

Drug and Alcohol Policy

Policy Number: CP22001

Effective Date: 6/9/22 Review Date: 6/9/23



Our vision is to have a drug and alcohol-free workplace. We are fully committed to protecting our people, customers and community from the dangers and issues surrounding alcohol and drug misuse.

The health, safety and wellbeing of our people, customers and community is paramount, which is underpinned by our [Safety and Wellbeing Policy](#).

This Policy should be read in conjunction with the [TfNSW Drug and Alcohol Procedure](#).

Health and safety in the workplace are everyone's responsibility. Drugs, alcohol and other substance misuse pose a serious health and safety risk.

All workers are responsible for being fit for work. We are committed to supporting our workers to work safely and not be impaired by alcohol and / or other drugs.

This Policy will take effect from the **6th September 2022**.

We commit to achieve this through:

- implementing a drug and alcohol testing program
- requiring all workers to have a blood alcohol concentration of 0.00% while at work or on call
- requiring all workers not to have amounts of drugs in their body that equal or exceed the cut-off levels listed in AS/NZS 4760:2019 or AS/NZS 4308:2008
- mandating that our people are not permitted to have or sell alcohol* or prohibited drugs in the workplace, and must not be in possession of any item or piece of equipment for the use or administration of a prohibited drug at any TfNSW workplace
- implementing measures to reduce safety risk, absenteeism and other effects in the workplace due to the consumption of drugs and alcohol, which will include the opportunity to self-identify and seek help, rehabilitation programs and education on drug and alcohol related issues
- having processes for the fair and equitable management of non-negative test results

* Alcohol may be served on licensed TfNSW premises in accordance with regulations.

This Policy applies to workers performing work for the following:

- Transport for NSW:

'Worker' includes all permanent, temporary and casual staff, staff seconded from another organisation and contingent workers including labour hire, professional services contractors and consultants.

This Policy supersedes CP14024.4.

A handwritten signature in black ink, appearing to read 'Rob Sharp'.

Rob Sharp, Secretary

OFFICIAL

TfNSW Drug and Alcohol Procedure

Procedure Number: CPr22004

Effective Date: 6 September 2022

Review Date: 6 September 2023

1 Who is this document for?

All ongoing / Temporary/ Seconded/Casual staff of TfNSW	YES
Transport Service Senior Managers and Executives	YES
Labour Hire, Consultants, Suppliers, Contractors, Sub-contractors and Professional Service Contractors	YES

Note:

1. As an accredited Rail Transport Operator, TfNSW must comply with RSNL and ONRSR requirements, and as such, all workers who access the Rail corridor or are classified as Rail Safety Workers are also subject to additional requirements as described in Section 9.

2 Purpose

This Procedure supports the [TfNSW Drug and Alcohol Policy](#) by establishing clear, transparent and consistent processes for addressing the risks associated with drugs and alcohol in the workplace, with the objective of having a workplace free of illicit drug and alcohol use.

This Procedure explains:

- principles underpinning TfNSW's approach to drug and alcohol risk management, including expectations of workers and managers
- processes for providing education and awareness to workers
- processes for testing for illicit drug and/or alcohol use
- processes for managing removal from the workplace of workers whose test results are positive and/or non-negative, and their subsequent return to work
- support mechanisms
- medication declaration
- steps for self-identification.

3 Scope

The drug and alcohol limits stated in this Procedure apply when:

- driving for work, including between work sites and/or offices

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- in the workplace – e.g. offices, construction sites, depots, maritime environments, rail corridor environment etc
- on call or standby
- responding to a crisis or emergency
- if you are a rail safety worker, after you leave home on the way to work irrespective of the mode of travel.
- When staff are performing work for TfNSW, but are at a site not owned, managed or controlled by TfNSW, they are required to comply with this Procedure, the TfNSW Drug and Alcohol Policy, as well as any drug and alcohol policies, procedures or site rules that are in effect at that site. If a staff member contravenes the [TfNSW Drug and Alcohol Policy](#), this Procedure or site rules in effect at such a site, that contravention will be regarded as a breach of this Procedure.
- Additional requirements may apply to Rail Safety Workers – refer to the rail documents noted in section 9

4 Required outcomes

Adherence to the [TfNSW Drug and Alcohol Policy](#) and this Procedure will result in the following outcomes:

- Reduction in risks in the workplace associated with illicit use of drugs and / or alcohol.
- Education and improved awareness of workers to the risks associated with illicit drugs and / or alcohol use.
- Having in place an effective drug and alcohol testing program aligned to legislative and regulatory requirements.
- Having in place effective processes for managing risk associated with over the counter and prescription medications.
- Having in place a mechanism for support and relevant rehabilitation programs.

