



PG008 Alcohol and Other Drug Policy

July 2020

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Glossary

Term/Acronym	Definition
BAC	Blood Alcohol Content
AOD	Alcohol and Other Drugs

1 SCOPE

This Procedure applies to all Employees of the Pulitano Group (Employer), Contractors and Visitors.

2 DUTY OF CARE RESPONSIBILITIES

The Employer and individual Employees have obligations under the Queensland Work Health and Safety Act 2011 and Regulations or the Victoria Occupational Health and Safety Act 2004. Those are noted in Appendix B.

2.1 Employees

Employees must present for work fit for duty: fatigue, alcohol and drug free.

Employees are to present for work at the designated commencement time of their roster in a fit state to carry out required tasks and in compliance with this Policy.

Employees must cooperate with the Employer in relation to the application of this Policy, including any request by the Employer and/or the Employer's Independent Testing Provider to undertake an AOD test on a random basis.

Whenever an Employee attends a customer's/associate's workplace the onus is ultimately on the Employee to fully comply with that particular customer's/associate's fit for Work/Alcohol & Drug Policy/Procedure, whatever that procedure may be. (This may include testing which is not consistent with this Policy)

2.2 Managers

Managers are to ensure Employees are aware of this Policy and ensure to report any breaches to safety@busqld.com.au and humanresources@bsuqld.com.au.

2.3 The Independent Testing Provider

Independent Testing Provider are required to undertake all tasks associated in the management of this Policy in accordance with all relevant standards.

2.4 Duty of care

The Employer in compliance with the legislation and this Policy deems paramount to ensure that Employees carry out their duties in the Workplace free of alcohol and other drugs. Accordingly, it will act as follows:

Type	Description	Action
Random Testing	The Employer, at its absolute discretion, reserves the right to conduct random testing of alcohol and other drugs whenever it considers it appropriate.	Test to be conducted Tests can be conducted no more than one hour prior to commencing work or during scheduled work time.
Testing on Suspicion	An employee suspected of being under the influence of alcohol or other drug may be requested to submit to an alcohol or drug test. A Manager who witnesses unusual behaviour of an employee may direct that employee that for health and safety reasons they should submit to an alcohol or drug test. Unusual behaviour may consist, but not limited to, the following: <ul style="list-style-type: none"> • Slurred, loud or difficult to understand speech • Bloodshot eyes and/or a dishevelled (untidy) appearance • Swaying, stumbling, fumbling and/or an inability to perform normal tasks • A distinct odour of alcohol or other drug, coming from their person • Any behaviour that seems out of character for the employee 	Employer through a Manager directs employee to take a test Tests can be conducted no more than one hour prior to commencing work or during scheduled work time.
Refusal or failure to Test	A refusal or failure to conduct an alcohol or drug test shall be viewed as the equivalent of a positive result and actions will be taken accordingly. A failure to undertake a test includes disregarding, forgetting or overlooking the requirement to undertake the test.	An Employee who refuses or fails to undertake a test will: <ul style="list-style-type: none"> a) not be permitted to commence their duty; b) suspended from work pending the outcome of the investigation; c) Circumstances surround a failure or refusal to test will be investigated an appropriate action taken in accordance with the PG0012 Disciplinary Policy.

3 REQUIREMENTS

3.1 *The Use, Sale, Possession, or Distribution of Alcohol and Other Drugs*

During working hours, Employees and Visitors must not:

- consume alcohol;
- distribute alcohol;
- sell alcohol;
- attend the Workplace with a blood alcohol content exceeding 0.00%;
- the only exclusion is unopened lost property.

During working hours Employees and Visitors must not:

- consume illegal drugs;
- distribute illegal drugs;
- sell illegal drugs;
- be in possession of illegal drugs;
- if tested for illegal drugs, return a "Positive" test result.

For the avoidance of doubt, this Policy is specifically intended to include the consumption of AOD outside Working Hours, which could impact upon the individual during Working Hours.

Should it be suspected Illegal Drugs are in the Workplace or Company Vehicles, the police must be notified.

