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## 1. Purpose

To outline the process for testing for the presence of alcohol and other drugs in accordance with the Drug and Alcohol Management Plan.

## 2. Scope

This procedure applies to all workers (including EGT's apprentices) and contractors of the Electrotechnology Training Institute Limited. and ECA Legal Pty Ltd (herein referred to as ETI).

Testing will be conducted in accordance with the Drug and Alcohol Management Program.

This Procedure must be read in conjunction with PCBU hosting the EGT apprentices' drug and alcohol policies and procedures. If the hosting PCBU's policies are more stringent, than that policy will apply to the hosted apprentices.

## 3. Definitions

**Accredited Laboratory** means a laboratory which meets minimum Australian performance standards set by an accrediting agency, being the National Association of Testing Authorities, Australia (NATA).

**Alcohol** refers specifically to the chemical substance ethanol which, in this context may occur in either a liquid or gaseous form.

**B.A.C** is the measurement of alcohol in the body, in grams of alcohol per 100 millilitres of blood and recorded as a percentage i.e. 0.00%.

**Chain of Custody** is a series of procedures to account for the integrity of each specimen by tracking its handling and storage from point of collection to final disposal.


**Confirmatory Test** refers to a second alcohol breath test to confirm the initial reading or, in the case of drugs, a urine analysis conducted at an accredited laboratory to confirm the non- negative result ("fail") obtained in the initial test. The confirmatory test results in a definitive positive (fail) or negative (pass) result.

**Confirmed Negative Result** (Pass) means a secondary test result at or below the prescribed or nominated target concentration levels and this is therefore considered a "pass".

**Confirmed Positive Result** (Fail) means a:

- Secondary onsite breath test for alcohol in excess of 0.00 grams per 100 millilitres (0.00%) of alcohol;
- Secondary test conducted at an accredited laboratory for drugs in excess of the levels contained in AS/NZS 4760:2019 and or AS/NZS 4308:2008, performed at an accredited laboratory. Note: Benzodiazepine level<sup>1</sup> to be provided by the prescribed testing laboratory.
- A confirmed positive result as described above is a fail.

**Drug** means a substance that has a physiological effect on the body, either by

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itself or through its metabolite(s). The term ‘drug’ refers to the drug and/or its metabolite(s) for the purpose of detecting a target drug in oral fluid.

**Worker** means:

- a) an employee (including salaried, staff and managerial personnel), or
- b) an apprentice or trainee employed by ETI, or
- c) a contractor
- d) an employee of a contractor or subcontractor, or
- e) an employee of a labour hire company who has been assigned to work at an ETI Workplace, or
- f) a student gaining work experience.

**Person Conducting a Business or Undertaking (PCBU)** means a company who employs one or more other persons under contracts of employment or contracts of training.

**Fit for Work** means a person who has a BAC of 0.00% and tests negative for the list of substances noted in section 10.1 of the Alcohol and Other Drug Management Program.

**Initial Screening Test** is defined as indicative testing conducted at the workplace to exclude the presence of alcohol and/or a drug or a class of drugs as provided by Australian Standards AS/NZS 3547:1997 and AS/NZS 4760:2019. The Initial Screening Test provides a “negative” or “non-negative” result. Where a “non-negative” result (“fail”) is obtained, confirmatory testing must be conducted to provide a conclusive result.


**NATA** is the National Association of Testing Authorities, Australia who accredit laboratories, inspection bodies and calibration services, produce certified reference materials and provide proficiency testing schemes throughout Australia.

**Negative Result** means a test result at or below the prescribed or nominated target concentration levels and this is therefore considered a “pass”.

**Non-Negative Result** means an initial screening test result that indicates the presence of alcohol or drugs above the prescribed or nominated target concentration levels and is therefore considered a “fail”. A secondary onsite breath test for alcohol or accredited laboratory test for drugs is to be conducted to determine a confirmed positive (fail) or confirmed negative (pass) result.

