

## Workplace Health and Safety Queensland

# Framework for alcohol and drug management in the workplace

This paper outlines a framework for developing a policy on reducing the work-related risks associated with drug and alcohol use. A summary of the framework is at **Appendix 1**.

The framework is applicable to all workplaces, including those in industries for which there are legislative provisions requiring the development of drug and alcohol management (including testing) programs, such as those relating to rail safety workers, passenger transport and heavy vehicle drivers and those for which there is legislation, such as mining and aviation, prohibiting employees from working while affected by alcohol or drugs.

The policy should be developed in accordance with relevant Australian Standards and fit the specific needs of each workplace.

## Alcohol and Drug Policy

The content of an alcohol and drug policy should be based on the identification of hazards and the assessment of workplace risks and the strategies to address them.

What is included in the policy will depend on the perceived extent of alcohol and drug use, assessment of the associated risks and the individual requirements of the workplace. The policy could be incorporated into an existing occupational health and safety policy framework.

*An effective policy should include information on the following areas:*

**Aims and objectives** – the policy should clearly state its aims and objectives. The policy should aim to prevent drug and alcohol-related incidents and foster safe behaviours at work. The objective could be, for example, to prevent or minimise the potential for alcohol and drugs to contribute to work-related injury

**Scope** – the scope of the policy should be based on a risk assessment and outline the application of the policy and its supporting procedures. It should be clear that the policy applies to everyone at the workplace including employers, directors, workers and consultants, as well as visitors, clients, customers and contractors entering the workplace. Workers need to be assured that there will be no discrimination in the application of the policy

**Workplace specific content and details** – the policy should include workplace specific risks and hazards with specific strategies to address issues arising from alcohol and drug usage including whether a testing regime will be implemented

**Work sponsored functions** – at some workplaces, it may be advisable to include a section outlining the organisation's policy on consumption of alcohol at work sponsored functions. Alternatively, a

separate set of procedures dealing with work-sponsored functions may be developed. The policy should clearly set out the employer's expectations of appropriate behaviour in relation to the consumption of alcohol at work sponsored functions

**Identification of an affected person**– the policy should outline the procedures for identifying workers who appear to be affected from alcohol and/or other drugs. Potential difficulties should be considered when identification strategies are being formulated. For example, the possibility of someone being affected through other causes, such as fatigue or stress, should be considered. The policy should detail a process to ensure all individuals are fairly treated. Strategies should aim to differentiate between the effects of a drug, alcohol, fatigue or a possible medical condition. The following steps may assist in developing an identification process:

- **Criteria for identification** – criteria should be formulated that clearly sets out the factors that will be considered when workers appear to be affected by alcohol and/or other drugs. It is important that the criteria are agreed in consultation with workers, workplace health and safety representatives (WHSRs) (where they exist) and management. The criteria should be relayed to the workers once agreed. Expert assistance may be required in formulating the identification process. Where there is no agreement on the criteria, the matter should be resolved using an agreed issue resolution procedure
- **Who will identify an affected person** - the question of who will identify an affected worker must be clear in the policy. Options include identification by:
  - a supervisor or senior manager
  - a fellow worker or co-worker
  - a position designated in the policy, such as a Workplace Health and Safety Officer (WHSO) or WHSRs.
- **Training** – identifying a worker affected by alcohol and other drugs is a complex process. It is important that supervisors and managers are trained in recognising and appropriately assisting workers who appear to be affected which may impact on work performance or safety
- **Procedures** – the policy should also outline the procedures for managing a worker who appears to be affected by alcohol and/or other drugs
- **Self-assessment by workers** – the policy should state that workers are not to present themselves for work if they have consumed alcohol and/or other drugs that affect their ability to work safely. The policy should also provide that workers should not remain at the workplace if they become affected by alcohol and/or other drugs

## **Risk Assessment**

A drug and alcohol policy should be based on the outcomes of a risk assessment conducted in consultation with workers. A risk assessment will identify both external and internal conditions, the appropriate nature and content of the policy, and suitable strategies for implementation.

The degree of risk from workers affected by alcohol and drug use will depend on a number of factors which need consideration and could include:

- whether the workplace operates high risk machinery or handles hazardous materials or dangerous goods or is a high risk environment such as an underground mine;
- whether the organisational culture, nature of the work or workplace practices encourage alcohol or drug use at work; and
- availability at work – some workers may be more exposed to the risk of alcohol consumption at work such as working in licensed premises for instance.