5 Context

5.1 Leadership and supervision

Managers are expected to:

- communicate this Procedure to workers and lead by example
- promote a supportive and safe work environment free from illicit drug and/or alcohol use
- cooperate with the authorised testing agency representative to coordinate drug and alcohol testing in the workplace

- for random testing, provide the tester with the names and/or number of all workers present on site. Where a site has more than 20 workers, the authorised tester will facilitate a randomisation process to select 10% of the workers onsite
- advise selected workers and make sure they proceed directly to testing
- proactively address suspected illicit drug and/or alcohol use
- conduct effective conversations with workers focusing on their fitness for work
- encourage workers who self-identify or who have a positive drug or alcohol test (where relevant) to seek medical advice and support their return to work
- exercise duty of care and make arrangements for safe travel home when indicated and welfare support for workers who are removed from duty after a positive alcohol and/or non-negative drug test result.

5.2 Expectations

TfNSW is committed to providing safe and healthy work environments and conditions, preventing work-related injury and illness, and promoting good physical and mental health and wellbeing. One way we achieve this is through promoting and maintaining an alcohol and illicit drug-free workplace.

All workers:

- are responsible for their own fitness for work and must ensure they are free of alcohol, illicit drugs and/or illicit drug use whilst at work, travelling to and from work or on-call
- are not permitted to bring alcohol or illicit drugs onto TfNSW premises (with the exception of alcohol at licenced venues within TfNSW locations, e.g. Manly wharf) nor consume alcohol or illicit drugs at work or during working hours (including breaks)
- who are working away from home are permitted to carry alcohol in a TfNSW vehicle from a licensed vendor to their place of accommodation, for consumption outside of normal work hours in a manner consistent with the stipulations outlined in this Procedure
- must ensure that they do not undertake duty if they are affected by (including residual or post-consumption effects such as hangovers), or are under the influence of, or have within their body, amounts of alcohol or drugs above the designated Aus/NZ Standards levels.

6 Requirements

6.1 Testing process

6.1.1 Permitted drug and alcohol limits

6.1.1.1 Alcohol

A blood alcohol concentration of 0.00% is mandated for all workers following AS/NZS 3547:2019. See section 6.1.5.6 - *Test outcomes: positive test results - action by Line Manager.*

6.1.1.2 Drugs

- Drug test results must be less than the cut-off levels listed in AS/NZS 4760:2019 (oral fluid testing for amphetamine type substances, benzodiazepines, cannabis metabolites, cocaine metabolites, opiates, amphetamines and oxycodone) or AS/NZS 4308:2008 (urine testing for amphetamine type substances, benzodiazepines, cannabis metabolites, cocaine metabolites and opiates).
- Workers must be free from the influence of drugs while on duty, except for prescribed, therapeutic or over-the-counter drugs that do not adversely affect a worker's ability to work safely.

6.1.2 Drug and alcohol testing

6.1.2.1 Testing process

- The testing process will be managed through an authorised testing agency and TfNSW will meet the costs associated with drug and alcohol testing conducted on its behalf. Any tests initiated by a worker (e.g. to contest a result) will be at their own expense.
- If a worker is reasonably unable to submit to a test for alcohol or drugs (e.g., because of a significant personal injury or other condition, known and endorsed by the Chief Health Officer (CHO) or a substantiated strict religious objection) they will not have breached this Procedure. A worker unable to be tested due to a significant personal injury or other condition (as above) will be required to submit to alcohol and drug tests at the earliest practicable time. Any such inability to submit to a drug or alcohol test must be declared in advance of any notification to be tested. In the case of injury or medical conditions that prevent testing, the worker must provide sufficient medical or credible evidence to support their claim.

6.1.3 Types of testing

6.1.3.1 Pre-sign on

Drug and alcohol testing may be required prior to commencement of work. This is predominantly where drug and alcohol pre-commencement testing is prescribed within legislation (such as Rail Safety National Law) or where a work task has been identified as Category A (examples could include heavy vehicle driving or Category A construction work).

Pre-sign on drug testing will be via oral fluid testing unless otherwise prescribed under legislation. Alcohol testing will be via breath analysis.

6.1.3.2 Random

The randomisation process considers all TfNSW divisions, functional groups, known locations and operational contexts in an equal manner and is determined by the authorised testing agency engaged by TfNSW in consultation with the Senior Manager Occupational Health.

Random testing events will be arranged and conducted by the authorised testing agency.

Once on site, the authorised testing agency will apply a randomising process to select workers for testing when the work group is larger than 20 workers.

Random drug test will be via oral fluid testing unless otherwise prescribed under legislation. Alcohol testing will be via breath analysis.

6.1.3.3 For-cause

Alcohol testing via breath analysis and urine testing (or oral fluid testing where urine sampling is not reasonably practicable) may be carried out on any worker for the presence of drugs and alcohol following Line management establishing reasonable suspicion through a fitness for work conversation with the worker that a person is impaired by drugs and/or alcohol while on duty or at a TfNSW controlled/managed worksites. Testing should be conducted as soon as possible and ideally within 3 hours.

For-cause testing must be requested to the Senior Manager Occupational Health following approval in accordance with the delegation framework.

6.1.3.4 Post-incident

Whenever there is a significant safety incident at a TfNSW workplace, it is mandatory for the workers involved to be tested for alcohol and drugs. Testing should be conducted as soon as possible and ideally within 3 hours.

