



# Drug and Alcohol Management Plan

(DAMP)

Revision No. 06  
February 2021

## Revision Status

Revisions to this DAMP will be made, as required, to reflect changing circumstances and to ensure the ongoing effectiveness of the DAMP in achieving Built's Drug and Alcohol Policy objectives. Changes to the DAMP shall be approved by the Built's Director of HSE.

Date	Description	Approved by
30/06/16	Draft	
19/07/16	Updated to reflect FWBC review and review by Built's Legal department	Jeff Lane
23/05/19	Updated contract value whereby DAMP applies	Jeff Lane
03/06/19	Clarified contract value whereby DAMP applies	Jeff Lane
11/12/19	Removal of date from Standard AS4670 and drug threshold limits, 'Confidentiality' now clause 12	Jeff Lane
19/01/21	Removal of Building Code 2013, replaced with Building Code 2016 Revision of Clause 4.6 paragraph 5, prescription medication	Paul Farrell
27/01/21	Revised definition to 'Targeted testing'. Inclusion of Targeted Testing clause	Paul Farrell

**THE NEW WAY FORWARD**

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# 1. Introduction

Built recognises the construction industry is a high risk industry where the health and safety risks associated with the use of heavy machinery, mobile equipment, working in congested areas, working from heights and undertaking other high risk construction work are increased by the effects of alcohol and drug use.

To appropriately manage the misuse of alcohol and other drugs in the workplace, Built's DAMP describes the mechanisms and processes to manage the effects on worker's fitness for work whilst performing duties or attending the workplace and the measures to be taken, including education, counselling, rehabilitation and disciplinary measure, where required to:

- Enable Built to meet the company's duty of care obligations;
- Protect the health safety and wellbeing of workers and others at any of the company's worksites;
- Provide a consistent approach across the business in managing and responding to the issues associated with drugs and alcohol use or their effects in the workplace;

The DAMP supports Built's Drug and Alcohol Policy by providing processes for workplace alcohol and other drug testing that are evidence-based, consistent with best practice, comply with Australian Government requirements, specifically those requirements contained within the Building Code 2016, whilst properly balancing the rights, and duty of care obligations of Built and workers in maintaining workplace health and safety.

Built's DAMP applies to all workers, as defined within the DAMP, on the following worksites:

- Commonwealth Government projects where:
- the value of the Commonwealth's contribution to the project that includes the building work is at least \$5,000,000 and represents at least 50% of the total construction project value; or
- the Commonwealth's contribution to the project that includes the building work is at least \$10,000,000 (irrespective of its proportion of the total construction project value).

In addition to Government funded projects meeting the statutory thresholds specified above the DAMP will also apply, initially, to privately funded projects over \$20m in contract value.

Sub-contractors and their sub-contractors will be required to comply with the requirements within this DAMP as a condition of contract.

Where Built is involved in an alliance or joint venture, the processes described within this DAMP are to be maintained as a minimum requirement.

Drug and Alcohol tests will be conducted for the following substances on Built project worksites:

- a. Alcohol;
- b. Opiates;
- c. THC (marijuana or cannabis);
- d. Cocaine;
- e. Benzodiazepines;
- f. Amphetamine; and
- g. Methamphetamine.

Unless specified otherwise, the cost of all tests, training and procedures described within this DAMP shall be borne by Built. Other than for Built employees, the costs associated with counselling and or rehabilitation are to be borne by the PCBU/Employer.

Built reserves the right to amend the details in this document to suit its individual corporate and business requirements. However, where significant changes are made that affect workers, Built will consult on such changes as deemed necessary and consistent with clause 13.

## 2. Definitions

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

**Alcohol** refers specifically to the chemical substance ethanol (also used as a solvent and in fuel) which, in this context may occur in either a liquid or gaseous form and or a colourless volatile flammable liquid that is the intoxicating agent in beer, wine, spirits and the like.

**Amphetamine-type stimulants** may include, but are not limited to, the following: amphetamine, methylamphetamine, methylenedioxymethylamphetamine (MDMA), methylenedioxyamphetamine (MDA).

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

**Benzodiazepine** is medications that are frequently prescribed for the symptomatic treatment of anxiety and sleep disorders.

**Built** is Built Pty Ltd (or Built Pty Limited).

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

**Cocaine** includes cocaine and its metabolites including cocaine, benzoylecgonine and ecgonine methyl ester.

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

**Confirmed Positive Result (Fail)** means a confirmed positive result as described below is a fail:

- Secondary onsite breath test for alcohol in excess of 0.00 grams per 100 milliliters (0.00%) of alcohol;
- Secondary test conducted at an accredited laboratory for drugs in excess of the levels contained in AS 4760, performed at an accredited laboratory. Note: Benzodiazepine level<sup>1</sup> to be provided by the prescribed testing laboratory.

