

# Drug and Alcohol Management Procedure

Procedure

SQE-PRO-NIL-0012

## Document Control

Table 1: Torrens Connect Document Control

V	Date	Description of Change	Review	Accountable	Endorse
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## Definitions

Table 2: Definitions

Term	Definitions
Alcohol Breath Test	Breath blown in a breathalyser to check if alcohol present.
AS	Australian Standard
AS/NZS	Australian / New Zealand Standard
AS3547	Australian Standard for Breath Alcohol Testing Devices.
AS4760	Australian Standard for the Procedure for specimen collection and the detection and quantification of drugs in oral fluid.
Blanket Testing	Testing of all workers at the workplace.
Collector	A person trained in collecting test specimens in accordance with the relevant Australian Standards.
D&A	Drug and Alcohol
EAP	Employee Assistance Program
Employee	An Employee of Torrens Connect.
HOHSQE	Head of Health, Safety, Quality, Environment
HR	Human Resources
Illicit Drugs	<p>Drugs, or other substance declared by the national regulations to be an illegal substance, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Heroin</li> <li>• Methadone</li> <li>• Amphetamines</li> <li>• Methamphetamines</li> <li>• Ecstasy/MDMA</li> <li>• Cocaine</li> <li>• THC (Cannabis or Marijuana)</li> </ul>
Negative Result	A result below the Cut Off Limit.
Non-Negative Result	A result of initial screening detecting the presence of a drug.
ONRSR	Office of the National Rail Safety Regulator.

Term	Definitions
Oral Drug Testing	A saliva sample will be collected using a oral swab for drug testing.
Over-The-Counter Medication	Medicines/drugs sold directly to the consumer without a prescription from a healthcare professional. They include medicines/drugs that can contain various chemicals, including pseudoephedrine, benzodiazepines, and Oxycodone. These chemicals may affect workers ability to drive vehicles and operate equipment
Positive Result	For drugs - a result confirmed by laboratory analysis above the Cut Off Limit. For alcohol zero (0.00) breath or blood alcohol content.
Prescription Medication	Medication that is prescribed by a healthcare professional. These medicines are provided to treat medical conditions and should only ever be used as prescribed.
Random Testing	Testing of workers at the workplace where testing is being performed using a random selection process
Reasonable Cause	Means a reasonable basis to believe a person is impaired by alcohol or drugs. This request may be prompted by notification from a colleague regarding the Worker's condition.
RSNL	Rail Safety National Law
SAPOL	South Australian Police
Serious Incident	An incident that results in, or has the potential to result in: <ul style="list-style-type: none"> <li>• a fatality,</li> <li>• an injury to a person,</li> <li>• damage to any plant, equipment, building or structure,</li> <li>• an uncontrolled explosion or fire,</li> <li>• an uncontrolled escape of gas, dangerous goods, or steam; or</li> <li>• a Worker being unfit to attend their usual place of work or to perform their usual duties at that place of work.</li> </ul>
TC	Torrens Connect
Urine Drug Testing	A urine sample will be collected for drug testing.
WHS	Work Health and Safety
Worker	An employee, contractor, subcontractor, consultant, apprentice, trainee, visitor, or person otherwise performing work for TC.

Term	Definitions
Workplace	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 workers for conducting work for the Employer. A workplace includes, but is not limited to offices, depots amenities, carparks, network, and vehicles.

# 1 Scope and Purpose

The use of drugs and alcohol presents a significant risk to the safety of workers due the side effects from consuming these substances. This can lead to slower response times in unexpected situations and increased risk-taking behaviour.

This procedure sets out the processes to be adopted at Torrens Connect (TC) workplaces to manage the potential impacts that drug and alcohol use may have on the safety of workers. Effective implementation of these processes will assist in identifying any worker whose drug or alcohol use may present a risk to the health and safety of themselves, their work colleagues, or others at worksites. This procedure outlines the processes to be followed to ensure a fair and transparent outcome.

This procedure has been developed to meet the requirements of the Rail Safety National Law 2012 (RSNL), National Regulations Work Health and Safety 2012 (WHS) Laws, ISO 9001, ISO 14001, ISO 45001, AS3547, AS/NZS 4760 and in accordance with the TC associated policies and documents.

