

Safety Management

009-21 Drug and Alcohol Management Procedure

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Document Control

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CONTENTS

1. PURPOSE	4
2. SCOPE	4
3. GENERAL REQUIREMENTS	4
4. FLOWCHART	5
4.1 Alcohol Test Process	5
4.2 Drug Test Process	5
5. RESPONSIBILITIES	6
5.1 All Employees (incl sub-contractors and visitors)	6
5.2 Supervisors (incl Foreman, Team Managers)	6
5.3 JMDR Safety Manager	6
5.4 Nominated Representative/s	7
5.5 JMDR Human Resources Manager	7
6. PROCEDURE	7
6.1 Alcohol and other drugs Awareness Program	7
6.2 Pharmaceutical medication	7
6.3 Illicit drugs	8
6.4 Testing Program	8
6.4.1 Authorised Testing	9
6.4.2 When and Where tests will be carried out	9
6.4.3 Voluntary Self-Identification	10
6.4.4 Equipment calibration and maintenance	10
6.4.5 Test Results	10
6.5 Compliance and Disciplinary Procedure	11
6.5.1 Counselling and Employee Assistance	11
6.5.2 Rail Safety Workers	11
6.5.3 Application of Discipline Procedures	11
6.5.4 Grievances and complaints	11
6.5.5 Reporting	12
7. RECORDS	12
8. REFERENCES	12
8.1 Internal References	12
8.2 External References	13

DEFINITIONS, ABBREVIATIONS

Term	Definition
ARTC	Australian Rail Track Corporation
BAC	Blood Alcohol Content
ONRSR	Office of the National Rail Safety Regulator
Rail Safety Worker	Someone who undertakes Rail Safety Work described under the RSNL
RSNL	Rail Safety National Law
Supervisors	Staff managing site activities including Superintendents, Team managers, Work Group Leaders, Foremen or similar titled roles
Free of alcohol	0.00% BAC
Free of illicit drugs	A negative result in on-site oral fluid drug testing for all drug groups in accordance with AS 4760:2006 or on-site urine drug testing for all drug groups in accordance with AS/NZS 4308:2008

1. PURPOSE

JMDR is committed to preventing adverse impacts resulting from employees and contractors under the influence of drugs or alcohol whilst at work.

The purpose of this JMDR Drug and Alcohol Management Procedure is to provide practical support for the above commitment and the JMDR Safety Policy and its Safety Management Plan. This includes establishing compliance with Workplace Health and Safety duties under the WHS ACT 2012 and Rail Safety Worker requirements established under Rail Safety National Law.

This procedure applies regardless of whether an employee/contractor is a Rail Safety Worker or not.

2. SCOPE

This procedure sets out the minimum JMDR Drug and Alcohol management requirements for the JMDR business and is to be adopted by all offices and project sites. The procedure supports the Safety Management Plan and applies to all JMDR employees, sub-contractors and visitors and includes:

- General drug and alcohol management requirements and responsibilities
- Awareness program for alcohol and other drugs
- Pharmaceutical medications
- Drug and alcohol testing
- Compliance and disciplinary processes

