



## TRANSPORT WORKERS UNION OF AUSTRALIA VICTORIAN/TASMANIAN BRANCH

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### **Transport Workers Union Guidelines for Drug and Alcohol Free Workplace**

#### **Preamble:**

The Transport Workers' Union of Australia (TWU)

- Pursues the highest level of safety for our members working in the transport industry;
- Is proactive in developing Occupational Health and Safety (OHS) standards that improve the health and safety standards for members; and
- Is active in ensuring that employers act professionally in exercising their Duty of Care and providing a healthy and safe workplace.

The TWU actively promotes a drug and alcohol free workplace and provides the following guidelines for OHS committees that will ensure;

- A healthy and safe workplace
- A drug and alcohol free working environment
- Healthy living programs
- Counseling and rehabilitation programs

Employers have a duty of care to all workers to provide a healthy and safe work environment. Workers have a duty of care to look after their health and safety and the health and safety of others around him or herself.

#### **Guidelines:**

These guidelines are not intended to replace any current TWU Branch policies. Further, should legislation or standards provide for the treatment of alcohol and drug use in the workplace, the TWU will review its position in light of such legislation.

#### **Step 1 – Consultation**

At each step of these guidelines, consultation must take place with workers, TWU Delegates, Health and Safety Representatives, the Health and Safety Committee and the TWU.

The purpose of the consultation at this stage is to develop a level of trust, gain transparency and establish the level of support for addressing the issue of drug and/or alcohol in the workplace.

#### **Step 2 – Education**

Education is important in assisting workers and all levels of management to understand the issues, responsibilities and needs of all parties. Education should be on-going throughout-and beyond-any process of addressing the use of alcohol and/or alcohol in the workplace.

### **Step 3 – Getting Started**

In order to develop a policy that promotes an alcohol and drug free workplace, the following principles should apply. The policy should:

- Follow health and safety principles (identify hazards, assess the risk and control the risk using the hierarchy of controls)
- Be part of an overall approach to health and safety within the workplace;
- Be part of the overall approach to impairment at work (don't just look at the consequences of what the worker has done – look at why the worker may be using drugs and/or alcohol in the workplace;
- Be supportive and not disciplinary

### **Step 4 – Controlling and risks identified**

Any risks which are identified and assessed should be controlled by the following the hierarchy of controls as required by health and safety legislation.

Control measures may be contained to a simple policy, or they may be more extensive. Decisions surrounding the introduction of control measures should be made following consultation with those affected.

### **Step 5 – Development of a policy**

Any policy must:

- Be developed through consultation (see step 1)
- Have provision of information and education as the first step;
- Apply from the top down;
- Be simple, written in plain English and be easy to understand (say what you mean)
- Be applied consistently;
- Be adequately explained to workers prior to implementation
- Be implemented from a particular point of time
- Have changed and reviews of the policy adequately explained
- Be well documented, monitored and reviewed on a regular basis, by the OHS Committee, Representative and/or workers.

The policy should be explained to workers before implementation. This may need to occur several times. Workers should be given the opportunity to ask questions privately.

### **Identifying and managing an impaired worker**

A worker may be identified to be impaired through observation, post-incident/accident, or through some other form (as agreed through the consultation process). Such impairment may not always be through the use of drugs and alcohol/ any policy or procedure must clearly identify what should occur if a worker attends the workplace in an impaired state. The management of such an issue should be fair, equitable and consistent to all workers, including management.

### **Step 6 - Testing**

The TWU will only support the introduction of testing where it can be shown to control the identified risks, and where testing is part of other control measures. Where the introduction of testing has been agreed, the TWU endorses saliva testing and breathalyser only.

Saliva testing:

- Is simple
- Takes a short period of time to undergo the test
- Is low in cost to implement
- Is non-invasive
- Does not detect the mere presence of drugs, but recent drug use (up to the previous 24 hours depending on the device)

Testing can be undertaken on a “with cause” basis, or voluntarily. If an accident or incident has occurred a worker can be required to be tested.

Further, if a worker volunteers that they may be impaired at work (regardless of whether that is due to drugs, alcohol, stress, fatigue etc) arrangements should be made to accommodate the needs of that worker, without suspicion. Such arrangements may include sending the worker home with pay.

Consultation is required to develop procedures for the conducting of testing and these should be clearly documented. Factors to be considered include: where do results get sent, integrity of the results etc. however, confidentiality of the testing itself and the results should be up held at all times.

## **Step 7 – Procedures to deal with a positive result and or addiction**

In order for procedure to be followed, they must be practical and they must be realistic.

Procedures should be developed about how to address a returned positive result, and/or an addicted worker. When developing and applying these procedures, in principle all factors need to be regarded (personal factors, working hours, external stressors etc)

### **What to do if someone has a problem?**

The TWU submits that a worker who has a problem with alcohol and or a drug use in the workplace. This should be done in consultation with the OHS committee, workers and the TWU. The purpose is to ensure that a new hazard has not been created by controlling another hazard.

Legislation requires the on-going monitoring of the policy, its implementation and any procedures, and that effect on the hazard and the workers.

The policy and procedures should be reviewed frequently during the initial stages and then on a regular basis. All workers should be informed of any amendments.

Evaluating the effectiveness of the policy should be possible through comparing current results with those identified (as part of the hazard identification step) when you first started this task.

## **Conclusion**

The TWU endorses an alcohol and drug free workplace. The TWU encourages the development of policy with worker consultation and involvement, through the OHS committee. Any development of policy and procedures should be introduced when it can be shown that it will assist controlling the risks. Any policy and procedures developed must be reviewed, monitored and evaluated to ensure their effectiveness.