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Drug and Alcohol Management

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VERSION CONTROL

Reference	Reason	Date
8.0	Clause 6.6.2. has been updated and now includes a trigger for checking the work of a worker who returns a positive test result.	22/05/2008
9.0	Company Name Change to Qube Logistics (Rail) Pty Ltd	01/06/2012
10.0	Annual review and updates to Rail Safety National Law. Added D&A guides	10/01/2014
11.0	Update Victoria under National Law Appendix 1 added (Sobriety testing)	19/06/2014
12.0	Updated to reflect QLD Transport (Rail Safety) Act and Regulation 2010	08/06/2015
13.0	Review and reformat	02/08/2016
14.0	Title of Appendix 4 changed to 'Common prescription and over the counter drugs'	06/10/2016
15.0	Addition of section 8.3 to address situation where there is a medical condition that precludes the provision of a valid urine specimen for drug testing.	15/03/2016
16.0	Full review post incident	29/03/2019

1. PURPOSE

- 1.1. The aim of this procedure is to minimise the risk of alcohol and/or other drug misuse which might affect the productivity, efficiency, health or safety of the Qube Logistics (Rail) (QLRS) workers and workplaces.
- 1.2. The procedure is aimed at preventing workers who are adversely affected by alcohol or other drugs from undertaking work and thus detrimentally affecting productivity, efficiency, health and safety in the workplace.
- 1.3. QLRS is committed to ensuring that all new rail safety workers and contractors are screened for fitness for duty including drug and alcohol testing prior to engagement by QLRS and included as part of every Category 1, 2 or 3 medical while engaged by QLRS.

2. SCOPE

- 2.1. This procedure applies to all personnel employed, contracted or sub-contracted to perform rail safety work for QLRS
- 2.2. If a client of QLRS has its own policy/ procedure relating to drugs and alcohol and that procedure is, in any respect, more stringent than this procedure, then those more stringent requirements apply in conjunction with this procedure.

3. REFERENCES

- 3.1. Rail Safety National Law 2012 82a, Section 115 and Division 9
- 3.2. Rail safety National Law National Regulations 2012 Section 28
- 3.3. AS 4292.1 – 2006, Section 4.4 Drugs and Alcohol Control
- 3.4. AS/NZS 4308:2001: Procedures for specimen collection, detection and quantification of drugs of abuse in urine.
- 3.5. National Standard for Health Assessment of Rail Safety Workers 2017.

4. RESPONSIBILITIES

- 4.1. All Rail Safety Workers engaged by QLRS, either as a direct employee, a primary contractor or a sub-contractor is responsible for the following
 - 4.1.1. Employees and contractors who are rail safety workers must not carry out or attempt to carry out, rail safety work –
 - 4.1.1.1. While there is present in his or her blood any concentration of alcohol; or
 - 4.1.1.2. While a prescribed drug is present in his or her oral fluid or blood; or
 - 4.1.1.3. While under the influence of alcohol or a drug as to be incapable of effectively discharging a function or duty of a rail safety worker.
- 4.2. Rail Safety Workers employed to perform rail safety work are responsible for:
 - Ensuring that they do not, by the consumption of alcohol and other drugs, endanger their own safety or the safety of any other worker in the workplace or a member of the public
 - Reporting to their supervisor with either a medical certificate or a supporting note from a pharmacist, if they are taking any prescription or non-prescription (over the counter) drugs that may affect their ability to carry out their duties safely.

- Reporting all incidents where individuals appear to be under the influence of drugs or alcohol.

4.3. Line Managers/Supervisors are responsible for communicating and implementing the QLRS drug and alcohol policies and procedures.

4.4. QLRS Authorised Testing Officers are responsible for:

- Carrying out testing in accordance with this procedure and their qualifications
- Complying with Rail Safety Legislation
- Reporting all test results in accordance with QLRS and regulatory requirements

4.5. The Train Crew Managers and Area Supervisors are responsible for:

- Overseeing the implementation of this procedure
- Communicating QLRS drug and alcohol policies to rail safety workers
- Managing instances of positive test results in accordance with the requirements of this procedure
- Arranging for random and targeted testing

4.6. The National Rail Safety Manager is responsible for:

- Ensuring that an adequate number of personnel are trained as Authorised Testing Officers
- Notifying regulatory bodies and QLRS management of positive test results and of testing activities
- Ensuring that a minimum of 25% of rail safety workers are randomly tested per year
- Ensuring that random testing occurs across all areas of QLRS operations
- Maintaining calibration records for breath testing units
- Auditing compliance with this procedure
- Managing all correspondence related to drug and alcohol testing, including external testing organisations, laboratories and police departments in each state.
- Compiling the notification documentation required for ONRSR if there is a positive test result or a refusal to be tested

4.7. The Customer Service Centre (CSC) is responsible for arranging post incident testing for all category A and B notifiable rail incidents and other incidents if required.