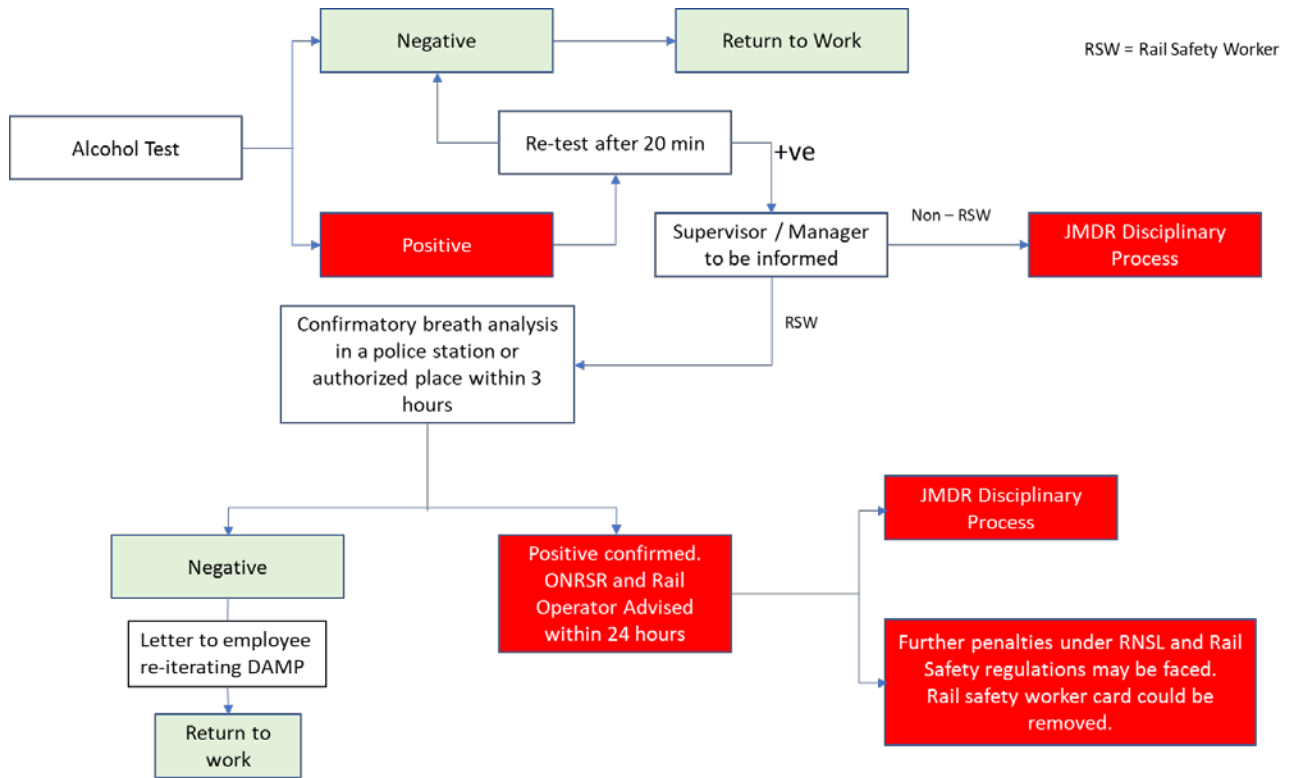
3. GENERAL REQUIREMENTS

JMDR in its commitment to workplace health and safety has a zero tolerance towards Alcohol and Illegal Drugs in the workplace, including undeclared or inappropriate prescription and/or over the counter medication. Such substances can impair coordination and judgment and increase the risk of mistakes, accidents and injuries and as such all employees must be free of alcohol and illicit drugs whilst at work. Please refer to the JMDR Drugs and Alcohol Policy for further details.