Appropriate controls on distribution and consumption of alcohol at Company Events should be applied. Control measures must be consistent with the principles which apply at Authorised Functions.

3.2 *Compliance and Disciplinary Action*

Where an investigation suggests that a breach of this Policy has occurred action must be taken in accordance with the PG012 Disciplinary Policy.

For the purposes of applying the Disciplinary Policy any of the following occurrences are deemed to constitute serious misconduct and if proven, may result in the Employee's summary termination of employment (i.e. without notice and without the necessity to have received a previous warning).

- (a) Substantiation that an Employee is found to be in possession of, or sold or distributed illegal drugs in the Workplace or from a Company Vehicle;
- (b) Refusal to take an AOD test will be deemed a positive result and will result in serious misconduct process being followed;
- (c) Major Incident or near miss arising out of or caused by a breach of the AOD Policy.
- (d) Any other matter where the circumstances of such a breach meets the definition of serious misconduct in the Company's Disciplinary Policy, industrial instrument or Fair Work Regulation 1.07.

3.3 Testing for Alcohol and Other Drugs Must Be Undertaken

Employees can be tested for AOD in the following circumstances:

1. During pre-employment medical assessments for job applicants (Pre-Employment Testing).
2. One hour or less prior to driving or carrying out safety work relating to a bus or company vehicle
3. Following any Major Incident, or where an Employee may have or has breached safety precautions or procedures. (Cause Testing)
4. Where there are reasonable grounds based on: observations or information provided to the responsible Manager of any abnormal conduct or behaviour which may involve the misuse of AOD; or any evidence of possible illegal drug use (e.g. suspected drugs and or drug related equipment apparent)

4 ALCOHOL TESTING PROCEDURE

4.1 Alcohol Testing Procedure Wall-Mounted Unit

Employees are responsible for taking all reasonable steps to ensure their fitness for work. To help ensure fitness for work and a BAC of Zero across the organisation, the Employer enforces the following requirements where there is an approved testing device available:

- all employees in high risk roles, such as bus driver or mechanic are required to undertake a breath alcohol test daily and at the start of each shift (including split shifts);
- all employees and visitors who may be in control of any the Employer's vehicles are required to undertake a breath test prior to the start of those duties.

The instrument will perform an analysis and then display the result.

If the BAC detected is ZERO, the display will be green; from ZERO to 0.050g/100ml, the display will be orange and for readings above 0.050g/100ml, the display will be red. The result will continue to be displayed while the instrument resets itself ready for the next test. For ZERO readings this will typically be about five seconds.

It is recommended to not consume any food or drink within 15 mins prior to undertaking an alcohol breath test as this can affect the test reading.

4.1.1 Invalid sample

The invalid blow screen is displayed if the user stops blowing before 1.2 litres is recorded; they blow too softly or blow too hard.

4.2 Test Readings and Outcomes

The Employer strongly discourages any employee from driving a motor vehicle including their own after producing a non-negative, unconfirmed, or positive test to drugs or alcohol. The employee's supervisor must make suitable transport arrangements for the employee.

After receiving the test reading, the following actions and outcomes are applicable:

BAC Result	Reading Type	Result	Action	Whom to advise
0.000g/100ml	First reading	Negative	Employee allowed to work	
>0.000g/100ml	First reading	Non-negative: – Contact the Central Control Room (CCR) – Wait 20 minutes to re-test – Second Reading.	Employee not allowed to work.	Central Control Room (CCR) receives an automated notification.
0.000g/100ml	Second reading	Negative	Employee allowed to work	
>0.000g/100ml	Second reading	Non-negative – Serious safety breach, employee suspended from work Investigation to be undertaken as per PG0012 Disciplinary Policy.	Employee not allowed to work. Employee returned safely home by Manager.	Central Control Room (CCR) will contact: <ul style="list-style-type: none">• safety@busqld.com.au;• humanresources@busqld.com.au; and
	Refusal or failure to test	– Approval to suspend of an employee must be obtained from the National Service Delivery Manager.	Before re-commencing work, the Employee must be tested and must return a negative test result.	<ul style="list-style-type: none">• Employee's HO Manager

5 OTHER DRUG TESTING

The Employer may engage the services of an Independent Testing Provider to perform random Other Drug Tests.

