

Random Drug and Alcohol Procedure

This procedure should be read in conjunction with the Drug and Alcohol Policy, Drug and Alcohol Impairment Procedure and Reasonable Suspicion Guidelines.

1. PURPOSE

This procedure sets out how VicRoads will achieve its policy objective of ensuring that the health and safety of people at its sites are not put at risk by the actions of people under the influence of drugs and alcohol.

2. SCOPE

This procedure applies to all VicRoads Managers and employees engaged in prescribed high risk positions which comprises Sprayline Road Services, Transport Safety Services (TSS), Surveillance Managers and Incident Response Service (IRS).

3. DEFINITIONS

Breath test	Test approximates blood alcohol concentration by measuring the amount of alcohol on a person's breath.
Confirmation test	Sample tested by an approved testing facility after an initial positive screening test result.
Drug and alcohol test	Oral fluid test and breath test carried out by Independent test provider that detects the presence of drugs and alcohol in a person's system.
Drugs and alcohol	Prescribed or other substances that, when consumed may impair the normal function of the mind and/or body.
Illegal drug	Any drug that is not legally obtained.
Legal drug	Includes prescribed drugs and 'over the counter' drugs which have been legally obtained and are being used for the purposes for which they were prescribed or manufactured.
Oral fluid test	In accordance with AS 4760:2006 Procedures for Specimen Collection and the Detection and Quantification of Drugs in Oral Fluid.
VicRoads workplace	Any permanent or temporary place or structure, including plant and vehicles, occupied, used or under the control of VicRoads or its employees.

4. KEY RESPONSIBILITIES

Position Role	Responsibilities
Business Area Manager	Ensure all staff are familiar with the Policy and the Random Drug and Alcohol Testing Procedure. Issue Reprimand letter/s or approve recommendation to take no further action.
Manager/Supervisor	Ensure the effective implementation of the Policy in accordance with the Random Drug and Alcohol Testing Procedure.
Manager Payroll/Statewide People Services Consultant	Ensure that records associated with drug and alcohol incidents are kept on the personal file and kept confidential and secure.
Return to Work Coordinator	Develop Return to Work Plan when required.
Employees	Cooperate with managers in the implementation of the Policy. Advise the Business Area Manager where they are found by the Police to be driving a VicRoads vehicle, where their blood alcohol concentration is above that prescribed by the law or is found by the police to be driving a VicRoads vehicle whilst exceeding the prescribed concentration of an illegal drug. (Action may be taken against the employee in accordance with the relevant disciplinary procedures).

5. PROCESS

Random Testing

Random drug and alcohol testing will be conducted for VicRoads Managers and employees engaged in prescribed high risk positions which comprises Sprayline Road Services, TSS, Surveillance Managers and Incident Response Service (IRS) at VicRoads workplaces by an independent, appropriately qualified and competent service provider. Other workers engaged in VicRoads high risk construction work may also be subject to testing.

Random testing for drugs and alcohol for VicRoads workers may be conducted concurrently at any time throughout the worker's hours of work (including overtime).

Random testing will be conducted in an appropriate area. The testing will be done privately.

The independent test provider/s will develop and implement an operationally appropriate random selection process which must meet the satisfaction of VicRoads management.

The goals of the random selection process will be to:

- On average, test each VicRoads employee at least twice a year for drugs;
- On average, test each VicRoads employee at least twice a year for alcohol; and
- Ensure that contractors are also tested.

The random selection process will be reviewed regularly to ensure that its application meets these goals.

All employees and contractors shall be made aware of the VicRoads Random Drug and Alcohol Testing Procedure and that they are required to adhere to it.

Refusal/ Evading Tests

A refusal to undertake a test will be managed in the same way as a positive test result.

A VicRoads employee or contractor who is deemed to evade a test or a worker who helps or encourages another worker to evade a test may be subject to disciplinary action.

Random Alcohol Testing

Prior to the test being conducted, VicRoads employees and contractors will be requested to provide their full name, date of birth, ID card to confirm their identity and the name of their Supervisor or Manager.

Alcohol Testing Procedure

1. All alcohol testing procedures shall comply with AS/NZS 3547:1997 Breath alcohol testing devices for personal use.
2. The person being tested will be required to supply an air sample directed into an approved breath analysis instrument (Mobile Hand Unit). The sample shall be sufficient to obtain a valid reading on the instrument.
3. The person being tested must refrain from taking any fluid or substance during the waiting period (at least 15 mins), this includes smoking.
4. If a negative test result is returned the person may return to their normal duties.
5. If an employee tests positive on an initial screening test, a confirmation test will then be conducted.
6. A contractor returning a positive alcohol test will immediately be asked to leave the VicRoads site. VicRoads will advise their employer of the outcome of the screening test and request that they address the issue.