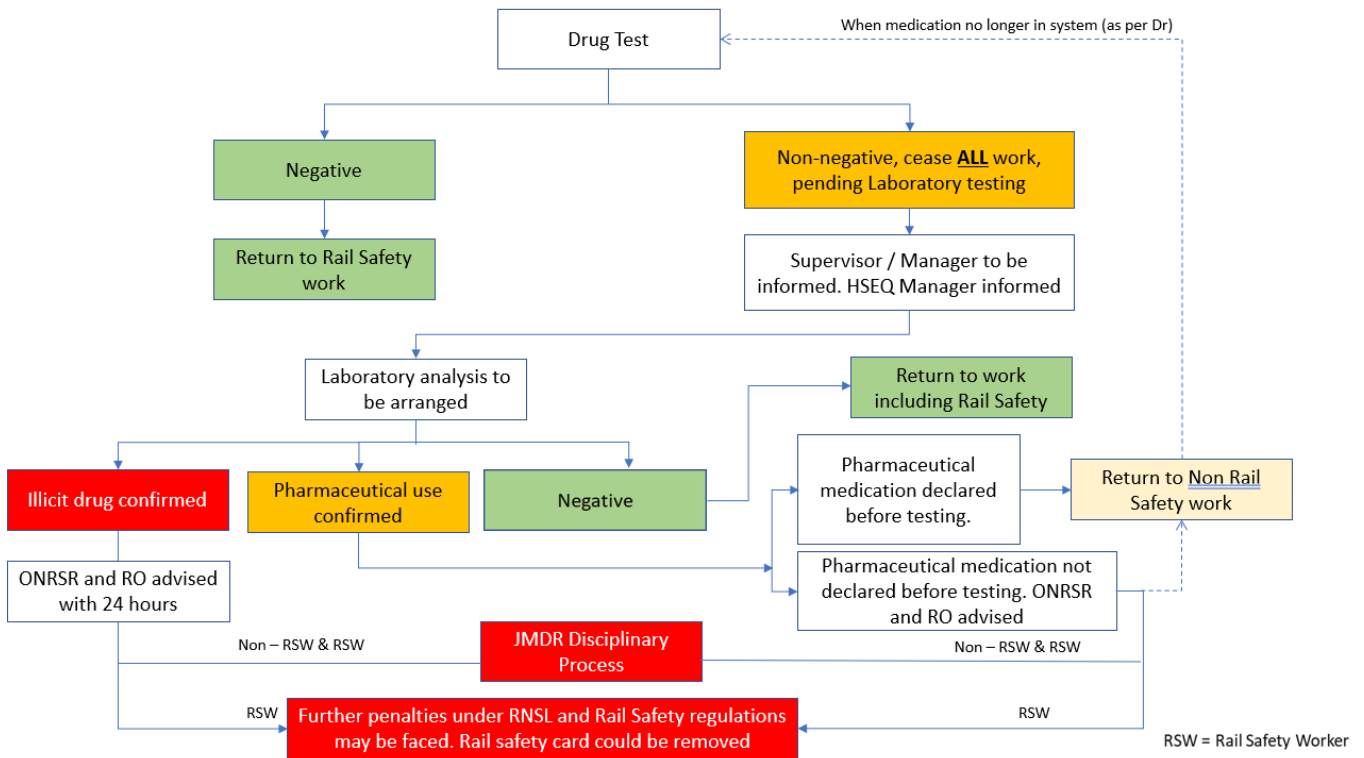
This commitment to zero tolerance applies to all employees, contractors and sub-contractors and consultants, and others working in any JMDR office or project regardless of whether they are Rail Safety Workers or not.

4. FLOWCHART

4.1 Alcohol Test Process



4.2 Drug Test Process



5. RESPONSIBILITIES

5.1 All Employees (incl sub-contractors and visitors)

All employees, sub-contractors and visitors are required to comply with the requirements in this procedure and:

- Ensure that they do not undertake duty if they are under the influence of drugs, or alcohol.
- Submit to testing under the JMDR drug and alcohol testing program.
- Ensure they do not have illicit drug administration paraphernalia, drugs or alcohol in their possession in the workplace.
- Seek medical advice about their ability to work safely before taking prescribed or over-the-counter drugs. Informing medical staff of their job requirements is a legislative requirement for random testing for working under the influence of drugs. Immediately notify their Supervisor if such drugs may affect their ability to work safely.
- Notify the Supervisor if their ability to work may be impaired by drugs or alcohol or, they recognise the ability of another worker to carry out their work may be impaired by drugs or alcohol

5.2 Supervisors (incl Foreman, Team Managers)

Supervisors are the key to the practical application of this procedure. They are responsible for:

- Ensuring they are familiar with the drug and alcohol testing program and ensure employee inductions include the requirements of the program.
- Providing practical support and ensuring there is no hindrance to testing under the JMDR drug and alcohol testing program or the other legitimate testing programs that may be imposed by Clients, ARO's or ONRSR.
- Ensuring that employees are not allowed to undertake hazardous tasks whilst potentially impaired by pharmaceutical medications notified by employees.
- Seeking advice from the JMDR Safety Manager if unsure about alcohol and other drug management requirements.
- Implementing the JMDR Disciplinary Procedures with the assistance of the Human Resources manager where this is called for in relation to positive test results.