**D&A Sampling Officer** means a suitably competent and trained provider or person approved by the HSE Manager to conduct drug and alcohol sampling of the workers at the workplace. This person may be an independent person or a person employed by Built.

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

**Drug and Alcohol Officer** means a staff member or person who represents Built's management and who has successfully completed unit HLTPAT304D – (Collect Pathology Specimens other than Blood) or equivalent.

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<sup>1</sup> Benzodiazepine concentrations are to be confirmed with Built's chosen Drug & Alcohol testing provider.

**Employee Assistance Program** provides assistance to Built's workers and their families.

**Fit for Work** means a person who has a BAC of 0.00% and tests negative for the list of substances noted in Appendix C of this document.

**For Cause Testing** is drug and alcohol testing which may be carried out for any of these scenarios:

- a. An individual or group of individuals' fitness for work may have been a contributing factor in an incident.
- b. There is a direct observation or indication of impairment or unusual behavior or actions by the individual.
- c. Evidence or reason to believe the individual is involved with the use of alcohol or other drugs while at work.
- d. Where safety precautions or processes may have been breached by the individual.

**H&S** means health and safety (and includes 'WHS' and OHS as defined under the relevant State/Territory legislation)

**Health and Safety Committee** is defined as per the relevant State/Territory WHS or OHS legislation (note: may also be called a 'Safety Committee.')

**Health and Safety Representative** means a Health and Safety Representative for a designated work group who has been elected in accordance with the relevant State/Territory WHS or OHS legislation.

**Impairment Officer – Drugs & Alcohol** means a worker (excluding any person who is a staff member, salaried personnel, holds a managerial position or represents management) who shall be called the Impairment Officer - Drugs & Alcohol and who has successfully completed unit HLTPAT304D – (Collect Pathology Specimens other than Blood) or equivalent.

**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 AS3547:1997 and AS 4760. The Initial Screening Test provides a "negative" or "non-negative" result. Where a "non-negative" ("fail") result is obtained, confirmatory testing must be conducted to provide a conclusive result.

**NATA** is the National Association of Testing Authorities, who accredits 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-Company Personnel** refers to any worker who is not directly employed by Built or, in the case of a joint venture, the principal contractor.

**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.

**OHS Act** means the Occupational Health and Safety Act or WHS' Act as defined under the relevant State/Territory legislation

**Opiates** may include but are not limited to the following: morphine, codeine and 6-acetylmorphine.

**Over-the-Counter Medication** means medicines/drugs sold directly to the consumer without a prescription from a healthcare professional.

**PCBU** means a person conducting a business or undertaking as described in the relevant State/Territory WHS Act

**Prescription Medication** means medication that is prescribed by a healthcare professional.

**Random Testing** refers to drug and alcohol testing completed at the workplace on a randomly selected day and time (keeping within the parameters defined in this procedure, e.g. testing required monthly) on a randomly selected group of individuals or teams.

**Reasonable Concern** means the criteria described in clause 7.4

**Regular Drug and Alcohol Testing** means testing on a periodic basis as nominated within the DAMP.

**Targeted Testing** refers to testing conducted for the workers working in high risk activities or once returning to work after a confirmed positive (fail) drug or alcohol test.

**THC** refers to tetrahydrocannabinol, also known as marijuana or cannabis.

**Worker means:**

- a. a worker (including salaried, staff and managerial personnel), or
- b. a contractor or subcontractor, or
- c. a worker of a contractor or subcontractor, or
- d. a worker of a labour hire company who has been assigned to work in the person's business or undertaking, or
- e. an outworker, or
- f. an apprentice or trainee, or
- g. a student gaining work experience, or
- h. a volunteer, or
- i. a visitor, or
- j. a consultant.

**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, including all facilities provided to the workers for the purpose of conducting works for Built. A workplace includes, but is not limited to:

- a. site/project office
- b. plant and laydown yards
- c. car parks
- d. sheds and rooms
- e. amenities
- f. working locations
- g. shipping containers and site compounds
- h. company vehicles

This process applies not only to Built's sites, but also on any other site that workers are acting as representatives of the company.

## 3. Duty of Care and Responsibilities

The processes described within this DAMP satisfy the duty of care responsibilities and obligations of Built, workers, contractors and others at the workplace under the applicable WHS/OHS Act.

