

CORRECTIVE SERVICES NSW

EMPLOYEE ALCOHOL AND OTHER DRUGS

POLICY AND PROCEDURES

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1. POLICY PRINCIPLES

Corrective Services NSW (CSNSW) is committed to the health and safety of all members of staff and other persons on CSNSW premises.

CSNSW is also committed to eliminating risk in the workplace arising from the effect of alcohol and/or other drugs on any member of staff.

This policy informs all CSNSW members of staff:

- the expectations in relation to their use of alcohol and/or other drugs;
- the support that is available to members of staff who seek assistance with problems relating to alcohol and/or other drug use;
- the process for the mandatory, targeted and randomised testing of all members of staff for alcohol and/or other drug use.

2. POLICY

Prohibited drugs, prohibited plants and drugs in excess of the drug/metabolite cut-off concentration levels as stipulated in the Australian/New Zealand Standard AS/NZS 4308:2008¹ are not permitted at any CSNSW workplace or in any CSNSW vehicle.

A member of staff must not be adversely affected by alcohol or other drugs at any CSNSW workplace or in any CSNSW vehicle.

Alcohol is not permitted at any CSNSW workplace or in any CSNSW vehicle unless official approval has been received from a person authorised by the Commissioner to grant such approval.

Should any member of staff return a blood alcohol concentration result above 0.02% or return a test result indicating drug(s) in their physiology, the Manager on site is to stand down that member of staff from their duties for the remainder of the shift / contracted hours.

Note: The member of staff is only entitled to leave without pay in these circumstances and cannot use sick leave, time-in-lieu, flexitime, banked leave, recreation or extended leave in such circumstances.

3. SCOPE

This policy applies to all CSNSW members of staff.

4. OBJECTIVES

The objectives of this policy are to:

- promote the health and well being of all CSNSW members of staff and to seek voluntary compliance with the principles of this policy;
- inform members of staff who are experiencing difficulties with the use of alcohol and/or other drugs regarding available support;
- eliminate accidents or critical incidents arising from the use of alcohol and/or other drugs by any member of staff;
- institute procedures for dealing with members of staff who have, or are suspected of having alcohol and/or other drug problems that impact on their functionality and/or work performance, or upon their safety or the safety of others in the workplace and in the community; and
- meet community expectations that CSNSW members of staff will, at all times, act in a lawful and professional manner.

5. DEFINITIONS

<i>AOD</i>	Means alcohol and/or other drugs
<i>Authorised person</i>	A person authorised by the Commissioner to make a decision, give a direction or carry out any task relating to this policy.
<i>AS/NZS 4308:2008</i>	Australian/New Zealand Standard AS/NZS 4308:2008 <i>Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine</i>
<i>Breath Test</i>	A test that is carried out on a person's breath by means of a device of a type approved by the Commissioner for the conduct of breath tests under the <i>Road Transport (Safety and Traffic Management) Act 1999</i> .
<i>Critical incident</i>	Any incident defined as critical by a Manager/Officer-In-Charge or Senior Officer on Duty.
<i>Disclosure</i>	Occurs when a member of staff voluntarily informs a member of staff from Staff Support Unit or his/her Manager about his/her alcohol or other drug(s) problem.

<i>Drug(s)</i>	All prohibited drugs, prohibited plants and drugs in excess of the drug/metabolite cut-off concentration levels as stipulated in the Australian/New Zealand Standard AS/NZS 4308:2008 <i>Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.</i>
<i>Member of staff</i>	This includes all persons employed by CSNSW in any capacity.
<i>Non invasive samples</i>	Samples of any of the following human biological material: (a) breath, taken by breath test, breath analysis or otherwise (b) urine (c) faeces (d) saliva taken by buccal swab
<i>Pathology Collection Officer</i>	A pathology collector from an accredited pathology testing laboratory engaged by CSNSW
<i>Presents for duty</i>	A member of staff presents for duty when the member of staff is present at his/her place of work or about to go on duty.
<i>Prohibited drug/ Prohibited plant</i>	Has the same meaning as in the <i>Drug Misuse and Trafficking Act 1985</i> and the <i>Poisons and Therapeutic Goods Act 1966</i>
<i>Workplace</i>	Any CSNSW area where work is conducted including any CSNSW vehicle