Confirmation of a positive result

If a confirmation alcohol test is positive, the employee is advised that they are released from duty without loss of pay for the remainder of the day. The employee will be required to return to work on the next scheduled working day when they are not impaired by alcohol. Managers and Supervisors should apply the Reasonable Suspicion Guidelines to determine if staff are fit to return to work after a positive test result.

A follow up meeting will be held and the employee is to be informed that they have the right to request the presence of an employee representative at the meeting.

The employee may be required to take accrued leave in relation to any subsequent periods of absence.

Support services listed in references and employee assistance program counselling will be offered to the employee in the form of an information pack listing appropriate support services available.

Suitable arrangements should be made to ensure the employee gets home or to a doctor safely, or hospital by ambulance if necessary. Where the employee is camping or staying away from home they should be conveyed safely to the base location (such as the motel).

Random Drug Testing

Prior to the test being conducted, VicRoads employees and contractors will be requested to provide their full name, date of birth, ID card to confirm their identity and the name of their Supervisor or Manager. They will be provided the opportunity to inform the tester if they have recently taken any prescribed medication or over the counter medication.

Drug Testing Procedure

1. All drug testing procedures, handling, disposal and clean up shall comply with AS 4760 Procedures for the collection, detection and quantification of drugs in oral fluid.
2. The person being tested will be required to supply an oral fluid sample in the appropriate testing device provided to them by the independent test provider. The sample shall be sufficient to obtain a valid reading on the instrument.
3. If a negative test result is returned the collected specimen will be disposed of and the person may return to their normal duties.
4. If an employee tests positive on an initial screening test, a confirmation test will then be conducted.
5. If a positive test result is returned for any substances, the confirmation test specimen will be labelled and prepared for dispatch to a laboratory for confirmation testing. Once sent to the laboratory the process may take 3 – 4 days. Laboratory results will be forwarded to VicRoads Manager WHS&W who will then inform the Business Area Manager.
6. If an employee tests positive on a confirmation test, the employee will immediately be asked to leave VicRoads site. The VicRoads supervisor will manage the situation in line with this procedure.
7. The independent test provider will contact the person's supervisor or a VicRoads representative (for contractors) who will then manage the situation in accordance with this procedure.
8. A contractor returning a positive drug test will immediately be asked to leave the VicRoads site. VicRoads will advise their employer of the outcome of the screening test and request that they address the issue.

Confirmation of a positive result

If a confirmation drug test is positive, the employee is advised that they are released from duty without loss of pay for the remainder of the day. The employee will be required to return to work on the next scheduled working day when they are not impaired by drugs. Managers and Supervisors should apply the Reasonable Suspicion Guidelines to determine if staff are fit to return to work after a positive test result.

A follow up meeting will be held and the employee is to be informed that they have the right to request the presence of an employee representative at the meeting.

The employee may be required to take accrued leave in relation to any subsequent periods of absence.

Support services listed in references and employee assistance program counselling will be offered

to the employee in the form of an information pack listing appropriate support services available. Suitable arrangements should be made to ensure the employee gets home or to a doctor safely, or hospital by ambulance if necessary. Where the employee is camping or staying away from home they should be conveyed safely to the base location (such as the motel).

Action by Manager / Supervisor once the employee has left the workplace.

Inform the Business Area Manager and complete Section One of the VicRoads Drug and Alcohol Notification – Record of Incident of Breach form.

Schedule a meeting in a private area on the employee's expected return to work.

Action by Manager / Supervisor at the meeting on the employee's return to work.

1. Explain the reasons why the employee was released from work.
2. Provide an opportunity for the employee to respond to the reasons, explain the incident or further comment on the incident.
3. Offer Employee Assistance Program counselling support service and other alternative support services listed in references to employee.
4. At this stage, the Manager/Supervisor may choose to recommend to the Business Area Manager that no further action be taken. This must only be done in accordance with mitigating factors as specified in the Reasonable Suspicion Guidelines.
5. Upon laboratory confirmation of a positive test result advise the employee that they will be issued with a written reprimand letter regarding the incident.
6. Ensure the employee is aware that three breaches will result in the commencement of disciplinary procedures and they may result in termination of employment.
7. Provide the employee with copies of the Policy, Procedures and Reasonable Suspicion Guidelines which include information on self-identification and support services.
8. Complete section 2 of the VicRoads Drug and Alcohol Notification – Record of Incident of Breach form and forward to Business Area Manager.

Issuing the Reprimand letters by Business Area Manager (wherever reasonably practicable, within 7 days of receiving the form).

1. On receipt of VicRoads Drug and Alcohol Notification – Record of Incident of Breach form, complete section 3 of the form.
2. Issue Reprimand letter, or approve a recommendation to take no further action. Where a Reprimand letter is to be issued, the Business Area Manager should conduct such investigation as is necessary to be satisfied that this course of action is appropriate and in line with the Drug and Alcohol Policy and Drug and Alcohol Impairment Procedures.
3. Ensure all original documents are placed on the employee's personal file and any local copies destroyed.