**Testing Officer** means a suitably competent and trained provider or person approved by the relevant General Manager to conduct drug and alcohol sampling of workers at the workplace. This person may be an independent person or employed by the ETI.

**Workplace** means a place where work is carried out for a business or undertaking and includes any place where a worker goes or is likely to be while at work. A

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workplace includes, but is not limited to:

- head office
- EGT induction centre
- car parks
- campuses
- company vehicles
- workplaces of PCBUs hosting EGT apprentices

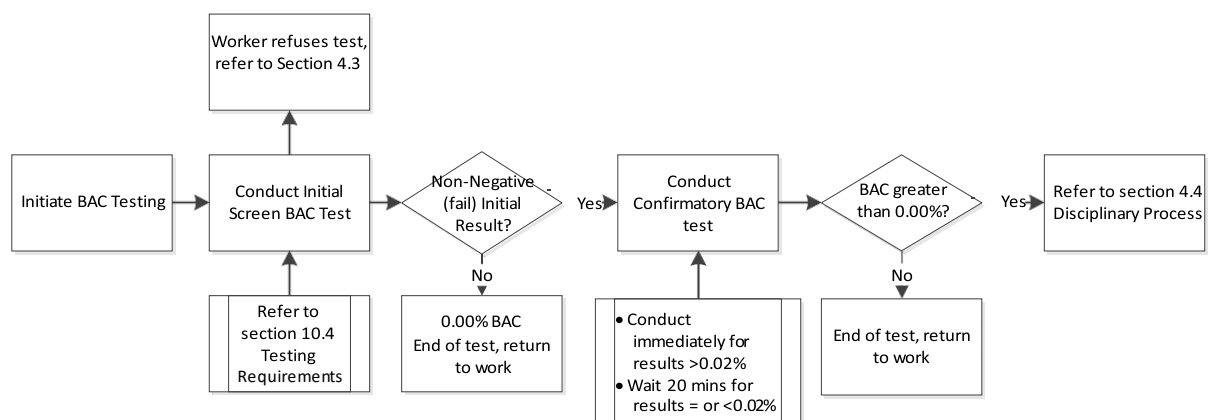
This process applies not only to ETI's offices and workplaces, but also on any other site that workers are acting as representatives of the company for example Host PCBU worksites.

## 4. Procedure

The following procedures will apply when undertaking testing for alcohol and other drugs.

### 4.1. Testing for Alcohol

The following process will apply when testing to determine if an individual is impaired or otherwise affected by alcohol:



#### Initiate BAC Testing

BAC testing can be initiated for the options outlined in section 10.2 of the Drug and Alcohol Management Plan.

#### Conduct Initial Screen BAC Test

Initial Screen BAC Testing will be conducted by a suitably trained Testing Officer using an instrument in accordance with 10.4 Testing Requirements of the ETI Drug and Alcohol Management Program.


#### Worker Refuses Test

Refer to section 4.3 Refusal to Test of this procedure.

#### Non-Negative Result (Fail)?

Following the completion of an Initial Screen BAC Test, the results shall be interpreted as follows:

- No** - Workers recording a 0.00% BAC reading (a Negative Result (Pass))

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are permitted to return to work immediately.

- **Yes** - Workers recording a BAC result above 0.00% up to and including 0.02% BAC (a Non-Negative Result (Fail)) are required to stand down and will be required to complete a Confirmatory Test 20 minutes after the Initial Screening Test or at the discretion of the Testing Officer.
- Workers recording a BAC result of above 0.02% (a non-negative result (fail)) are NOT permitted to return to work. A Confirmatory Test will be completed immediately to confirm the test result. The worker will be required to leave the Workplace as soon as possible. An agreed leave of absence arrangement with their PCBU or loss of pay may apply.