6. AUTHORISATION

- 6.1 A direction to undergo testing may only be given or approved by an authorised person.
- 6.2 Persons authorised by the Commissioner to conduct alcohol and/or drugs tests on members of staff include, but are not limited to, those occupying the role of CSNSW AOD Testing Officers and authorised officers attached to CSNSW Investigations.
- 6.3 The AOD Testing Officer will carry on their person while on duty the *'Certificate of Appointment of Authorised Person to Conduct Testing of a Member of Staff'*. This document will be produced where a member of staff requests that the Testing Officer show proof of authority to undertake random AOD testing of members of staff.
- 6.4 Any officer at the rank of Deputy Superintendent or in the position of Manager Security or above, or Clerk Grade 9/10 Manager or above, is an authorised person who may direct a member of staff whom they supervise to undergo an alcohol test.
- 6.5 The Assistant Commissioner, Security and Intelligence may authorise drug testing in any CSNSW workplace on any member of staff where there is a

suspicion of the use of a prohibited drug.

7. RESPONSIBILITIES OF MEMBERS OF STAFF

7.1 Blood alcohol concentration when on/presenting for duty:

7.2 When presenting for duty and at all times whilst on duty, a member of staff must not have a blood alcohol concentration of above 0.02%.

7.3 In accordance with the *Firearms Act (1996)* should a member of staff be handling a firearm the required blood alcohol concentration level is 0.00%.

7.4 In accordance with the *Road Transport (Safety and Traffic Management) Act 1999*, should a member of staff be employed in a capacity where the licensing requirements as required for their role are below 0.02% blood alcohol concentration, these licensing requirements apply.

7.5 Drug / metabolite cut-off concentration levels when on/presenting for duty:

7.6 Staff may not have prohibited drugs/prohibited plants or excessive drugs present in any of his/her biological material when on, or presenting for duty.

7.7 Staff must not match or exceed the drugs cut-off concentration levels as stipulated in the Australian/New Zealand Standard AS/NZS 4308:2008, or such other procedure as may be directed by the Commissioner.

8 REFUSAL TO SUBMIT TO BREATH (ALCOHOL) TEST OR URINE (DRUG) TEST

8.1 Staff must not refuse to:

- a) undergo a breath analysis test; or
- b) undergo a drug analysis test.

8.2 Where a member of staff refuses to submit to a breath or drug test:

- a) the member of staff will be stood down from duty on leave without pay; and
- b) the matter will be referred to the CSNSW Professional Standards Committee.

8.3 Failure of a member of staff to provide a urine sample within the allocated time period without providing evidence of extenuating circumstances will be deemed as that person having a positive test result.

8.4 Where a member of staff wilfully evades or delays the procedure longer than the time allocated by the AOD Testing Officers:

- a) the matter will be referred to the CSNSW Professional Standards Committee; and
- b) the member of staff will be referred to the staff AOD Counsellor.

9. COUNSELLING AND SUPPORT SERVICES

- 9.1 The Safety and Staff Support Unit employs a staff AOD Counsellor to provide education, advice, counselling, referral and assistance to members of staff in relation to AOD issues.
- 9.2 The Staff AOD Counsellor is also available to assist members of staff participate in external AOD rehabilitation programs.
- 9.3 Contact can be made with the staff AOD Counsellor (Safety and Staff Support Unit) on telephone: (02) 8346 1421 OR 1300 363 202 & select option 2.
- 9.4 Contact can be made with the Staff Psychologists within the Safety and Staff Support Unit for counselling and support for AOD issues on telephone: (02) 8346 1423 or (02) 8346 1425 OR 1300 363 202 & select option 4.
- 9.5 External assistance is also available to permanent and temporary members of staff (excluding casual staff) through the Employee Assistance Program (EAP): on telephone: 1300-363-202 & select option 1.
- 9.6 Casual members of staff can access assistance through the Staff AOD Counsellor or through the Staff Psychologists.
- 9.7 Permanent / temporary members of staff with an AOD problem may apply to use available sick leave, recreation leave or extended leave entitlements to attend approved AOD rehabilitation or treatment programs.
- 9.8 CSNSW may withdraw counselling or other support if the member of staff concerned does not comply with the specified conditions to achieve the desired treatment outcomes, or should the member of staff cease to be employed by CSNSW.

