

Human Resources

PREAMBLE: The Shire of Kulin is committed to providing a safe, healthy and productive workplace for all workers performing work for or on behalf of the Shire of Kulin.

The Shire of Kulin will not tolerate workers attending work or performing work for or on behalf of the Shire whilst under the influence or in possession of alcohol or drugs. These factors can cause impairment or deficiencies in the workers performance and can be a contributing factor in workplace accidents or incidents. The Shire of Kulin will take appropriate action where this occurs.

Scope:

This policy applies to:

- All workers performing work for or on behalf of the Shire.
- All visitors to Shire of Kulin workplaces and
- All Shire of Kulin workplace sponsored functions.

The Shire of Kulin has a legal obligation to manage alcohol and drugs in the workplace. The employer has a duty of care imposed by the *Work Health and Safety Act 2020* to minimise risk and exposure to hazards in the workplace and this will include intoxicated or drug affected workers.

Workers also have a legal duty of care under the *Work Health and Safety Act 2020* to always behave responsibly and not expose themselves or others to safety risks due to impairment caused by alcohol or drugs. This includes not undertaking work if they believe they may be impaired, and reporting to management if they believe another worker, or anyone in the workplace, is affected and may be creating a workplace hazard.

OBJECTIVE: This policy aims to:

- Provide a safe work environment and a safe system of work for all workers.
- Minimise the risk of injury to workers or visitors in the workplace.
- Minimise the risk of damage to the Shire of Kulin property and that of contractors or the public.
- Minimise risk of disruption to operations and productivity as a result of illness, injury or damage to property caused by consumption of drugs or alcohol.

Policy Statement:

All workers performing work for or on behalf of the Shire of Kulin are required to be fit for work. Any worker whom the Shire of Kulin reasonably considers is unfit for work due to impairment caused by alcohol or drugs may be subject to drug testing and disciplinary action.

The Shire of Kulin will take reasonable steps to minimise risks to workers themselves and others in the workplace through consultation, education, observation and testing.

The situations in which the Shire of Kulin may reasonably apply the procedures in this policy include but are not limited to:

- Worker/s exhibiting a physical, mental or emotional state that potentially compromises a safe work environment.
- Worker/s presenting for work with a level of alcohol and/or drugs (prescription or otherwise) in their system which is in excess of the cut off prescribed in this policy or in excess of that allowed by law.
 - Workers must have a Blood Alcohol Concentration (BAC) level of 0.00 whilst in the workplace.
 - Workers are prohibited from having any illegal drugs in their system.
 - Workers are prohibited from attending the workplace whilst taking prescription or over the counter drugs or medication that may impair their fitness for work.

Definitions:

Alcohol:	Alcohol means ethyl alcohol or ethanol.
AS 3547.1:2019 Breath alcohol testing devices, electronic devices for professional use	Specifies requirements for the performance, testing and marking of breath alcohol testing devices for uses such as, but not limited to, personal, workplace and medical screening purposes.
AS/NZS 4760:2019 Procedure for specimen collection and the detection and quantification of drugs in oral fluid	Sets out procedures for oral fluid specimen collection, storage, handling, on-site screening tests and, if required, dispatch to the laboratory. It also covers applicability of oral fluid for drug testing and general issues related to drug screening on-site and drug screening and/or confirmation in the laboratory.
BAC	Blood Alcohol Content
Drug:	Any substance that may result in psychological or behavioural changes that cause impaired work performance. In this context, the term 'substance' includes, but is not limited to, alcohol, intoxicating products, Prescription Drugs, Non-Prescription Drugs, legal and illegal/illicit Drugs, whether naturally occurring or synthetic.
Duty of Care:	A responsibility owed to another person because of a relationship between the two people.
EAP	Employee Assistance Program
Fit for work:	Refers to an individual's functional capacity (physically, mentally and behaviourally) to perform assigned tasks competently and in a manner which does not compromise or threaten the safety or health of themselves or others.
HLTPAT005 Collect specimens for drugs of abuse testing.	A nationally accredited unit of competency to ensure the participant meets the Standards for an 'accredited collector', for the collection of non-blood specimens including saliva, urine and breathalyser to the Australian Standards.
Illicit or illegal Drugs:	Illegal / Illicit Drugs includes all drugs identified as such by AS/NZS 4308:2023 or drugs which have been synthetically designed to be outside the detection limits of AS/NZS 4308:2023 and are not considered Prescription Drugs or Non-Prescription Drugs.
Impairment:	The alteration of an individual's normal physical and/or mental function which results in diminished ability to safely undertake tasks at the normal level of concentration and performance.
NATA	The National Association of Testing Authorities (NATA) is the recognised national accreditation authority for analytical laboratories and testing service providers in Australia.
Non-Negative Result	A result equal to or above the cut off level or target used in initial On-Site Testing e.g. Blood Alcohol Content (BAC) level above 0.000
Non-prescription Drugs or Over the Counter (OTC)	Non-Prescription Drugs include medications and other substances, both naturally occurring and synthetic, as sold legally over the counter, by a registered medical practitioner (i.e. pharmacist) without a physician's prescription.
Prescription Drugs:	Prescription Drugs includes medications and other substances, both naturally occurring and synthetic, that cannot be legally purchased without a prescription from a registered medical practitioner.
Show Cause	Opportunity to produce satisfactory grounds for application of (or exemption from) a procedure or penalty.
Work Health and Safety Act 2020	An Act to make provision about, and in connection with, the health and safety of workers, health and safety at workplaces, and risks to health and safety arising from work.
Worker	Any person who carries out work for the Shire of Kulin, including work as a worker, contractor, subcontractor, self-employed person, apprentice or trainee, work experience student, or volunteer.