# 2 Application

This procedure and its requirements apply to all workers (as defined above in definitions) which TC has effective management and control over (unless the Contractor has their own Alcohol and Drug Policy that complies with the Office of the National Rail Safety Regulator (ONRSR) Guidelines). TC will perform an audit on contractors who have their own Alcohol and Drug Policy to ensure it is compliant, or where agreed will involve contractors in the relevant parts of the TC Fit for Work Policy - *SQE-POL-NIL-0002*.

# 3 Drug and Alcohol-Free Workplace

TC defines a drug and alcohol-free workplace as every worker at any TC workplace, premise having:

- An alcohol test reading of 0.00 (zero) breath or blood alcohol concentration.
- A drug test reading less than the cut off levels as stipulated AS/NZS 4308.

A drug and alcohol-free workplace also means that no worker is permitted to consume or sell, alcohol or illicit/prohibited drugs on TC premises.

A drug and alcohol-free workplace also means that, other than where specifically required as part of their duty, no worker, contractor, or visitor is permitted to consume, or sell, alcohol or prohibited drugs in the workplace or on TC premises.

All suspected instances of possession, or illicit selling, of alcohol or prohibited drugs and items for using or administering prohibited drugs must be reported to the relevant Manager. Reported instances must be investigated by the relevant Manager. Such instances may be deemed to be serious misconduct and may result in disciplinary action up to and including termination of employment or contract arrangements.

## 4 Defined Alcohol Limit

In line with Rail Safety legislation, TC has a zero-tolerance approach to alcohol in the workplace.

All TC workers are expected to present fit for duty with a zero (0.00) breath and blood alcohol levels.

For the purpose of testing under these procedures, a positive breath alcohol test result will be recorded where levels of alcohol exceed 0.00 micrograms per litre of breath or the equivalent in blood.

The storage of alcohol is not permitted on TC worksites without the express written permission of the General Manager.

The consumption of alcohol at work functions may be permitted at an off-site location where Senior TC Management has approved the work function. Workers are not to carry out rail safety work or return to TC premises after the event.

## 5 Responsibilities

Health and safety legislation places general duties of care on TC to provide a safe work environment through the identification and management of risks to the health and safety of workers and others present in our workplace or impacted by our operations. Workers and others engaged in the business operations share in these obligations not to cause or contribute to risks in the workplace. This extends to the duty to prevent the use of drugs and alcohol from impacting on the health and safety at work. Rail legislation's specific requirements on employers to establish processes to detect the presence of drugs or alcohol in a person's system and prevent affected persons from undertaking work activities that may put themselves and others at risk. Responsibilities for implementing these processes are set out below.

TC also has a responsibility under the Rail Safety National Law (South Australia) Act to consult with relevant stakeholders. TC's Drug and Alcohol Procedure has been developed in consultation with stakeholders and when material changes are made to this procedure, workers, their representatives, and other key stakeholders will be consulted.

### 5.1 Workers

Workers are to present themselves fit for work in a condition that is not impaired by the effects of alcohol or drugs.

Workers that may have a dependency on alcohol or drugs and need help to overcome their dependency should contact their Supervisor/Manager who will provide the necessary assistance.

Workers who reasonably believe that they may be impaired by a prescribed medication they are taking, or other reasons, are to inform their Supervisor/Manager under self-declaration procedure (Section 6).

Workers who are required to take prescribed medication on a long-term basis must obtain written advice from their doctor as to the nature of the problem, medication prescribed and period of medication. It will then be the responsibility of the Worker to obtain a medical clearance from an authorised medical provider before being allowed to operate any TC owned or managed vehicle, plant or equipment or undertake any other work-related activity that may put the worker or other people at increased risk.

Workers must notify their respective Supervisor/Manager or an authorised person if they cannot obtain a clearance, or if the medical clearance has any conditions to it, prior to commencing work.

Workers are to notify a Supervisor/Manager if another worker may be impaired or unfit for work or may have consumed alcohol or drugs on the worksite, or when they become aware of any breach or potential breach of this procedure.