### Conduct Confirmatory BAC Test

A Confirmatory test is conducted where:

- Immediately after a worker records an Initial BAC result of above 0.02%; or
- Twenty (20) minutes after a worker records an Initial BAC result above 0.00% up to and including 0.02% (a Non-Negative Result (Fail)).

### Confirmed Positive Result (Fail) – BAC >0.00%?

Following the completion of a Confirmatory Test, the results shall be interpreted as follows:


- Where a worker refuses to complete the Confirmatory Test and elects to leave the workplace, they are to do so in an agreed leave of absence arrangement with their supervisor or loss of pay is to apply.
- **No** - where a worker completes the Confirmatory Test and a result of 0.00% is obtained [a confirmed negative (pass) result], they are permitted to return to work immediately. No loss of pay may apply.
- **Yes** - where a worker completes the Confirmatory Test and a result greater than 0.00% is obtained (a Confirmed Positive Result (Fail)) they are NOT permitted to return to work and will be required to leave the workplace as soon as possible. An agreed leave of absence arrangement with their PCBU or loss of pay may apply.

Workers who are required to leave site or elect to leave due to an initial screening test Non-Negative Result or a Confirmed Positive Result (Fail) alcohol breath test are required to present for testing on the next workday to meet the fitness for work requirements. The worker is not permitted to return to work until a Confirmed Negative (Pass) result is obtained.

All reasonable assistance is to be afforded to ensure an affected person can make their way from the Workplace to a safe location without harm (e.g. taxi, lift from a friend or Supervisor/Field Officer, etc.).

### Presence of Alcohol or Other Drugs Confirmed

Refer to section 4.4 of this procedure for action to be taken for all Confirmed Positive Result (Fail).

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## 4.2. Testing for Other Drugs

The following process will apply when testing to determine if an individual is impaired or otherwise affected by drugs:

See flowchart contained in Appendix 1.

### Initiate Drug Testing

Drug testing can be initiated for the options outlined in section 10.2 of the Alcohol and Other Drugs Management Program.

Individuals required to participate in drug testing are obliged to declare any medication taken immediately prior to the test being conducted in accordance with section 9.3 Testing of the Alcohol and Other Drugs Management Program.

The definition and threshold for a not negative test in relation to prohibited substances for workers at the Workplace is to be determined in accordance with the relevant Australian Standard. Threshold levels for on-site Initial and subsequent Confirmatory Testing are derived from AS/NZS 3547:1997, AS/NZS 4760:2019 and AS/NZS 4308:2008.

### Chain of Custody Form

The worker completes a Chain of Custody Form - see Appendix 4 of the Alcohol and Other Drugs Management Program.

### Worker Declares Medication

Workers declaring the use of particular prescribed drugs or medication prior to an Initial Screening Test are required to discuss with the Testing Officer the likely effects of the substance on the test results. In the case where a Non-Negative Result (Fail) is obtained, refer to section 4.4 Presence of Alcohol or Other Drugs Confirmed in this Procedure.

### Conduct Initial Screen Drug Test

Initial Screen Drug Testing will be conducted by a suitably trained Testing Officer using an instrument in accordance with 10.4 Testing Requirements of the Alcohol and Other Drugs Management Program.


### Worker Refuses Test

Refer to 4.3 Refusal to Test of this procedure.

### Non-Negative Result (Fail)?

Following the completion of an Initial Screening Test, results shall be interpreted as follows:

- **No** - Workers recording a negative result (pass) are permitted to return to work immediately.
- **Yes (declared prescription or over the counter medication)** - As per section 9.3 of the Alcohol and Other Drugs Management Program: If the worker declares the medication prior to any testing being conducted, and the drug class declared is consistent with the drug class detected at the initial screening test, then the worker may continue work where doing so would not breach any other legislation or policy, but may (at the discretion of the relevant General Manager or the CEO) be required to provide a sample to be sent for confirmatory testing. If the confirmatory test matches the prescribed medication, then no further action will be taken. Should the employee have declared a medication to which other restrictions apply by way of legislation, then should the screening test give a result consistent

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with the declaration, the employee may only return to work where the type of work being performed is permitted by law and safe to perform given the positive result.