According to the [TfNSW Health and Safety Incident Management Requirement](#), a workplace or worksite-related incident with any one of the following critical consequences is classified as a 'significant' safety incident:

- there is a fatality or someone is hospitalised due to the serious nature of the injuries incurred.

- there is a failure of, or major damage to, TfNSW infrastructure or other asset.
- it is highly visible to the public or media.
- it was a high potential near-miss.

Following any significant safety incident the manager will direct those involved to take a drug and alcohol test.

‘Post-incident’ drug testing will be via urine testing or oral fluid testing when urine sampling is not reasonably practicable. Alcohol testing will be via breath analysis.

6.1.3.5 Return to Work / Post Rehabilitation

Workers who are participating in a rehabilitation program following a positive random, post-incident or for-cause test, or those who self-identify, may be subject to further drug and alcohol testing in accordance with the agreed return to work/reasonable adjustment plan.

6.1.3.6 Additional testing under Rail Safety National Law (RSNL)

In addition to the above outlined drug and alcohol testing types for TfNSW, Rail Safety National Law may require additional testing for workers who are required to enter the rail corridor and / or who are classified as Rail Safety Workers.

6.1.4 Testing program

The Senior Manager Occupational Health must ensure the drug and alcohol testing program adheres to the following:

- Testing is to be administered at all known TfNSW work locations, including corporate offices, site offices and project sites.
- Rates of random testing are to be based on legislative requirements (where applicable) and operational risk profiles. As a minimum, a testing rate of 10% of employees per annum is to be achieved (25% threshold for RSW’s in accordance with relevant legislation).
- The testing program’s forward schedule of site visits must remain confidential.
- Testing must be undertaken by Authorised Testing officers.
- The methods of administering and processing alcohol and other drug tests must comply with those outlined in this Procedure.
- A private and confidential location with appropriate facilities will be utilised for testing.
- Steps to be followed for alcohol and drug testing are detailed within Appendix A.

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6.1.5 Testing and test outcomes

6.1.5.1 Arranging tests

- Random tests will be arranged by a TfNSW-nominated Authorised Testing Agency.
- The Authorised Testing Agency operates 24 hours a day, seven days a week with capacity to deliver services across metro, regional and rural NSW.
- Post-incident and for-cause tests must be undertaken as soon as possible and ideally within 3 hours after the incident or fitness for work conversation (see 6.1.3.3 – Types of Testing – for cause).
- The Line Manager, having gained the relevant approval, must inform the Senior Manager Occupational Health when on-site testing is required.

6.1.5.2 Exceptions to testing

There are limited exceptions to the requirement for worker to undergo post-incident or for-cause drug and alcohol testing:

- If the worker has been admitted to hospital and the health care provider treating the worker objects to testing because it would adversely affect the treatment or care of the worker.
- If the tester believes that testing could be dangerous to the worker's medical condition.
- If the worker is at home.

6.1.5.3 For-cause drug and alcohol testing - action by the Line Manager

If, on reasonable suspicion, a worker is not fit for work due to drugs and/or alcohol the Line Manager must do the following:

- Discuss the matter with the worker in a private location away from other workers.
- Explain to the worker why they have been approached. The manager should advise the worker that they may bring a support person from those available at the worksite or office into the reasonable suspicion meeting.
- Give the worker an opportunity to respond to the concerns raised and consider any mitigating factors.

If the worker's behaviour or appearance is otherwise explained, it remains at the manager's discretion to alter or reallocate work tasks if they still feel a genuine safety risk exists.

If reasonable suspicion is confirmed, the Line Manager must:

- Complete the Drug and Alcohol Fitness for Work/For-Cause Checklist
- Request the Senior Manager Occupational Health to approve for-cause testing in accordance with the [Employee and Industrial Relations Delegations](#)
- Direct the worker to stop active duties and remain on site for testing.

- Contact the Senior Manager Occupational Health for confirmation. Upon confirmation, the TfNSW Occupational Health Team will contact the Authorised Testing Agency to arrange drug and alcohol testing.
- Arrange for the worker to remain in a safe place with supervision to ensure their ongoing safety and wellbeing.
- Offer the worker EAP support.

6.1.5.4 Post-incident drug and alcohol testing - action by the Line Manager

Following a workplace or work-site related incident, the Line Manager must:

- Verify that the workplace is safe and any hazards associated with the incident have been controlled.
- Arrange first aid and medical treatment for persons that have sustained injury.
- Remove the worker who is to be tested from their current job task.
- Contact the Senior Manager Occupational Health to arrange for the Authorised Testing Agency to conduct drug and alcohol testing.
- Arrange for the worker to remain in a safe place with supervision.
- Offer the worker EAP support.

6.1.5.5 Test outcomes: negative test results – action by Line Manager

If a worker's alcohol and drug test results are negative, the worker may return to work. However, where the manager remains concerned about the worker's safety and/or the safety of others, the manager may request, in consultation with the CHO, that the worker provide medical advice about their fitness for work or to modify work tasks if a genuine safety risk exists.