The Independent Testing Provider must ensure the appropriately sealed and labelled non-negative sample is forwarded immediately to a NATA accredited laboratory for laboratory analysis on the GC/MS or LC/MS testing device.

Drugs that may be tested for include: Amphetamines, cocaine, methamphetamines, opiates, TCH (Cannabis); or any other illegal drug.

5.1 Testing Program and Handling Results

Drug Test	Reading Type	Result	Action	Whom to advise
Negative	First reading	Negative	Employee allowed to work	
Non-negative	First reading	Non-negative	Employee not allowed to work.	Employee Liaison Officer CCR if driver will be late to commence duty.
Negative	Second reading	Negative	Employee allowed to work	
Non-negative	Second reading	Non-negative <ul style="list-style-type: none"> Serious safety breach, employee suspended from work Investigation to be undertaken as per PG0012 Disciplinary Policy. Approval to suspend of an employee must be obtained from the National Service Delivery Manager. 	Employee not allowed to work. Employee returned safely home by Manager. Before re-commencing work, the Employee must be tested and must return a negative test result. Sample sent for secondary testing	Employee Liaison Officer will advise: <ul style="list-style-type: none"> safety@busqld.com.au; humanresources@busqld.com.au; and Employee's HO Manager

The Employer will carefully select and monitor the AOD Program provider contracted to administer the testing program and will monitor all measures to ensure appropriate standards are maintained. Samples will only be used for the purpose of testing for the presence of AOD.

Access to copies of results of their AOD tests must be made available to the Employee upon request.

6 PRESCRIBED AND OVER THE COUNTER MEDICATION (OTC)

Employees must notify their Manager in writing when undergoing medical treatment, taking prescribed medication or over-the-counter medication (OTC), in any circumstance where such occurrence is likely to affect their fitness for duty.

In circumstances where an Employee is being treated for illness, taking prescribed or OTC and their fitness for duty is not considered an issue by their treating medical practitioner, they are encouraged to provide a certificate to their supervisor verifying this advice.

Should there be any potential for safety to be compromised in any way by the use of either prescribed or OTC, or where there is any doubt, then the Employee must advise their nominated employer contact in writing.

6.1 Prescription Medication

Any Employee who has been prescribed medication by a medical practitioner will not be in contravention of this Policy as a result of being in possession of or taking that medication provided that:

- the Employee has disclosed to the medical practitioner concerned the position that he/she occupies, the tasks he/she is required to perform, and the medical practitioner does not believe the prescribed medication will in any way affect that person's ability to work safely, and/or effectively perform the inherent requirements of their job, and
- the consumed level of the prescribed medication does not exceed the level that the Employee has been prescribed to take.

6.2 Over the Counter Medications

Employees who have taken OTC will not be in contravention of this Policy provided that the OTC was taken in strict accordance with the manufacturer's recommended dose, directions and warnings. Employees must seek advice from their pharmacist with respect to the impact any OTC may have on their ability to work safely.

7 PRIVACY AND CONFIDENTIALITY

The Employer must not use Personal Information collected from employees in a manner that contravenes the Privacy Act.

Information obtained in the process of conducting tests must be treated in the strictest confidence. Individual test results must not be released to anyone who is not involved in the testing/rehabilitation process, without specific written authorisation by the Employee who was tested, to release the results to others, except as follows:

- the Employee has agreed to release information for rehabilitation or a return to work program in which the results of the test must be known to facilitate further action concerning the Employee;
- when the results of the test become subject to a dispute, however the information may only be released to other parties on a "need to know" basis;
- when complying with any legal requirement.

7.1 Storage of Results

Alcohol results are kept indefinitely in the Alcoholizer system. Advice of positive results are sent to CCR and the relevant Employee Liaison Officer.