### 3.1. PCBU/Employers

A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:

- workers engaged, or caused to be engaged by the person, and
- workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking
- other persons by not putting them at risk from work carried out as part of the conduct of the business or undertaking

A person conducting a business or undertaking must ensure, so far as is reasonably practicable:

- the provision and maintenance of a work environment without risks to health and safety
- the provision and maintenance of safe plant and structures
- the provision and maintenance of safe systems of work, and the safe use, handling, and storage of plant, structures and substances
- the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking
- the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

### 3.2. Project Manager

The Project/Workplace Manager is responsible for ensuring adequate resources are allocated for the implementation, education, training and support of this DAMP. The Project/Workplace Manager must also ensure this process is applied fairly and consistently.

### 3.3. Built HSE Manager

The HSE Manager is responsible for ensuring process described within this DAMP remain current, readily available and are applied as intended. The HSE Manager must also ensure processes are established at each project site to ensure workers are inducted into the DAMP.

The HSE Manager is responsible for receiving and maintaining the laboratory results for all positive and non-negative test results from each project. For all positive and non-negative (fail) alcohol or drug test results Built will have one central database to record and to monitor disciplinary action should a worker have a 1st, 2nd or 3rd infraction. Built inform the subcontractor's line manager of the confirmatory result for each employee.

### 3.4. Built Project Manager and Supervisors

Built's Project Manager and Supervisors must ensure that all individuals in their area of responsibility understand and comply with the requirements of this DAMP and ensure, so far as reasonably practicable, that no worker commences or continues work if the worker appears to be affected by alcohol or other drugs.



### **3.5. Health and Safety Committee / Safety Committee**

It is the role of the Health and Safety Committee to assist with consultation between Built and the workers in instigating, developing and carrying out measures designed to ensure the health and safety of the workers at work.

### **3.6. Drug and Alcohol Officer**

Built shall have at each construction project, a staff member who represents Built's management and who has successfully completed unit HLTPAT304D – (Collect Pathology Specimens other than Blood) or equivalent. Such worker shall be called the Drug and Alcohol Officer (or 'D&A Officer').

### **3.7. Impairment Officer – Drugs & Alcohol**

Built shall have at each construction project a worker (excluding any person who is a staff member, salaried personnel, holds a managerial position or represents management) who shall be called the Impairment Officer - Drugs & Alcohol and who has successfully completed unit HLTPAT304D – (Collect Pathology Specimens other than Blood) or equivalent. Costs for such training shall be borne by Built.

### **3.8. Workers and Other Persons**

The OHS/WHS Act requires that a Worker and other persons must, while at work:

- a. Take reasonable care for their own health and safety
- b. Take reasonable care for the health and safety of other workers who may be affected by the worker's acts or omissions, and
- c. Cooperate with his or her employer (or PCBU) with respect to any action taken by the employer to comply with requirements imposed by the Act, Regulations or guidelines, including co-operating with any reasonable policy or procedure relating to health or safety to which they have been notified.

It is the responsibility of the worker to present themselves in a fit state for work and have the appropriate level of rest afforded to them between shifts. Any worker, who believes that he or she may be unfit for work for any reason is expected to not commence work and to inform his or her employer accordingly.

Workers should notify their Supervisor/Line Manager if they are taking medication of any kind which may impair their ability to conduct work safely. Workers should also notify their Supervisor/Line Manager if they have an alcohol or drug issue which may be in breach of or compromise the requirements in within this DAMP.

Workers must also notify their Supervisor/Line Manager when they become aware of any breach or potential breach of any of the requirements outlined within this DAMP.

### **3.9. Compliance to the DAMP**

Specific reference to the DAMP is incorporated within the subcontract agreement as '**Appendix 4 – HSE Requirements for Subcontractors**' which subcontractors will be required to comply with as a condition of contract.

All workers attending site will be required to successfully complete the site induction which will included information regarding drugs and alcohol and their impact in the workplace and the procedures and other processes, including the disciplinary process, that apply in respect of a person testing non-negative (positive) for drugs or alcohol.

On completion of the induction, as evidenced by signing the site induction record (HSE-001), each worker confirms their commitment to comply with the DAMP and associated procedures.

## **4. Education and Communication**

### **4.1. Initial Training**

Built must provide initial training (e.g. site / inductions or through formalised training) for each worker covering all of the following matters before commencing work on a construction site:

- a. The health and safety implications of drug and alcohol use;
- b. Medications which may affect the worker's ability to work safely;
- c. Medications and other factors which may trigger a non-negative;
- d. Recognition of the early indication of drug and alcohol abuse;
- e. The adverse effects that drugs and alcohol may have on health, and the related risks to safety and the environment;
- f. Treatment and rehabilitation, including Built's Employee Assistance Program (EAP);
- g. Resources available for counselling and/or rehabilitation and the procedures for obtaining assistance or referring workers for assistance;
- h. The contents and requirements of the DAMP;
- i. Levels of drug and alcohol consumption;
- j. The use of available alcohol testing equipment for personnel who wish to test themselves voluntarily before the start of their normal shift.