6.1.5.6 Test outcomes: positive test results – action by Line Manager

- After the initial >0.00% BAC breath test result, the worker will be asked to wait for a minimum 15 minutes prior to undergoing a 2nd breath test. The result of this 2nd test will determine the next steps:
 - If the worker is a Category A Worker, Heavy Vehicle Operator or Rail Safety Worker and their 2nd BAC is both lower than the initial breath test and also <0.05%, the worker will be asked to make their own way home. Leave of absence processed in line with TfNSW leave policies and procedures.
 - If the worker is a Category B Worker and their 2nd BAC is both lower than the initial breath test and <0.02%, the worker will not be required to leave the workplace. However, an exception to this is if there are concerns identified with continuing their normal duties through a fitness for work discussion with their line manager. No disciplinary action will be taken in relation to

- the drug and alcohol policy and procedure in these circumstances.
- If the Category B Worker, following a random drug and alcohol test returns a 2nd BAC that is both lower than the initial breath test and <0.02% and it is the third consecutive occasion that the workers 2nd BAC is above 0.00% and <0.02%, the relevant Line Manager is to confer with the P&C Business Partner to discuss further action (see compliance section of this Procedure). Disciplinary action in relation to the Drug and Alcohol Policy and Procedure may be considered in this scenario. Category B Workers otherwise remain subject to the compliance requirements for post-incident and for-cause testing.
 - If the worker is a Category B Worker and their 2nd BAC is both lower than the initial breath test and between 0.02% and 0.05% BAC, the worker will be asked to make their own way home. Leave of absence processed in line with TfNSW leave policies and procedures.
 - If the worker's 2nd breath test shows that their BAC is higher than the first test or if it is >0.05% BAC, the worker's Line Manager is to direct the worker to their current place of residence and ensure that the worker is provided alternative and safe travel arrangements e.g. with the provision of a cab voucher. Leave of absence processed in line with TfNSW leave policies and procedures.
- If there is a positive test result for alcohol, ensure that the worker is aware that a positive result is a breach of this Procedure and confer with the P&C Business Partner to discuss further action (see Compliance section of this Procedure).

Return to Work

- A worker can return to work after 24 hours of leaving the worksite, or at the start of their next rostered shift, whichever is the later if their BAC breath test result was <0.02% BAC for HV license holder, <0.05% BAC for all other non Rail Safety Workers.
- Any worker whose breath test result is above the threshold for their role (i.e. RSW >0.00% BAC, HV Operator >0.02% BAC, all other workers >0.05% BAC) will need to consult with a medical officer (e.g. GP) to obtain a sign off, at the worker's expense, that they are fit to return to work following their breach of this Procedure.
- When returning to duties following a breach of this procedure a Drug and Alcohol Fitness for Work / For-cause Checklist must be completed and signed by the Line Manager and worker and sent to the P&C Business Partner.

- The worker may be subjected to additional Drug and Alcohol testing based upon Fitness for Work discussions using the Reasonable Suspicion guidelines (see Related/supporting documents).

Rail Safety Workers

- Refer to the rail documents referenced in section 9 for specific guidance on managing rail related breaches of this Drug and Alcohol procedure.

6.1.5.7 Test outcomes: non-negative drug test results – action by Line Manager

- If there is a non-negative drug test result in the absence of any previously declared medication use (declared to Line Manager or CHO) or not in the same class of drugs previously declared, TfNSW will facilitate the worker to be returned to their current place of residence.
- If there is a non-negative result for drugs that the worker has previously declared, the Line Manager is required to have a fitness for work discussion with the worker using the Reasonable Suspicion Guidelines in collaboration with the P&C Business Partner and/or the Senior Manager Occupational Health. This review is to assess and document if the worker is or is not impaired.
- The following steps are to be followed in the event of a non-negative drug test result for a sample consistent with a previously declared and approved medication:
 - If the fitness for work assessment and discussions conclude possible impairment, the Line Manager will arrange for the worker to be safely transported to their current place of residence.
 - If this fitness for work discussion results in the Line Manager (in consultation with the P&C Business Partner and Senior Manager Occupational Health) accepting that the worker is not currently impaired by drugs, they can continue to perform Category B work tasks, e.g. office work, pending the results of the lab confirmation of the test sample.
 - If the worker is performing high risk work tasks, e.g. plant operation, working at heights, etc, irrespective of the fitness for work discussion, the worker is to be redeployed to a safe work role or arrangements made to be safely transported to their current place of residence, pending the results of the lab confirmation of the test sample.
 - A worker who has been re-deployed to a safe work role or returned to their current place of residence cannot return to their substantive role until given approval by the CHO. The CHO will communicate that approval to the Line Manager, who will advise the P&C Business Partner and the Senior Manager Occupational Health.

- Management must maintain confidentiality about the matter and be sensitive to the worker's situation and offer available support services to the worker.
- If the laboratory confirmation test result for drugs is negative, the worker will be able to return to work in their substantive role.
- If the confirmation test result for drugs from the laboratory is consistent with declared medication and approved by the CHO, this will not be considered a breach of this Procedure.
- If the confirmation test result for drugs from the laboratory is positive and not consistent with declared medication, this result will be forwarded to the CHO and the Line Manager. The worker will be advised that a positive result is a breach of this Procedure with a referral made by the Line Manager to the P&C Business Partner to consider any further action, and to the Senior Manager Occupational Health.