8 EDUCATION AND EMPLOYEE SUPPORT AND AUTHORISED COMPANY FUNCTIONS

8.1 Information, Advice and Education

The Employer provides information as part of ongoing health promotion programs on:

- relevant WH&S Law;
- this Company Policy;
- health implications of the misuse of AOD;
- implications of privacy and confidentiality and;
- understanding what to look for in terms of behaviour of someone affected by AOD;

8.2 Employee Assistance Program (EAP)

The Employer recognises that the misuse of AOD are often treatable conditions. Assistance with the rehabilitation of Employees suffering from problems related to the misuse of AOD may be provided through the Employee Assistance Program.

An Employee with problems related to the misuse of AOD may voluntarily seek assistance from:

- the Company's Human Resources Department; or
- the Employee Assistance Program; or
- their own treating doctor.

This approach and any information provided must be treated in the strictest confidence.

8.3 Authorised Functions and Company Events

The Employer recognises there may be occasions where Employees may consume alcohol at Authorised Functions and/or Company Events. On such occasions, alcohol may be served, however if consumed, must be consumed in a responsible manner. Having consumed alcohol at an Authorised Function or Company Event, Employees must not return to or commence working if in contravention of the Policy.

An Authorised Function/Company Event must comply with each of the following requirements:

- authorised in writing by the Managing Director if alcohol is to be distributed or consumed on Company premises during the working day;
- conducted at the conclusion of the working day or outside Working Hours of Employees attending the function;
- a member of the relevant management team is appointed as being responsible to ensure the function is conducted in full compliance with defined criteria;
- conducted in an area designated by a management team member and which does not require the participants to enter any areas of an operating Workplace;

9 VISITORS AND CONTRACTORS

9.1 Visitors

Visitors who enter any area other than a public access area of any Workplace are required to have a BAC not exceeding 0.00% and must not register a “positive” test result for any illegal drugs. The responsible Manager must take appropriate measures to ensure the safety of any visitor to any workplace who may exhibit symptoms consistent with the effects of AOD use and arrange for their prompt removal from the site.