10. RESPONSIBILITIES OF THE SAFETY AND STAFF SUPPORT UNIT

- 10.1 The Staff AOD Counsellor is responsible for conducting Workplace Risk Assessments in consultation with the relevant manager and to conduct an individual AOD assessment with a member of staff should he/she:
 - return a positive alcohol or drug test result; or
 - be identified as having a possible work related or non work-related AOD issue.
- 10.2 These assessments will be carried out as soon as practicable.

11. RESPONSIBILITY TO REPORT

- 11.1 Any member of staff who reasonably suspects that another member of staff may have an AOD issue is to report that suspicion to his/her manager. Such a report need not be in writing; however the manager should create a written record.
- 11.2 Anyone who knowingly makes false allegations against another person in

this respect may be subject to disciplinary action.

- 11.3 A manager to whom a member of staff has disclosed his/her AOD issue must report that disclosure to the Manager, Safety and Staff Support Unit (02) 8346 1338, or to the Staff AOD Counsellor (02) 83461421.
- 11.4 Self disclosure relating to AOD use by staff does not exempt the individual from random or target AOD testing.

12. CONFIDENTIALITY

- 12.1 Confidentiality will be maintained by all AOD Testing Officers involved in the undertaking of AOD Testing activities. Strict confidentiality will also be maintained as to the work locations selected for testing, work related travel plans and the positions or individuals who have been selected to provide breath or urine samples.
- 12.2 Only those involved in the direct management of the member of staff with an identified AOD issue will have access to any related information and will treat this information as confidential.
- 12.3 Any member of staff who breaches confidentiality as described above may be referred to the CSNSW Professional Standards Committee.
- 12.4 Any member of staff who reports the suspected misuse of alcohol or prohibited drugs by another staff member, will be assured of confidentiality.

13. RANDOM ALCOHOL AND DRUG TESTING

- 13.1 CSNSW locations are randomly selected for AOD Testing by a computerised program. All members of staff at the selected location will be breath tested. An additional random list of members of staff is generated and they will be required to take part in urine testing.

14 POSITIVE ALCOHOL OR DRUG TEST RESULT

- 14.1 Following any member of staff returning a positive alcohol and/or drugs, a Workplace Risk Assessment will be conducted by the Staff AOD Counsellor in consultation with the relevant Manager. An individual AOD assessment will also be conducted with the member of staff.

14.4 Permanent and Temporary Staff

Any permanent or temporarily appointed member of staff, who:

- fails a breath and/or urine test but who has not tested positive for alcohol and/or drugs within the preceding 3 years may be required to undergo counselling and/or rehabilitation;
- fails a breath test and/or urine test and who has tested positive for alcohol and/or drugs within the preceding 3 years will be subject to disciplinary action. The Commissioner may also refer the staff member to an approved medical assessor for the purposes of determining his/her fitness to remain

In either case, the Commissioner has the discretion to take disciplinary action and refer the matter to the CSNSW Professional Standards Committee.

14.5 Casual Staff

Should a casual member of staff test positive for alcohol and/or other drug(s) he/she will be referred to the Staff AOD Counsellor for assessment. A Workplace Risk Assessment will be conducted with his/her supervisor. The casual member of staff will not be allocated further shifts/duties until this assessment process is completed. A review of the employee's employment status with CSNSW may also occur.

15. PROCEDURES FOR BREATH (ALCOHOL) TESTING

15.1 On arrival at a CSNSW workplace that has been selected for AOD testing, the AOD Testing Officer will report to the Manager/OIC of the workplace. The Manager/OIC will be advised by the AOD Testing Officer that all members of staff presenting for, and on duty at that time, are required to attend for a breath test.

15.2 The AOD Testing Officer will liaise with the Manager/OIC to allocate a private room/area in which to undertake the testing. A Manager/OIC *Information Sheet* will be made available to assist with the coordination of workplace testing (Appendix 1).