Risk assessments should be conducted in accordance with the *Risk Management Code of Practice 2007*.

## Consultation

Consultation should occur to determine if an alcohol and drug policy is required. If a policy is required then it should be developed through an open, participatory process in consultation with management, workers and their representatives. Input from all at the workplace will allow for accepted goals and procedures to be developed and is often crucial for policy credibility and acceptance.

For example, a group with workers, workers' representatives, and management may be established to define the objectives of the policy and oversee its development. An existing safety and health committee may be used or a specific working group could be formed. For smaller businesses, the policy may be communicated at 'toolbox meetings'. For larger businesses, it may be beneficial to establish a working group to oversee development of the policy and its implementation.

Effective communication strategies that ensure regular consultation and feedback to workers should be adopted. This approach will give workers a sense of ownership of the policy, making it more likely to be followed at the workplace.

## Education and Awareness

Education and information about the ways in which alcohol and drugs can affect safety and health should form part of every policy. Targeted information and education resources for distribution and training on the risks associated with working while under the influence of alcohol or drugs should be provided. This approach will contribute to the development of a workplace safety culture where workers recognise and practice appropriate behaviours.

Employers should also provide information about services, programs and assistance available either at the workplace or by external agencies for workers seeking support.

A strategy should also be established that ensures everyone at the workplace is aware of the existence and contents of the policy and supporting procedures. Copies of these documents should be readily available at the workplace and widely publicised. It may be appropriate to run information and training sessions at the workplace on the policy.

It is also important that ongoing information, education and training are provided and it is clear to all that management actively supports the policy and the procedures.

## Evaluation of the Policy

Evaluation is an essential component of the policy. Evaluation assesses how well the policy meets its objectives, ensures accountability at the managerial and organisational level and provides important information for predicting future policy success or failure. Evaluation of the Policy should be undertaken in consultation with workers, Health and Safety Committees, WHSOs, and WHSRs, where these exist. Potential issues for consideration in evaluation of an alcohol and other drugs policy include:

- the achievement of anticipated outcomes;
- the identification of affected workers;
- monitoring the effectiveness of the policy; and
- the effectiveness of treatment and counselling interventions.

## Drug and Alcohol Testing

The option of a drug and alcohol testing regime needs to be considered as a potential component of the policy during the development phase and following a risk assessment.

The decision to adopt a testing regime should be made in consultation with workers, WHSRs and union representatives. Testing may be an appropriate response where a risk assessment has identified that there are risks involved in undertaking certain activities while under the influence of alcohol and/or other drugs.

There are legislative provisions currently in place for specific occupational groups in relation to alcohol consumption in the workplace. For example, there is legislation to protect public safety in transport (covering commercial road transport, the railways, civil aviation, and marine transport) through restrictions on the use of alcohol and drugs and the development of drug and alcohol management (including testing) plans.

If a workplace decides to introduce a testing regime:

- it should form part of a comprehensive drug and alcohol program with appropriate safeguards, clear policy and procedures, and provision of education and counselling;
- the rationale for testing should be clearly stated and communicated and workers should be informed of relevant workplace processes at the time of taking a test;
- issues relating to privacy, confidentiality of workers needs to be considered;
- procedures should be developed on how to address the situation where a worker refuses to be tested;
- appropriate safeguards should be put in place, which include:
  - ensuring that cut-off points for a positive result are selected and clear;
  - stating the type of testing;
  - ensuring there is no discrimination in the selection of workers for testing;
  - ensuring there is well defined procedures indicating to whom the final result will be communicated;
  - ensuring that confidentiality is protected and the procedures identify who will have access to the results, who will interpret them, how the results will be stored and for how long;
  - ensuring that there is grievance and complaints process included in the procedures, including accepted procedures to challenge the outcome of a test; and
  - ensuring that procedures are put in place for workers to travel home safely following a positive test.

If testing is introduced, written procedures on workplace testing, covering the issues above will need to be in place.

## Method of Testing

Any form of testing should be the least invasive and provide timely results. Breath testing for alcohol and oral fluid testing for drugs are recommended as the preferred methods of testing as they are non-invasive, discreet and quick to administer.

