Drugs and Alcohol
Standard

**Policy: Chain of Responsibility
Approved Date: 1st of August 2023**Approved by: Managing Director

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## Overview

The Freeman Freightlines way is the underpinning foundation of our core beliefs and values which guides our decisions and actions. This is especially the case when it comes to protecting the health and safety of our workers, visitors, and the community in which we operate. This Standard supports the Freeman Freightlines Drugs and Alcohol Policy (the “Policy”).

The purpose of this Standard is to ensure that there is no adverse impact on:

* 1. the health, safety and environment of any worker, visitor or of any member of the public; or
	2. Freeman Freightlines ’s assets and business,

because of a worker or visitor being under the influence of, or in possession of, drugs or alcohol at work.

## Scope

This Standard applies to all Freeman Freightlines sites, complying with Australian Standard AS/NZS 4760. This standard excludes alcohol that is handled, stored, or distributed as part of the supply chain process.

## 2.1 Responsibilities

1. Freeman Freightlines Managers are responsible for:
* Displaying the Policy in all work sites.
* Communicating the Policy to all workers.
* Enforcing the Policy and this Standard in all work sites.

All workers and visitors to any Freeman Freightlines work site must comply with and abide by the Policy and this Standard

## Definitions

The following definitions apply to this Standard:

Breach means:

1. a positive result for an illegal drug or alcohol
2. a positive result for a legal drug where the level of the reading is such that:
* the worker would or should have known that he or she was under the influence; or
* the worker has misused the legal drug or taken it other than in accordance with the manufacturer’s recommended dosage rate or as prescribed by a registered medical practitioner.

**Drug** means any pharmaceutical, medicinal, or narcotic substance.

**Employee** means any person who is employed by Freeman Freightlines, including managers and staff personnel.

**Equipment** includes any plant or vehicle which a worker is required to operate during his or her duties.

**First** **Test** means the initial test conducted as part of drug or alcohol testing

**Fleet** **Operator** means a person, firm or company that during its business transports freight for another person and which:

1. owns or operates multiple vehicles; and
2. employs or engages multiple drivers; and
3. offers their services to the public at large.

**Illegal** **Drug** means:

1. any drug which it is unlawful to possess, consume or sell within the country or state in which an individual worker works; or
2. a prescription drug that has been obtained other than by prescription from a registered medical practitioner, or which has been taken in a manner contrary to that prescription.

**Legal** **Drug** means:

1. a drug that may lawfully be taken without a prescription from a registered medical practitioner; or
2. a prescription drug that has been prescribed by a registered medical practitioner.

**Positive** **Result** means the finding by a suitably qualified person that a worker exceeds the prescribed limit as per appendix 1

**Prescription** **Drugs** means drugs which may lawfully be taken if they have been prescribed by a registered medical practitioner.

**Visitor** means any person, other than a worker, who is on a Freeman Freightlines work site with Freeman Freightlines ’s authority or approval.

**Work** **Site** means any premises (including vehicles, planes, and helicopters) operated, owned, or controlled by Freeman Freightlines at which workers are required to work.

**Worker** means any person who is engaged by Freeman Freightlines to perform work on its behalf including:

1. employees.
2. contractors.
3. sub-contractors and
4. labour hire workers.

## Principles

Workers must not:

* report for work, or remain at work, whilst they are under the influence of drugs or alcohol.
* operate any equipment whilst they are under the influence of drugs or alcohol.
* possess or consume illegal drugs at any work site or whilst performing their duties for Freeman Freightlines.
* possess or consume alcohol at any work site.
* sell or supply any drugs or alcohol at any work site.
* otherwise possess, consume, sell, or supply drugs or alcohol in any way which might injure Freeman Freightlines ’s reputation or damage its relations with the public.

Freeman Freightlines may direct a worker not to work and to leave any work site if the worker’s supervisor or manager is reasonably of the opinion that the worker may be under the influence of drugs or alcohol.

Any alcohol consumed at a Freeman Freightlines hosted off site social event or business function must always be done on a responsible basis.

Any breach of the policy or standard will be regarded as serious misconduct and will result in disciplinary action being taken against the worker as per Appendix 2

## 4.1 Freeman Freightlines Commitment

Other than to the extent necessary to enforce this Standard, Freeman Freightlines will take all reasonable steps to ensure that:

1. details of participation by a worker in any assistance program.
2. details of participation by a worker in drug and alcohol testing; and
3. the results of drug and alcohol testing, are kept confidential and that the worker’s privacy is maintained.