15.3 The AOD Testing Officer will require that the Manager/OIC provide a list of all members of staff on or in attendance for duty at the time of testing. All staff on duty or in attendance at the workplace during testing activities are required to undergo a breath test. Off-duty staff attending the workplace during testing activities will be informed that entrance to the workplace requires participation in testing activities.

15.4 The Manager/OIC will arrange for members of staff to attend for testing on a 'rolling' basis to minimise any adverse impact on the operations of the workplace.

Note: Managers should develop an operational plan for the workplace on testing days, similar to that planned for 'staff training day' or 'staff picnic day'.

15.5 When a member of staff attends for breath testing, the AOD Testing Officer will ensure that he/she is aware that he/she is required to submit to a breath test as part of the random Employee AOD Testing Program.

15.6 The AOD Testing Officer will ensure that the member of staff being tested has been formally identified, either through CSNSW identification, driver's licence or orally by another member of staff.

15.7 The AOD Testing Officer will explain the breath-testing procedure to the member of staff being tested.

- 15.8 The AOD Testing Officer will enter the details of the member of staff in the '*Employee Alcohol Testing Register*'.
- 15.9 On completing the breath test, the AOD Testing Officer will show the reading to the member of staff and enter the reading into the Register. The member of staff must then sign the Register. Should the member of staff refuse to sign the Register, the AOD Testing Officer will record in the 'signature space' that the member of staff has refused to sign the Register.
- 15.10 The AOD Testing Officer will record in their Contemporaneous Notebook the name of the member of staff and any conversation had regarding his/her refusal to sign the Register.
- 15.11 Should a member of staff fail to present for testing, all efforts that have been taken to facilitate his/her attendance are to be recorded by the Manager/OIC of the workplace (Appendix 2) and forwarded to the CSNSW Professional Standards Committee.
- 15.12 The AOD Testing Officer will record in their Contemporaneous Notebook the name of the member of staff who failed to attend the breath and/or drug/metabolite test and the name of the Manager/OIC who assisted them to facilitate the process. The AOD Testing Officer will complete a '*Failure to Attend for Breath Test or Provide Urine Sample*' form. (Appendix 2) This information will then be submitted to the Senior AOD Testing Officer for assessment and may be referred to the Professional Standards Division.
- 15.13 Where a positive breath test is indicated, a further breath test will be conducted after a minimum period of ten minutes has elapsed, to eliminate the possibility of mouth alcohol.
- 15.14 Where a positive breath test is indicated on the second reading, the AOD Testing Officer will inform the member of staff of the result and that the matter will be referred to the Manager/OIC who will direct the member of staff to stand down from duty.
- 15.15 The member of staff is to be made aware that they are to be stood down for the remainder of the shift / contracted hours on leave without pay. Details of the positive result will then be referred to the Manager, Safety and Staff Support Unit and the Staff AOD Counselling Coordinator to arrange an AOD assessment and to offer the member of staff support as required. (Appendix 10 Staff Support AOD Referral Form).
- 15.16 The AOD Testing Officer will provide a statement in writing to both the Manager/OIC of that workplace and to the member of staff regarding the positive test result (Appendix 3). A "*Certificate of Evidence of Concentration of Alcohol in Blood*" (Appendix 4) will also be provided to the member of staff and to the Professional Standards Division.
- 15.17 The AOD Testing Officer will provide the Manager/OIC with an *Information Sheet* relating to the standard operating procedures to be followed in the event of a positive breath test result.

- 15.18 The Information Sheet (Appendix 5) stipulates that the Manager/OIC should ensure that the member of staff is placed on restricted duties upon their return to work until a Workplace Risk Assessment is undertaken by the Staff AOD Coordinator. In addition, the Manager/OIC should conduct a breath test on the member of staff (where equipment is available) when he/she next presents for duty and daily thereafter until the Workplace Risk Assessment has been conducted and any necessary safety measures implemented.
- 15.19 The AOD Testing Officer will advise the Senior AOD Testing Officer of any such incident.
- 15.20 The Senior AOD Testing Officer will notify all relevant managers within the Professional Standards Division and Human Resources Division of the positive test result.