With the exception of the contents and requirements of Built's DAMP, workers may be exempt from completing any of the above topics if they can provide suitable evidence demonstrating previous induction or training in the topics listed. Any exemption shall be at the discretion of Built.

### **4.2. Accredited Training**

Built will provide accredited training for staff and Built representatives to recognize impaired performance resulting from drug and alcohol abuse, and to handle the resulting worker relations issues. The worker's representatives shall have successfully completed unit HLTPAT304D – (Collect Pathology Specimens other than Blood) or equivalent and be called a Drug and Alcohol Impairment Officer (or 'D&A Impairment Officer'). Costs for such training shall be borne by Built.

### **4.3. Inductions**

Before commencing work on a construction site, workers are required to complete a site induction. The Built site induction and new employee induction will include a specific section on drugs and alcohol, including the procedures for drug and alcohol testing and consequences for breaches in respect of drugs and alcohol in the workplace. The site induction shall be reinforced through toolbox briefings and the abovementioned training, as applicable.

### **4.4. Distribution of Information**

Built shall post on site notice boards and crib rooms printed material in respect of drugs and alcohol and provide workers and others with printed information to raise awareness of the health and safety issues associated with drugs and alcohol.

A copy of the DAMP shall be made readily available to workers and other relevant parties.

## **4.5. Additional Information**

Built will not perform any drug and alcohol testing or take any disciplinary action against an affected worker in respect of drugs and alcohol, until the affected worker has completed the initial training as detailed in clause 4.1.

## **4.6. Medical conditions that may affect Fitness for Duty**

Workers may have legitimate medical reasons for taking lawful drugs for medical purposes or where the drug is lawfully available at pharmacies.

If a worker has a medical condition that could affect their fitness for work, they should inform their Supervisor, and a worker representative if they so wish. The individual is not obliged to disclose confidential medical information unless it is relevant to their ability to safely perform their role.

If a worker's ability to safely perform their normal work duties is affected by taking prescription or pharmacy drugs, the worker should obtain advice in writing from their medical practitioner and/or pharmacist and provide it to their supervisor, and worker representative if they so wish, as soon as practicable.

Any worker required to participate in drug testing is obliged to declare to the tester any medication taken immediately prior to the test being conducted. Such information will be kept confidential and only used in determining if such medication has contributed to or caused a non-negative result.

A person who tests positive as a result of prescription or over-the-counter medication, whether or not they have declared the medication or the detected amount is consistent with the prescribed or recommended dosage, will be deemed not fit for work and will be prevented from performing work until they can prove they are fit to return to work. Fitness to return to work can be established by the worker returning a negative result, or producing a certificate from a medical practitioner that declares they are fit to perform their normal work duties despite a positive reading.

# **5. Support**

## **5.1. Available Support**

Built will make available the following support to workers in respect of drug and alcohol issues:

- a. allowing access to any Union support programs; and
- b. allowing access to registered community counselling support services.

Note: workers will be allowed access counselling during normal working hours and without loss of pay. An agreed leave of absence arrangement or loss of pay is to apply for matters outside of this counselling as agreed between Built and the worker.

## **5.2. Employee Assistance Provider (EAP)**

All Built employees have been provided access to a confidential and free of charge counselling service provided by Life Resolutions. Built employees will be allowed access to EAP counselling during normal working hours and without loss of pay. An agreed leave of absence arrangement or loss of pay is to apply for matters outside of this EAP counselling as agreed between Built and the worker.

## 6. Regular Drug and Alcohol Testing

Regular drug and alcohol testing (for the substances listed in Appendix C) will be conducted on a monthly basis involving all workers on the project. Testing will be conducted based on the following:

- a. Where there are less than 30 workers on site, a minimum of 10% of the workforce will be tested.
- b. Where there are 30 to 100 workers on site, a minimum of 5 workers will be tested.
- c. Where there are greater than 100 workers on site, a minimum of 10 workers will be tested.

Persons will not be included in the minimum percentages listed above unless they are performing building work. All Built staff on the project, with the exception of administrative staff, are deemed to be performing building work but shall not be included in the percentages as listed above.

Self tests shall not be included in the minimum percentages as listed above.

Visitors shall not be included in the minimum number of workers to be tested as listed above.

### 6.1. Selection Process

Workers will be selected for testing using a random selection process whereby each person present on site on the day of testing will be allocated a unique identification number which will be selected from a random number generator program or other such agreed arrangements arising from consultation with workers. The selection process to be applied shall be administered by the independent drug and alcohol testing service provider.