Testing should be conducted in accordance with the relevant Australian Standards:

- *AS 3547-1997: Breath alcohol testing devices for personal use;*
- *AS 4760-2006: Procedures for specimen collection and the detection and quantitation of drugs in oral fluid;* and
- *AS/NZ 4308 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.*

## Testing Triggers

There are various forms of testing programs that employers can utilise and it is recommended that employers adopt the following:

- **Voluntary self-testing** – providing facilities for a worker to self-test at the workplace;
- **Random testing** – any worker or a select group of workers may be tested on a random day;
- **Upon reasonable belief**– a worker who shows signs of being affected by alcohol and/or drugs should be considered for testing. When a worker is suspected of being affected at work primary consideration must be given to the safety of the individual and of others; and
- **Testing after a workplace health and safety incident** – a worker may be required to submit to an alcohol and/or other drugs test if they are involved in an incident.

## Safeguards for Medication

Another issue that should be addressed is the management of workers affected by medication, including prescription and over-the-counter medication. Employers and managers must not request unnecessary information. If a worker is taking medication that has the potential to adversely impact on safety, they must notify their supervisor or manager. A worker is not required to reveal the nature of the condition being treated or the type of medication, only that they are taking medication which has the potential to adversely impact upon safety.

## Management of Positive Tests

Procedures for managing a worker who returns a positive test needs to be developed through a consultative process and communicated to everyone at the workplace. Follow-up action and outcomes from a positive test should be made clear in the policy.

In the event of a positive test, the worker concerned should:

- be removed from the workplace or encouraged to remain in a safe location on the workplace until it is safe for the person to resume work or travel home;
- be provided with counselling and assistance as agreed and outlined in the policy;
- be provided with further education and awareness training as agreed and outlined in the policy; and
- undergo the disciplinary action agreed and outlined in the policy.

In the event of a positive test, arrangements should be put in place to ensure a worker can commute home safely.

In the event of a negative test result, the worker returns to work and no record of the test is kept.

## Re-testing

The policy should cover procedures regarding re-testing following an initial positive alcohol and/or drug test including re-testing prior to returning to work. The re-testing should be undertaken using the same method as the initial test and conducted by a quality assured individual or organisation in accordance with the relevant Australian Standards (*AS 3547-1997*, *AS/NZ 4308-2008* and *AS 4760-2006*). Re-testing may give rise to the worker undergoing disciplinary procedures and being referred to an Employee Assistance Program.

## Disciplinary Procedures

The procedure for the counselling and if necessary disciplining workers following a positive test should be consistent with existing awards, agreements and other established counselling and disciplinary measures which apply in the workplace.

The policy should clearly set out what constitutes an infringement in relation to the policy and what happens when an infringement occurs, such as demotion or dismissal.

The policy should also identify complaint and grievance procedures, including processes for review of breaches. Employers and workers should keep confidential the proceedings of any complaint and grievance procedure.