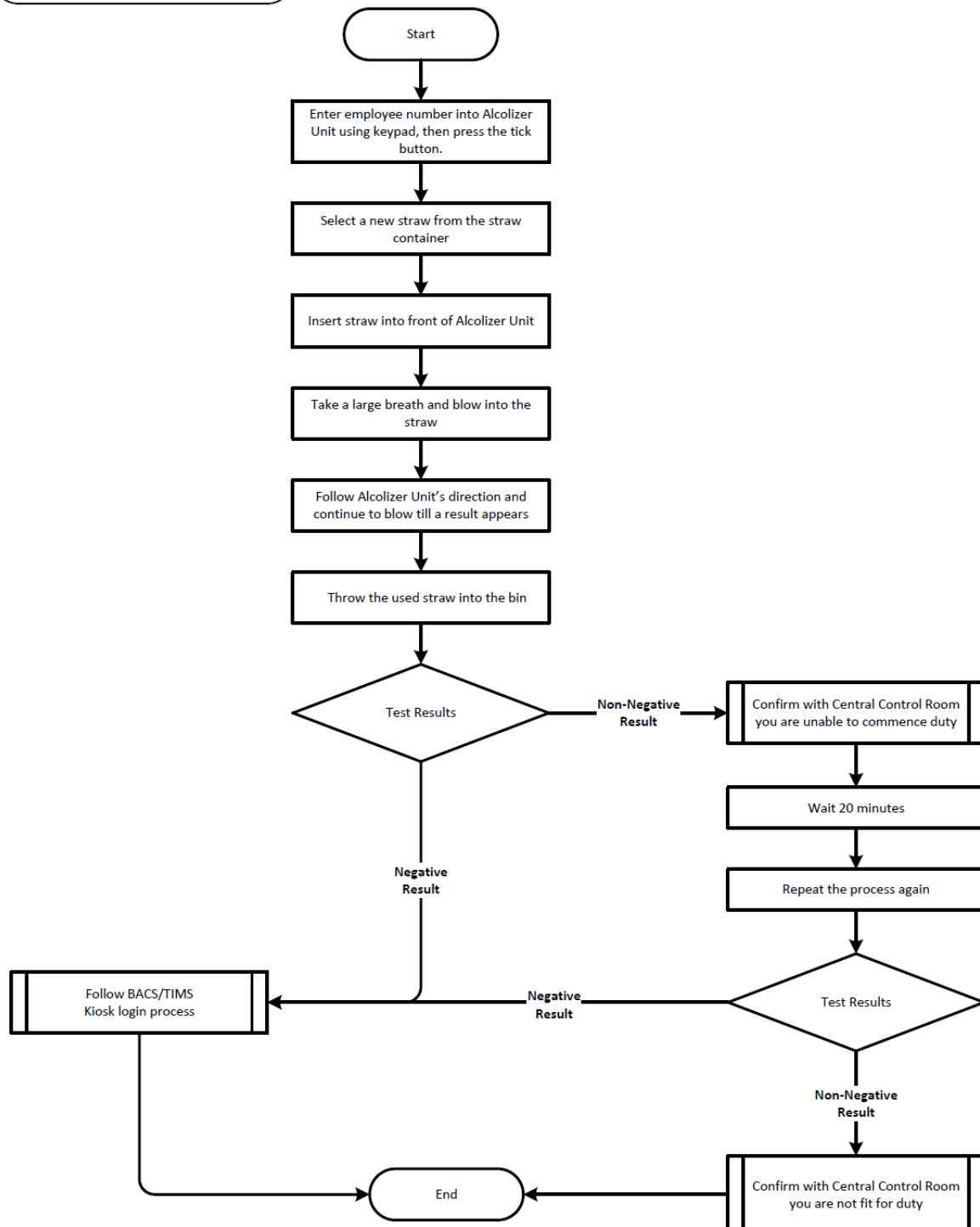
9.2 Contractors

Any Contractor who fails to comply with the requirements in this Policy will be denied access to Workplaces. Furthermore, the Company reserves the right to take such action as it deems appropriate as a consequence of the Contractor's conduct, including reviewing and/or terminating any contract in which the Contractor is involved.

A Contractor who exceeds the prescribed BAC must not return to a Workplace until he/she can demonstrate the pp 0.0% BAC required by this Procedure. A Contractor who tests Positive to Illegal Drugs must not return to a Workplace until he/she tests negative.

APPENDIX A – ALCOHOL BREATH TESTING PROCESS

Alcohol Breath Testing Process



APPENDIX B – LEGISLATION

Work Health and Safety Act 2011 (Qld)

Section 17 of the Act states:

A duty imposed on a person to ensure health and safety requires the person –

- (a) *To eliminate risks to health and safety, so far as is reasonable practicable; and*
- (b) *If it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonable practicable.*

Section 19 of the Act states:

- (1) *A person conducting a business or undertaking must ensure, so far as reasonable practicable, the health and safety of –*
 - (a) *Employees engaged, or caused to be engaged by the person: and*
 - (b) *Employees whose activities in carrying out work are influenced or directed by the person – While the Employees are at work in the business or undertaking.*
- (2) *A person conducting a business or undertaking must ensure, so far as is reasonable practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.*

Section 28 of the Act states:

While at work, an Employee must –

- (a) *Take reasonable care for his or her own health and safety; and*
- (b) *Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and*
- (c) *Comply, so far as the Employee is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and*
- (d) *Co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to Employees.*

Occupational Health and Safety Act 2004 (Vic)

Section 21 of the Act states:

An employer must, so far as is reasonably practicable, provide and maintain for employees of the employer a working environment that is safe and without risks to health.

Section 22 of the Act states:

An employer must, so far as is reasonably practicable –

- (a) *Monitor the health of employees of the employer; and*
- (b) *Monitor conditions of any workplace under the employer's management and control; and*
- (c) *Provide information to employees of the employer (in such other languages as appropriate) concerning health and safety at the workplace, including the names of persons to whom an employee may make an enquiry or complaint about health and safety.*

Section 25 of the Act states:

While at work, an employee must –

- (a) *Take reasonable care for his or her own health and safety; and*
- (b) *Take reasonable care for the health and safety of persons who may be affected by the employee's acts or omissions at a workplace; and*
- (c) *Co-operate with his or her employer with respect to any action taken by the employer to comply with a requirement imposed by or under this Act or the regulations.*

Penalty: 1800 penalty units.