Responsibilities:

- The Shire of Kulin has a duty of care to provide a safe workplace to its workers, as per health and safety legislation and common law.
- The Shire Supervisor/Manager is responsible for making the decision as to whether a worker is fit for work and removing any impaired worker from possible harm. (Refer to *Drugs of Abuse Testing - Procedure Flowchart* Appendix A)
- The Shire of Kulin is responsible for ensuring that a worker who is suspected of breaching this policy is provided with transport to and from testing locations.
- If a worker is found to be heavily affected by alcohol or drugs, in addition to complying with the procedures in this policy, it is a requirement of the Supervisor/Manager to:
 - arrange for the worker's next of kin to collect them from the workplace.
 - arrange for alternative transport if the worker's next of kin is unable to collect them from the workplace.
 - advise that their vehicle must be collected as soon as possible, and that the safety and security of said vehicle until its collection is not the responsibility of the Shire of Kulin.
- The Shire Supervisor/Manager is responsible for ensuring the confidentiality (as far as reasonably practicable) of any drug/alcohol suspected incidents.
- Where a worker is directed to undertake an alcohol and or/drug test by the Shire of Kulin, the Shire of Kulin will meet the costs of the initial and confirmation tests regardless of the test results.
- All workers have a corresponding duty of care to take reasonable care so as not to expose themselves or their fellow workers to unnecessary risks. This duty extends to notifying their immediate Supervisor/Manager if they reasonably suspect that another worker may be a risk because they are unfit to work.
- The worker is responsible for advising their Supervisor/Manager of any drug use (including prescription or over the counter drugs), adhering to this policy and subsequent procedures, and following directions with regard to the drug/alcohol testing procedures as outlined.

PROCESS:

1 Signs of Impairment

Impairment can be caused by a range of factors, including alcohol and other drug use. The focus at the workplace should be on worker health and safety management rather than more general concerns about personal health.

- 1.1 It should not be assumed that any observed impairment is caused by alcohol and/or other drug use. Other impairment factors may include fatigue, medical conditions, chemicals, heat, noise and symptoms of work-related stress.
- 1.2 Some work-specific signs that a worker may be impaired by drugs, alcohol or other factors are:
 - a) Repeated accidents, near misses or mistakes
 - b) Altered, uncharacteristic behaviour in the workplace or with colleagues
 - c) Aggressive behaviour or defensive attitude,
 - d) Poor concentration, impaired memory, inattention or carelessness in work duties
- 1.3 If a worker suspects that a person is impaired in the workplace, they should immediately advise a Supervisor or Manager.
- 1.4 Where the ability to work safely is impaired, the Supervisor/Manager or worker should respond in a respectful manner based on the information available.
- 1.5 Any action taken by the Supervisor/Manager toward any person with a suspected impairment should be brief, firm, calm, clear and confidential

2 Testing Methods

2.1 Testing methods and devices will be in accordance with:

- a) *AS/NZS 4760:2019 Procedure for specimen collection and the detection and quantification of drugs in oral fluid*
- b) *AS 3547.1:2019 Breath alcohol testing devices, electronic devices for professional use.*
- c) *Drugs of Abuse Testing Procedure – Breath and Saliva* (see Appendix B)
- d) Testing device instruction manual.
- e) *Drugs of Abuse Consent and Testing Record* (see Appendix C)
- f) *Breathalyser and Saliva Test Instructions* (current to available equipment)
- g) Procedures as provided by independent testers and/or laboratories.

2.2 Testing can be conducted by a:

- a) NATA accredited laboratory
- b) Qualified independent tester
- c) Shire of Kulin staff (accredited testers) who have completed *HLTPAT005 Collect specimens for drugs of abuse testing*.

2.3 At the discretion of, and in the presence of, the CEO or Executive Management, the tester may self-test prior to any staff testing. If the tester is impaired this policy must be followed as in the case of any non-negative result. The CEO or Executive Manager will decide if staff testing can be continued with a new tester or cancelled.

3 Pre-Employment Testing Procedures

Prior to appointment of all full and part-time permanent positions, and some casual positions, a Pre-Employment Medical Assessment is required. This includes a drug and alcohol screen. Should a non-negative test be returned, the employment appointment may not proceed. See *HR2 Employment Medical*.

4 Random / Blanket Testing

The Shire of Kulin and all its workers acknowledge that the Shire will conduct random or blanket testing of workers for alcohol and drugs to maintain a safe and healthy working environment for all.

4.1 Random Testing

- 4.1.1 Workers will be chosen from a declared cohort, using a randomising equation in Microsoft Excel. The cohort list and random pick will be witnessed by all workers present and the result recorded.
- 4.1.2 The randomly selected workers will then be individually tested for drugs and/or alcohol.

4.2 Blanket Testing

- 4.2.1 All workers in a declared cohort will be tested for drugs and/or alcohol.

4.3 Any Chief Executive Officers, Executive Managers, Managers or Supervisors selected for testing must be tested first.

5. Reasonable Cause Testing

Workers may be directed to attend drug and/or alcohol testing where there are reasonable grounds to believe the workers fitness for work may be impaired by drugs and/or alcohol, or there is a work-related incident. A reasonable cause test must be formally requested (see *Drugs of Abuse Reasonable Cause Testing Request* Appendix D) and should be taken as soon as is practicable after an incident, or when reasonable grounds are identified. These include but are not limited to the following:

- a) Reasonable suspicion of impairment
- b) Vehicle accidents

- c) Property damage
- d) Reportable near misses

When determining 'reasonable cause', physical symptoms and/or unusual or out of character observable or reported behaviours must be considered.