Where no manager or supervisor is available on site, the worker shall contact their manager and discuss the risk, declare substances, and gain approval to commence work.

## 5.2 Management

Managers shall ensure that all individuals in their work area understand and comply with the requirements of this procedure 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. Where this occurs, the matter shall be referred for further investigation or action.

Managers are to take prompt and appropriate action whenever they believe an individual is not capable of working in a safe and effective manner due to being under the influence of alcohol and/or drugs.

Managers may require a worker to undergo testing if, where in their reasonable judgment, the person's behaviour or appearance indicates they are affected by the use of alcohol and/or drugs in line with reasonable cause testing.

Management will be required to provide an appropriate level of education and training to staff in relation to alcohol and drugs in the workplace and effectively communicate the consequences of failing to adhere to these procedures.

## 5.3 HSQE

Head of Health, Safety, Quality, & Environment (HoHSQE) will coordinate D&A testing and coordinate with HR for any disciplinary processes in-line with this procedure.

The HSQE team will support the education and training of workers in-line with this procedure.

The HSQE team will support Managers in the execution of this procedure.

The HSQE team will support the effectiveness of actions taken to address risks and opportunities and achieving the intended outcomes of the drug and alcohol management, by monitoring, measuring, analysing, and evaluating of the results' analysis.

## 5.4 HR

HR will be responsible for any disciplinary processes and actions with the support of HoHSQE.

## 6 Self-Declaration

### 6.1 Prescription and Other Medications

All prescription and other medications (pharmaceutical) must be self-declared by the worker. An explanation will be sought from any person testing positive for prescription drugs where a valid explanation and self-declaration has not already been provided. The responsibility is on the worker to ensure that they are not working while they may be in breach of this procedure. Ignorance of the effect of medication a worker is taking, and that it may cause the worker to be unfit for work, is not an acceptable excuse.

Where a worker is required to take medication, he/she should provide a medical certificate or equivalent medical evidence to verify their fitness for duty and this is to accompany the Prescription or Non-Prescription Medication (Drugs) Form -*SQE-FRM-NIL-0001*.

The self-declaration form is to be provided to the worker's manager who will discuss the issue with TC's chosen Medical Provider. A determination will be made regarding the worker to taking leave/be stood down or removed from site.

A non-negative test result without self-declaration may incur disciplinary action. A non-negative test result with self-declaration which exceeds the prescribed limitations, may incur disciplinary action.

### 6.2 Alcohol and other Drugs

Workers are responsible for self-disclosure of any drug and alcohol issue/misuse. The use of illicit drugs in the workplace will be treated as serious misconduct by TC.

The TC General Manager, Line Managers and HR Manager will determine on a case-by-case basis, a course of action based on the safety criticality of the individual's role.

Employees and members of their immediate family will be provided access to/detail of the Employee Assistance Program (EAP).

HR and Line Managers are to aid all employees who self-disclose by providing a guidance on preventative, educational and rehabilitative measures to overcome drug and alcohol problems and dependency.

Drug and alcohol testing, and associated procedure(s) are intended to prevent, detect, and deal fairly with people having drugs or alcohol in their system at work.

## 7 Drugs and Alcohol Rehabilitation Program

The focus of this program is on assisting employees with managing alcohol and drug issues before they result in an accident or incident and/or negatively impact on that employee's work and/or the safety of themselves or others.

Individuals who self-disclose with an acknowledged alcohol or drug consumption issue, will receive support and assistance which will include assistance via the EAP.

The EAP allows for a single attendance at counselling for assessment and referral to a treatment agency.

Where an employee voluntarily self-discloses a substance consumption issue(s) before any circumstances warranting testing and/or disciplinary action occurs, the employee may request leave under TC leave policies for a period not to exceed six weeks. The cost and expenses of any treatment or any counselling program in this period will be the sole responsibility of the individual.

TC may request certification that the individual has continued in treatment during the granted leave period. If the individual does not continue proper treatment during the granted leave, the individual may be subject to disciplinary action up to and including termination.

Where an employee seeks leave in excess of this period, TC may require medical evidence to support this request which may be approved or otherwise by the GM.