16. PROCEDURES FOR URINE (DRUG) TESTING

- 16.1 Urine testing of members of staff will be undertaken only in circumstances where arrangements have been made to engage external service providers to undertake drug/metabolite testing services.
- 16.2 The number of members of staff to be selected for urine testing is usually decided prior to arrival at the workplace. Where a workplace has a large number of staff, a proportionate number of members of staff will be selected for random testing. At sites with 12 or less members of staff presenting for/on duty all members of staff will be urine tested.
- 16.3 The AOD Testing Officer will report to the Manager/OIC on arrival at the selected workplace and inform him/her of the intention to undertake urine testing.
- 16.4 The Manager/OIC will allocate a suitable toilet facility to enable the urine samples to be collected.
- 16.5 When the selected member of staff presents for urine testing, the AOD Testing Officer will ensure that the member of staff is aware:
- of the request to provide a urine sample for testing; and
 - that the urine sample must be provided within the time allocated by the AOD Testing Officer
- 16.6 Only in extenuating circumstances identified by the AOD Testing Officer will he/she permit the member of staff additional time to produce an adequate sample.
- 16.7 The AOD Testing Officer will inform the member of staff of the procedures involved including that the procedures are to be conducted in accordance with the current Australian/New Zealand Standards.
- 16.8 The AOD Testing Officer will ask the member of staff if he/she would like to take possession of a container of a sample of their own urine. The member

of staff will also be asked to record in the Drug Test Register, acknowledgement of an offer to receive a sample and their response i.e. 'yes' or 'no'. Should the member of staff refuse to sign, the AOD Testing Officer will sign the Register.

- 16.9 The AOD Testing Officer will accompany the member of staff to the Pathology Collection Officer and remain present only until the member of staff has provided the Pathology Collection Officer with their first name, serial number and date of birth.
- 16.10 The AOD Testing Officer will remain within the general vicinity of the collection area until the member of staff has provided a urine sample and has completed the collection process.
- 16.11 The member of staff must not leave the collection area until he/she has provided a urine sample and has completed the collection process. A member of staff may be required to remain on the premises until the test is completed.
- 16.12 After the member of staff has provided the urine sample to the Pathology Collection Officer, the member of staff is to return to the AOD Testing Officer in order to sign the Drug Testing Register. Should the member of staff refuse to sign the Register, the AOD Testing Officer must record in the 'signature space' of the Register that the member of staff has refused to sign the Register.
- 16.13 The AOD Testing Officer is then to record in their Contemporaneous Notebook the name of the member of staff and any conversation had regarding his/her refusal to sign the Register.

17. PROCEDURES FOR URINE (DRUG) TEST RESULTS

- 17.1 All urine test results from the pathology laboratory will be forwarded to the Senior AOD Testing Officer.
- 17.2 Where a negative test result is returned, the Senior AOD Testing Officer will notify the member of staff in writing of the result as soon as is practicable (Appendix 6).
- 17.3 Where a positive urine test result is returned, the Senior AOD Testing Officer will contact both the member of staff and his/her workplace Manager concerning the result and advise that the matter has been referred to the Professional Standards Division.

The manager and member of staff will also be provided with an Information Sheet concerning the procedure following a positive drug/metabolite test result (Appendix 7).

- 17.4 The positive result will be referred by the Senior AOD Testing Officer as soon as possible to the Executive Director, Professional Standards Division. The Manager, Safety and Staff Support Unit will also be notified of the result.

17.5 The Senior AOD Testing Officer will send a statement in writing to the member of staff (Appendix 8) informing them of the positive test result and initiate a referral for assessment.

18. FOLLOW UP TESTING (DRUG OR ALCOHOL)

18.1 Where a positive breath or drug/metabolite test result has been returned, the member of staff will be required to undergo follow-up tests at a future time and may be target tested in the workplace at any time.

19. TARGET TESTING (DRUG OR ALCOHOL)

19.1 Where suspicion exists that a staff member has used a prohibited drug, the staff member may be directed by an authorised person to provide a urine sample for drug testing.

19.2 Where suspicion exists that a staff member may be affected by alcohol, the staff member may be directed by an authorised person to take part in a breath test.