Examples of physical symptoms or behaviours include, but are not limited to:

- a) Excessive lateness
- b) Absences often on Monday or Friday or in conjunction with holidays
- c) Increased health problems or complaints about health
- d) Emotional signs –outbursts, anger or aggression
- e) Changes in personality
- f) Changes in alertness – clothing, hair, personal hygiene
- g) Less energy
- h) Involvement in various minor accidents
- i) Feigning sickness or emergencies to get out of work early
- j) Going to the bathroom more than normal
- k) Defensive when confronted about behaviour
- l) Dizziness
- m) Slurred speech
- n) Hangovers
- o) Violent behaviour
- p) Impaired motor skills
- q) Bloodshot eyes
- r) Impaired or reduced short term memory
- s) Reduced ability to perform tasks requiring concentration and coordination
- t) Intense anxiety or panic attacks
- u) Impairment to learning and memory, perception and judgement
- v) Irritability
- w) Depression
- x) Odour of alcohol or drugs

Reasonable grounds testing may also take place where Management staff learns from a credible source, that a worker is at risk of impairment by drugs and/or alcohol, or where a worker is observed (whether by Shire of Kulin staff or a credible source) using, possessing, distributing or consuming drugs or alcohol during work time.

6. Refusal and Policy Breaches

- 6.1. A worker directed by the Shire of Kulin to undertake an alcohol and/or drug test, must comply with the direction. Any refusal to comply with a direction to undertake testing, including being physically unable due to impairment, will be treated as a breach of this policy and will be considered a Non-Negative Result. At the discretion of the CEO, the worker will be suspended immediately without pay and not allowed to return to work (pending disciplinary action) until the refusing worker supplies a confirmatory negative drug and alcohol test result at their own expense.
- 6.2. Any time off work as a consequence of a breach of this policy will be treated as unpaid leave.
- 6.3. A worker who vexatiously reports another worker for breaching this policy (for example, without reasonable grounds or for personal gain) may be subject to disciplinary action.

7. Non-Negative alcohol test - (BAC above 0.000)

- 7.1. In the event that an initial breathalyser Blood Alcohol Concentration (BAC) test result indicates a test result higher than 0.000%:
- 7.2. The worker will be immediately stood down without pay and may be subject to further disciplinary action.
- 7.3. The worker must remain on the premises under supervision. The worker will be instructed not to eat, drink or smoke during this period.
- 7.4. A confirmatory breathalyser (BAC) test will be undertaken 20 minutes after the initial test.
- 7.5. The confirmatory (BAC) test is final and must be witnessed by a senior Shire representative (Manager or above). The worker, tester and witness must print their names and sign the *Drugs of Abuse Consent and Testing Record*.
- 7.6. In the instance of a confirmatory Non-Negative BAC test (above 0.000), the worker will (first offenders only) receive a written warning and be advised that this is a serious offence and will be subject to further investigation and disciplinary action, including potential for dismissal.
- 7.7. Workers will be offered counselling. See *H3 Employee Assistance Program*.

8. Non-Negative drug test

- 8.1. In the event that the worker returns an initial non-negative drug test result:
- 8.2. The worker will be immediately stood down without pay and must remain on the premises under supervision. The worker will be instructed not to eat, drink or smoke during this period.
- 8.3. The Shire of Kulin will immediately contact a NATA authorised testing centre such as PathWest in Narrogin or Katanning and transport the worker to undertake a confirmatory drug test.
- 8.4. Any refusal to immediately undertake confirmatory testing at an authorised testing centre will be treated as a breach of this policy. Disciplinary action will result and may lead to dismissal.
- 8.5. In the instance of a confirmed positive test result from an authorised testing centre, the worker will (first offenders only) receive a written warning and be advised that this is a serious offence and will be subject to further investigation and disciplinary action, including potential for dismissal.
- 8.6. Workers will be required to undergo training/education (what, where, by who, cost?) and be offered counselling (pending any disciplinary action). See *H3 Employee Assistance Program*.
- 8.7. The worker will not be reinstated until the worker provides a clear test result at their own expense from an authorised testing centre (pending any disciplinary action).
- 8.8. In the instance of a confirmed negative test result from an authorised testing centre then the worker will be reinstated and fully reimbursed for normal hours for the time spent off work during this process.

9. Possession of Drugs or Alcohol at the Workplace:

- 9.1. Workers must not have alcohol or other drugs in their possession on Shire of Kulin work premises/sites or consume alcohol or drugs (prescription or otherwise) whilst on the work premises/sites without the knowledge and permission of their immediate Supervisor/Manager. Prescribed or over the counter drugs are permitted if the worker has established with their medical practitioner or pharmacist that the drug does not impact their ability to work safely.
- 9.2. Where there are potential side effects from prescription drugs that may affect a worker's fitness for work, the worker is required to advise their immediate Supervisor/Manager of the potential effect on workplace performance. The Supervisor/Manager will then take any necessary action to assess and minimise any identified risk to worker's safety.
- 9.3. Any workers performing work for/or on behalf the Shire of Kulin, who have illicit/illegal drugs in their possession will be asked to leave the work premises/site immediately and will receive disciplinary action, including the possibility of termination of employment.

9.4. Where there is reasonable cause to suspect that the worker is in possession of or affected by drugs or alcohol the Shire of Kulin may instigate a search of the workers workplace. This includes lockers or other personal spaces within the workplace. The worker may also be asked to make bags, vehicles or other personal property at the workplace/site at that time available for inspection to ascertain the presence of drugs or alcohol. Failure to do so may be viewed as evasive behaviour and will be the subject of further investigation and may lead to disciplinary action, including the possibility of termination.