- (1) *While at work, an employee must not intentionally or recklessly interfere with or misuse anything provided at the workplace in the interests of health, safety or welfare.*

Penalty: 1800 penalty units.

- (2) *In determining for the purposes of subsection (1)(a) or (b) whether an employee failed to take reasonable care, regard must be had to what the employee knew about the relevant circumstances.*

- (3) *An offence against subsection (1) or (2) is an indictable offence.*

APPENDIX C – DEFINITIONS

'Alcohol' means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols in methyl and isopropyl alcohol, no matter how it is packaged or in what form the alcohol is stored, utilised or found. The only exception is products which contain alcohol and are used for legitimate reasons in the Workplace.

'Approved Rehabilitation Program' means a rehabilitation program provided by an organisation with recognised expertise in the assessment, treatment and rehabilitation of people suffering from misuse of AOD.

'Authorised Function' means a function usually conducted in a Company controlled venue where alcohol can be served.

'Authorised Function Supervisor' is a senior member of the relevant Management team who must remain Drug & Alcohol free for the duration of the function and, has absolute authority over the safety of all participants.

'Blood Alcohol Content' or BAC means blood alcohol content as measured by breath analysis on an Australian Standard compliant breath testing device when operated.

'Company Event' means an authorised function or event conducted outside the Workplace at which alcohol is served. A Company Event shall be conducted at a time clearly separated from the working day.

'Company Vehicle' means a vehicle owned, leased, hired or used by an employee for company business. When used in this manner the vehicle is deemed to be part of the Workplace.

'Contractor' means any person who performs work for the Company as an independent Contractor. For the avoidance of doubt and without limiting the generality of the above it also includes sub-contractors and their employees.

'Employee' means an Employee of the Company/Employer. For the avoidance of doubt and without limiting the generality of the above it also includes labour hire employees an apprentice or trainee, a student gaining work experience or a volunteer.

'Employee Assistance Program' (EAP), means a program incorporating established procedures for the referral to a specialist counselling service of Employees with personal problems which may impact upon work performance. The EAP is provided via an independent organisation in order to ensure confidentiality.

'Illegal Drugs' means any drugs

- (a) defined and specified as prohibited or illegal under any Federal, State or Territory legislation, or
- (b) for which
 - (i) a medical prescription is required but has not been issued to the person using the drug,
 - (ii) the level of consumption is/was in excess of the prescribed dose or in the case of over the counter medication the level of consumption was in excess of the recommended dose or not in accordance with warnings detailed.

For the avoidance of doubt the term illegal drugs does not include:

- (a) medication prescribed for an individual and used by that individual in strict accordance with the prescribed dose.
- (b) over the counter medication used in strict accordance with the recommended dose and warnings.

'Independent Testing Provider' means the specialist testing provider engaged by the Company to administer the AOD testing regime.

'Major Incident' means any incident which requires an investigation by Work Health and Safety Queensland, hospitalisation or property damage which could result in an insurance claim.

'Manager' means a person who has responsibility for the supervision or coordination of a work group(s), department or work team, including delegated authority to direct Employees within each work group.

'Must, Shall, Will' the words "must, shall and will" are understood to be mandatory.

'Personal Information' has the meaning given in the *Privacy Act 1988* (Cth).

'Non-negative' means the result of a positive onsite AOD test.

'Random' means anyone, anywhere, anytime during Working Hours.

'Working Hours' means the time between the commencement and the conclusion of work activities on behalf of the Employer on any one working day. Any AOD test that coincides with a regulated fatigue break will be deferred for the duration of that break.

For the avoidance of doubt and without limiting the generality of the above;

Working Hours include:

- lunch or other meal or rest breaks;
- work conducted away from the Company premises;
- recalls; and
- travel to and from work when the Employee is using a Company Vehicle.

'Workplace' means any premises or place where an Employee is or was employed or engaged in industry by the Company.



Paul Davies, Friday, January 29, 2021 (UTC)