- **Yes (no medication declared)** - Workers recording a non-negative result ("fail") will NOT be permitted to return to work and will be stood down from his or her duties. They will be transported to an ETI Workplace or to an approved facility for a Confirmatory Test.

#### Conduct Confirmatory Test

- Workers recording a Non-Negative Result ("fail") are required to provide a urine sample as soon as practical, under controlled conditions, for confirmatory testing at an ETI Workplace or NATA accredited laboratory.
- If the Worker refuses to provide a secondary sample for confirmatory testing, then the process in section 4.3 Refusal to Test of this procedure will apply. If the worker refuses to cooperate with the testing, they are NOT permitted to return to work and will be required to leave the Workplace as soon as possible. An agreed leave of absence with his or her manager or loss of pay may apply. Counselling and rehabilitation are to be offered to the worker.


#### Confirmed Positive Result (Fail) for Drugs?

- **No** - where confirmatory test results provide a Negative Result (pass) for prohibited drugs, the worker is permitted to return to work. No loss of pay or disciplinary action is to apply.
- **Yes** - where confirmatory test results verify the Initial Screening Test Non-Negative Result (fail) the worker is NOT permitted to return to work. An agreed leave of absence arrangement with his or her manager or loss of pay may apply. Counselling and rehabilitation services are to be made available for the worker.
- The worker may dispute the confirmatory test and elect to have their Sample B tested at the same or an alternative NATA accredited laboratory at their own cost. If an alternative NATA accredited laboratory is selected, the worker must also pay for the cost of transporting the sample. If the Sample B testing returns a Negative Result (pass), the worker will be reimbursed for the testing and transport costs and may return to work with no loss of pay or disciplinary action. If the test returns a Confirmed Positive Result (fail) the worker will not be permitted to return to work and an agreed leave of absence arrangement with their PCBU or loss of pay may apply. Counselling and rehabilitation services are to be made available for the worker.

#### 4.3. Refusal to Test

The following steps should be undertaken if a worker refuses to take an Initial Screening or Confirmatory Test:

1. The Testing Officer will inform the worker who has refused the test that the refusal will have the same consequences as a Non-Negative Result ("Fail"), i.e. that the worker will be deemed to be unfit for work.
2. The refusal will be treated as a Confirmed Positive Result (fail), and they will be subjected to the actions noted in sections 4.4 Presence of Alcohol or Other Drugs Confirmed in this procedure.
3. All reasonable assistance is to be offered to ensure the worker can make their way from the workplace to a safe location without harm (i.e. taxi, lift from a friend or Supervisor/Field Officer). An agreed leave of absence arrangement with their supervisor or loss of pay may apply.
4. The Supervisor/Field Officer will ensure all documentation is retained for

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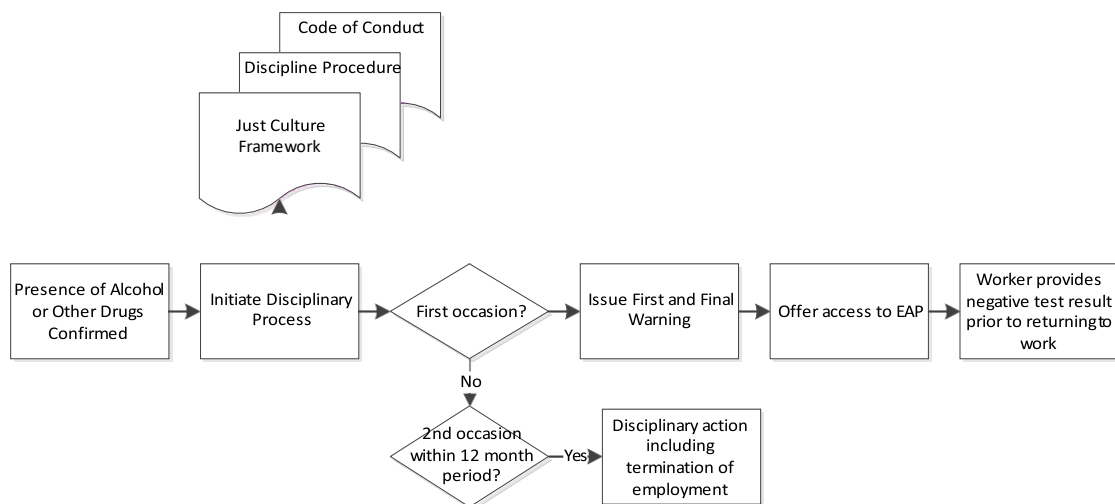
recording and filing.