5.3 JMDR Safety Manager

The JMDR Safety Manager is responsible for:

- Establishing a random drug and alcohol testing program in accordance with this procedure.
- Engaging an ONRSR approved Drug and Alcohol testing organisation to meet ONRSR testing requirements (as required).
- Provide the authorised testing organisation with a current list of Rail Safety Workers.
- Appoint Nominated Representatives as the day-to-day point of contact with the Testing Officer and receive the results of tests from the Testing Officer (when testing is being undertaken).
- Receiving Drug and Alcohol testing program reports from throughout the JMDR business, including from subcontractors where applicable.
- Including relevant Rail Safety Worker Drug and Alcohol testing reports in the monthly safety reports.
- Informing Clients (where applicable) within 24hrs of all Rail Safety Worker positive and non-negative drug or alcohol results.
- Providing quality and timely advice to team leaders as required, with respect to Drug and Alcohol issues, processes and program.

5.4 Nominated Representative/s

The Nominated Representative is a suitable person nominated to be the day-to-day contact person for the authorised testing organisation during Drug and Alcohol testing within the JMDR business (including project sites). Their role includes:

- Liaising with the authorised testing organisation regarding the testing program, whilst maintaining confidentiality to ensure the integrity of the random approach.
- Facilitating the safe arrival and induction onto the relevant parts of the business or project/s during the testing program.
- Receive and confidentially manage the results of the testing program; and confidentially return these to the safety manager within 2 hours of receipt.

5.5 JMDR Human Resources Manager

The JMDR Human Resources Manager is accountable for the implementation of the JMDR Disciplinary Procedure should this be required.

6. PROCEDURE

6.1 Alcohol and other drugs Awareness Program

To promote employee commitment, all project employees and sub-contractors are required to attend their relevant safety induction process. The induction will include an alcohol and other drugs awareness session. This session includes:

- Information about alcohol and other drugs impairment
- Drug and Alcohol offences under Rail Safety National Law
- Relevant JMDR policies, procedures and testing requirements
- Information about the testing process
- Discipline procedures that apply
- Voluntary Self-Identification of personal drug or alcohol factors and employee assistance program availability.

JMDR shall provide information to Supervisors on the testing requirements and managing workers affected by drugs and alcohol. The alcohol and other drugs awareness program will prompt Supervisors to check that workers are fit for work at the beginning of each shift and to look for signs that workers are under the influence of drugs or alcohol.

6.2 Pharmaceutical medication

The responsibility is on the employee to inform the Supervisor, using the JMDR Medication Declaration form, if taking any medications that may impair their performance, for example medications that cause drowsiness or affect co-ordination. Whilst relevant information is normally indicated on the medication packaging, if there is any doubt, they must seek advice about their ability to work safely in the workplace while taking the medication. Such advice may come from a qualified medical practitioner, pharmacist, Safety Advisor or the Safety Manager.

After the worker has declared they are taking medication, the supervisor or Manager may consult with a health professional, who will determine, after speaking with the worker, if they can continue with Rail Safety Work. If they can not, alternative duties will be found where possible. If this is the case, the worker should liaise with their Doctor to seek alternative medications where possible, normal leave arrangements may also be utilised.

Note: when drugs are prescribed by a medical practitioner the employee or contractor must inform them that they are a rail safety worker and that they are subject to Drug and Alcohol tests in accordance with AS4308 standard and confirm the potential impacts to safe work performance and advise JMDR accordingly.

Employees being tested under the random Drug and Alcohol testing program (under this procedure) must declare to the person conducting the test all medications they are taking using the JMDR Medication Declaration form. In cases of a non-negative drug test result the laboratory carrying out the testing will refer to the information provided by the team member. This information will be treated in accordance with confidential information standards and may be used for disciplinary decisions where relevant.

If the non-negative test result is produced then the subject of the test will be unable to work until the laboratory confirms the non negative is as a result of medication use. The worker is then able to return to non rail safety duties until they return a negative reading according to AS/NZS 4308:2008 or until the disciplinary procedure is completed.

Team members must not commence rail safety duties if they are taking such medications that may impair safe work performance. Alternate non-rail safety duties may be assigned by the Supervisor who again can seek advice if needed from the Safety Manager and independent health professionals.