## Procedures

## 5.1 Drug & Alcohol Testing

## 5.1.1 Testing permitted

Freeman Freightlines is entitled to undertake drug and/or alcohol testing of its workers, in accordance with this Standard.

## 5.1.2 When testing may be undertaken

1. Random testing – Freeman Freightlines will undertake random drug and alcohol testing of workers and visitors in accordance with this Standard. In relation to random testing the following conditions will apply:
* Testing can be undertaken at any work site on any day of the year where Freeman Freightlines workers work.
* Testing is not confined to work sites but can be carried out at any place at which a worker performs work for Freeman Freightlines. Freeman Freightlines will decide when a worker who is not on a work site is to be tested.
* Where testing takes place at a work site, Freeman Freightlines will decide which worker or workers at the work site and visitors will be tested.
1. Incident response – Freeman Freightlines will require all workers involved in a significant safety incident or an incident that has a high/significant potential risk rating to undergo drug and alcohol testing.
2. Referral - Freeman Freightlines will require a worker to undergo drug and alcohol testing where another worker, or the worker’s supervisor or manager, is reasonably of the opinion that the worker may be under the influence of drugs or alcohol.
3. Pre-employment testing – Freeman Freightlines will require a worker to undergo drug and alcohol testing prior to employment
4. Medical testing - Freeman Freightlines will require a worker to undergo drug and alcohol testing as required by licensing accreditation and or to meet legislative requirements
5. Client/customer testing – such testing which is a mandatory requirement by a Freeman Freightlines client/customer at a particular site (this may include urine testing)

## Workers must attend tests

1. Workers and visitors must take part in drug and alcohol testing as directed.
2. Workers may be required to confirm with their supervisors or managers that they have attended any scheduled tests.
3. Refusal to undergo drug and alcohol testing will be subject to disciplinary action as per Appendix 2.

## 5.1.4 First Test - Drugs

1. The first test for drugs will be undertaken by an oral fluid (saliva) test sample from the worker or visitor.
2. If the test indicates the presence of drugs exceeding the prescribed limits (Appendix 1.) indicating that a worker or visitor may be under the influence, the worker or visitor will be asked to perform a confirmation test to confirm the initial result.

## 5.1.5 First Test – Alcohol

1. The first test for alcohol will be undertaken with a Breath Alcohol Concentration (BrAC) sample from the worker or visitor.
2. If the test indicates the presence of alcohol exceeding the prescribed limits (Appendix 1.) indicating that a worker or visitor may be under the influence, the worker or visitor will be asked to perform a confirmation test to confirm the initial result.
3. A confirmation test with a Breath Alcohol Concentration (BrAC) reading above the prescribed limit (Appendix 1.) will be considered a positive test and will be subject to disciplinary action as per Appendix 2.

## 5.1.6 Frequency of testing

1. Freeman Freightlines must monitor the number of tests to which any worker is subjected.
2. Freeman Freightlines will endeavour to ensure that no worker is subjected to excessive drug and alcohol testing.
3. Each site must undertake a minimum of.
* Three random test sessions per annum for sites with 10 or more workers, or
* ii. Two random test sessions per annum for sites with less than 10 workers.
1. Random testing must, in number of tests conducted,
* test an equivalent of 100% of the workers at each work site per annum.

## 5.1.7 Rights to test samples

At any time, a worker or visitor can request and arrange for the independent analysis of any sample taken during a drug test. The costs of having that independent analysis conducted will be the responsibility of the worker or visitor.

## 5.2 Positive Test

## 5.2.1 General

The process set out below will apply where a worker returns a positive result following a first test.

## Laboratory Confirmation of a Non-Negative Drug Test

1. The sample obtained at the first test will be referred to a suitably accredited laboratory for the purposes of confirming (or disproving) the positive result.
2. Until the results of the laboratory assessment are known, the worker may not commence or continue work, but will be suspended.
3. If the laboratory assessment disproves the positive result, the worker will immediately be entitled to return to work.
4. If the laboratory assessment confirms the positive result, clause 5.2.3 will apply.