Employees who return to work following such voluntary treatment may be tested periodically to ensure that they stay drug and alcohol free. If they subsequently return a positive test the employee will be required to show cause as to why they should not be terminated.

It is TC's intention that the security of an individual worker's employment at TC will not be compromised should they voluntarily seek treatment for drug and alcohol consumption issues and are utilising any leave provision; however, this may not be possible in all circumstances.

## 8 Conducting Testing

### 8.1 External Testing Officers

As per Section 127A of the RSNL, TC is obligated to facilitate testing by ONRSR Rail Safety Officers (RSOs) in the following manner:

- a) allowing the authorised person entry to the railway premises; and
- b) making the rail safety worker available for such testing; and
- c) making any other person at the premises available for the purpose of giving the authorised person reasonable help to exercise the authorised person's powers under this Division.

TC have engaged the services of a third-party drug and alcohol testing company to provide random, blanket, for cause, reasonable suspicion, post incident/accident testing, pre-employment and return to work testing, as required.

All third-party collectors who will be collecting samples have been assessed and certified to do so through ONRSR requirements. Collectors are trained in alcohol and drug test collection and have completed training in On-site Drug and Alcohol Testing (10440NAT) or equivalent.

The following drug and alcohol testing will be conducted by a third party in accordance with Australian Standards AS/NZS 4760:

- Reasonable cause
- Random
- Post incident
- Blanket

Drug and alcohol testing shall be included in all pre-employment medical examinations. This will also be performed by a third-party D&A testing company, or an Authorised Health Professional commissioned by TC.

Drug and alcohol testing will extend to existing TC employees who are transferred or promoted from a position not involved in railway safety work to a position involving railway safety work.

Any offer of employment will be conditional on the applicant returning a negative result.

## 8.2 Testing Equipment

Testing equipment will be as per the requirements as per of the Rail Safety National Law National Regulations 2012 and AS3547.

## 8.3 Testing Procedures

The testing procedures outlined below will be the process employed for all testing. TC will ensure that the privacy of the person submitting to any type of test is maintained as much as reasonably practicable. Drug and alcohol testing can be performed on workers anywhere at the TC Workplace.

All workers involved in an incident, symptomatic or suspected reasonable cause shall not drive until a negative drug test and a zero (0.00) alcohol test result. A chaperone must accompany the worker if required to attend testing at another location.

### 8.3.1 Drug Testing

Drug testing may be carried out by either TC, third party D&A testing company engaged by TC, ONRSR, South Australian Police (SAPOL) or a Medical Practitioner for blanket, random, reasonable cause, and post incident reason.

Drug testing is carried out via oral swab with the exemption of pre-employment medical examinations, these may require urine drug testing.

Workers are to declare any prescription or pharmaceutical medication to the Collector prior to undertaking the test.

The worker will provide an oral fluid sample via a drug screening device and then an oral fluid analysis device (if required).

The test can detect the presence of the following (included but not limited too) drug metabolites in the oral fluid:

- THC (Cannabis or Marijuana)
- Opiates (Morphine)
- Benzodiazepines
- Oxycodone
- Amphetamines
- Cocaine
- Methamphetamine
- Heroin

If the initial test produces a negative result, the Worker will be permitted to commence or return to work.

If the initial test returns a non-negative test result the sample will be sent to an external laboratory for confirmatory testing. Where the workers is on shift, he/she will be stood down from duty. A worker that has self-declared medication that may inadvertently show up as a non-negative test result during random or causal testing and not showing any side effects – shall be permitted to return to work and the sample sent to the laboratory to confirm the results. Should the laboratory indicate a positive test for drugs, the worker shall immediately be suspended and an investigation into the incident commenced. This is also true for the worker's contradictory self-declaration. A false declaration shall be treated as serious misconduct.

### 8.3.2 Alcohol Testing

Alcohol testing may be carried out by either TC, third party D&A testing company engaged by TC, ONRSR, South Australian Police (SAPOL) or a Medical Practitioner for blanket, random, reasonable cause, and post incident reason.