Common drugs that may negatively impact a workers abilities include (**but are not limited to**) those that contain:

- Codeine containing medications. Commonly found in extra strength pain killers and in cold and flu medications
- Diazepam containing medications. Commonly found in anti-anxiety medications
- Certain antidepressants
- Pseudoephedrine containing medications. Commonly found in hayfever/allergy or cold and flu medications

Other medications that may affect a person at work include (but not limited to):

- Travel sickness medications
- Sleeping pills (both over the counter or prescribed)

6.3 Illicit drugs

Workers must not be in the possession of illicit drugs, or any item of equipment for the use of administration of an illicit drug, while at work. The following substances are tested for in accordance with

- Opiates
- THC
- Cocaine
- Benzodiazepines
- Amphetamine
- Methamphetamine

6.4 Testing Program

Whilst the program must be in compliance with RSNL for Rail Safety Workers (RSW), all employees, sub-contractors and visitors are subject to the program. The test program will as a minimum include 25% of all Rail Safety Workers in any 12-month period. These tests will be conducted by an ONRSR approved organisation. These tests will be conducted regularly to capture the drug and alcohol testing requirements under the building code which requires:

- A. Where there are less than 30 workers on site – at least 10% of the workforce per month.
- B. Where there are 30-100 workers on site – a minimum of 5 workers per month.
- C. Where there are greater than 100 workers on site – a minimum of 10 workers per month.

The term “random” in this procedure means an indiscriminate process that includes confidentiality such that all employees remain uncertain as to when, where or how often they may be tested. Random may refer to either random selection of individuals and/or random selection of sites, and as such may include whole of site testing. The Safety Manager will decide how the testing program will ensure integrity of randomness.

Work activities on some JMDR project/s involve many high-risk construction activities and on that basis it will require a planned process of random testing to reduce the risk of Drug and Alcohol related incidents.

Additional tests conducted by Supervisors are above the ONRSR and building code requirements and are part of JMDR’s steps to ensure a safe working environment. Such additional tests may include daily prestart Alcohol Breathalyser testing, or where the Supervisor has cause to believe that a worker is under the influence of Drugs and Alcohol at any time on site. Supervisors will be trained in how to carry out the BAC test and how to instigate authorised drug testing if necessary.

6.4.1 Authorised Testing

Breathalyser Blood Alcohol Concentration (BAC) tests may be self-instigated by any PCBU at any time. They may also be instigated by any workplace leader who has been trained in the process.

Drug testing, which usually also includes BAC, must be carried out by trained and authorised Drug and Alcohol Testing Officers.

The Drug and Alcohol testing of any person carrying out Rail Safety Work (RSW), or who has just carried out RSW, or is about to carry out RSW, must be undertaken by an ONRSR authorised Drug and Alcohol tester who must carry and show on request their ONRSR identification card as authorised testers prior to undertaking testing.

To satisfy ONRSR requirements for Rail Safety Worker testing, JMDR will issue a sub-delegation to a **nominated person** within the organisation or a third-party service provider (can be an ONRSR authorised Drug and Alcohol tester). The **nominated person** will be authorised by ONRSR to appoint Authorised Drug and Alcohol testers. If the appointed Drug and Alcohol testers are not already authorised by ONRSR (i.e., do not have their ONRSR D&A tester ID Cards) then the **nominated person** must initiate their authorisation by ONRSR (this involves ONRSR forms, training and identification Cards).

All Drug and Alcohol testing processes used will:

- Comply with ASNZS 4308-2008 procedure for specimen collection and detection and quantification of drugs of abuse in urine.
- Utilise AS/NZS3547-1997 Breath Alcohol testing devices
- Comply with specific Rail Safety (Adoption of National Law) Regulation 2012

6.4.2 When and Where tests will be carried out

Testing for the presence of Drugs and Alcohol may be undertaken at any JMDR office/warehouse/yard or project site workplace:

- Prior to employment
- Prior to starting work
- During work
- In the event a Supervisor has cause to believe that a worker is under the influence of Drugs or Alcohol

- Following any incident. This is a requirement for a Rail Safety Workers if involved, or is reasonably suspected of having been involved, in a prescribed incident (notifiable incident) while carrying out rail safety work and must be undertaken within 3 hours immediately after the incident.

6.4.3 Voluntary Self-Identification

JMDR encourages any worker who is having difficulty controlling their use of Drugs and/or Alcohol to seek qualified help in dealing with their circumstances. JMDR will assist workers who self-identify.