Disciplinary Action

1. If an employee breaches the Policy three times, disciplinary procedures will commence.
2. On issuing a letter of breach for a third offence, the Business Area Manager will:
 - i. Make a recommendation to the Executive General Manager – People Services that the employee involved should be directed to attend a disciplinary interview; and
 - ii. Proceed in accordance with the Discipline Policy in the People Services Policies.

Privacy

1. VicRoads acknowledges that privacy of individuals is paramount when dealing with drug or alcohol related problems in the workplace. VicRoads managers and employees must maintain privacy and act ethically when they are involved in applying this procedure. This includes, but is not limited to:
 - i. Keeping confidential any information or records relating to an individual who has self notified or breached the Drug and Alcohol Policy;
 - ii. Information relating to counselling or treatment. VicRoads or a representative of VicRoads can only request such information from a treatment provider with the written consent of the employee involved. Such information should only be requested when necessary for a work related reason;
 - iii. Conducting discussions in relation to drug or alcohol issues in a private location; and
 - iv. Any VicRoads employee or manager who breaches these confidentiality requirements may be subject to disciplinary action.

6. REFERENCES

ENQUIRY	CONTACT DETAILS
Internal	
Enquiries relating to the policy	Manager – Work Health Safety and Welfare (ext 2937) Manager – Workplace Relations (ext 2402)
External	
General drugs or alcohol issues including Victorian treatment services	VicRoads Employee Assistance Program 1300 361 008 Victoria Alcohol and Drug Information Services DirectLine 1800 888 236 Family Drug Help 1300 660 668 Alcoholics Anonymous (03) 9529 5948 Narcotics Anonymous (03) 9525 2833
Independent Test Provider	TBA

7. FORMS

Appendix 1 – VicRoads Drug and Alcohol Notification – Record of Incident of Breach under VicRoads Drug and Alcohol Policy Form

Appendix 2 – First Breach form letter

Appendix 3 – Second Breach form letter

Appendix 4 – Third Breach form letter

Appendix 1- Form: VicRoads Drug and Alcohol Notification Record of Incident of Breach under VicRoads Drug and Alcohol Policy

FORM: VicRoads Drug and Alcohol Notification

Record of Incident of Breach under VicRoads Drug and Alcohol Policy

The details on this form are to be completed after any incident involving a breach under the VicRoads Drug and Alcohol Policy

SECTION 1. To be completed at time of breach by Manager/Supervisor

Breach No. (circle) 1. 2. 3.

Time of incident: _____ Date of Incident: ___/___/___

Work Location (address): _____

Supervisor's Name: _____

Name of staff member concerned: _____

Employee No: _____

- A. Recommendation that no further action be taken.
- B. Refusal to undertake Drug and Alcohol test
- C. Positive Drug and/or Alcohol test result
- D. Date Left Workplace: ___/___/___ Time Left Workplace: _____

Conveyed home by (e.g. public transport, taxi, lift by colleague etc.) _____

Grounds for reasonable suspicion (note the indicators of reasonable suspicion and any additional information that formed the basis of the decision):

Summary of any comments made by staff member at time of incident:

Signature (Manager/Supervisor): _____ date: ___/___/___

Signature (Business Area Manager): _____ date: ___/___/___

Original – Retained on personal file

SECTION 2. To be completed at follow up meeting.

Date Returned to Workplace: ___/___/___ Time Returned Workplace: _____

Date of Meeting: ___/___/___ Time/s of meeting: _____

Information / advice provided to staff member at meeting. (Tick)

- Policy Document
- Procedures
- Self-identification fact sheet
- Support Services fact sheet
- Recommendation for Business Area Manager that Reprimand letter be issued (Y/N)

If “No”, please state the grounds upon which recommendation was made.

Summary of any comments made by employee at time of meeting:

Signature (Employee): _____ date: ___/___/___

Signature (Manager/Supervisor): _____ date: ___/___/___

Original – Retained on personal file

SECTION 3. To be completed by Business Area Manager when issuing Reprimand letter.

Sections 1 and 2 received date: ___/___/___

Comments:

Reprimand letter/s sent:

First Reprimand letter date: ___/___/___

Second Reprimand letter date: ___/___/___

Third Reprimand letter date: ___/___/___

(Reminder): On issuing a third Reprimand letter, the Business Area Manager will:

1. Make a recommendation to the Manager - Investigations that the staff member involved should be directed to attend a disciplinary interview; and
2. Proceed in accordance with the Discipline Policy in the People Services Policies.

Business Area Manager Name: _____

Business Area Manager Signature: _____

Date: ___/___/___

NOTE: Ensure all original documents and copies of Reprimand letter/s are retained on personnel file.

