopted in this policy are those currently prescribed by AS/NZS 4308:2008 and AS 4760:2006. Testing of alcohol shall be done using a calibrated breathalyser unit that meets the requirements of AS3547. These devices measure the alcohol content of an appropriate sample of expired air.

Testing for drugs shall be undertaken by saliva testing, involving an initial screening test followed by a confirmatory test if the initial test indicates a non-negative result. Confirmatory testing of a urine sample shall be conducted through GC/MS analysis by a certified laboratory.

### 8.2 The Collection Agency



The collection agency will be contracted as per the requirements of this procedure. There may be more than one provider for the business dependant on the area that the provider can cover.

The following information must be provided to the collecting agency at the initial set up of the drug testing contract or at an annual review:

- Name of the work group.
- Location – including the address
- Estimated number of people in the work group
- If the work group works on a Saturday and if testing may be required on this day
- If there is a requirement for more than one tester to attend the site

### 8.3 Conducting Testing

- Drug testing may be carried out at any time while persons are on the Trust's sites.
- Testing will be conducted by an approved collecting agency specimen collector in accordance with the testing procedures set out in AS 4760:2006 for oral fluid screening in the first instance.
- If a person produces an on-site non-negative screen that will be followed by another screening process in accordance with AS/NZS 4308:2008 for urine screening where required. The approved collecting agency shall keep records of all such tests and ensure their confidentiality.
- Any person that provides a negative on-site screening specimen will be allowed to continue their work activities after completion of their test.
- Persons that declare consumption of prescribed medication will be allowed to continue working if site screening results are consistent with declared medication otherwise it will be deemed as a non-negative result.

**NOTE:** Persons that return a non-negative site screening specimen shall be managed under section 9 'Disciplinary Action' of this procedure

## 9 Circumstances to test for Alcohol & Drugs

The organisation has the right to test all employees under the following circumstances:

- **Pre-employment testing** may be conducted as part of the recruitment process. All prospective employees will be asked to provide a sample for testing at the surgery where the pre-employment medical is being conducted.
- **Selective 'cause' testing** where it is suspected that a person on a company site may be, or is, unable to perform his or her duties in a safe manner as a result of the effect of drugs.

**NOTE:** In such a case, the person concerned is not to commence or continue work until the matter is resolved

- **After-incident 'cause' testing** where a person is involved in an incident at work which:
  - Results in death or injury of any person.
  - Involves a collision of, or the overturning of mobile equipment.
  - Involves substantial damage to property
- **Random block testing** where individual work groups will be selected at random for testing.
  - All employees, contractors and labour hire personnel in the work group on the day of testing will be required to provide a urine sample for a drug screen

## 10 Non-negative screens

Upon completion of site testing, a person who returns a non-negative screen will be advised that they are considered unfit to remain at work and transport will be arranged on behalf of that person to take them off site. The non-negative screen will be sent to a registered laboratory and tested in accordance with AS/NZS 4308:2008 for urine screening or AS 4760:2006 for oral fluid screening to confirm the test as positive.

The employee will take accrued leave (sick or annual leave at the employee's discretion) or if no accrued leave is available, unpaid leave will be taken until the person can provide a negative test and resume work. The retest will be at the employee's expense and results must be presented to the organisation confirming testing to the relevant Australian Standard.

A person who within a twelve-month period records a further positive test, will be stood down without pay and will be dealt with in accordance with the disciplinary procedure set out in section 9 'Disciplinary Action'.

### **10.1 Chain of custody**

Chain of custody forms shall be properly completed by a collector and donor.

Handling and transportation of specimens from one individual or place to another shall always be accomplished through chain of custody procedures. Every effort shall be made to minimise the number of persons handling specimens.

The chain of custody form shall have as a minimum the following information:

- Verification of donor's identity
- Two identifiers unique to the donor
- Date and time of collection
- Confirmation by the donor that the specimen was their own and was correctly taken
- Name and signature of collector
- Declaration by the collector that the specimen has been collected and if applicable tested on-site in compliance with this procedure
- Requesting authority details
- Results of specimen integrity checks carried out at the point of collection

## **11. Falsification & Refusal**

The organisation will treat any falsification as serious misconduct, which may lead to termination. Refusal to perform an alcohol and other drug test is also seen as serious misconduct and will be subject to disciplinary action, an employee who refuses to undertake a test will be considered to have breached the requirements of this procedure and the provisions of Disciplinary actions will begin.