10. Cheating – Sample Substitution or Dilution

A worker found to have, or having attempted to, dilute or substitute a sample provided for testing will be suspended without pay immediately. The incident will be reported to the Chief Executive Officer. The CEO will give the worker the opportunity to 'show cause' why their employment with the Shire of Kulin should not be immediately terminated. The Shire of Kulin views this practice to be a serious offence in trying to create the illusion that the worker is unaffected by the substance. Without reasonable cause being shown by the worker, the CEO will terminate the workers employment immediately.

11. Unable to provide a sample at a testing time

Workers unable to provide a sample at a testing time will be recorded as a Non-Negative Result. The worker will be suspended immediately without pay and not allowed to return to work (pending disciplinary action) until the worker supplies a confirmatory negative drug and alcohol test result at their own expense. If this occurs at a NATA facility, the worker will be subject to the procedures of the centre they have attended until the worker produces a sample or decides to return at their own expense. Employment will not be reinstated until the worker provides a negative test result (pending any disciplinary action). Continued failure to produce a sample will be considered testing refusal and will be subject to disciplinary action at the discretion of the CEO.

12. Workplace functions

- 12.1. The Shire of Kulin, while not responsible for the private lives of our workers, carries the primary responsibility for safety at work through creating and maintaining a safe working environment. The impact of unsafe behaviour potentially caused by alcohol consumption at workplace functions are emphasised in the creation and communication of this policy.
- 12.2. The Shire of Kulin, at times, makes alcohol available to workers over the age of 18 at work functions. The Shire will minimise risks of that consumption causing harm to others by ensuring non-alcoholic and low-alcohol beverages are readily available. Food will also be offered.
- 12.3. Prior to attending a workplace function, workers will be reminded that the responsibility to limit the amount of alcohol to safe levels of consumption at a workplace function is their personal responsibility.
- 12.4. Driving over the legal blood alcohol limit or under the influence of illicit drugs is illegal and is not condoned by the Shire of Kulin.
- 12.5. Prior Planning – Worker: If there is potential that alcohol consumption at a workplace function may result in driving over the legal blood alcohol limit, then workers are encouraged to organise alternative transport prior to attending.
- 12.6. Prior Planning – Shire: In the event a worker becomes intoxicated at a Shire of Kulin workplace function, or if the Shire of Kulin believes that there is the potential for workers to drive under the influence of alcohol after a workplace function, the Shire of Kulin must ensure that they get home safely.

13. Self-Referral

- 13.1. Where a worker believes they have a problem with drug or alcohol use, they are encouraged to discuss the matter with their Worker Health and Safety Representative, Supervisor/Manager and/or the Chief Executive Officer, or make use of the available EAP.
- 13.2. Workers will be offered counselling. See *H3 Employee Assistance Program*.
- 13.3. Time off work to attend drug and alcohol rehabilitation/counselling will be negotiated between the Shire and the worker e.g. annual leave, RDO's etc.

- 13.4. An ongoing Health Rehabilitation Contract will be instated (see *Health Rehabilitation Contract* Appendix E), where regular discussions with Managers/CEO and ongoing testing will be a feature in an environment of confidentiality.

14. Multiple Drug/Alcohol Offences

- 14.1. Where a worker has breached this policy on more than one occasion, as determined by the CEO, the worker will be suspended without pay from the workplace, pending further investigation and testing.
- 14.2. The worker will be advised that their behaviour is risking escalated disciplinary action, including termination of employment.
- 14.3. If a dependency issue is apparent, the worker will be encouraged to attend appropriate medical assistance or counselling services, and to utilise the EAP – see *H3 Employee Assistance Program*.
- 14.4. The decision to undertake counselling or other treatment for alcohol or other drug or substance problem is the responsibility of the worker and cannot be made mandatory. However, refusal to accept counselling may result in instant dismissal on second offence.
- 14.5. Discussion may include the instigation of a Health Rehabilitation Contract.
- 14.6. First Offence – Confirmatory BAC above 0.000 and/or confirmed positive drug test
- 14.6.1. The worker will be formally requested to attend counselling. See *H3 Employee Assistance Program*. The worker may attend a counselling service of their choosing and at their own cost.
- 14.6.2. Before returning to work, the worker must provide satisfactory evidence that any effect on work performance and/or safety has been addressed.
- 14.6.3. The worker will meet with their Supervisor/Manager focusing on;
- 14.7. The unacceptability of the workers behaviour
- 14.8. The risk that such behaviour creates for the safety of the individual and other workers or members of the public
- 14.9. The workers responsibility to demonstrate that the problem is being effectively addressed
- 14.10. The risks of any further offences.
- 14.11. Second Offence - Confirmatory BAC above 0.000 and/or confirmed positive drug test
- 14.11.1. The worker will be formally requested to attend counselling, if none was attended after the first offense. See *H3 Employee Assistance Program*. The worker may attend a counselling service of their choosing and at their own cost.
- 14.11.2. The worker will be instantly dismissed without notice if found to decline the offer of counselling after a second offense.
- 14.11.3. At the Shires discretion, if/upon returning to work (pending disciplinary action), the worker must consent to alcohol and/or drug testing at a frequency and for a period of time that the Shire deems necessary, paid for the Shire.
- 14.11.4. If confirmatory tests prove positive, their employment will be terminated without notice.
- 14.11.5. If the worker refuses to comply, their employment will be terminated without notice.
- 14.12. Third Offence - Confirmatory BAC above 0.000 and/or confirmed positive drug test
- 14.12.1. The CEO will give the worker the opportunity to 'show cause' why their employment with the Shire of Kulin should continue.
- 14.12.2. At the CEO's discretion their employment will be terminated without notice.