All employees and contractors are required to:

- Encourage their colleagues/workers who are experiencing alcohol or other drug related problems to self-identify to their employer
- Ensure that information between the employee and the Supervisor is confidential
- Provide reasonable rehabilitation support and assistance to their workers to return to work

Warning: Self-identification will not be accepted as a means to avoid a Drug or Alcohol test or to avoid any disciplinary action from a positive test and is designed to allow employees to manage the issue prior to being tested.

6.4.4 Equipment calibration and maintenance

Breathalyser equipment is to be calibrated and re-calibrated when recommended by manufacturers specifications. Equipment is to be stored and maintained in accordance with manufacturers user manual to ensure equipment is maintained in a safe and serviceable condition. Equipment will be added to JMDR's equipment register to ensure it is calibrated within time frames recommended by the manufacturer.

6.4.5 Test Results

Test results for Alcohol will be either positive (alcohol detected) or negative. Testers will inform the worker of the result immediately after the test, and in the event of a positive result also immediately inform the Supervisor.

Test results for Drugs at the screening process will be either negative or non-negative (drug detected and a further test in a laboratory will be required and a doctor utilised to determine the result). The relevant worker and their Supervisor will be informed immediately of a positive or non-negative result.

For all drug related positive or non-negative test results Supervisors must:

- Ensure that the Worker stops work immediately
- Confirm that prior workplace activities have left the workplace in a safe condition
- Arrange to escort the worker to the approved testing organisation for further testing and laboratory analysis
- Ensures that the team member remains off rail safety work until a negative result is recorded, and Disciplinary Processes where relevant allow a return to work.

Where a *Rail Safety Worker* records a positive BAC test result, a re-test should be administered to eliminate a false positive due to the presence of contaminants such as lozenge or mouth wash.

The **secondary BAC test will be undertaken 20 minutes after the first test**. The person being tested shall not leave the testing premises and shall not take any oral liquids or food prior to the secondary test being undertaken.

If the secondary test is negative, then the worker/s shall resume their regular activities and the supervisor should report the events to the Safety Manager in an incident report.

Following confirmation of a positive result, arrangements will then be made for the individual to undergo a confirmatory breath analysis. The Testing Officer will liaise with the Supervisor and JMDR Safety Manager to direct the individual to attend a Police Station or other authorised place where this may reasonably occur

within three hours of the time the Rail Safety Worker carried out rail safety work (or was due to commence rail safety work).

6.5 Compliance and Disciplinary Procedure

All workers are made aware that if they attend work or undertake duty while affected by, or have within their body alcohol or illicit drugs, they will be dealt with under the JMDR HR Procedures (or under the Clients disciplinary procedures as appropriate) and may face severe disciplinary action up to and including termination of employment.

Subject to the outcome of the investigation and disciplinary action, the continuing employment of any worker who refuses, fails or tampers with a drug/or alcohol test may depend upon the successful completion of a rehabilitation, return to work and monitoring program as determined by the Managing Director (or his delegate/s) and JMDR Safety Manager.

A contractor or visitor, who refuses, fails or tampers with a drug or alcohol test must be directed to leave the workplace immediately. In addition, the contractor or visitor may be refused entry into any JMDR office/warehouse/yard or project site.

6.5.1 Counselling and Employee Assistance

The employer will provide all reasonable rehabilitation support assistance to their workers to return to work.

Employees who think they may have an alcohol or drug issue are encouraged to seek assistance through JMDR's confidential Employee Assistance Program (EAP).

The EAP provides confidential and professional assistance to workers and their family members. It helps workers resolve problems that may affect their quality of life or impair their work performance including alcohol and/or drug use.

6.5.2 Rail Safety Workers

All Rail Safety Workers are listed on the JMDR Rail Safety Worker register. Rail Safety Workers who test positive to alcohol or other drugs whilst undertaking Rail Safety Work also commit an offence under RSNL and Rail Safety Regulations, and as such may face further penalties under the law and may have their Rail Industry Worker card withdrawn.