Refusal to undertake a drug and/or alcohol test shall result in:

The test subject being counselled and encouraged to participate by management. The consequences of their refusal shall be explained at this time and the test subject asked to state their reason for refusing the test. If the test subject still refuses to submit for testing this refusal shall be treated as a non-negative test result.

### **11.1 Refusal to accept transport offsite**

A person who records a non-negative test and refused the offer to be transported off-site and proceeds to drive themselves off site will be subject to the provisions in section 8.0 and the local police will be notified.

### **11.2 Company Vehicles/Plant**

Company vehicles and plant are not to be controlled by any person, at any time, whilst affected by any drug which may affect their ability to safely control the vehicle.

Where an employee or person in control of a company vehicle causes damage to persons or property as a result of driving that vehicle, is found to have been driving with an illicit drug in their system exceeding the Australian Standard threshold limits or above the legal blood alcohol limits, then that employee or person will be liable for all costs associated with the damage including third party liability costs. It shall also compensate the organisation for any loss it suffers in connection with the matter.

## **12. Drivers Licence Suspension**

A person whose driver's licence is suspended by a court or regulatory authority, who is unable to perform the requirements of their position, may have their employment terminated or be required to take annual leave, long service leave, where accrued, or leave without pay, as negotiated with the HR Manager.

The option selected will be at the discretion of the organisation which will take into account such factors as the employee's employment record and the availability of alternate suitable work.

## **IX. DISCIPLINARY ACTION**

A person who records a positive test shall be dealt with in accordance with the Trust's Disciplining Procedure and may consider the following depending on the circumstances:

**Step 1:** Approved counselling and notation on personal file where first non-negative test.

**Step 2:** Written warning where further non-negative test within a twelve-month period following counselling.

**Step 3:** Termination where further non-negative test within twelve months of a written warning.

All other breaches of this procedure will be investigated and, where appropriate, disciplinary action may be taken, including termination of employment.

Probationary employees will have employment terminated where a breach occurs.

If a labour hire employee is found to be in breach of this procedure, the relevant employment agency will be notified immediately, and the person not permitted to continue working.

A contractor found to be in breach of this procedure will be asked to leave the work site and the contractor's contract will be reviewed and may be terminated.

## **X. TRAINING**

The organisation is responsible to ensure that all team members and other persons working on the company's behalf have and maintain the skills and knowledge necessary for them to carry out their works safely.

Training and information relating to the management of 'Drugs and Alcohol' may include induction training program and consultation process including input from all interested parties into the development and implementation of the procedures, risk management process and any developed SWMS.

**NOTE:** Only personnel that have an appropriate licence or deemed competent by an experienced assessor and have a blood Alcohol reading (BAC) of 0.0% can operate powered mobile plant or equipment.

## **XI. REHABILITATION / COUNSELLING**

An employee who records a positive test may be directed to undertake rehabilitation or counselling. A refusal or failure by an employee to undertake rehabilitation or counselling will be considered a breach of his procedure.

An employee undertaking rehabilitation or counselling may use their sick leave or annual leave. In the event of no accrued leave being available, unpaid leave will be provided.

All matters relating to rehabilitation or counselling will be maintained in the strictest confidence.

## **XII. CONFIDENTIALITY**

All records, test results and disciplinary actions shall be kept confidential by the relevant testing provider, any medical practitioner used for rehabilitation services, and the organisation.

Where possible the testing process shall be conducted in an area where other workers are unable to hear or see the testing process.

Employees shall not be lined up outside the testing area.

If a co-worker is suspected to have received a non-negative or positive screen, this shall not be discussed amongst or outside of the work group.

## **XIII. REFERENCES**

- Victorian Occupational Health & Safety Act 2004
- Victorian Occupational Health & Safety Regulation 2017
- Work-Related Drug & Alcohol Use - SafeWork Australia (2007)
- Australian Standard AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine
- Australian Standard AS 4760:2019. Procedure for specimen collection and the detection and quantification of drugs in oral fluid
- Australian Standard AS 3547:2019 Breath alcohol testing devices

## **XIV. RELATED DOCUMENTS**

Code of Conduct

Safety Management System

Fitness for Work Policy

Employee Assistance Program (EAP)

## **XV. VERSION CONTROL AND CHANGE HISTORY**

### **VERSION CONTROL AND CHANGE HISTORY**

Version Number	Date	Details of Change
1	26/04/2017	First Version
2	22/12/2017	Update
3	22/09/2020	Revised

This document is part of the Safety Management System and any changes once approved and adopted need to be reflected in the SMS and communicated with the Safety Manager.

