



**Robe River Kuruma Aboriginal Corporation
RNTBC**
ABN: 99 409 427
ICN: 7612

Fitness for Work Policy

DOCUMENT CONTROL

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OVERVIEW

Robe River Kuruma Aboriginal Corporation (RRKAC) is committed to providing a safe, healthy and productive workplace. To support this commitment, RRKAC will provide education aimed at the prevention, reduction and / or elimination of problems associated with the misuse or abuse of alcohol and other drugs which affect work performance, conduct and / or safety. In accordance with RRKAC's *Employee Assistance Program and Wellbeing Policy*, all fulltime KMAC employees also have access to confidential counselling through the RRKAC Employee Assistance Program (EAP).

In order to ensure employee and contractor safety, wellbeing, and fitness for work, RRKAC has implemented an Alcohol and Other Drugs Testing Regime under which RRKAC is ensuring that people do not participate in RRKAC business under the influence of alcohol or other drugs, in an altered state or where they would be deemed unfit for work. This includes passing an initial drug test upon commencement of employment, and then every 12 months therewith for office employees and committee members, and every three (3) months for staff and contractors undertaking activities for RRKAC on Country (i.e. surveys, cultural awareness training and Caring for Country activities).

Objectives

The purpose of this policy is to ensure all people are fit for work, particularly in relation to the use and/or abuse of drugs and alcohol. This policy provides a framework for testing, as well as guidelines for education, rehabilitation, counselling, and potential discipline arising from drug and alcohol testing.

Scope

This policy applies to all employees, directors (including Alternates) and contractors of RRKAC who are undertaking RRKAC business and activities or representative of RRKAC on official business.

Declaration by the Board of Directors

The members of the RRKAC Board acknowledge and accept the following terms set out in the Policy.
The RRKAC Board has adopted the following Policy for Alcohol or Other Drugs Procedure.

The board of directors have at a properly constituted board meeting agreed to and provide approval of this document and is signed on behalf of the directors by:

Name KARINE JAMES Name Sally SLATTERY

Signed [Signature] Signed [Signature]

Dated this 17 day of October 20 19



POLICY FRAMEWORK

This policy provides practical guidelines to assist management and employees to:

- Recognise the effects of the misuse or abuse of alcohol and other drugs
- Protect confidentiality
- Refer employees to counselling services
- Provide education and information for employees on the Corporation's policy.

In addition this policy:

- Sets the workplace testing regime; and
- Provides guidance regarding disciplinary action following positive results

POLICY STATEMENT

Education of Employees

RRKAC commits to supporting the education of employees including:

- Information sessions on the use, misuse and / or abuse of alcohol and other drugs
- Provision of relevant alcohol and other drug literature
- Specialist programs delivered by external service providers

These initiatives may vary in their use and timing. Information will be provided so that employees will be aware of the health and safety implications of alcohol and other drugs abuse, understand the Corporation's policy, and know how and where to seek further assistance.

Rehabilitation Principles and Guidelines

RRKAC recognises alcohol and other drug dependency as a treatable and manageable condition. Any person who suspects to have an alcohol or other drug dependency condition is encouraged to seek advice and have appropriate treatment.

Employees may seek counselling through the Employee Assistance Program (EAP) as offered by RRKAC. Participation in the program is confidential. Information that the employee divulges will not be passed on to anyone without their express written consent. Non-confidential information for statistical purposes for the confirmation of any employee attendance is provided to RRKAC.

All reasonable steps will be taken to advise contractors and casual employees undertaking RRKAC activities on Country (i.e. surveys, cultural awareness training, and Caring for Country activities) of appropriate organisations to consult in respect to alcohol and other drug dependencies, and how they may seek support through the Member Support Program.

If an employee or contractor indicates to RRKAC management or another employee that they suspect to have an alcohol or other drug problem, that person must encourage the employee to seek assistance from a treating professional.



Counselling by a manager must be limited to work performance or conduct issues. Counselling on personal issues is the domain of professional counsellors.

The procedure for managing conduct and work performance are outlined in the *RRKAC Human Resources Policy*.

Fitness for Work

To be considered “fit for work” a person must be in a state (physical, mental, and emotional) which enables them to perform assigned tasks competently and in a manner which does not threaten the safety or health of themselves or others. This includes an employee presenting for work in a state where they are not under the influence of alcohol or other drugs.