Rail Safety Workers

- Refer to the rail documents referenced in section 9 for specific guidance on managing rail related breaches of this Drug and Alcohol procedure

6.1.5.8 Contesting a positive drug test

If a worker wishes to contest the confirmation test result they must advise the Senior Manager Occupational Health within three months of the report date. They can apply for the sample held by the laboratory to be sent to a NATA (National Association of Testing Authorities) accredited laboratory of their choice for analysis. The worker must do this at their own expense.

6.1.6 Self-identification

6.1.6.1 Self-identification process

- TfNSW encourages and supports workers who have concerns about their fitness for work due to drug or alcohol use, to self-identify.
- The worker should self-identify to their Line Manager or the P&C Business Partner, who will take action to help ensure the health and safety of the worker and others in the workplace. This may involve the Line Manager removing or redeploying the worker from their current duties, directing them to seek medical advice and providing information about support options.
- The section below addresses disclosure of prescribed or over-the-counter medicine use.
- If a person self-identifies as having concerns regarding alcohol and/or drug use, TfNSW will be supportive and provide assistance.
- Self-identification cannot be used to avoid a test or action that may result from a positive test. That is, a worker who self-identifies cannot avoid a test:

- when the authorised testing agency presents to a workplace for the purpose of random testing
 - when randomly selected for a test
 - after a worker is involved in an incident
 - during a conversation to confirm a manager's reasonable suspicion that they are affected by drugs or alcohol
- A worker who self-identifies may still be directed to undergo testing as per Reasonable Suspicion Guidelines.
 - The worker, via a medical officer, may be referred to a rehabilitation program.
 - Where medical advice indicates that the worker should enter treatment or a rehabilitation program, TfNSW employees will be entitled to access their leave in accordance with relevant TfNSW leave policies and procedures.

6.1.7 Prescribed and over-the-counter medications

6.1.7.1 Prescribed and over-the-counter medications

- Workers must not be impaired by drugs while on duty for TfNSW.
- TfNSW requires workers who take prescribed or over-the-counter medication to seek medical advice from a doctor or pharmacist about their ability to work safely while taking them. Staff must not commence duties after taking the drugs if their doctor or pharmacist advises the drugs may affect their ability to safely perform their work.
- If the drugs affect their ability to work safely, the staff member must immediately notify their Line Manager.
- If the worker performs work duties as a Rail Safety Worker or operates a heavy vehicle, the worker must complete the Medication Declaration Form and provide this to their Line Manager who will forward this to the CHO for review. The CHO will send this Medication Declaration Form to the Line Manager to forward to the worker to retain. The Line Manager WILL NOT retain this medication declaration form, to comply with Privacy Act provisions.
- The list of medications that must be declared include: Sativex, cannabidiol, medicinal marijuana, codeine, oxycodone, tramadol, morphine, pethidine, fentanyl, methadone, ketamine, dexamphetamine, phentermine, diazepam, oxazepam, temazepam, alprazolam, nitrazepam, lorazepam or any other sleeping tablet.
- All prescribed medication must be for the employee's use only. Employees must not use medications prescribed for others.
- If a worker discloses medication use to the authorised tester during the drug testing process, that will be noted when their confirmation test sample is submitted for analysis. The nominated medical review officer (from the

Authorised Testing Agency) will report to the CHO whether the result is consistent with medication or otherwise.

6.1.8 Confidentiality and privacy

6.1.8.1 Confidentiality and privacy

- In all circumstances, any information created or collected about a worker's use of drugs or alcohol must be treated in a confidential manner.
- This includes records of test results, self-identification, medical assessment, rehabilitation and follow-up action.
- Managers and workers must ensure that confidentiality is maintained at all times in the application of this procedure.
- The collection, use and disclosure of all records associated with this Procedure will comply with the *Health Records and Information Privacy Act 2002*, the *Privacy and Personal Information Protection Act 1998* and [Transport's Privacy Policy](#).

6.1.9 Support

6.1.9.1 Support services

The following services are available to both managers and workers:

- EAP (telephone: 1300 360 364) – a free and voluntary counselling service available to all staff and their immediate family.
- Manager Assistance Program (telephone: 1300 360 364) – a telephone advisory service for managers dealing with difficult or complex issues, or wanting to refer a team member to EAP.
- TfNSW encourages workers who have concerns about their drug or alcohol use to seek the advice of a registered medical practitioner who can provide medical assessment and referral to appropriate treatment options.
- Workers may also contact their union for assistance with accessing support through other recognised programs.

6.1.9.2 Support and rehabilitation

- A worker may be referred to a rehabilitation program via a medical practitioner in the event of a confirmed positive drug and/or alcohol test. The worker may be required to attend medical appointments and counselling sessions and may be subject to further drug and alcohol testing.
- TfNSW encourages workers who have concerns about their fitness for work due to drug and/or alcohol use to self-identify. All workers who self-identify may be referred to a rehabilitation program or supported in accessing one.
- Upon determination by the Line Manager and the P&C Business Partner that the worker may be allowed to return to work, they may be subject to drug and alcohol testing as part of their return to work plan.