### 6.2. Testing Process

Built management will ensure that regular selection of workers to complete the testing will be conducted in a clear and transparent manner in the presence of the Drug and Alcohol Officer, Impairment Officer – Drug and Alcohol and a Health and Safety Representative/Committee member where appointed.

## 7. Drug and Alcohol Testing

### 7.1. Principle

*Note: This clause does not limit the regular testing required under clause 6.*

The pre-conditions to testing as set out in this clause represent a proper balance of ensuring a safe workplace and protecting privacy and associated rights of workers.

Built shall only request a worker to undertake a ‘for cause’ or ‘reasonable concern’ testing if the criteria set out below for “for cause testing” (clause 7.3) or “reasonable concern testing” (clause 7.4) are satisfied.

A worker may voluntarily test themselves. This process is dealt with below in the clause 7.2 titled “Self-testing.” Self-testing will not be included in the minimum number of workers to be tested.

The following are the only testing processes and techniques that can be used to undertake a “for cause” or “reasonable concern” test. Any failure to comply with this clause will render the tests invalid, and no action will be taken against the worker in connection with the results of a non-complying test.

## 7.2. Self-Testing

Facilities will be available on site for workers choosing to undertake a self-test. The number of workers choosing to undertake a self-test for alcohol and/or drugs should not exceed 10% of the total workforce per month.

## 7.3. For Cause Testing

Built may only request a worker to undertake for cause testing if the following criteria are met:

- a. The worker has been involved in an accident or incident that had the potential to, cause:
  - i. serious and major damage to mobile plant or property;
  - ii. an injury to themselves or other individual(s)

## 7.4. Reasonable Concern Testing

Built may only request a worker to undertake reasonable concern testing if the following criteria are met:

An observable phenomena occurs, which is:

- a. the direct observation of the worker of use of, and/or the physical behavioural symptoms of being impaired by, alcohol and/or other drugs; and/or
- b. unusual and/or inexplicable actions by the worker;
  - i. There is evidence that the worker is involved in the use or possession of alcohol and/or other drugs while working; or
  - ii. The worker has breached safety precautions or procedures.

## 7.5. Targeted Testing

Separate to For-Cause Testing, Built may request a worker to undertake Targeted Testing if the following criteria are met:

- a. The worker is completing an activity on site which requires the worker to hold a valid High Risk Work License or Trade License; and
- b. is selected for testing using a selection process nominated by Built management following a consultation process in line with the WHS/OHS legislation

# 8. Testing Procedure

## 8.1. Self-Testing

The following process is designed to encourage self-testing where a worker is unsure of his/her fitness for work. Self-testing will be done in accordance with the following:

- a. Built will provide workers with private and confidential facilities and equipment to self-test for alcohol and/or drugs on a “without prejudice” basis before they start work;
- b. The worker who seeks to self-test for alcohol shall do so in accordance with the relevant testing method below;
- c. The worker, who seeks to self-test for drugs, shall advise the D&A Officer;
- d. The D&A Officer shall then conduct the relevant testing method below if requested.

## 8.2. For Cause or Reasonable Concern testing procedure

If the pre-conditions for 'For Cause' or 'Reasonable Concern' testing have been satisfied, the following procedure may be engaged in.

Built shall firstly meet with the worker, who will be given the opportunity to have a representative of their choice present where practicable. At this meeting:

- a. Built shall advise the worker of the factual foundation which has satisfied the relevant pre-conditions for testing;
- b. Built may request the worker to undertake an Observable Impairment Assessment (see Appendix A).
- c. If the worker refuses to undertake the Observable Impairment Assessment (Appendix A), then the refusal clause (11.4) shall apply;
- d. If the worker agrees, then the 'Observable Assessment Checklist' is undertaken and completed in accordance with Appendix A;
- e. If deemed to be impaired, the worker is to be tested in accordance with the Testing Methods clause 9;
- f. If not impaired, the worker shall return to work and all records shall be destroyed.

## 9. Drug and Alcohol Testing Methods

### 9.1. Alcohol Testing Method

Alcohol testing may only be done by use of an Accredited Breath Test device. The device must be calibrated and meet the minimum requirements of AS3547.

### 9.2. Drug Testing Method

Drug testing may only be done by Oral Fluid Testing. The Built DAMP requires that the following substances are tested for:

- a. Opiates;
- b. THC;
- c. Cocaine;
- d. Benzodiazepines;
- e. Amphetamine; and
- f. Methamphetamine.

The equipment used to perform the test shall be used, tested and calibrated to the manufacturer's instructions and certified to AS 4760 (Processes for specimen collection and the detection and quantitation of drug in oral fluid).