6.5.3 Application of Discipline Procedures

Any positive results for alcohol or non-negative results for drugs will be immediately reported to the employee's manager who will also immediately inform the JMDR Safety Manager and relevant General Manager. For all positive or non-negative results, the employee will be removed from the workplace and not allowed to return until:

- For non-negative drug test results, laboratory tests indicate negative results for illicit drug use or
- After proper application of the disciplinary procedure their manager approves their return to work, and
- Rail Safety Worker restrictions that may have been imposed by relevant external authorities as a penalty has been removed and their Rail Industry Worker card returned or reissued.

Employees who refuse tests or interfere with the testing equipment or hinder the testing process will be dealt with as though they recorded a positive result for alcohol or other drugs and will be dealt with severely under the disciplinary process.

6.5.4 Grievances and complaints

Any complaints received relating to penalties or the application of disciplinary action raised by a worker in relation to the implementation of this Drug and Alcohol Management Procedure will be progressed in accordance with the dispute resolution process contained within the workers EBA or working agreement.

6.5.5 Reporting

The JMDR Safety Manager will report all Rail Safety Worker positive or non-negative tests (or when a Rail Safety Worker refuses to undertake a test) to the required regulatory authorities nominated person within 24 hours.

6.5.5.1 Notification to the Regulator

The following are an offense for Rail Safety Workers under the RSNL and JMDR must notify the Rail Safety Regulator in a form approved by the Regulator of;

- An analysis of blood or urine confirming the presence of a drug or alcohol in the blood of a rail safety worker
- A breath test indicating or confirming the presence of alcohol in a rail safety workers' breath or blood
- Any rail safety worker who, when required to do so fails to undergo the required drug and alcohol test
- Any incident or suspected incident involving the interference or tampering with, or destruction of a sample (including altering the concentration)

7. RECORDS

All records of Drug and Alcohol testing, including results, must be kept according to JMDR confidential record keeping procedures. Only authorised people with legitimate requirements to access this information may access it. Planned audits and reviews will include Drug and Alcohol Management and will therefore include auditing relevant records.

8. REFERENCES

8.1 Internal References

Doc No.	Doc. Title
003-2	JMDR Drug and Alcohol Policy
009-1	JMDR Safety Manual
	JMDR Rail Safety Worker Register (list of all Rail Safety Workers)
006-1	JMDR Human Resources Procedure

Internal references include all JMDR documents in use throughout the business and on specific projects.

8.2 External References

Doc No.	Doc. Title
Legislation	Rail Safety National Law 2012
Legislation	Building Code 2013
Regulation	Rail Safety (Adoption of National Law) Regulation 2012
AS Standards	AS/NZS 4308-2008 procedure for specimen collection and detection and quantification of drugs of abuse in urine.
AS Standards	AS/NZS 3547-1997 Breath Alcohol testing devices
ONRSR fact sheet	Appointment of authorised persons to conduct drug and alcohol testing in NSW
ONRSR fact sheet	Drug and alcohol management requirements for railway operations in NSW (Q & A)
ONRSR fact sheet	Drug and alcohol management requirements for railway operations in NSW (Summary)
ONRSR fact sheet	Scalability of drug and alcohol management program requirements

Medication Declaration Form

Name		Date:		Time:	
Employed by					
Occupation / nature of work					
Location					
Is your work safety critical?		<input type="checkbox"/> YES		<input type="checkbox"/> NO	
Do you hold a RIW Card?		<input type="checkbox"/> YES Number		<input type="checkbox"/> NO	
Medication					
Medication	Active ingredient	Source	Recommended Dosage	Last Taken	
		Choose an item.			
		Choose an item.			
		Choose an item.			
		Choose an item.			
		Choose an item.			
Did you inform the Doctor/Pharmacist that you are a Rail Safety worker and subjected to random Drug and Alcohol testing?				<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
Did the Doctor/Pharmacist give advice on the adverse effects of the medication?				<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
If YES, what was the advice?					
If NO, did you request any further information?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
			Please advise:		
Supervisor / Manager recommendations / working restrictions.					
Worker Name			Signature		
			Date		
Supervisor Name			Signature		
Position			Date		

Note: Declarations and testing conducted in accordance with AS 4308 and Rail Safety National Law