In order to return to work, the worker is required to provide evidence of their Fitness for Work. A confirmed negative (pass) Urine drug test is required. The Employee may also be required to present for a BAC test upon arrival at work, which must provide a Confirmed Negative Result (Pass) prior to re-commencing work.

Note that in order to provide a Confirmed Negative Result (Pass) urine drug test, the test must be conducted by a medical professional and the sample/s analysed by a NATA approved laboratory. Where a worker has refused the testing provided by ETI, the liability for all costs associated with the provision of the Confirmed Negative Result (Pass) remains with the worker.

#### 4.4. Presence of Alcohol and/or Other Drugs Confirmed

The following process will apply when a worker has undergone the testing process outlined in sections 4.1 Testing for Alcohol and/or 4.2 Testing for Other Drugs and the presence of alcohol or other drugs is confirmed. This process also applies where a worker has refused testing as outlined in section 4.3 Refusal to Test.




#### Initiate Disciplinary Process

The Just Culture Decision Tree, Counselling and Disciplinary Procedure (or Apprentice Disciplinary Procedure as applicable) and Worker Code of Conduct will apply to when taking disciplinary action against a worker who has had a test result where the presence of alcohol or other drugs confirmed.

The following sets out the action which may be taken when a worker returns a Confirmed Positive Result (Fail) to an alcohol or other drug test. In circumstances where the breach is of a more serious nature, a deliberate or negligent breach, or occurs within a worker's probation period, ETI has the discretion to take action which does not conform to the process below and may result in termination.



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### First Occasion

A worker who has received a Confirmed Positive Result (Fail) for alcohol or other drugs will be:

- a) Offered support for rehabilitation through the Worker Assistance Program
- b) Informed of the consequences of testing positive and their obligations to present, or remain in a fit state
- c) Issued with a first and final warning
- d) Required, when requested, to undertake alcohol and other drug testing in the following month as a minimum, and
- e) Informed that further disciplinary action (including termination) and testing requirements will apply if they have a Confirmed Positive Result (fail) for Alcohol and/or Other Drugs within the next 12 months.

### Second Occasion

A worker who has received a second Confirmed Positive Result (Fail) for alcohol or other drugs which has been detected in a 12 month may be dismissed under ETI's Worker or Apprentice Counselling and Disciplinary procedures.

### **A Confirmed Negative Result (pass) from a Drug Test must be obtained before the individual can return to work.**

Any worker who was required to leave the workplace for non-compliance, is required to supply written confirmation of a Confirmed Negative (Pass) Result drug test prior to re-commencing work. Note that in order to provide a confirmed negative (pass) urine drug test, the test must be conducted by a medical professional, the sample/s analysed by a NATA approved laboratory must confirm the result. The liability for all costs associated with the provision of the Confirmed Negative Result (Pass) remains with the worker.

## 5. Reference Documents

- Alcohol and Other Drugs Management Program
- Just Culture Decision Tree
- Counselling and Disciplinary Procedure
- Apprentice Disciplinary Procedure
- Worker Code of Conduct



## Appendix 1 – Drug Test Flowchart