6.1.10 Compliance and grievances

6.1.10.1 Compliance

A worker does not comply with this Procedure if they:

- undertake illicit use of drugs or alcohol during working hours or when on call
- return a positive test result for alcohol (as defined above in section 6.1.5.6) and/or drugs not consistent with declared medication use
- do not declare listed medication use if they are Rail Safety Worker or a Heavy Vehicle Operator (this non declaration may also be a breach of the *Rail Safety Act*)
- do not provide a breath, oral fluid or urine sample after being reasonably requested to do so as outlined in this Procedure
- unreasonably refuse to engage in a fitness for work conversation with their manager
- do not provide reasonable co-operation in relation to any sample collection procedure or refuse to sign or complete any sample collection documents or labels
- avoid, contaminate or falsify any breath, oral fluid and/or urine sample, or aid, abet or attempt to do so
- substitute a sample for another worker or are involved in any such substitution or aid, abet or attempt to do so
- store, sell, supply, manufacture or cultivate drugs or alcohol on work premises
- engage in vexatious reporting
- while working for TfNSW at a site not owned, managed or controlled by TfNSW, contravene the drug and alcohol policies, procedures or site rules that apply at that site.

It is a breach of this Procedure if a worker, while working for TfNSW, returns a laboratory confirmed positive test following drug and/or alcohol testing conducted by a third party, (e.g. testing done in accordance with legislative requirements, or an industry partner's drug and alcohol policy, or by the Police) according to the drug and alcohol limits prescribed by that third party.

Where a manager has reasonable suspicion that a worker is not fit for work due to drug or alcohol use and they are unable to proceed to testing due to any of the breaches listed above, the manager will take action to ensure the health and safety of the worker and others in the workplace according to the [Work Fitness Procedure](#).

Failure to comply with this Procedure may result in disciplinary action up to and including dismissal.

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6.1.10.2 Grievances

Any grievances relating to this procedure are to be managed in accordance with the [Grievance Management Procedure](#).

6.1.10.3 Consequences of a confirmed positive test result

For TfNSW workers:

A positive test result may result in the worker being:

- directed to use sick leave until the circumstances giving rise to the positive test result are investigated and assessed or until any decision is made about disciplinary action
- referred to a medical practitioner who may refer the worker for further treatment / support and/or
- subject to disciplinary action for a single or repeated breach of this procedure, which will give proper consideration to all circumstances of the case.

For non-TfNSW workers:

- A non-TfNSW worker breaching this procedure will be managed according to their employer's policies and procedures and may be excluded from performing work for TfNSW. Any requests for approval to allow a non-TfNSW employee who has breached this procedure to recommence work for or on behalf of TfNSW must be approved by the Executive Director, Health & Safety.

6.2 Training and competencies

TfNSW will provide managers and workers with information and education about drugs and alcohol in the workplace. Examples include:

- briefings to managers and workers to support implementation of this procedure
- general induction for new TfNSW workers
- safety induction for both TfNSW and non-TfNSW workers
- health and wellbeing initiatives.

Specifically, the following applies for managers.

Role	Training or competency
Managers	<ul style="list-style-type: none"> • All managers must complete the e-learning (Equip) D&A Manager training program on how to apply this Procedure. Managers' training includes training in reasonable suspicion management.

7 Accountabilities

RASCI abbreviations	Definitions
R	Responsible: The person responsible for the system, document or tasks implementation or publication.
A	Accountable: The person accountable for the system, document or task owner with ultimate accountability for implementation or publication.
S	Supportive: the persons or stakeholders provided help by providing resources to the person Responsible
C	Consulted: The persons or stakeholders consulted before the system or document is implemented or published.
I	Informed: The persons or stakeholders informed about the system or document development, review, implementation and publishing.

	Workers	Line Managers	Senior Manager Occupational Health	Professional Standards	Chief Health Officer	People & Culture Business Partners	Health & Safety Partners
Permitted drug and alcohol limits	I	I	A	C	C	S	S
Drug and alcohol testing	I	R	A	C	C	S	S
Testing and test outcomes	I	R	A	C	C	S	S
Self-identification	A	S	R	I	I	S	S
Prescribed and over the counter medication	C	S	R	I	A	I	I
Confidentiality and privacy	C	R	R	S	R	A	S
Worker Support	I	R	S	S	I	A	S
Compliance and grievances	I	A	S	R	I	S	I
Training and competencies	I	A	R	I	I	S	I

8 Compliance

Compliance with this Policy, and related Procedures or Standards, is mandatory.

