

## **FITNESS FOR DUTY– (ALCOHOL & DRUGS) TESTING PROTOCOL 'FFD TESTING PROTOCOL'**

### **1. PURPOSE**

BMD have an "Alcohol & Drugs in the Workplace Policy" requiring that individuals should not be engaged in activities on a construction site where they are adversely affected by the influence of alcohol or drugs. This policy reserves the right to carry out testing of individuals to determine if they are affected by drugs or alcohol and this protocol sets out how that testing regime is to be administered.

### **2. SCOPE**

The FFD Testing Protocol applies to all persons who attend at a BMD workplace where it has been decided to invoke a testing program to detect the influence of drugs or alcohol, including:

- The Employer
- Executives
- Management and Supervisors
- All other employees
- Contractors
- Visitors

All persons attending at a BMD workplace are required to comply with the procedures outlined in the Alcohol and Drugs in the Workplace as well as the FFD Testing Protocol Policy.

### **3. PROCEDURES**

#### **3.1 Conduct of Testing and Testing Limits**

- Client alcohol and drug testing procedures may differ from those of BMD and will take precedence under the contract.
- All employees, contractors and visitors at BMD are to cooperate with the testing process as provided for in these guidelines.
- Breath testing for alcohol will be conducted by the collector using an electronic breath analysis device that has been calibrated and certified by the manufacturer of the device or an accredited testing agency.
- Breath specimen collection and testing will be performed in accordance with recognised breath testing practices and the device manufacturer's instructions.
- If an initial test of an individual's breath sample equals or exceeds the prescribed limit they shall be required to wait 20 minutes and a follow-up test conducted. If the follow-up test equals or exceeds the prescribed limit, a positive result will be recorded for the individual. The prescribed limit for alcohol testing will be as appropriate for the specific site and the duties of the individual and at the discretion of the Workplace Manager. As a guide the prescribed limit would be zero blood alcohol content for operators of equipment and .05% blood alcohol content for all other than operators of equipment.

- Failing/Refusing to provide either an initial or follow-up specimen of breath or failure/refusal to sign the testing consent form will be considered a positive result for the purposes of this program.
- Saliva testing for drugs will be conducted by the collector using an on-site immunoassay screening device. Positive results detected using the immunoassay screening device will be confirmed at an accredited laboratory using the target concentrations for drugs in oral fluids as per the AS 4760.
- Saliva specimen collection and testing procedures shall be in accordance with AS 4760 and the device manufacturer's instructions. Individuals will record a positive test if the immunoassay screening device is positive for one or more drugs AND the immunoassay test result is confirmed to be greater than the AS 4760 confirmatory target concentrations for drugs in oral fluids by follow-up laboratory testing. An individual failing to provide a specimen of saliva for testing or taking longer than 30 minutes to provide a suitable specimen for testing will be considered a positive result for the purposes of this program

### **3.2 Training and Authorisation for Collectors**

- Collectors are required to have received AQTF - approved training in alcohol and drugs testing from an accredited service provider (Registered Training Organisation)
- Further, authorized collectors are required by BMD to:
  - Behave in a manner that is professional, courteous, polite, impartial and objective
  - Respect the privacy of test subjects
  - Obtain the test subject's consent to conduct the alcohol and other drugs test in accordance with this policy
  - Not divulge the results of any test, or the response or behaviour of any person being tested to any other person other than the supervisor or appropriate next level manager immediately
  - Not offer personal comments about the lifestyle choices of those being tested or involved in the testing

### **3.3 Testing Protocols**

Drug testing protocols are in accordance with the requirements of AS 4760.

### **3.4 Testing**

Alcohol and drugs testing may be carried out at BMD's discretion in circumstances including but not limited to the following:

- Serious accidents or incidents, including reportable near misses; or
- Precautionary testing for an individual suspected to be under the influence of alcohol or other drugs at work
- On particular sites where it is decided to implement a random drug and alcohol testing regime.