The worker will be required to submit to a breathalyser test (alcohol screening device) or blood test (blood test only to be conducted by a Medical Practitioner).

Results equal to zero (0.00) are considered a negative result. If the initial test produces a negative result the worker will be permitted to commence or return to work.

Results greater than zero (0.00) are considered a non-negative result. If an initial test produces a non-negative result, a confirmatory test will be conducted. If a confirmatory test is positive, the worker is not to commence/continue work.

Where the workers is on shift, he/she will be stood down from duty on pay for 10 minutes, after which they will be re-tested. The worker is to be fully supervised during this time and no eating, smoking, or drinking is permitted.

If being tested by a TC engaged third party D&A testing company, and secondary/confirmation test delivers a non-negative result, the worker will be stood down pending investigation.

## 8.4 Ongoing fitness for work testing

Targeted, blanket, and random alcohol and drug testing will be conducted for employees who, under the Alcohol and other Drugs Rehabilitation Program, have agreed to increased levels of targeted testing as part of the program, and/or employees who have returned a positive test result and have agreed to D&A testing as part of their return to work.

## 8.5 Random Testing to Manage Safety Risk

As per ONRSR requirements, TC will require that in each year on a random basis (using risk management principles) at least 25% of all Rail Safety Workers carrying out rail safety work, will be required to a preliminary breath test or breath analysis. Random or blanket testing will be undertaken at any time and without notice.

## 8.6 Post Incident

Workers involved in an incident/accident that are not under the influence of alcohol or other drugs at the time of the incident should not consume alcohol or other drugs until at least three hours after the incident.

An workers involved in an incident (rail safety related work), may be subject to drug and/or alcohol testing, either by TC, TC provider, SAPOL, Authorised Health Professional or ONRSR.

Any post incident/accident testing will be conducted to the alcohol and drug standards specified in these procedures.

Where a worker returns a negative result, the testing officer will review the testing results and advise if the rail safety worker is able to resume their regular duties.

Where a worker returns a non-negative result, the rail safety worker will be stood down on full pay until confirmatory test results are received (until the laboratory result has been returned). Where the testing is a regulatory test undertaken by the ONRSR, a non-negative test will result in the action of prosecution by the Regulatory Authority. Where the testing is undertaken by SAPOL a non-negative will result in the action of prosecution under the Road Traffic Act 1961, South Australia.

A verified confirmed positive test (drugs and/or alcohol) result over the prescribed limit whilst on duty may result in disciplinary action, up to and including termination.

## 8.7 Refusal to Undertake Test, Tampering or Hindering with Test

Workers who without reasonable cause who refuse to undergo drug and alcohol testing stated in this procedure shall be deemed as a positive result and the procedure for confirmed positive result will apply.

A worker who, after being notified of their requirement to be tested, leaves the workplace to avoid being tested will be deemed as a positive result and the procedure for confirmed positive result will apply.

A worker who evades, adulterates, or falsifies a test will:

- be guilty of gross misconduct being the act of dishonesty and
- be deemed to have produced a positive result.

A worker who aids or abets another worker to evade, adulterate or falsify will be guilty of gross misconduct.

Penalties will apply in line with Rail Safety National Law National Regulations 2012.

## 9 Management Response Process

TC takes a multi-strategy approach that incorporates education, support, testing (blanket, random and targeted) and performance management.

Breaches of this Procedure, including any Positive Result, may be subject to disciplinary action, up to and including termination of employment. Each case will be assessed on a case-by-case basis.

Not all breaches will result in disciplinary action. Other outcomes may include counselling, participation in EAP or other support services, further alcohol and/or drug education, Fitness to Return to Work Testing or Ongoing Fitness for Work Testing and the development of a return-to-work plan.

In line with TC's disciplinary process employees will be afforded the right to a support person. If the employee is a member of a union, he/she may elect to have a Union delegate as a support person.

### 9.1 First Positive Drug Result

Workers (employees) may be suspended on pay until confirmatory results are returned. EAP may be offered. Investigation may be required to be undertaken.

Workers (contractors) may be removed from site. Investigation may be required to be undertaken.