Appendix 2 First Breach form Letter

[Insert date]

[Insert name]

[Insert address]

FAILURE TO COMPLY WITH VICROADS DRUG AND ALCOHOL POLICY

REPRIMAND

I refer to the incident on [insert date] when you were directed to leave VicRoads workplace for being impaired by drugs or alcohol in accordance with the VicRoads Drug and Alcohol Policy. Both the independent and laboratory tests have confirmed the presence of an illegal substance.

- On your return to work on [insert date] you attended a meeting with [insert names] at which:
- Reasons why you were directed to leave the workplace were discussed;
- VicRoads Drug and Alcohol Policy was explained to you;
- You were counselled regarding your unacceptable behaviour and were informed of the consequences of a repeated breach of the policy; and
- You were offered information on support services and referral services.

This letter serves as a reprimand that your behaviour on [insert date] was unacceptable. The Drug and Alcohol Policy was introduced in an attempt to ensure the safety of you, VicRoads employees and others at VicRoads workplaces. Your behaviour was in breach of this Policy and may have had serious consequences for the safety of both VicRoads employees and others.

As there have been no other breaches of this policy before this reprimand, this matter will not be dealt with as a disciplinary matter. However, if at any time you have three breaches of this policy, at the time of the third breach VicRoads will commence disciplinary procedures which may result in the termination of your employment.

You are reminded that under the Policy, services are available to assist you in obtaining professional advice and counselling. I urge you to take advantage of these services and take steps to modify your behaviour in order to comply with this Policy.

A copy of this letter will be placed on your personal file.

Yours sincerely,

Business Area Manager [Insert name]

[Insert title]

Appendix 3 Second Breach form Letter

[Insert date]

[Insert name]

[Insert address]

FAILURE TO COMPLY WITH VICROADS DRUG AND ALCOHOL POLICY

REPRIMAND

I refer to the incident on [insert date] when you were directed to leave VicRoads workplace for being impaired by drugs or alcohol in accordance with the VicRoads Drug and Alcohol Policy. Both the independent and laboratory tests have confirmed the presence of an illegal substance.

- On your return to work on [insert date] you attended a meeting with [insert names] at which:
- Reasons why you were directed to leave the workplace were discussed;
- VicRoads Drugs and Alcohol Policy were explained to you;
- You were counselled regarding your unacceptable behaviour and were informed of the consequences of a repeated breach of the policy; and
- You were offered information on support services and referral services.

I note that on [insert date of previous reprimand letter] you were provided with a reprimand for a breach of the Drug and Alcohol Policy.

This letter serves as a reprimand that your behaviour on [insert date] was unacceptable. The Drug and Alcohol Policy was introduced in an attempt to ensure the safety of you, VicRoads employees and others at VicRoads workplaces. Your behaviour was in breach of this Policy and may have had serious consequences for the safety of both VicRoads employees and others.

As this is your second breach no disciplinary action will be taken in respect of this matter. However, if you have a third breach VicRoads will commence disciplinary procedures which may result in the termination of your employment.

You are reminded that under the Policy, services are available to assist you in obtaining professional advice and counselling. I urge you to take advantage of these services and take steps to modify your behaviour in order to comply with this Policy.

A copy of this letter will be placed on your personal file.

Yours sincerely,

Business Area Manager [Insert name]

[Insert title]

Appendix 4 Third breach form Letter

[Insert date]

[Insert name]

[Insert address]

FAILURE TO COMPLY WITH VICROADS DRUG AND ALCOHOL POLICY

REPRIMAND

I refer to the incident on [insert date] when you were directed to leave VicRoads workplace for being impaired by drugs or alcohol in accordance with the VicRoads Drug and Alcohol Policy. Both the independent and laboratory tests have confirmed the presence of an illegal substance.

On your return to work on (insert date) you attended a meeting with [insert names] at which:

- Reasons why you were directed to leave the workplace were discussed;
- VicRoads Drug and Alcohol Policy was explained to you;
- You were counselled regarding your unacceptable behaviour and were informed of the consequences of a third breach of the policy; and
- You were offered information on support services and referral services.

I note that on [insert date of first and second reprimands] you were provided with two previous reprimands regarding your behaviour. As you know, the Drug and Alcohol Policy was introduced in an attempt to ensure the safety of persons at VicRoads workplaces. Your behaviour was your third breach of this Policy and may have had serious consequences for the safety of both VicRoads employees and others.

As this is your third reprimand, in accordance with the Drug and Alcohol Program Policy disciplinary procedures will be commenced that may include the termination of your employment. VicRoads will write to you further in regard to the disciplinary procedures.

A copy of this letter will be placed on your personal file.

Yours sincerely,

Business Area Manager [Insert name]

[Insert title]