### **3.5 Refusal to Test**

- It is a condition of entry to any BMD workplace that employees, contractors and visitors may be required to undergo alcohol & drug testing
- If an employee refuses to undertake a test or fails to complete a test without a reasonable excuse they will be treated the same as a confirmed positive result and the employee will be excluded from the workplace on unpaid leave until the employee obtains an acceptable result at their own expense
- Where extenuating circumstances exist, an employee may, at the discretion of management, be given the opportunity to submit to another test within 24 hours
- In the event of a confirmed positive result, unpaid leave will be no longer than two (2) days from the date the employee is removed from the workplace. If there is no attempt by the employee to obtain an acceptable result from an authorised testing provider during this period (at the employee's cost) disciplinary action will be initiated, which may include termination of employment
- Any attempt to tamper with or falsify any alcohol and/or drug test may result in the termination of the individual's employment subject to investigation into the circumstances
- Contractors and visitors refusing a test, or attempting to tamper with a result will be required to leave the workplace immediately. In the case of contractors, their employer will be notified immediately.

### **3.6 Return to Work Test**

#### **3.6.1 RETURN TO WORK ALCOHOL TEST (BMD EMPLOYEES)**

- A test subject who is a BMD employee and who returns a positive alcohol test shall be required to return a negative alcohol test prior to return to duties in the workplace
- The employee shall be required to present to the collector at the nominated time on the next rostered day for a return to work alcohol test
- BMD will make provision for a return to work alcohol test on the next rostered day following the day on which the positive alcohol test result was obtained
- The cost of the return to work alcohol test shall be met by BMD
- Arrangements to attend the return to work alcohol test are the responsibility of the employee
- If the return to work alcohol test is negative, the employee will be remunerated in accordance with the rostered shift
- If the return to work alcohol test is positive, the employee shall not be remunerated for attendance
- Any employee who returns a positive return to work alcohol test shall not be permitted to resume duty and shall be managed as per the original test

### 3.6.2 RETURN TO WORK DRUG SCREENING TEST (BMD EMPLOYEES)

- A test subject who is an BMD employee and who returns a positive drug screening test may be permitted to return to work if they subsequently produce a negative return to work drug screening test prior to the results of the drug confirmatory test
- The employee shall be required to present to the collecting agency at the nominated time on the next rostered day for a return to work drug screening test
- The cost of the return to work drug screening test will be met by BMD
- Arrangements to attend the return to work drug screening test are the responsibility of the employee
- If the return to work drug screening test is negative, the employee will be remunerated in accordance with the rostered shift
- If the return to work drug screening test is positive, the employee will not be remunerated for attendance at this test unless the confirmatory test on the return to work specimen is negative
- Any employee who returns a positive return to work drug screening test shall not be permitted to resume duty and shall be managed as per the original test.

### 3.6.3 RETURN TO WORK TESTS FOR PERSONS NOT EMPLOYED BY BMD.

- Any test subject who is not an employee of BMD shall be required to return a negative test result prior to return to a BMD site
- The costs, equipment, materials, facilities, and arrangements associated with a return to work test for a non-BMD employee is at the discretion of BMD. BMD may elect to bear this cost or may elect to instruct the test subject to bear the cost as a condition of return to work.

## 3.7 Management of Confirmed Positive Alcohol Test

### 3.7.1 FIRST OCCASION

- In the event of a positive test result being obtained, the individual will be re-tested by the collector after a 20 minute period has elapsed
- Should the second breath result equal or exceed the prescribed limit it shall be recorded as a positive test. The lesser result of the two tests shall be the result as recorded
- The individual's supervisor shall be notified
- The supervisor shall:
  - Suggest that the individual seeks medical assistance and/or counselling.
  - Instruct the individual that they are required to leave the BMD workplace. Employees shall be instructed to take 'leave without pay' or access entitlements

- Advise the individual that it is illegal to drive with an alcohol concentration that equals or exceeds the legal limit. A BMD employee with a company vehicle shall surrender the vehicle keys to his/her supervisor/manager and shall not be permitted to drive a BMD vehicle until appropriate results have been obtained. Individuals shall be responsible for any costs associated with making alternative travel arrangements.
- Instruct employees or contractors they will be required to submit to testing and produce a negative test result or a test result below the prescribed limit prior to their return to work at the commencement of their next work day.
- Issue a written warning to an employee outlining the consequences of further positive tests. A copy shall be kept on the employee's personnel file.
- The disciplinary period for a first positive is 12 months from the date of the positive result. At the expiration of that 12 month period the employee will be considered to have a clear record and file notes relating to the „first positive“ will not be able to be referred to in their personnel record.

