



## Procedure 3.15 - Drug and Alcohol

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### 1.0 Application

This Procedure applies to all NQBP Personnel and General Port Users.

For NQBP Personnel, an NQBP Work Site also includes any location where NQBP Personnel attend as part of their work on behalf of NQBP. NQBP Personnel entering other company's sites while undertaking business activities for NQBP must also comply with any alcohol or drug policies and procedures in place on such sites. NQBP Personnel who breach such policies will be dealt with by NQBP as if they had breached this Procedure.

### 2.0 Purpose

The purpose of this Procedure is to prevent or minimise health and safety risks that could arise due to people being impaired due to the influence of alcohol and other drugs.

This Procedure has the objectives of:

- (a) Ensuring all persons attending any NQBP Work Site are fit for work;
- (b) Ensuring that fitness for work responsibilities are assigned to Managers and employees;
- (c) Monitoring compliance and enforcement of this Procedure including drug and alcohol testing;
- (d) Providing effective, fair and constructive procedures for dealing with people who are not fit for work;
- (e) Providing appropriate and reasonable assistance to employees to overcome alcohol and/or drug issues or problems that could impair their fitness for work in the future; and
- (f) Driving stronger safety leadership and culture throughout NQBP.

### 3.0 Responsibilities

The Chief Executive Officer is responsible for ensuring the adoption and implementation of this Procedure, including providing resources for education, counselling, training and implementation.

The Manager Port Operations and Maintenance ('**Manager POM**') in conjunction with the Manager Human Resources/Industrial Relations ('**Manager HR**'), is responsible for the ongoing administration of this Procedure, including the coordination of testing, management of disciplinary outcomes, maintaining records and reporting, privacy and confidentiality.

All NQBP managers are responsible for the application of, and compliance with, this Procedure at NQBP Work Sites where they have managerial responsibility, including coordinating and overseeing Contractor and General Port User compliance with this Procedure.

Contractors and General Port Users are responsible for ensuring their personnel (including employees, contractors, consultants and labour-hire employees) comply with this Procedure.

Each individual is responsible for ensuring his or her own compliance with this Procedure and for presenting themselves at work in a condition in which they are able to carry out their duties in a competent manner and without risk to the health and safety of themselves or others.

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### 4.0 Requirements

It is a condition of entry to an NQBP Work Site that all persons must satisfy the fitness for work requirements set out in this Procedure and, in particular, subject themselves to random testing for alcohol and other drugs.

#### 4.1 Drug and alcohol limits applicable to NQBP Work Sites

All NQBP Personnel or General Port Users attending any NQBP Work Site (including before or after working hours) must:

- (a) have a blood alcohol concentration ('**BAC**') of **0.00%**;
- (b) not have in their system any illicit drugs in excess of the amounts set out in AS4760:2006 *Procedures for the collection detection and quantification of drugs in oral fluid*; and
- (c) ensure that any prescription medication or other drugs are taken without risk to the individual's health and safety or the health and safety of others. This includes a requirement for the individual to:
  - i. discuss with the prescribing medical practitioner the nature of their duties and any possible impact of the medication on their safety or performance at work;
  - ii. take any medication in accordance with the medical practitioner's or manufacturer's recommendations; and
  - iii. notify their supervising NQBP manager if the prescribed medication could affect their safety or performance at work, including any limitations imposed on any particular task (for example working with machinery, driving or working from heights).

#### 4.2 Testing regime

NQBP Personnel and General Port Users are required, at NQBP's discretion, to undergo a test for the presence of alcohol or other drugs in the following circumstances:

- (a) **Incident testing:** where the individual has an accident or is involved in an incident resulting in damage to property or injury to any person, or which, in the reasonable opinion of an NQBP manager, could reasonably have been expected to result in damage to property or injury to person (i.e. a near-miss); and
- (b) **For-cause testing:** where an NQBP manager has reasonable suspicion that alcohol or other drugs may be affecting the individual. This includes where:
  - i. the individual is acting in an erratic, unusual, inappropriate or dangerous manner;
  - ii. evidence of drug or alcohol misuse is found on or around the person or their property (eg drug paraphernalia or alcohol containers); or
  - iii. co-workers or colleagues of the person have reported either of the above to an NQBP manager; and
- (c) **Random testing:** Any person at any NQBP Work Site at any time at the discretion of NQBP will be subject to random testing. The random test will be determined using a simple random and transparent selection process, involving the selection of a person, location or a group of people located in a specific area.

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**Random Testing Coordination:** The Manager HR, in conjunction with the Manager POM, will coordinate all random testing and must not disclose the date and time that random testing is to occur to any other NQBP Personnel unless, in the opinion of the Manager HR or Manager POM, there is a legitimate need for that person to know.

### 4.3 Testing method

Testing will be undertaken by an independent, accredited external service provider appointed by NQBP ('**Testing Authority**').

Alcohol tests will be undertaken using alcohol breath analysers with reference to AS/NZS 3547:1997 *Breath Alcohol testing devices for personal use*.