5. PROHIBITED ACTIVITIES

5.1. The consumption, use, possession, sale, supply, manufacture or cultivation of any of the following substances by any rail safety worker in any workplace is prohibited:

- Illegal drugs, including synthetic cannabis and derivatives
- Any prescription drug of a kind or quantity for which no prescription has been issued

5.2. The sale, supply, manufacture or consumption of alcoholic beverages by any worker in any workplace is prohibited.

5.3. No worker may undertake rail safety work while under the influence of:

- Alcohol, where the worker is over the prescribed blood alcohol concentration of 0.000% blood alcohol content

- The following prescribed drugs
 - *Delta-9*-tetrahydrocannabinol;
 - Methlyamphetamine (Methamphetamine)
 - 3,4-Methylenedioxyethylamphetamine (MDMA) and
 - Any other substance declared by the national regulations to be a prescribed drug for the purposes of Section 128 of the RSNL 2012
- Any illegal drug
- Any prescription drug or other drug, which, in view of the nature of the drug and/or the quantity consumed, might reasonably be expected to have the potential of impairing the worker's safe and efficient performance of their duties

6. FITNESS FOR DUTY

- 6.1. The Rail Safety National Law states that a rail safety worker is to be regarded as being about to carry out rail safety work if they have left home (or a temporary residence) for work (being rail safety work). Therefore any 'positive' drug or alcohol test results, even prior to sign on, must be reported to the rail regulator.
- 6.2. If a rail safety worker is concerned about their fitness for work, they must consult with their manager before leaving home (or temporary residence) for work.
- 6.3. A rail safety worker who has consumed a prescription or over the counter drug, which may have the potential to impair the worker's safe and efficient performance of their duties, must inform their manager before leaving home (or temporary residence) for work and present a medical certificate or a note from a pharmacist stating that the drug will not affect the ability to perform rail safety work.
- 6.4. If they suspect that their blood alcohol content could be more than the prescribed limit they must consult their manager before leaving home (or temporary residence) for work.
- 6.5. Rail safety workers must immediately report any side effects associated with the use of prescription drugs or other drugs (for example; dizziness, drowsiness, fatigue, impaired vision, impaired hearing, increased or decreased temperature, sweating, chills or unsteadiness) to their manager and comply with directions from their manager

7. EMPLOYEE ASSISTANCE

- 7.1. Rail safety workers who are concerned about their use of alcohol or other drugs should initially seek assistance from their General Practitioner (GP)
- 7.2. Rail safety workers who are concerned about their use of alcohol or other drugs may seek confidential assistance from their supervisor or from their state manager
- 7.3. Assistance can include counseling or a rehabilitation program and can also include mutually acceptable leave arrangements.

8. POSITIVE TEST RESULT

- 8.1. A breath analysis test result is considered positive after the following
 - 8.1.1. In all states and territories, a breath analysis confirmatory test has been conducted by an Authorised Person and the results display a BAC of greater than zero
- 8.2. A drug analysis test result is considered positive after the following

- 8.2.1. The detected level of the substance is equal to or exceeds the relevant threshold or detection level as defined in AS/NZS 4308 by a NATA certified laboratory for drug testing
- 8.2.2. When the QLRS Chief Medical Officer determines that any result is in contravention of the RSNL (2012 No 82a) Section 128

9. COUNSELLING

- 9.1. If a rail safety worker is required to attend counselling, or is counselled to seek medical treatment, they must undertake the counselling or obtain the medical treatment and provide written confirmation or evidence that they have done so. Refusal or failure to attend counselling or medical treatment sessions may give rise to circumstances that warrant further disciplinary measures.

10. EDUCATIONAL INFORMATION

- 10.1. QLRS will provide written educational material for rail safety workers about the use and misuse of alcohol and other drugs. Counselling, assistance and rehabilitation programs are to be identified and promoted during education sessions and induction programs for rail safety workers.