The drug testing shall be conducted in accordance with AS 4760 (Procedures for specimen collection and the detection and quantitation of drugs in oral fluid) by an accredited person, following all of the chain of custody provisions.

This includes, but is not limited to:

- a. performing all the quality assurance requirements, such as negative and positive controls every 25 tests; the testing body must be accredited and independently audited by an organisation such as ISO or NATA;
- b. Collectors must be trained and receive a certificate of attainment in accordance with the Australian Quality Training Framework;

- c. Oral Fluid devices must have the recommended cut-off levels;
- d. Oral Fluid devices must undergo regular quality control checks including a positive and negative control every 25 tests;
- e. Collectors are required to explain the procedures to each donor, conduct an approved identity check, and have them complete a consent form;
- f. Collection and performance of the initial test must be performed in the presence of the donor; and
- g. An unconfirmed (non-negative) sample must be despatched under strict chain of custody procedures including a second reference sample which has been collected at the same time.

The quantification analysis of the samples detected as non-negative in the on-site device must be conducted in a NATA accredited laboratory for confirmation testing.

The above does not apply to self-testing to the extent that it is inconsistent with the self-testing regime.

## 10. Testing Results

### 10.1. Principle

The overarching principle of this program and testing is to identify workers who are not fit to perform the inherent requirements of their position.

### 10.2. Alcohol Testing

- a. A worker will be considered to have not passed their BAC test if their test result indicates they have a BAC of more than 0.00 mg/ml.

### 10.3. Drug Testing

- b. A worker will be considered to have not passed their drug test if their test result indicates they have equal to or above the relevant cut-off levels of the substances referred to in AS 4760.
- c. Built shall only be advised whether the test result is positive or negative for drugs. Built will have one central database to record and to monitor disciplinary action should a worker have a 1st, 2nd or 3rd infraction. Built will inform the worker's line manager of the confirmatory result for each employee. Note: Benzodiazepine concentrations are to be confirmed with Built's chosen Drug & Alcohol testing provider.
- d. The worker shall receive the full drug test results report (as per AS 4760). Note: Benzodiazepine level to be provided by the prescribed testing laboratory.
- e. The results shall be provided (e.g. by email or in a sealed envelope, marked private and confidential) from the relevant tester.

## 11. Consequences

### 11.1. Self -Testing

Workers who self-test positive for alcohol and/or drugs shall advise Built that they are unfit for work.

All reasonable assistance is to be afforded to ensure the affected worker can make their way from the workplace to a safe location without harm (e.g. taxi, lift from a friend or supervisor).

Workers that test positive for alcohol and/or drugs are required to present to the D&A Officer for self-testing prior to their next shift to conduct a test. The worker is required to provide a negative sample prior to entering the job.

An agreed leave of absence arrangement or loss of pay is to apply.

No record of testing shall be kept.

*Note: Self testing does not exempt workers from being part of any other drug and alcohol testing.*

## 11.2. Alcohol Test

Workers who do pass the alcohol test shall be permitted to return to work immediately. No individual test record is to be maintained.

Workers who do not pass the alcohol test are required to cease work and will be retested 60 minutes after initial test or at the discretion of the Testing Officer.

Workers who are retested after **60 minutes** and pass the alcohol test are permitted to return to work immediately. No loss of pay is to apply and no individual test record is to be maintained.

Where a worker is retested after **60 minutes** and does not pass the alcohol test, they are not permitted to return to work and shall leave the workplace when practicable. All reasonable assistance is to be afforded to ensure the affected worker can make their way from the workplace to a safe location without harm (e.g. taxi, lift from a friend or supervisor). For the period after the first **60 minutes**, an agreed leave of absence arrangement or loss of pay is to apply.

Prior to returning to work the worker will be required to have an alcohol test on site with the D&A officer in attendance. The worker will be permitted to return to work if the result of the test is 0.00.

## 11.3. Drug Testing

Workers recording a negative result (pass) are permitted to return to work immediately. No record of the test is to be maintained.

Workers recording an onsite non-negative result (fail) will NOT be permitted to return to work and the oral fluid sample will be sent immediately for confirmatory testing at an accredited laboratory in line with AS 4760. The worker shall then leave the workplace when practicable. All reasonable assistance is to be afforded to ensure the affected worker can make their way from the workplace to a safe location without harm (e.g. taxi, lift from a friend or supervisor). An agreed leave of absence arrangement or loss of pay is to apply.

Workers who have recorded an onsite non-negative result (fail), who has then subsequently recorded a negative result (pass) in the confirmatory testing, shall return to work at the start of their next allocated shift and without any loss of pay.