Where an initial positive alcohol test result is returned (an '**Initial Positive**'), a confirmatory test will be carried out at least 15 minutes, but no longer than 60 minutes, after the original test. A positive confirmatory test means a '**Confirmed Positive**' result.

Screening drug tests and confirmation tests will be undertaken using an oral swab with reference to AS4760:2006 *Procedures for the collection detection and quantification of drugs in oral fluid*.

Where an Initial Positive is returned, the specimen will be labelled and prepared for despatch to a laboratory for confirmatory testing. A positive confirmatory test means a '**Confirmed Positive**' result.

Any person selected by NQBP for testing must present to the Testing Authority at the time and to the location directed by NQBP and must cooperate fully with the Testing Authority.

As positive results can be produced from certain prescription and pharmaceutical medication, any person undergoing testing must declare any medication they are taking to the Testing Authority. These disclosures will be treated confidentially (refer Section 6).

### 4.4 Possession

NQBP Personnel and General Port Users must not bring onto any NQBP Work Site, or have in their possession or control any alcohol or illicit or other drugs prescribed by this Procedure. This does not apply to drugs required by the person for legitimate medical purposes (eg prescription or over the counter medication).

NQBP Personnel and General Port Users may only bring onto or store alcohol on an NQBP Work Site if:

- (a) It is in connection with an NQBP Approved Function (refer section 7); or
- (b) where it is unopened and only brought onto an NQBP Work Site by a person in-transit for a temporary period (for example, where a person buys alcohol in their lunchbreak to take home, and temporarily stores it in their office or car before they finish work for the day).

## 5.0 Breaches of Procedure and consequences

### 5.1 Breaches of this Procedure include the following for any person:

- (a) a Confirmed Positive result from an alcohol and/or other drug test;
- (b) consumption, manufacture, distribution or possession of alcohol on an NQBP

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- Work Site unless part of an NQBP Approved Function or in accordance with item 4.4(b);
- (c) consumption, manufacture, distribution or possession of illicit or other drugs prescribed by this Procedure on an NQBP Work Site;
  - (d) refusal to participate in any testing for alcohol and/or other drugs when required to in accordance with this Procedure;
  - (e) tampering with screening testing process, or sample or tampering with or falsifying results or records associated with this Procedure; and
  - (f) not notifying the relevant Manager/Supervisor of any medication that could affect their safety or performance at work or the safety of others.

### 5.2 Consequences for breaches

#### 5.2.1 Consequences for Confirmed Positive result (alcohol and/or other drugs)

NQBP employees and directors: The Manager HR, Manager POM and supervising NQBP manager will be informed of the Confirmed Positive test result. If necessary, transport home will be arranged for the person.

The Manager POM, in conjunction with the Manager HR, will assess each case and determine when, and on what conditions, the employee can return to work (this may include a requirement for the person to provide a negative test result before they return to work). The absence from work will be treated as personal leave or if the person has no accrued personal leave, the person may apply for other leave (including un-paid leave).

Contractors and General Port Users: The person must immediately contact their employer to arrange safe transport home. The person must leave the NQBP Work Site and will not be permitted to return to that site and/or any other NQBP Work Site for a period and on conditions determined by the Manager POM in conjunction with the Manger HR. For serious cases NQBP may permanently exclude the person from attending any NQBP Work Sites. The Manager POM or Manager HR may also contact the person's employer and inform them of the person's Confirmed Positive test result.

#### 5.2.2 Consequences for Initial Positive drug test

As it may take a number of days for the result of confirmatory testing for other drugs to be known (due to confirmatory testing taking place in an off-site laboratory), if a person returns an Initial Positive, the Manager POM and Manager HR will make a determination of the person's fitness for work during the time they are awaiting confirmatory testing results and may direct the person to:

- i. return to work;
- ii. return to work on suitable (i.e. limited or suitable) duties; or
- iii. leave the NQBP Work Site and return home.

The HR Manager may notify the person's supervising NQBP manager that the person has returned an Initial Positive Drug test and the determination made above. For Contractors and General Port Users the Manager HR or Manager POM may also contact the person's employer and inform them of the person's Initial Positive.

Where iii is applied:

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NQBP employees: transportation will be arranged home and the absence from work will be treated as personal leave or, if the person has insufficient accrued personal leave, the person may apply for other leave including un-paid leave. However, if the confirmatory test comes back negative then that amount and type of leave will be reinstated by NQBP.

Contractors and General Port Users: the person must immediately contact their employer to arrange safe transport home.

If confirmatory testing returns a negative result, the person may return to work to full duties. Confirmed Positive results will be dealt with in accordance with Item 5.2(a).