15. Instant Dismissal

The following are guidelines to circumstances that will result in dismissal without notice:

15.1. Any attempt to falsify the drug and alcohol screen

15.1.1. Cultivating, selling or supplying drugs and/or other substances at any Shire of Kulin premises or worksites

15.1.2. Unauthorised consumption of illicit drugs or alcohol or other substances at any Shire of Kulin premises or worksites during the working period.

15.2. Unlawful behaviour.

16. Worker Safety Induction

An annual safety induction program will run in conjunction with this policy ensuring that workers understand the effects of drugs and alcohol in the workplace in order to make informed choices about their actions and behaviour. Workers will be advised on the effects of different drugs and the potential consequences in the workplace.

17. Employee Assistance Program (EAP)

The Shire of Kulin understands that workers may be experiencing drug and alcohol problems that may influence their behaviour, safety and health whilst at work. To assist with the recovery of the worker, the Shire of Kulin has in place a confidential Employee Assistance Program (EAP) – refer separate policy *HR3 Employee Assistance Program*

18. Confidentiality and Record Keeping

The Shire of Kulin is committed to ensuring confidentiality and privacy of workers personal information. Accordingly, access to information that is retained on a workers personnel file regarding breaches of this policy and individual test results are strictly controlled and will be restricted to senior management at the Shire of Kulin. See *A26 Records Management*.

Relevant Legislation/Documents:

Work Health and Safety Act 2020

AS 3547.1:2019 Breath alcohol testing devices, electronic devices for professional use

AS/NZS 4760:2019 Procedure for specimen collection and the detection and quantification of drugs in oral fluid

References:

Guidance Note Alcohol and Other Drugs at The Workplace 2008

WA Government, Alcohol Think Again - Fitness-for-work-alcohol-policy-development

WA Government, Alcohol Think Again - Fitness-for-work-alcohol-policy-inclusion

Workplace Health and Safety Queensland, Department of Justice and Attorney- Framework for alcohol and drug management in the workplace - Source: https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0022/17185/alcohol-drug-management.pdf

<https://www.worksafe.wa.gov.au/duties-relating-drugs-and-alcohol>

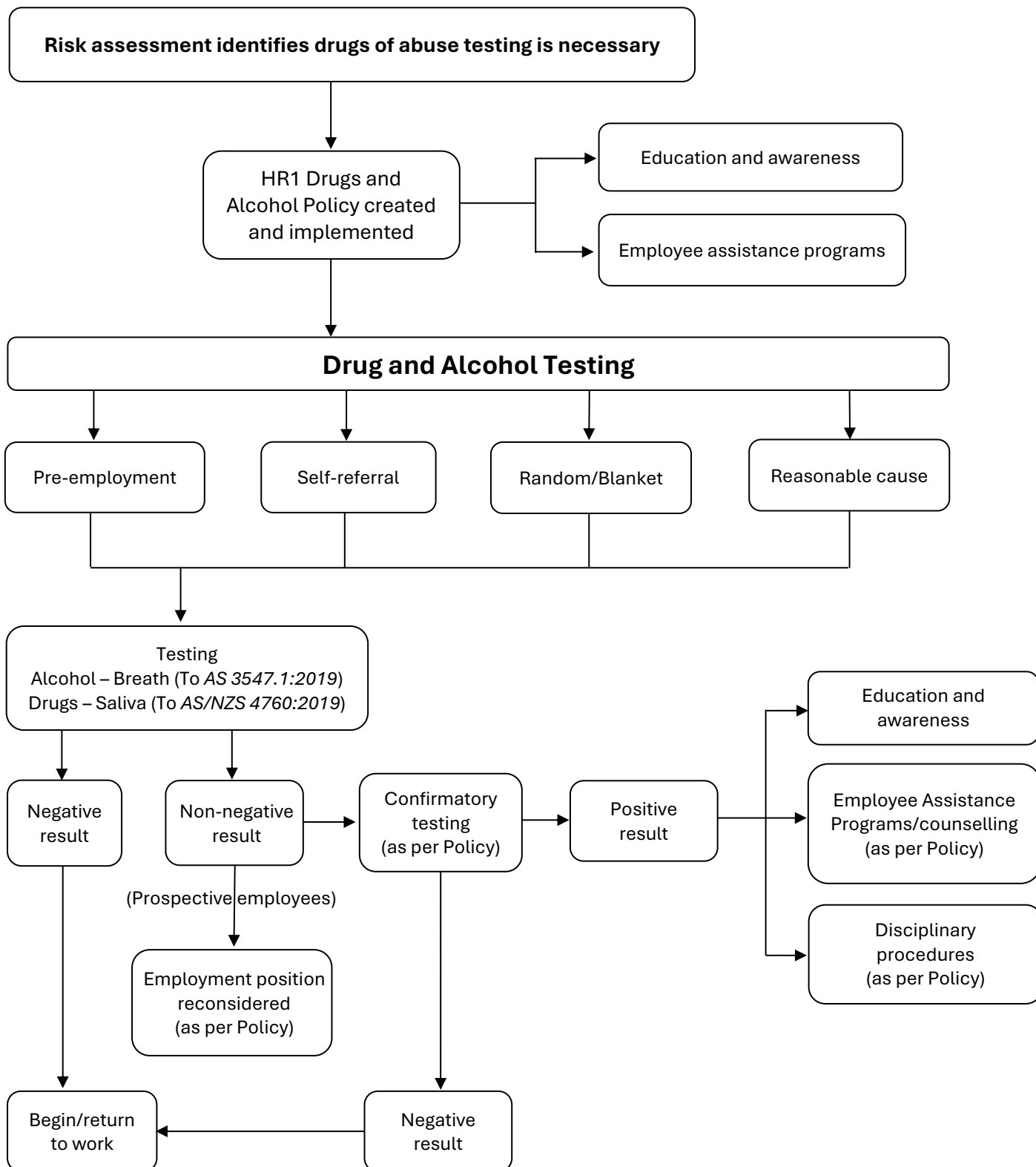
HEAD OF POWER: Work Health and Safety Act 2020