Workers who have recorded an onsite non-negative result (fail), who has then subsequently recorded a positive result (fail) in the confirmatory testing, shall not be permitted to return to work. An agreed leave of absence arrangement or loss of pay is to apply.

However, a worker may dispute the confirmatory test and elect to have Sample B tested at the same or an alternative NATA accredited laboratory. If the result is negative (pass), the worker may return to work with no loss of pay or disciplinary action. If the result is confirmed positive (fail) the worker will not be permitted to return to work and an agreed leave of absence arrangement with Built or loss of pay is to apply. The cost of this Sample B testing is borne by the worker.

A worker who was required to leave the workplace for non-compliance is required to return a negative (pass) retest prior to commencing their next normal shift. An agreed leave of absence arrangement or loss of pay is to apply for the duration of their absence.



## 11.4. Refusal to Test

The following steps shall be undertaken if a worker refuses to participate in the abovementioned tests (excluding self testing):

- a. Built, will inform the worker and the worker's chosen representative, that the refusal will have the same consequences as a non-negative result, i.e. that the worker will be deemed to be unfit for work due to the presence of alcohol or drugs.
- b. If the worker still refuses, Built and the Impairment Officer – D&A shall consult with the worker and the worker's chosen representative, regarding the requirements, process and consequences of refusing to test and encourage them to partake in the test. This would be the second request to be tested.
- c. If the worker still refuses, the refusal will be treated as a confirmed positive result, and will be subjected to the relevant consequences of such. 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). An agreed leave of absence arrangement or loss of pay is to apply for the duration of their absence.

## 11.5. Disciplinary Action

The following sets out the action which may be taken when a worker returns a confirmed positive result to an alcohol or drug test.

First Occasion - A worker who has received a first confirmed positive test for alcohol or drugs (other than by self-testing) will be:

- a. Required to attend the Support referred to in clause 5;
- b. Informed of the consequences of testing positive and their obligations to present, or remain in a fit state;
- c. Informed of further disciplinary action and testing requirements should they have a confirmed positive result (alcohol or drug) within the next 12 months.
- d. Second Occasion - A worker who has received a second confirmed positive test for alcohol or drugs (other than by self-testing) within any 12 month period will be:
  - e. Required to re-attend the Support referred to in clause 5;
  - f. Required to participate in a rehabilitation program as per clause 5;
  - g. Informed of the consequences of testing positive and their obligations to present, or remain in a fit state;
  - h. Given a verbal warning with diary entry placed on file; and
  - i. Informed of further disciplinary action and testing requirements should they have a confirmed positive result (alcohol or drug) within the next 12 months.

A worker who has received three confirmed positive test results for alcohol or drugs which has been detected in a 12 month period may be dismissed under Built's disciplinary processes.

A worker who fails to attend EAP sessions or other support sessions may be dismissed under the employer's/PCBU disciplinary processes. Built will liaise with & provide assistance when required, to Subcontractors in matters relating to their individual EAPs & other industry support processes that are available.

No disciplinary action will be taken in respect of positive test results from a self-test.

## **11.6. Self-Declaration**

Workers will not be disadvantaged for self-disclosure and therefore will be supported through counselling and rehabilitation processes and provided with the Support contained in clause 5. In such cases the worker will be required to take accrued or negotiated unpaid leave and may return to work when fit for duty.

The worker may be suspended from any work with immediate effect in order for an assessment to be made of the duties they are able to perform safely and a drug and alcohol test is to be undertaken as soon as reasonably practicable.

## **12. Confidentiality**

### **12.1. Confidentiality of information**

All information gathered as a result of alcohol and other drug testing is collected for the purpose of implementing this process.

### **12.2. Confidentiality of results**

The positive/negative result from a drug and alcohol test must remain confidential information and use/access/dissemination shall be restricted to those whose role makes it necessary to have access to it.

### **12.3. Built Duties**

Built will adhere to the following:

- a. Testing will be conducted in a location that maintains the privacy and dignity of the individual.
- b. Negative (pass) results will be destroyed but evidence of the test being conducted will be retained.
- c. Workers who record a non-negative (fail) result will be treated at all times in a respectful and non-judgemental manner by all involved in the management of the matter.
- d. Positive and non-negative (fail) alcohol or drug test results will be retained on file until 12 months has elapsed since the most recent positive/non-negative result.

### **12.4. Release of information**

Built will only release information to a third party as required by legislation.

## **13. Consultation**

### **13.1. Amendments to DAMP**

Amendments to the DAMP shall be approved by the Built's Safety Executive Management Team (SEMT), as required, to reflect changing circumstances and to ensure the ongoing effectiveness of the DAMP in achieving Built's Drug and Alcohol Policy objectives.