If confirmatory results are positive, disciplinary action will be taken. Any action will depend on relevant circumstances and could include a formal warning, ongoing fitness for work testing, compliance with rehabilitation or show cause why their employment should not be terminated.

The matter will be reported to the Office of the National Rail Safety Regulator.

### 9.2 First Breath Result

Individuals returning a breath alcohol test result over the appropriate limit zero (0.00) on their first test will be stood down from duty for 10 minutes, after which they will be re-tested. The worker will be paid during this period. Please note full supervision will occur within these 10 minutes and no eating, smoking, or drinking will be permitted during this time.

Where a worker returns a secondary/confirmatory positive test result, they will be stood down with immediate effect. Any disciplinary action will depend on relevant circumstances and could include a formal warning, ongoing fitness for work testing, compliance with rehabilitation or show cause why their employment should not be terminated.

The matter will be referred to the Office of the National Rail Safety Regulator.

## 9.3 Positive Test Results/Symptomatic

Any worker testing positive, showing signs of side effects or under the influence must not drive or operate any plant or equipment, this includes leaving work premises from receiving a positive test result.

If a worker is showing signs of side effects or appears to be under the influence and has tested negative, medical treatment may need to be organised by TC with a chaperone from the business if attending offsite.

## 9.4 Serious Misconduct

Under the Fair Work Act, an employer can terminate an employee's employment where the employee has engaged in serious misconduct.

Instances where the use of drugs or alcohol results in negligent behaviour or where the level of drugs or alcohol present in a test demonstrates that an employee was under the influence of drugs or alcohol while at work, or which exposes the individual or others to an increased level of risk or injury, may be regarded as a serious safety breach and deemed serious misconduct and will result in instant dismissal.

# 10 Employee Assistance Program

TC's Employee Assistance Program (EAP) is available to any employee requiring assistance with issues that may affect their performance at work including drug and alcohol issues. Employees can access this program by self-referral or through their Manager or HR.

The EAP may refer employees to be managed through the Alcohol and Other Drugs Rehabilitation Program or external services.

# 11 Notification to the Regulator

The Office of the National Rail Safety Regulator (ONRSR) must be notified of the following incidents:

- A RSWs oral fluid analysis confirms the presence of a drug.
- A RSWs breath test or breath analysis indicates the presence of alcohol in their breath.
- A RSW fails to undergo a breath test, breath analysis or provide a sample of blood or oral fluid when required to do so under this drug and alcohol procedure.
- The interference or tampering with, or the destruction of, a sample of a person's blood or oral fluid provided under this drug and alcohol procedure.
- The introduction or altering of the concentration of any other drug in a RSWs breath, blood or oral fluid before that worker has been submitted to a breath analysis or provided a blood or oral fluid sample under the drug and alcohol procedure.

# 12 Reporting

TC must provide a monthly report to the ONRSR which includes the number of drug and alcohol tests (including any oral fluid tests) that have been conducted and the class of RSW undertaken by the rail safety workers which have been tested. Tests undertaken by ONRSR within the reporting period are not required to be submitted.

## 13 Confidentiality

All information relating to individuals gathered under the Drug and Alcohol Program is collected solely for the purposes of implementing this policy and associated procedures.

The information will remain confidential as between the individual employee, health providers utilised under this policy, and TC. It will be stored confidentially on each individual employee's personal file.

All collection, storage, use and dissemination and destruction of tests, data from tests and information relating to test results shall be dealt with in accordance with the Health Records and Information Privacy Act 2002 including the provision of relevant information to the employee's Manager without consultation with the employee.

The employee is entitled to access their personal file at any time, request corrections where appropriate and take a copy of their file. Information will only be released to other parties if TC is legally required to release the information or if the employee has provided prior written consent for the information to be released.

## 14 Associated Documents

*Table 3: Associated Documents*

Document ID	Title
SQE-RSE-NIL-0027	Element 27 - Drugs and Alcohol
SQE-POL-NIL-0002	Fit for Work Policy
HRM-PRO-NIL-0012	Termination Procedure
SQE-FRM-NIL-0001	Prescription or Non-Prescription Medication (Drugs) Form
HRM-POL-NIL-0001	Code of Conduct