DRUGS OF ABUSE TESTING - PROCEDURE FLOWCHART

Developed in consultation with workers, Worker Health and Safety Committees and Worker Health and Safety Representatives (where these exist).

Policy Aim - to prevent drug and alcohol-related incidents and foster safe behaviours at work.

Objective -to prevent or minimise the potential for alcohol and drugs to contribute to work-related injury.



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

+ Note: Flowchart template adapted from Workplace Health and Safety Queensland, Department of Justice and Attorney- General Framework for alcohol and drug management in the workplace



SHIRE OF KULIN

DRUGS OF ABUSE TESTING PROCEDURE – BREATH AND SALIVA

PRE-TESTING

- Prepare a private room with a table, seating, and items as per the *Drugs of Abuse Testing Equipment* list.
- If required, ensure all workers names from chosen cohort are correct and present in the Excel sheet *Random Name Selector*, and review instructions for randomising.
- If required, select worker/s for testing using the *Random Name Selector*. The random selection must be conducted in view of the workers and the result printed.
- Distribute copies of *HR1 Drugs and Alcohol* to all workers being tested.
- Workers being tested must not have smoked, drank or eaten 15 minutes prior to testing.
- Note that any Executive Managers, Managers and Supervisors should be tested first.

PRE-COLLECTION

- Greet the worker and provide a *Drugs of Abuse Consent and Testing Form*.
- Complete the 'DETAILS' section.
- Worker to complete the 'CONSENT' section.
 - **WORKER DOES NOT CONSENT** – refer to the Chief Executive Officer as per *HR1 Drugs and Alcohol*.
 - **WORKER DOES CONSENT** – proceed with *Drugs of Abuse Consent and Testing Form*.
- Worker to complete the 'MEDICATIONS' section.

OBTAIN SAMPLE - BREATH

- Complete the beginning of the BREATH ALCOHOL TEST section.
- Take an initial breath alcohol reading as per *Breathalyser and Saliva Test Instructions* and record the result and the time.
 - **INITIAL READING OF 0.00 BAC (negative)**
 - Advise the worker of their reading.
 - Proceed to INITIAL DRUG SCREEN or RESULTS DECLARATION sections.
 - **INITIAL READING OVER 0.00 BAC (non-negative)**
 - Advise the worker of their reading and staple a printout to the form.
 - Set a timer for 20 minutes and supervise the worker, ensuring they do not smoke, eat or drink.
 - Notify the CEO or an Executive Manager of the result and that a witness to a confirmatory breath alcohol reading is required.
- At no more than 20 minutes after the initial test, conduct a confirmatory breath alcohol reading in the presence of the witness.
 - **CONFIRMATORY READING OF 0.00 BAC (negative)**
 - Advise the worker of their reading.
 - Proceed to INITIAL DRUG SCREEN or RESULTS DECLARATION sections.
 - Refer the worker to the CEO as per *HR1 Drugs and Alcohol* at the end of procedure.
 - **CONFIRMATORY READING OVER 0.00 BAC (non-negative)**
 - Advise the worker of their reading and staple a printout to the form.
 - Proceed to INITIAL DRUG SCREEN or RESULTS DECLARATION sections.
 - Refer the worker to the CEO as per *HR1 Drugs and Alcohol* at the end of procedure.

OBTAIN SAMPLE - SALIVA

- Complete the beginning of the INITIAL DRUG SCREEN – SALIVA section.
- Obtain an initial drug screen as per *Breathalyser and Saliva Test Instructions* and record the result and the time.
 - **INITIAL NEGATIVE TEST RESULT**
 - Advise the worker of the result.
 - Proceed to RESULTS DECLARATION section.
 - Provide a copy of the completed consent form to the worker.
 - Ensure all paperwork is stapled together and place in the confidential folder.
 - End of on-site testing procedure.
 - **INITIAL NON- NEGATIVE TEST RESULT**
 - Advise the worker of the result.
 - Proceed to RESULTS DECLARATION section.
 - Notify the CEO or an Executive Manager of the result.
 - Ensure the worker is supervised and does not smoke, eat or drink.
 - Provide a copy of the completed consent form to the worker.
 - Ensure all paperwork is stapled together and place in the confidential folder.
 - End of on-site testing procedure.

CONFIRMATORY DRUG TESTING

- Contact Pathwest and advise you will be bringing a worker for drug testing.
 - Narrogin – 9881 6713
 - Katanning – 9821 6334
- Contact the workers Executive Manager or Manager (if not present) and let them know they are unavailable to work.
- A senior staff member is to transport the worker to the testing facility and wait with them through the testing process.
- After confirmatory testing is complete, the worker must be returned to their place of residence and instructed to have their vehicle collected from the workplace when they are able.
- Test results must be provided to the CEO who may proceed as per *HR1 Drugs and Alcohol*.