## Employee Assistance Programs (EAPs)

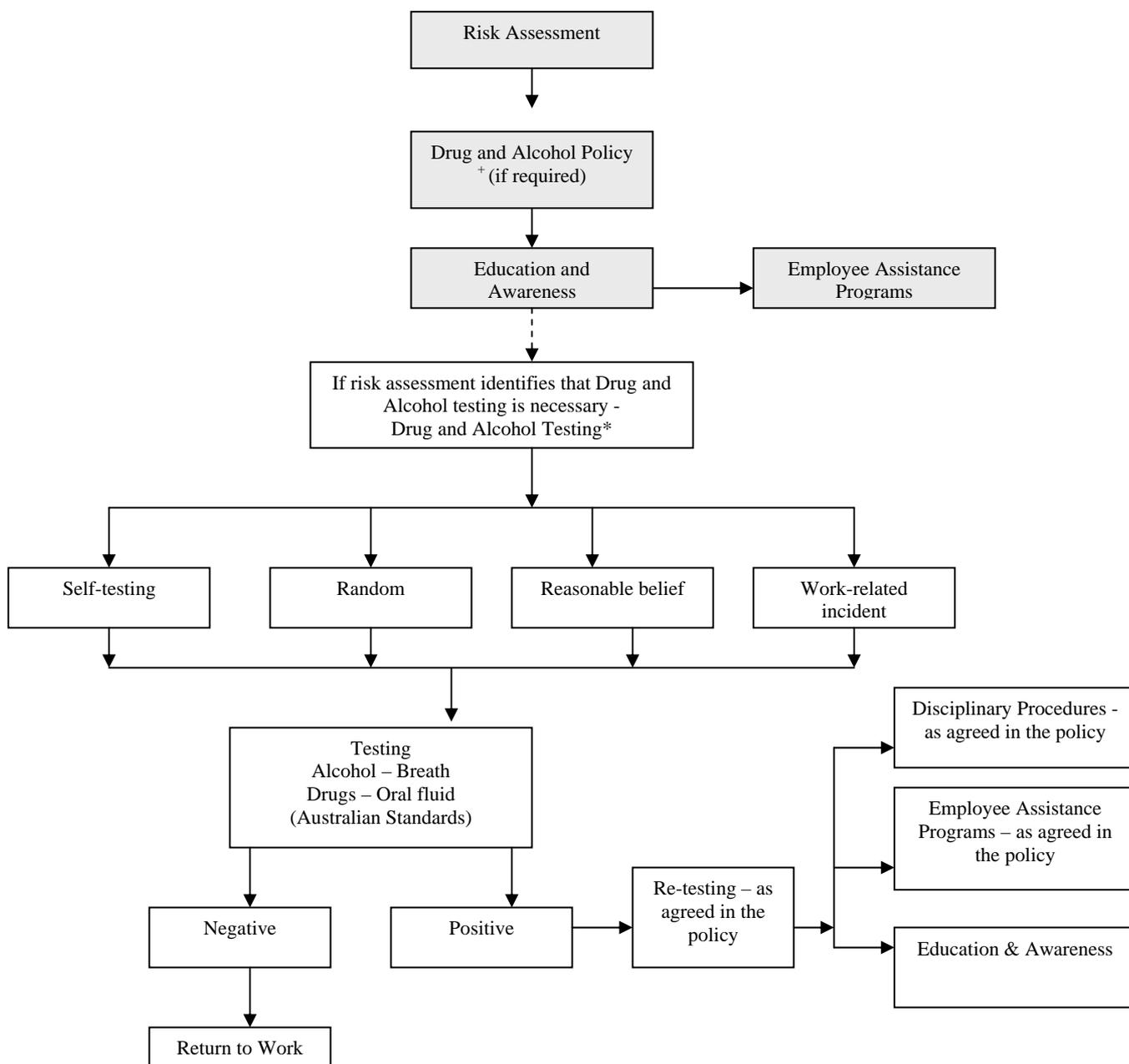
As part of addressing alcohol and other drug issues in the workplace, an employer may wish to provide for the introduction of an Employee Assistance Program (EAP). An EAP is an effective early intervention service that provides professional and confidential counselling and referral services for workers to assist them resolve personal, health or work-related concerns.

The policy should recommend that workers with alcohol and/or other drug problems are referred to an EAP and it may be appropriate to outline the means of referral in the policy. It is important that EAP support for alcohol and other drug issues in the workplace is related to job performance.

If an EAP is not introduced or available at a workplace, the employer may wish to provide information about general assistance such as counselling and support services which are available in the community.

## Appendix 1 - Development of Drug and Alcohol Policy

Developed in consultation with workers, Health and Safety Committees, Workplace Health and Safety Officers, and Workplace Health and Safety Representatives, where these exist.



+ Note: the policy needs to be assessed and evaluated on an ongoing basis

- Note: this will not apply to all workplace

© The State of Queensland (Department of Justice and Attorney-General) 2010

Copyright protects this document. The State of Queensland has no objection to this material being reproduced, but asserts its right to be recognised as author of the original material and the right to have the material unaltered.

The material presented in this publication is distributed by the Queensland Government as an information source only. The State of Queensland makes no statements, representations, or warranties about the accuracy or completeness of the information contained in this publication, and the reader should not rely on it. The Queensland Government disclaims all responsibility and all liability (including, without limitation, liability in negligence) for all expenses, losses, damages and costs you might incur as a result of the information being inaccurate or incomplete in any way, and for any reason.