9 Related / Supporting documents

Associated documents

- [Transport Code of Conduct](#)
- [Current TfNSW Drug and Alcohol Policy](#)
- [TfNSW Safety and Wellbeing Policy](#)
- [Transport Fitness for Work Requirement](#)
- [TfNSW Fitness for Work Standard](#)
- [TfNSW Health and Safety Incident Management Procedure](#)
- Drug and Alcohol Leader guide
- [TfNSW Rail Industry Worker \(RIW\) Administration Standard](#)
- [TfNSW Drug Information Guidelines](#)
- [TfNSW Drug and Alcohol FAQ](#)
- [Sick Leave Procedure](#)
- [Work Fitness Procedure](#)
- [Grievance Management Procedure](#)
- [Managing Conduct and Discipline Policy](#)
- [Conduct and Discipline Handling Procedure](#)
- [Transport Information Labelling & Handling Guidelines](#)
- [Transport Privacy Policy](#)
- [TfNSW Drug and Alcohol reasonable-suspicion-guidelines](#)
- [TfNSW Medication Declaration Form](#)

Legislation and references

- *WHS Act 2011 NSW*
- *WHS Regulation 2017 NSW*
- *Rail Safety National Law (NSW) 2012*
- *Health Records and Information Privacy Act 2002*
- *Privacy and Personal Information Protection Act 1998*
- AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs in urine
- AS/NZS 4760: 2019 Procedure for specimen collection and the detection and quantification of drugs in oral fluid.
- AS 3547:2019 Breath alcohol testing devices for personal use

Tools and templates

- Reasonable Suspicion Guidelines and For-Cause Checklist

10 Definitions

A list of all definitions related to the Safety Management System can be found on the [Safety Management System intranet page](#).

Term	Definition
Authorised Person	A suitably qualified person from the appointed testing agency (Provider) to conduct a drug and /or alcohol test
Category A Worker	Worker engaged in roles that are outside of any office environment. This includes for example but not limited to performing duties at construction, field work, maintenance or depot sites, plant operation, road maintenance / construction worker, working at heights, maritime boat operator. This definition remains classified as such for all purposes, including when present at office sites.
Category B Worker	Employee who works only within an office environment and is not attending or performing duties in any other workplace on that day , including construction, field work, maintenance, depot sites, or any other operational environments. If attending any operation site for TfNSW, the worker is subject to the worker definition of a Category A Worker.
Heavy Vehicle License Holder	Any worker who performs plant or heavy vehicle operation duties requiring a heavy vehicle license
Illicit drug use	<p>'Illicit use of drugs' covers the misuse of a broad range of substances, including:</p> <ul style="list-style-type: none"> • illegal drugs – drugs prohibited from manufacture, sale or possession in Australia, including cannabis, cocaine, heroin and amphetamine-type stimulants • pharmaceuticals – drugs available from a pharmacy, over-the-counter or by prescription, which may be subject to illicit use (when used for purposes, or in quantities, other than for the medical purposes for which they were prescribed). Examples include opioid-based pain relief medications, opioid substitution therapies, benzodiazepines, steroids, and over-the-counter codeine (not available since 1 February 2018) • other psychoactive substances – legal or illegal, used in a potentially harmful way – for example, kava, synthetic

Term	Definition
	cannabis and other synthetic drugs; inhalants such as petrol, paint or glue (Department of Health 2017).
Line Manager	<p>A person responsible for planning and directing the work of a worker or group of workers, monitoring their work, and taking corrective action.</p> <p>In the context of the safety management system, this term is interchangeable with leader.</p>
Metabolites	Metabolites are chemical substances produced when drugs are broken down in the body. The presence of certain metabolites in an oral fluid or urine sample indicates drug use.
ng/mL	Nanograms per millilitre
Nominated medical review officer	An independent medical professional who is a member of the Australasian Medical Review Officers Association, appointed by TfNSW to review positive test results.
Non-negative drug test	An initial drug test result that exceeds the given threshold, but as yet is unconfirmed by confirmation testing.
On call	Rostered or directed by TfNSW to be on stand-by for duty.
On duty	Working; performing tasks and actions required by the worker's job role.
Passive breath test	Passive testing is a test that is performed in a non-invasive manner and without using mouthpieces. Passive alcohol breathalysers receive a breath sample when a subject speaks to or blows onto the instrument from a short distance.
Positive test	<p>A positive test for alcohol is recorded when a confirmation test BAC is above zero.</p> <p>A positive test for drugs is recorded when a confirmation test result exceeds the levels stipulated in AS/NZS 4308 or AS/NZS 4760.</p>
Rail Safety Worker	An individual who has carried out, is carrying out, or is about to carry out, rail safety work as defined by the Rail Safety National Law (NSW)
Reasonable suspicion	A concern about a worker's possible drug or alcohol use that may affect that worker's ability to perform work safely and without risk of harm to themselves or others at the workplace, based on a change in appearance and/or behaviour. The Reasonable Suspicion Guidelines provide clear and detailed instructions for how to assess and manage such cases. See Related / supporting documents.