POST - COLLECTION

- Dispose of PPE, mouth pieces, drug tests and other waste in rubbish bin.
- Pack all drug testing equipment back in the labelled box and returned to the Shire Admin Works office.
- All paperwork is to be given to Human Resources for filing.



SHIRE OF KULIN

DRUGS OF ABUSE CONSENT AND TESTING RECORD

NO SMOKING, DRINKING OR EATING 15 MINUTES PRIOR TO TESTING

DETAILS – Tester to complete			
Worker Name:		Date of Birth:	Sex: M F Other:
Donor ID Sighted: Yes No		ID Type:	
WORKER CONSENT – Worker to complete			
I DO NOT CONSENT to the testing of my breath or saliva for drugs or alcohol. I have been provided with a copy of <i>HR1 Drugs and Alcohol</i> from the <i>Shire of Kulin Administrative Procedures and Operational Guidelines</i> and I understand testing refusal may result in suspension, disciplinary action and/or termination of my employment.			
Worker signature:		Date:	Time: END OF FORM
I DO CONSENT to the testing of my breath or saliva for drugs or alcohol by a qualified person and any subsequent testing to be undertaken at a certified laboratory. I have been provided with a copy of <i>HR1 Drugs and Alcohol</i> from the <i>Shire of Kulin Administrative Procedures and Operational Guidelines</i> and I understand that a BAC reading above 0.00 and/or non-negative drug test may result in further testing, suspension, disciplinary action and/or termination of my employment.			
Worker signature:		Date:	Time: CONTINUE FORM
MEDICATIONS - Worker to complete			
I have taken the following medications (prescription and/or non-prescription) in the last 14 days:			
BREATH ALCOHOL TEST – Tester to complete			
Breathalyser model:		Number:	Calibration date:
Tester name:			
Initial Breath Alcohol Reading (BAC):		Time:	Print out attached? YES NO
Confirmatory Breath Alcohol Reading (BAC):		Time:	Print out attached? YES NO
Witness name:		Witness signature:	
INITIAL DRUG SCREEN – SALIVA – Tester to complete			
Test type/name:		Number:	Expiration date:
Tester name:		Time of test:	
	Control Lines All Present	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	AM (Amphetamines)	<input type="checkbox"/> N	<input type="checkbox"/> NN
	OP (Opiates)	<input type="checkbox"/> N	<input type="checkbox"/> NN
	CO (Cocaine)	<input type="checkbox"/> N	<input type="checkbox"/> NN
	ME (Methamphetamine)	<input type="checkbox"/> N	<input type="checkbox"/> NN
	OX (Oxycodone)	<input type="checkbox"/> N	<input type="checkbox"/> NN
	BZ (Benzodiazepines)	<input type="checkbox"/> N	<input type="checkbox"/> NN
	TH (Tetrahydrocannabinol)	<input type="checkbox"/> N	<input type="checkbox"/> NN
	N = Negative		NN = Non-Negative
RESULTS DECLARATION – Tester and Worker to complete			
I, _____ confirm that the above test details and results are related to my breath alcohol test and/or initial saliva drug screen.			
Worker signature:		Date:	
Tester name:		Signature:	Date:
Alcohol: NEG <input type="checkbox"/> NON-NEG <input type="checkbox"/>		Drugs (subject to confirmation testing) NEG <input type="checkbox"/> NON-NEG <input type="checkbox"/>	
END OF FORM			



SHIRE OF KULIN

DRUGS OF ABUSE REASONABLE CAUSE TESTING REQUEST

Worker:

Date:

Requesting Supervisor/Manager:

Supervisor/Managers reasons for reasonable cause drugs of abuse testing:

.....

.....

.....

.....

Worker comments:

.....

.....

.....

DETERMINING REASONABLE CAUSE

Yes No

☐ ☐

Do you believe that there is a risk to the safety and health of this person or others?

☐ ☐

Are you satisfied that it is reasonably possible that the risk is a result of the possible use of drugs or alcohol?

DO NOT PROCEED WITH REASONABLE CAUSE TESTING UNLESS

THE ANSWER TO BOTH OF THE ABOVE QUESTIONS IS YES.

Reasonable Cause established Yes/No at (time)..... Date

Action Taken:

.....

.....

.....

Supervisor/Manager Signature Date

CEO Signature Date



SHIRE OF KULIN

HEALTH REHABILITATION CONTRACT

WORKER NAME:

I, acknowledge that I have been entered into a Shire of Kulin Health Rehabilitation Plan and that my continued employment with the Shire of Kulin is subject to the following:

I am committed to full participation in the Plan with the service provider(s) specified by the Shire of Kulin.

I understand that I may be required to contribute to part or all of the cost of the plan.

I authorise the service provider(s) to release the following information to the Shire of Kulin:

- Whether I have kept my appointments;
- Whether the service provider(s) has recommended a course of treatment;
- Whether I am following that course of treatment;
- Whether a return to work is appropriate and within what timeframe; and
- Whether I have completed the required course of treatment.

I understand that the Shire of Kulin may disclose this information as a proof of action where it is appropriate to defend the employee or the Shire of Kulin with regard to the employee's rehabilitation.

I agree to take this course of treatment outside of work hours or use leave entitlements, if required and approved, to participate during work hours. I agree to take up to 6 drug and alcohol tests (at my own expense) in the 12 months following treatment and agree to the release of the results to my employer.

I accept that I may be suspended from my duties with or without pay or allocated alternative duties while I participate in the programme.