Alcohol

As a general rule RRKAC has a zero tolerance policy for the consumption of alcohol during business hours. The acceptable level of blood alcohol concentration for employees and contractors is less than 0.05%. This is in line with the current legal limit for driving a motor vehicle. This level however will vary in accordance with industry codes of practice, standards and legislative requirements and all persons must comply with these. All contractors undertaking activities for RRKAC on Country (i.e. surveys and Caring for Country activities) must present to work with a blood alcohol concentration of 0.00%.

Other drugs

Persons are expected to present for work in a fit state to undertake their duties safely. Therefore persons are not to present for work when a drug, over the counter or prescription medication impairs their ability to perform their role in a safe manner. Please refer to Section Six (6) which details the types of drugs that are screened during drug testing, and the targeted levels that would constitute a positive test result. Being in possession of or consuming illegal drugs or consuming alcohol during working hours will be regarded as serious misconduct. Employees who contravene this rule will be subject to disciplinary action up to and including termination of their employment.

Approved Functions

In special circumstances such as the retirement of employees, Christmas parties, or other similar work functions, the Chief Executive Officer may approve the moderate consumption and responsible serving of alcohol during and after working hours on Corporation premises. A specified timeframe will also be nominated by the Chief Executive Officer for the function. In all such circumstances permission is to be obtained from the Chief Executive Officer prior to the event.

Persons are to ensure that they do not resume duty:

- With an alcohol concentration above the limits set herein;
- If they are affected by alcohol or other drugs which may lead to a safety risk or an inability to fulfil the requirements of the position;
- Employees should not drive home after a work function if they above the legal limit.



TESTING PROCEDURE FOR ALCOHOL AND OTHER DRUGS

The types of testing that may be carried out include the following:

Pre-employment testing – Potential Corporation employees will be advised they will need to pass an alcohol and other drug test as part of their recruitment, and will be required to have an alcohol and drug test, as part of their pre-employment check.

Follow up testing – Corporation employees will be tested every twelve months for office employees and committee members, and every three (3) months for staff and contractors undertaking activities for RRRKAC on Country (i.e. surveys, cultural awareness training, and Caring for Country activities).

Random testing - A non-discriminatory program that will randomly select when testing will occur and which random individuals will be tested. This may occur during survey participation as per the policies of the particular proponent site.

Causal testing - Causal testing is made up of the following components:

- A) A mandatory drug and alcohol test when it is reported that there is reasonable belief that a person is under the influence of drugs or alcohol
- B) Repeat drug and alcohol testing over a 6 month period for a person who has previously returned a positive test result and is seeking counselling and rehabilitation (Refer to section 9).

TYPES OF TESTING

For Pre-Employment and Follow-up Testing, all testing will be conducted at *Sonic Health*. This will involve a urine sample provided using the correct chain of custody procedure to ensure that the results are from the identified person. Urine is the best sample for alcohol and other drug testing. It is non-invasive, easy to obtain, can be collected under supervision and contains drugs at concentrations which are easily detectable.

What drugs will be tested?

The normal alcohol and other drugs testing includes alcohol, amphetamines, benzodiazepines, opiates, cannabinoids, and cocaine.

What are the common names for the drugs tested?

Class	Common Names
Amphetamines	Speed, Ecstasy
Benzodiazepines	Valium, Serapax
Opiates	Heroin, Opium, Morphine, Codeine
Cannabinoids	Cannabis, Marijuana, Hashish
Cocaine	Cocaine, Coke



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What are the cut-off threshold concentrations for the screening tests and confirmatory tests?

The Australian Standard AS4308 details appropriate cut-offs for both the screening and confirmatory tests.

Class	Individual Drug	Screening Tests (µg/l)	Confirmatory Tests (µg/l)*
Amphetamines	Amphetamine	300	150
	Methyl-amphetamine		150
Benzodiazepines	Oxazepam	200	200
	Temazepam		200
	Nordiazepam		200
	hydroxyalprazolam		100
	7-amino-clonazepam		100
	7-amino-flunitrazepam		100
	7-amino-nitrazepam		100
Opiates	Codeine	300	300
	Morphine		300
Cannabinoids	Delta 9-THC COOH	50	15**
Cocaine	Cocaine	300	150***

* µg/l = microgram per Litre

** as Delta 9-THC carboxylic acid

*** as benzoylecgonine

How long after use are drugs likely to be detected?