19.3 The Manager / OIC will arrange for the results of such tests to be forwarded to the Professional Standards Division and the Staff AOD Counselling Coordinator.

19.4 The testing includes obtaining a non-invasive sample of breath, urine or saliva as identified by the Authorised Officer at the time of conducting the test. The member of staff may not elect which type of non-invasive sample is provided, or required to be taken.

20 MANDATORY TESTING FOLLOWING CRITICAL INCIDENTS

20.1 An authorised person will require all members of staff involved in a critical incident to undergo a breath test for the purpose of testing for the presence of alcohol. Members of staff are also to provide a non-invasive sample for the purpose of testing for the presence of other drugs in their physiology. AOD testing must be completed as soon as practicable by an authorised person, and prior to relevant staff leaving the work location.

Note: Managers should contact CSNSW Investigations for advice and guidance in respect of AOD testing following a critical incident.
Phone: 83468100.

21. RECORD MANAGEMENT

21.1 The AOD Testing Officer will enter all details concerning the breath testing of members of staff in the 'Employee Alcohol Testing Register' at the time of testing.

21.2 The AOD Testing Officer will enter all details concerning the drug/metabolite testing of members of staff in the 'Employee Drug Testing Register' at the time of testing.

21.3 The Senior AOD Testing Officer will ensure that all information in the

Employee Alcohol Testing Register and in the Employee Drug Testing Register is securely stored in the CSNSW Employee AOD Testing Unit's database.

- 21.4 The Senior AOD Testing Officer will ensure that the Unit's database and any documentation pertaining to individual testing are secure and maintained in accordance with records standards.
- 21.5 The Senior AOD Testing Officer will supply the relevant Human Resources Manager with a copy of all relevant documentation regarding positive breath and/or urine test results received (Appendices 3, 4 and/or 8).

22. PROFESSIONAL CONDUCT

22.1 Conduct and Ethics

In accordance with the CSNSW Guide to Conduct and Ethics, all members of staff should, at all times, relate professionally and respectfully to colleagues and other public sector employees, contractors and members of the public, and act with courtesy and fairness.

Unprofessional conduct by any member of staff during any testing process may be referred to the Professional Standards Committee.

22.2 Interfering with test results

The act of tampering with, introducing or altering the concentration of alcohol or any other drugs in a member of staff's urine or other biological material, is a breach of conduct and will be referred to the Professional Standards Committee.

23. COMPLAINTS

- 23.1 Any complaints related to this policy should be forwarded to the General Manager, Operational Performance Review Branch.

24. LEGISLATION AND OTHER REFERENCES

- *Crimes (Administration of Sentences) Act 1999*
- *Crimes (Administration of Sentences) Regulation 2008*
- *Drug Misuse and Trafficking Act 1985*
- *Firearms Act 1996*
- *Government Information (Public Access) Act 2009*
- *Health Records and Information Privacy Act 2002*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*

- *Poisons and Therapeutic Goods Act 1966*
- *Poisons and Therapeutic Goods Regulation 2008*
- *Privacy and Personal Information Protection Act 1998*
- *Public Sector Employment and Management Act 2002*
- *Public Sector Employment and Management Regulation 2009*
- *Road Transport (Driver Licensing) Act 1998*
- *Road Transport (Safety and Traffic Management) Act 1999*
- *Australian/New Zealand Standard AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine*
- *CSNSW Guide to Conduct and Ethics*
- *CSNSW Protected Disclosures Policy*
- *CSNSW The Management of Professional Conduct in the Department of Corrective Services*
- *Personnel Handbook*

25. IMPLEMENTATION

This policy supersedes the CSNSW Employee Alcohol & Other Drugs Policy (August 2004) (Revised August 2006) and is to be implemented from the date of approval.

Date approved: November 2011

Review date: November 2013

Ownership: General Manager, Operational Performance Review Branch

Contact: Senior AOD Testing Officer

26. DOCUMENT HISTORY

Version	Date	Reason for amendment
1	August 2004	Initial policy statement.
2	August 2006	Review and update.
3	November 2011	Review and update.
4	May 2012	Amendments – authorised officers & clarification of level of blood alcohol concentration