### 5.2.3 Disciplinary consequences for NQBP employees

For NQBP directors and employees, the following will generally occur:

- (a) First Confirmed Positive test result or other breach of this Procedure-warning issued and result recorded on file. Person will be offered counselling through the Employee Assistance Program (EAP);
- (b) Second Confirmed Positive test result or other breach of this Procedure (within a 2 year period) - second warning issued and result recorded on file. Person may be required to undergo compulsory counselling and/or seek medical advice. Person may be required to undergo additional periodic testing; and
- (c) Third Confirmed Positive test result or other breach of this Procedure (within a 2 year period) – final warning issued and the person’s employment status reviewed which may include termination or other disciplinary action.

However, in cases amounting to serious misconduct (even if the first breach of this Policy), NQBP may proceed straight to dismissal or other disciplinary action. Refusal to take a test, tampering with the screening process, or tampering or falsification of tests or records may amount to serious misconduct.

### 5.2.4 Disciplinary consequences for Contractors

Contractors engaged by NQBP may be dealt with under the terms of their Contract of Engagement, including if applicable, being terminated for breach, without reference to the process outlined above.

## 6.0 Confidentiality

The Testing Authority will only advise NQBP of Confirmed Positive test results for alcohol and Initial Positive and Confirmed Positive test results for drugs.

For NQBP Personnel, a Confirmed Positive result will be noted on the person’s file. For General Port Users, Confirmed Positive results will be recorded in a central register maintained by the Manager HR.

Ordinarily, Confirmed Positive test results (and in the case of drugs, an Initial Positive) will be kept confidential to the individual, Testing Authority, Manager HR, Manager POM and NQBP Managers that are responsible for direct line management of the person or have a legitimate ‘need to know’.

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Broader communication of aggregated testing results, where individuals cannot be identified, is permissible as a workplace health performance metric.

Any breach of the confidentiality requirements of this Procedure will be considered serious and appropriate disciplinary action may be taken, including termination of employment.

### 7.0 NQBP approved functions

The Chief Executive Officer or Chief Operating Officer may approve the bringing onto, storing or consuming of alcohol at an NQBP Work Site for legitimate work functions (including work Social Club functions) ('NQBP Approved Functions').

NQBP Managers must ensure that functions sponsored by NQBP or held on NQBP premises involve a responsible approach to the supply of alcohol. This will include:

- (a) ensuring that no one should feel pressured to drink or be made to feel embarrassed by a decision not to drink;
- (b) providing alcohol free and low alcohol drinks;
- (c) restricting the availability of spirits and other high alcohol content drinks;
- (d) providing appropriate food to be consumed with drinks;
  
- (e) ensuring the availability of alternative transport home for affected individuals (if required); and
- (f) ceasing supply of alcohol, a reasonable period prior to the end of the function.

### 8.0 Employee assistance

NQBP will provide employees with free, confidential, counselling through the Employee Assistance Program (EAP), in accordance with NQBP Policy 6-9 *Employee Assistance Program (EAP)*, where employees can discuss any issues or health concerns they may have relating to alcohol and/or other drugs.

### 9.0 Reporting

The Manager HR, in conjunction with the Manager POM will prepare status reports on the implementation of this Policy periodically as required by NQBP's Chief Executive Officer. This may include submission of aggregated testing results, provided individuals are not identified.

### 10.0 Fitness for Work – Drugs and Alcohol Policy, Procedure and Legislative Framework

NQBP is a Government Owned Corporation and a port authority and is required to comply with its own policies, prescribed applicable legislation and State Government policies and procedures. This procedure should be read in conjunction with:

- a) Guideline 2.03 – Privacy
- b) Policy 2 - Compliance
- c) Policy 3 – Human Resources Management
- d) Policy 5 – Work Health and Safety
- e) Standard 2.01 – Code of Conduct

### 11.0 Procedure review date

The Procedure should be reviewed by 31 January 2019.

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### 12.0 Definitions

**Confirmed Positive** means the same as defined in Item 4.3 of this Procedure.

**Contractors** means contractors or consultants engaged by NQBP under a personal services consultancy agreement or other similar arrangements.

**General Port User** means all other port users, tenants, customers and visitors while working at or attending any NQBP Work Site.

**Initial Positive** means the same as defined in Item 4.4 of this Procedure.

**NQBP** means North Queensland Bulk Ports Corporation Limited ACN 136 880 218

**NQBP Employee** means employees and Contractors of NQBP but does not include NQBP directors.

**NQBP Personnel:** means NQBP officers (for example NQBP directors) and NQBP Employees.

**NQBP Work Site** means any workplace or location where NQBP has management control and includes the following:

- (a) the working Ports of Hay Point, Mackay, Bowen, Abbot Point and Weipa;
- (b) the Corporate Offices located in Mackay and Brisbane<sup>1</sup>; and
- (c) any additional areas under the control and management of NQBP, including any NQBP controlled project and construction sites outside of Port areas.

**Testing Authority** means the same as defined in Item 4.3 of this Procedure.

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<sup>1</sup>As at the date of this Procedure these are the offices located at Waterfront Place, Mulherin Drive, Mackay Harbour, Mackay and Level 1, 324 Queen Street, Brisbane.

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