## 5.2.3 Positive Results

1. This clause 5.2.3 is subject to the rights Freeman Freightlines has under clause 5.3.
2. Once the laboratory assessment has confirmed the positive result, the worker will remain on suspension pending the finalisation of disciplinary action under Appendix 2. If the worker is a Freeman Freightlines employee, the worker will be able to access any accrued annual leave, long service leave or rostered days off. The worker will also be able to access accrued sick leave, provided that the worker provides Freeman Freightlines with a medical certificate verifying that the worker is unable to attend work due to a medical condition related to drugs.
3. The worker or visitor will be provided with the opportunity to explain the positive result.

## 5.3 Disciplinary matters

## 5.3.1 Positive Result

A worker who returns a positive result will be subject to disciplinary action as per Appendix 2.

## 5.3.2 Refusal to undergo testing

A worker who refuses to undergo drug and alcohol testing or is unable to produce a sample without a valid medical certificate will be subject to disciplinary action as per Appendix 2.

## 5.3.4 Falsification of test

A worker who attempts to falsify the outcome of a drug or alcohol test, or to tamper with his or her samples, will be subject to disciplinary action as per Appendix 2.

## 5.3.5 Malicious accusations

A worker who knowingly falsely, mischievously, or maliciously causes another worker to be accused of, or to be tested, on the basis of being led to believe the individual was under the influence of drugs or alcohol, will be subject to disciplinary action as per Appendix 2.

## 5.4 Use of the assistance program

1. Workers experiencing problems with drugs and/or alcohol are urged to seek assistance from the services of a professionally trained counsellor
2. Participation by a worker in a program for the treatment of a drug or alcohol problem will not, of itself, jeopardise the worker’s employment. Rather, successful treatment will be viewed positively. However, participation in such a program will not relieve a worker of the responsibility of complying with this Standard.

## 5.5 Awareness

1. Freeman Freightlines will ensure that all new and existing workers are aware of and understand the Policy and this Standard.
2. Freeman Freightlines will maintain records to verify the induction of new workers into the Policy and Standard.
3. Freeman Freightlines may undertake drugs and alcohol awareness training.

## Appendix 1 – Prescribed Limit Table

|  |  |
| --- | --- |
| Alcohol | Prescribed Limit |
| Alcohol | 0.000g/210L BrAC (Breath Alcohol Concentration)  |
|  |  |
| Drugs | Prescribed Limit |
| Legal Drugs | A level up to but not exceeding.a. The cut-off level identified in AS/NZS 4760 for oral fluid (saliva) testing; orb. The permissible level if the Drug were used strictly in accordance with either the manufacturer’s recommended dosage rate or the prescription given by a registered medical practitioner; orc. the limit legally permissible for the duty required to be performed |
| Illegal Drugs | A level up to but not exceeding:a. the cut-off level identified in AS/NZS 4760 for oral fluid (saliva) testing; |

## Appendix 2 – Disciplinary Action Table

Reported and investigated drug and alcohol breaches shall be subjected to fair process.

Whenever disciplinary action is being considered, Managers should ensure that they consider all of the circumstances of the case to ensure that the action is fair and appropriate.

## Table 1 – Consequence Table relating to Drug & Alcohol Test results

|  |  |
| --- | --- |
|  | Positive Result exceeding prescribed limit |
| Alcohol | Termination of employment |
| Legal Drug | Termination of employment |
| Illegal Drug | Termination of employment |

## Table 2 – Consequence Table relating to Drug & Alcohol related matters

|  |  |  |
| --- | --- | --- |
|  | 1st Instance | 2nd Instance |
| Refusal to undergo testing | Termination of employment. | Termination of employment. |
| Falsification of test | Termination of employment. |  |
| Malicious accusations | Final Formal WrittenWarning stating a further breach will result in termination. |  |
| Possession, soliciting, selling, distribution orconsumption of illicit or non-prescribed drugs on any Work Site, in any Equipment or otherwise whilst performing duties for Freeman Freightlines. | Termination of employment. |  |
| Soliciting, selling or distribution of Prescription Drugs or alcohol on any Work Site, in any Equipment or otherwise whilst performing duties for Freeman Freightlines. | Termination of employment. |  |
| Possession and consumption of alcohol:**•** in any Equipment;**•** in any Freeman Freightlines operational area under any circumstances;|**•** on any Work Site | Termination of employment. |  |