11. EXCEPTIONS TO THIS PROCEDURE

- 11.1. If a rail safety worker uses a prescription drug prescribed by a medical practitioner, they are not deemed to be in contravention of this procedure as a result of taking that drug in accordance with the prescription, provided that:
 - The consumed level of the drug does not exceed the level that has been prescribed
 - The nature of the prescription drug and/or the quantity consumed does not have the potential to impair the worker's safe and efficient performance of their duties
 - They can produce the medication packaging clearly showing the prescription label to their manager upon request
- 11.2. If, because of personal injury or incapacity, a rail safety worker is unable to undertake alcohol, drug or sobriety testing, they will not be deemed to be in breach of this procedure. However, management may require that the person undergoes alcohol or drug testing at the earliest practicable time.
- 11.3. A rail safety worker will not be considered to be in breach of this procedure as a result of complying with rule and procedures in emergency circumstances.

12. CONFIDENTIALITY

- 12.1. QLRS are to take all reasonable steps to ensure that drug and alcohol test results, investigations conducted in relation to test results and participation in counselling or rehabilitation services remain confidential between the worker, their manager and approved company officers.
- 12.2. It is necessary for QLRS to disclose test results if required to do so by rail regulators or legislation.

APPENDIX 1: CASE STUDY 1

A QLRS Rail Safety Worker (RSW) is prescribed medication from his General Practitioner (GP). This medication contains amphetamines and the RSW commences taking the medication as prescribed by his GP.

The RSW attends work with the intention to perform rail safety work and upon signing is subject to a random breath alcohol analysis and drug test that will be conducted by an Authorised Person. The RSW submits the test and declares the medication he has taken. The RSW returns a negative result to the breath analysis but his urine sample displays a non-negative to the drug analysis for amphetamines. The RSW is stood down pending a laboratory confirmatory test of the urine sample.

The results of the confirmatory test are returned to QLRS after being viewed by the Chief Medical Officer (CMO), and the CMO determines the following

- In relation to the Rail Safety National Law, Section 128 there has not been a breach a breach, as the medication whilst an amphetamine-
 - Was obtained legally as it was prescribed by a GP
 - Was not Methylamphetamine
 - Did not influence the RSW either physically or mentally, as to be incapable of effectively discharging a function or duties as a rail safety worker.

The above does not take into account of any performance management measures QLRS will apply for the non-declaration of taking the medication to the RSWs manager.

APPENDIX 2: CASE STUDY 2

A QLRS Rail Safety Worker (RSW) is prescribed medication from his General Practitioner (GP). This medication contains amphetamines and the RSW commences taking the medication as prescribed by his GP.

The RSW attends the workplace and commences rail safety work. During the day a workmate notices the RSW is not his 'normal' self as he is displaying behaviors he (the RSW) does not normally display and so raises this with their manager. The manager arranges for a breath alcohol analysis and drug test to be conducted by an Authorised Person. The RSW submits the test and declares the medication he has taken. The RSW returns a negative result to the breath analysis but his urine sample displays a non-negative to the drug analysis for amphetamines. The RSW is stood down pending a laboratory confirmatory test of the urine sample.

The results of the confirmatory test are returned to QLRS after being viewed by the Chief Medical Officer (CMO), and the CMO determines the following

- In relation to the Rail Safety National Law, Section 128 there **has** been a breach a breach, as the medication whilst an amphetamine-
 - Was obtained legally as it was prescribed by a GP
 - Was not Methylamphetamine
 - Did influence the RSW either physically or mentally, as to be incapable of effectively discharging a function or duties as a rail safety worker.

The RSW continues to be stood down and undergoes performance management as he has breached QLRS policies. QLRS also report the result to the ONRSR.

Upon receiving the report of the positive drug analysis, the ONRSR conducts an investigation and determines the RSW has breached the RSNL Section 128 (1) (c) resulting in the RSW being penalised the maximum amount of \$10,000.

APPENDIX 3: CASE STUDY 3

A QLRS Rail Safety Worker (RSW) attends work with the intention to perform rail safety work and upon signing is subject to a random breath alcohol analysis and drug test that will be conducted by an Authorised Person. The RSW refuses to undergo the analysis tests and departs from the work location.

The RSW is stood down and undergoes performance management as he has breached QLRS policies. QLRS also report the result to the ONRSR.

Upon receiving the report of the positive result, the ONRSR conducts an investigation and determines the RSW has breached the RSNL Section 127 (3) resulting in the RSW being penalised the maximum amount of \$10,000.