Term	Definition
TfNSW staff/employees	Includes permanent, temporary and casual employees of the Transport Service assigned to the TfNSW Group, employees of a labour-hire company working for TfNSW, personnel assigned or seconded to TfNSW under the <i>Government Sector Employment Act 2013</i> (NSW) from the government sector or private sector, apprentices and trainees.
TSS	Transport Shared Services
Worker	<p>Any person who carries out work in any capacity at a TfNSW workplace including <u>TfNSW staff</u>, professional services contractors and consultants, contractors, sub-contractors and their employees, outworkers, students gaining work experience and volunteers.</p> <p>Note: for the purposes of this Procedure ‘worker’ does not include contractors, subcontractors and their employees on work sites where TfNSW does not have management or control, for example work sites where a principal contractor has been engaged.</p>
Workplace	A place where work is carried out for TfNSW business or undertaking and includes any place where a worker goes or is likely to be, while at work. This is inclusive of a vehicle, vessel, or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.

11 Document control

11.1 Superseded documents

This Procedure replaces the following documents:

- OneRMS PN066P31 Drugs and Alcohol Procedure

11.2 Document history

Date & Procedure No	Document owner	Approved by	Amendment notes
6 September 2022 CPr22004	Director Health & Safety (Health)	Executive Director Health & Safety	New document

11.3 Feedback and help

For advice on interpreting or applying this document, or should you have any questions on this Procedure please contact the Health & Safety branch whsms@transport.nsw.gov.au.

Drug and Alcohol Procedure

12 Appendix A

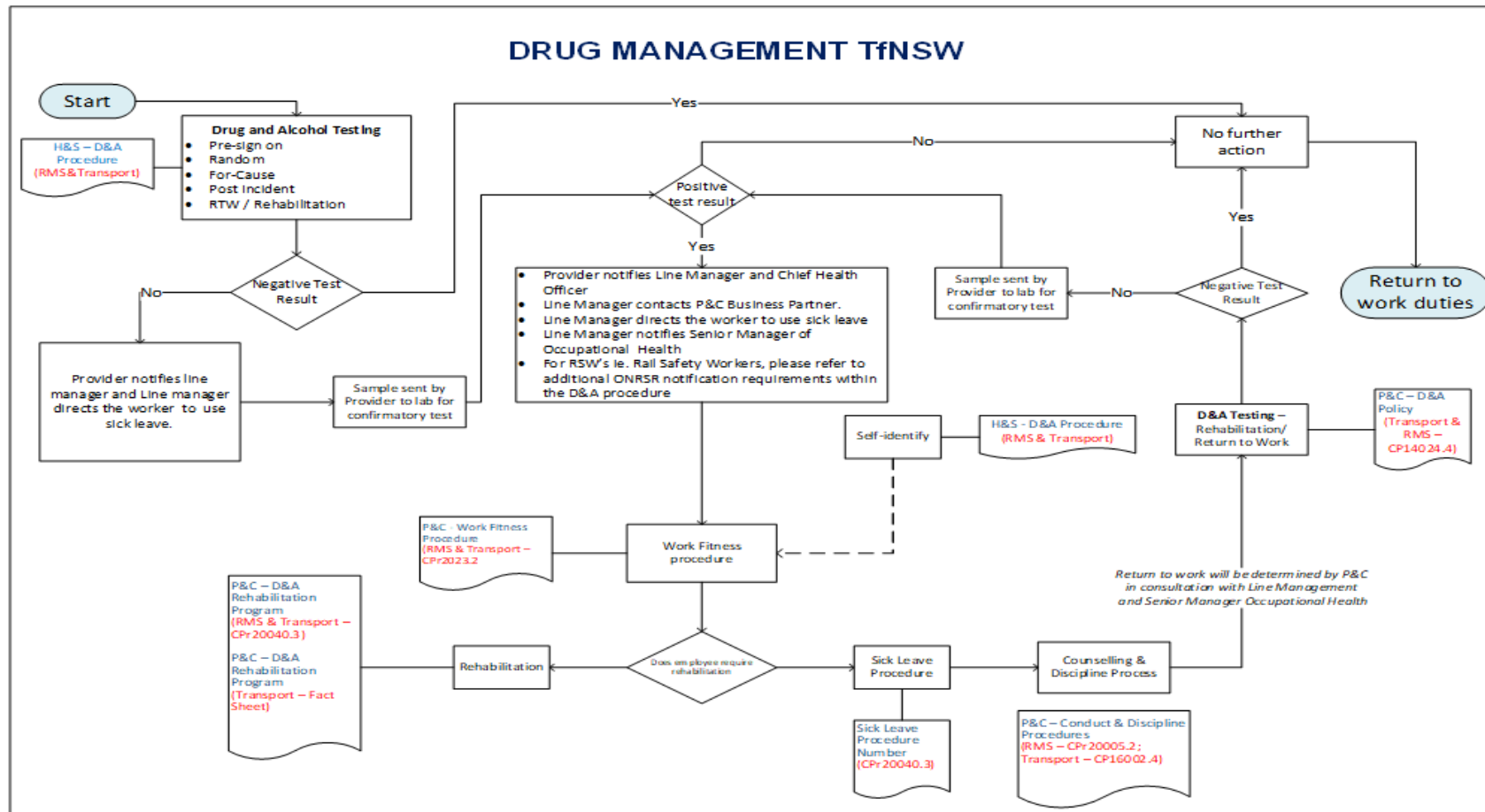


Figure: Drug Management TfNSW