The length of time for which a drug will remain detectable in urine depends on the rate of drug excretion in the individual, the quantity and frequency of drug use and the sensitivity and cut-off levels of the testing procedure. The table below gives **some average detection times** for common drugs of abuse.

Drug	Approximate Detection Time
Amphetamines	2 days
Benzodiazepines	3 days if therapeutic dose ingested Up to 4-6 weeks after chronic dosing



Cannabinoids	Moderate smoker (4 x week) Heavy smoker (daily) Chronic smoker (daily for months)	5 days 10 days 20 days or more
Cocaine	2-4 days	
Ethanol	2-14 hours	
Methadone	3 days	
Opiates	2 days	

Source: <https://pathwest.health.wa.gov.au/CommercialClients/drugtesting/Pages/Drug-Testing-Frequently-Asked-Questions.aspx>

What contributes a presumptive positive result on the screening test?

A presumptive positive result occurs when the sample contains drug at or above the recommended cut-off threshold. Samples that contain no drug or drug at concentrations below this threshold are reported as negative.

Tampering with an alcohol or drug sample will lead to disciplinary action, which may result in termination of employment.

Prescription or Over the Counter Medication

Prior to undergoing a screening test, an employee is encouraged to advise the testing officer if they are taking prescription or over-the-counter drugs/medication. If this is the case the person is required to fill out a pre-screening form.

If drugs are detected during the screening test, the person will be required to identify any prescription or over the counter drugs/ medication if they have not already done so. The person does not have to state the medical condition, but must state the type of medication, the dosage and confirm that they are consuming those drugs as prescribed or directed (some over-the-counter drugs are in the same drug group type as those that are being tested and therefore may show up as an Unconfirmed Positive Result in the Screening Test).

REFUSAL TO UNDERTAKE A TEST

Refusal by a person to submit or cooperate fully with the administration of testing will be treated in the same manner as any other refusal to comply with RRKAC policies and/or procedures as will be managed as per the *RRKAC HR Policy*.



Refusal will result in the person being counselled on the spot as to the consequences of the refusal. The person will then be directed to undergo the test. If the person continues to refuse to undertake the test, as a minimum, the refusal will be treated ostensibly as a Confirmed Positive Result.

Continued refusal to undertake testing in accordance with causal testing or random testing will result in disciplinary action up to and including termination of employment.

Contractors and casual employees who refuse to undertake a test will not be permitted to undertake heritage survey or Caring for Country activities until they have undergone a screening test and returned a negative result.

Board Members who refuse to take a test within a two week period of request will be replaced by their Alternate Director at meetings until such time as they undertake a negative screening test.

PROCESS FOLLOWING A CONFIRMED POSITIVE TEST

The following steps are to be taken for a Confirmed Positive Result:

- 1) The person tested and RRKAC Management will be informed of the result;
- 2) Contractors undertaking heritage survey, cultural awareness training, or Caring for Country activities will not be permitted back in the pool of participants until a negative result is returned. *As per section 2*; All reasonable steps will be taken to advise contractors and casual employees undertaking RRKAC activities on Country, of appropriate organisations to consult in respect to alcohol and other drug dependencies, and how they may seek support through the Member Support Program.
- 3) For employees, a disciplinary discussion will take place which will include consideration as to the level of disciplinary action that should be taken up to and including termination.
- 4) A Board Member who provides a positive result will not be allowed to continue their duties until such time as a Negative result is provided to the Chair/Deputy Chair (as appropriate). During this time, that Board Member will be replaced by their approved Alternate Director. Failure to attend three consecutive meetings as a consequence of not providing a Negative result will not be a reasonable excuse within the meaning of Rule 8.9.2 (a) of the RRKAC Rule Book.
- 5) Any further testing to produce a Negative result will be at the individual's own expense.

DISCIPLINARY PROCEDURES

Where an employee:

- a) Records a Confirmed Positive Result from screening tests for alcohol or other drugs; or
- b) Refuses to undertake a screening test; or
- c) Tampers with a screening test sample; or
- d) Avoids a random or causal screening test; or
- e) Breaches this policy in any demonstrated way;

RRKAC has discretion to take the appropriate disciplinary action for breach of this policy. All the circumstances, including the employee's full work history, will be taken into account when considering what disciplinary action should be taken. Disciplinary action may include termination of employment.