### 3.7.2 SECOND OCCASION

- The same initial procedure applies.
- However on the second occasion the supervisor shall, additionally:
  - Issue a final written warning to the employee outlining the consequences of a third positive test. A copy shall be kept on the employee's personnel file.
  - Instruct the employee or contractor that they will be required to present themselves for random drug and alcohol testing for a period of three months from the date of the second positive test at the discretion of the supervisor and collector.
- The disciplinary period for a second positive is 24 months from the date of the second positive result. If no positive result occurs within 24 months of the second positive result the individual will be considered to have a clear record and file notes relating to the „first positive“ and „second positive“ will not be able to be referred to in their personnel record.

### 3.7.3 THIRD OCCASION

- If an employee records a third positive test result for alcohol within 24 months of the second positive result the employee will be subject to disciplinary action, which may include dismissal.

## 3.8 Procedure for Confirmed Positive Drugs Test

### 3.8.1 FIRST OCCASION

- If the result from the initial drug screen is positive it will be recorded as a 'positive test pending confirmation'.
- The individual's supervisor will be notified.

- For individuals who test positive to a drug/s who have notified that they are taking a taking prescription or over-the-counter medication the supervisor shall:
  - Permit the employee to continue working at BMD provided that they do not appear to be adversely affected until the screening testing result is confirmed by a laboratory test
  - Ensure that work activities are compatible with medication instructions that the individual is willing to disclose
  - Advise the individual that it is illegal to drive whilst under the influence of drugs. Individuals shall be responsible for any costs associated with making alternative travel arrangements
  
- For individuals who initially test positive to a drug/s that are illicit or who have not notified that they are taking prescription or over-the-counter medications or who have a result which is not medically explainable the supervisor shall:
  - Instruct the individual that they are required to leave the BMD workplace. Employees shall be instructed to take 'leave without pay' or access entitlements until the screening test result can be confirmed
  - Advise the individual that it is illegal to drive whilst under the influence of drugs. A BMD employee with a company vehicle shall surrender the vehicle keys to his/her supervisor/manager and shall not be permitted to drive a BMD vehicle until negative results have been obtained. Individuals shall be responsible for any costs associated with making alternative travel arrangements
  
- Where a 'false positive' result is determined by the laboratory confirmation test the supervisor shall:
  - Contact the individual and request that they return to work
  - Make arrangements to adjust leave and pay balances accordingly
  
- If the laboratory test confirms the positive result the supervisor shall:
  - Instruct the employee or contractor to seek medical assistance and /or counselling.
  - Issue a written warning to BMD employees outlining the consequences of further positive tests. A copy shall be kept on the employee's personnel file. The employee will be provided with a copy of the laboratory drug test results
  - Instruct employees or contractors they will be required to submit to another drug screen test and test negative prior to commencement of their next work day. The next work day will be determined based on the advice of the collector
  
- Where the collector has evidence to show that an individual has falsely notified the collector of the use of prescription or over-the-counter medication in order to deceive the collector in relation to the use of illicit drug/s, the supervisor shall be notified and the individual shall be subject to disciplinary action, which may result in termination of employment. The individual will be provided with a copy of the laboratory drug test results

- The disciplinary period for a first positive is 12 months from the date of the positive result. At the expiration of that 12 month period the employee will be considered to have a clear record and file notes relating to the 'first positive' will not be able to be referred to in their personnel record

### 3.8.2 SECOND OCCASION

- The same initial procedure applies
- However on the second occasion if the laboratory test confirms a positive result or reveals illicit drug use the supervisor shall:
  - Issue a management plan and final written warning to the employee outlining the consequences of the consequences of a third positive test. A copy shall be kept on the employee's personnel file. The employee will be provided with a copy of the laboratory drug test results.
  - Instruct employees or contractors they will be required to submit to another drug screen test prior to commencement of their next work day and produce a negative test result. The next work day will be determined based on the advice of the collector
  - Instruct the employee or contractor that they will be required to present themselves for random drug and alcohol testing for a period of three months from the date of the second positive test at the discretion of the supervisor and collector
- The disciplinary period for a second positive is 24 months from the date of the second positive result. If no positive result occurs within 24 months of the second positive result the individual will be considered to have a clear record and file notes relating to the 'first positive' and 'second positive' will not be able to be referred to in their personnel record.

### 3.8.3 THIRD OCCASION

- If an employee records a third positive test result for drugs within 24 months of the second positive result the employee shall be subject to disciplinary action, which may include dismissal
- The employee will be provided with a copy of the laboratory drug test results