I accept that, if I do not attend or complete the required course of treatment, or if I refuse to take any of the 6 subsequent tests referred to above or if during those tests or any other future tests, I return a positive drug or alcohol test, the consequence may be dismissal without notice.

I accept the terms of this contract, which I acknowledge may be in addition to or vary the terms of my current employment agreement.

Worker Name: **Sign:** **Date:**

CEO Name: **Sign:** **Date:**

Disclaimer:

•The Shire of Kulin is not liable for any adverse reaction, side effect, impairment, loss of income or disability arising from participation in any counselling program offered by the Shire of Kulin.

•All information provided by the Shire of Kulin pertaining to drugs and alcohol is provided for information purposes only. Any information provided does not imply endorsement of third-party services or products and cannot provide you with health and medical advice. You should seek assistance from a health care professional when interpreting these materials and applying them to your individual circumstances. If you have any concerns about your health, please consult your general practitioner.

•All information collected by the Shire of Kulin for the purposes of this contract is protected information as regulated by the Privacy Act 1988.

Human Resources

PREAMBLE: All prospective full and part-time permanent workers will be required to undertake a pre-employment medical examination. Casual appointees must provide one at the discretion of their manager. This medical must include an alcohol and drug screen as per *HR1 Drugs and Alcohol*.

OBJECTIVE: To ensure that workers at the Shire of Kulin are medically able to perform the duties of the position and that due diligence and a duty of care has been exercised when employing personnel.

PRACTICE: All offers of full or part-time permanent employment with the Shire of Kulin will be subject to a pre-employment medical examination conducted (wherever reasonably practicable) by the Shire's nominated medical practitioner. The appointment and costs associated with pre-employment medicals will be borne by the Shire. Any additional testing required to confirm suitability for the role will be at the expense of the potential worker.

Issues identified and or declarations made that indicate a pre-existing condition, that will impact on the capacity of an applicant fulfilling the role will be determined by the Chief Executive Officer, on advice from the Local Government Insurance Scheme (LGIS), WALGA Employee Relations service or the medical practitioner.

The Chief Executive Officer is charged with the responsibility to exercise a duty of care toward the applicant and where appropriate involve them in a process of determination – considering;

- Drug and alcohol screen results (*see HR1*)
- Extent of the medical condition and its impact on the role,
- Nature of the medical condition and whether it is likely to have a long- or short-term impact,
- Whether the applicant's medical history suggests the condition has potential to expose the Shire to additional medical or workers compensation claims,
- Whether commitments or waivers are appropriate to manage the situation,
- Whether the role can be adjusted to accommodate the medical condition.

Nothing in this process prevents an applicant from seeking a second medical opinion and presenting that information to the Chief Executive Officer.

The Chief Executive Officer may determine that a part time or casual position, because of the physical nature of the role requires applicants to also have a medical examination.

It is the Shire's preference that all medical examinations and reports be completed prior to confirmation of the appointment, but in the case where this is not possible, the Shire reserves the right to make the appointment conditional upon the completion of a medical examination that highlights no known reasons why the applicant would not be fit for the role.

Workers found to have misrepresented fact of prior medical conditions in the pre-placement medical report that impact significantly on their capacity to undertake or continue to undertake the role will be terminated on the basis of a breach of employment conditions and Shire Policy.

The Chief Executive Officer can require a current worker to undergo a medical examination if their role or Position Description changes substantially to the point where suitability is questioned.

The Shire of Kulin conducts a program of health checks (LGIS programmed health checks) every two years to support original medical assessment and has an annual flu vaccination service as part of an overall health policy.

PROCESS: The Chief Executive Officer will upon receipt of a medical examination determine the matter as soon as is practicable.

- the applicants Manager will book a pre-employment medical assessment with the Shire's medical practitioner, prior to the commencement of work:
- the applicants Manager will pre-fill the pre-employment medical report with a brief description of the duties of the role.
- The appointee will complete the Employee section of the pre-placement medical report prior to the medical assessment and hand this form to the medical practitioner for completion.
- The Manager is to give the nominated medical practitioner instructions to return the medical report and account to the Chief Executive Officer.

If, in the opinion of the medical practitioner, the applicant is considered fit for employment, and all other selection processes have been satisfactorily completed, the Chief Executive Officer will continue with the formal offer of employment to the applicant in accordance with established procedure.

If, in the opinion of the medical practitioner, the applicant is considered to be unfit, the Chief Executive Officer will notify the applicant verbally and in writing that, based on medical opinion, the formal offer of employment has been withdrawn and the applicant has the option to:

- (a) obtain full details of the examination through their own medical practitioner; and/or
- (b) make application to the Chief Executive Officer to obtain specific details of why he/she is considered unfit.

An applicant will only be rejected on physical or medical grounds if:

- (a) the applicant is certified by a medical practitioner as being unfit to perform the direct tasks required of the position; and
- (b) the applicant is physically unable to perform the tasks required of the position; and
- (c) the tasks cannot easily be modified so that they can be performed.

Having a disability or an existing ailment is not grounds for not employing a person where it does not prevent them from performing the required duties. However, care should be taken to:

- (a) seek medical opinion as to whether an existing ailment might be worsened by undertaking the position;
- (b) determine whether there is unreasonable risk of injury, either to the person or to others; and/or
- (c) determine whether it is unreasonably difficult to provide special facilities for the person to be able to work.

Where any doubt is raised about offering employment to a person with a disability, the matter will be referred to the Chief Executive Officer who will initiate discussions with the Director of Equal Opportunity in Public Employment (DEOPE) and assess any legal implications.

HEAD OF POWER: Shire Policy