However, Built shall consult with workers and their nominated representatives (e.g. Union representative, HSRs) in respect of any significant changes to be made to the DAMP to the extent such changes impact workers.

## APPENDIX A - Observable Impairment Assessment Checklist

Assessment of a person is to be made in accordance with this list of observable indicators in the context of changes to a person's behaviour. The following 2 persons must perform and sign off on the assessment:

1. A Built Management Representative who has had training in D&A impairment awareness.
2. A worker Representative who has had training in D&A impairment awareness.

At least one (1) of the physical indicators must be satisfied and agreed between the abovementioned persons for a reasonable suspicion of impairment to be established.

Emotional effects (the second part of the table) shall not be used as indicators of reasonable suspicion but may be recorded as additional information and for comment.

DETAILS:	
Name of Individual being Assessed:	
Date/Time:	
Contact Number:	
Name of Responsible Persons (Management Representative & Worker Representative)	
ASSESSMENT TRIGGER	
List Behaviour / Actions / Observations noted prior to this assessment:	
PHYSICAL INDICATORS	
INDICATOR	OBSERVED
Strong smell of alcohol on the breath	
Slurred, incoherent or disjointed speech (losing track)	
Unsteadiness on the feet	
Poor coordination / muscle control	
Drowsiness or sleeping on the job during work breaks	
Inability to follow simple instructions	
Nausea / vomiting	
Reddened or bloodshot eyes	
Jaw Clenching	
Sweating / hot and cold flushes	
EMOTIONAL INDICATORS (Not a basis for reasonable suspicion)	
INDICATOR	OBSERVED
Loss of inhibition	
Aggressive or argumentative behaviour	
Irrational	
Intense moods (sad, happy, angry)	

Quiet and reflective	
Talkative	
Increased confidence	
Appearance or behaviour is out of character	
<b>BREATH</b>	
Smell of intoxicating liquor:	<input type="checkbox"/> Nil <input type="checkbox"/> Slight <input type="checkbox"/> Strong
Other:	
<b>SKIN</b>	
<input type="checkbox"/> Normal/Pale <input type="checkbox"/> Excessive Perspiration <input type="checkbox"/> Flushed	
Other:	

<b>OBSERVATION CHECKLIST (CONT):</b>				
<b>CLOTHING</b>				
<input type="checkbox"/> Orderly	<input type="checkbox"/> Soiled	<input type="checkbox"/> Disarranged		
Other:				
<b>ATTITUDE: (Circle the appropriate description(s))</b>				
Co-operative	Evasive	Anxious	Excited	Drowsy
Relaxed	Irritable	Indifferent	Hostile	Cocky
Sedated	Antagonistic	Depressed	Irritable	
Other:				
<b>ACTIONS: (Circle the appropriate description(s))</b>				
Fighting	Swearing	Hiccups	Belching	Runny Nose
Talkative	Hallucinations	Crying	Restlessness	Dribbling
Vomiting	Constant Scratching		Unable to follow instructions	
Other:				
<b>EYES: (Circle the appropriate description(s))</b>				
Normal	Watery	Glazed	Bloodshot	Eyelids Drooping
Pupils Enlarged	Pinpoint Pupils	Rolling Eyes		
Other:				

<b>BREATHING:</b> (Circle the appropriate description(s))				
Normal	Short	Jerky	Rapid	Shallow
Slow				
Other:				
<b>SPEECH:</b> (Circle the appropriate description(s))				
Normal	Incoherent	Slurred	Confused	Fast
Slow				
Other:				
<b>BALANCE:</b> (Circle the appropriate description(s))				
Unsteady	Swaying	Slumping	Falling	
Other:				
<b>MOVEMENT/WALKING:</b> (Circle the appropriate description(s))				
Needs Support when Walking	Sluggish	Staggering/Clumsy	Uncontrolled Muscle Movement / Jerky	Tremors
Other:				
<b>AWARENESS:</b> (Circle the appropriate description(s))				
Identify Colleagues	Day/Date	Time	Place	Recent Events
Other:				

<b>ASSESSMENT RESULT</b> (Both responsible persons must agree)		
No Testing Required (alternate action if applicable – note in comments below)		
Other:		
Testing required – At least one (1) physical indicator in evidence		
Other:		
Both responsible person(s) agree	Person 1	Person 2

<b>COMMENTS</b> (including mitigating factors noted or explained by the person, emotional factors identified above, further actions to be undertaken may include the following:)

<b>COMPLETION OF ASSESSMENT</b>		
Name of Person Assessed		
Signature:		Date:
Name of Responsible Person 1		
Signature:		Date:
Name of Responsible Person 2		
Signature:		Date: