

Carrington Care Drug & Alcohol Policy

Dear Member,

The HSU has received notification from Carrington Care HR of their intention to implement a new Drug & Alcohol policy. Please see attached correspondence.

Management have advised that the policy is based on the ACSA (Aged & Community Services Australia) policy. At the time this was developed, the HSU raised concerns about the policy and were clear that we do not support or endorse it.

The main concerns are in relation to the random testing. The HSU sees random testing as unwarranted and a waste of money, given the organisation could use this money for improving staffing levels and wages. The organisation has always had the ability to question staff fitness for duty if an issue is identified, without the need for an intrusive and costly program. The other concern is potential breach of privacy. Staff currently taking medication that does not affect their employment may be forced to provide personal information if a positive reading is triggered.

If you do have concerns, we want to hear from you. Please email any concerns you may have to agedcare@hsu.asn.au and we will advocate them to management. It is important that members are aware that they have rights and protections.

As with all issues, our ability to represent members derives directly from our strength in numbers. If you are aware of any workmates who haven't yet joined the HSU, please encourage them to call 1300 HSU NSW (478 679) or join online at www.hsu.asn.au/join.

In unity,



Gerard Hayes
Secretary, HSU NSW/ACT/QLD



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DRUG & ALCOHOL POLICY

IMPLEMENTED: December 2018

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DRUG & ALCOHOL POLICY

1. OBJECTIVES

- 1.1. Carrington Centennial Care Ltd (The Facility) is committed to ensuring, so far as reasonably practicable, the good health and safety of every resident, consumer, person/individual, and visitor to our workplace, to ensuring healthy and safe working conditions, and to the safe operation of all equipment in the workplace. For that reason, we have adopted the following Drugs and Alcohol Policy & Procedure (**'Policy'**), which prohibits all Person/individuals from working or conducting company business under the influence of drugs or alcohol.
- 1.2. This Policy authorises us to conduct tests on persons/individuals for the presence of drugs and/or alcohol.
- 1.3. It is not a policy aimed at measuring impairment.
- 1.4. With the exception of clause 1.7(d) and (e) below the Policy enables a person/individual who is our employee and breaches the Policy for the first time to elect to participate in a rehabilitation/counselling program.
- 1.5. A failure to participate in a rehabilitation/counselling program or a subsequent breach of the Policy will result in the termination of employment. Person/individuals other than employees in breach of the Policy will be removed from the workplace.
- 1.6. For the purpose of this Policy, the following definitions apply:

'Alcohol' means any alcoholic beverage, including but not limited to liqueurs, spirits, wine or beer.

'Drugs' means any mind altering or legally controlled substance unless it is prescribed by a doctor and used in accordance with medical directions. This includes any illicit or other drugs listed in the relevant state, territory or federal legislation in the state(s) and/or territories(s) in which we operate and any drugs listed in the Australian Standards AS/NZS 4308:2008 and or AS 4760:2006 which prescribes the procedures for the collection and quantitation of drugs in urine (**'Australian Standard 4308:2008'**) and oral fluid (Australian Standard 4760:2006). We may also include drugs other than those listed in the relevant Australian Standards, such as those drugs referred to as "designer drugs", including (but not limited to) synthetic cannabinoids and herbal highs, as well as other synthetic drugs such as opioids, hallucinogens, Piperazines, stimulants and sedatives in the definition of 'drugs'. A list of these drugs and their common names are contained in Appendix 7. This is not an exhaustive list.

'BAC' means the concentration of alcohol in the bloodstream expressed in grams of alcohol per 100 millilitres of blood. For the purposes of this Policy 0.02 grams is deemed to be a positive breath alcohol test.

'Collector' means accredited representative or representatives of an entity trading as The Drug Detection Agency (**'TDDA'**), or an equivalent accredited provider, or by its nominated registered medical practitioner.

'Donor' means any person/individual at our workplace either reasonably suspected

of being under the influence of drugs or alcohol or any person/individual selected at random for a drugs and alcohol screening procedure.

'EAP' means Employee Assistance Program

'Manager' means Manager, Supervisor or Officer

'Random' for the purposes of this Policy has its dictionary meaning

'Under the Influence' means reasonably suspected of being at risk of impairment by either drugs or alcohol in the workplace or as described in Clauses 2 & 4 herein. (see Appendix 6)

'Person/Individual' means a worker who carries out work in any capacity for a person conducting a business or undertaking, including work as an employee, a contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company who has been assigned to work in the person's business or undertaking, an out person/individual, an apprentice or trainee, a student gaining work experience or a volunteer.

'Relevant Standard' means:

- (a) for drug testing, the current Australian Standard which sets out the procedures for the collection of a specimen and the detection and quantification of drugs in either urine (AS/NZ 4308-2008 or a successor Standard) or oral fluid (AS 4760-2006 or a successor Standard);
- (b) for alcohol testing, the current Australian Standard for breath alcohol testing devices (AS 3547-1997).

1.7. Except as provided at **paragraph 1.8** below, persons/individuals are prohibited from:-

- (a) working or conducting business under the influence of drugs or alcohol; or
- (b) driving a vehicle under the influence of drugs or alcohol during work time; or
- (c) using or consuming drugs or alcohol when off-duty if it would result in the person/individual reporting to work or performing work under the influence of drugs or alcohol; or
- (d) distributing drugs or alcohol during work time, which will result in the termination of an employee or the removal from the workplace of a person/individual who is not an employee; or
- (e) failing to comply with a drug and/or alcohol test pursuant to clause 4.4

1.8 Alcoholic beverages may be served or consumed at social events in designated areas, and for work related functions, with prior approval of the Chief Executive of The Facility. Persons/individuals are responsible for ensuring that they remain in a condition to be able to get home safely. Any Person/individuals required to return to work, following consumption of alcohol at an approved work related social event, will continue to be subject to the BAC level set out under this Policy and continue to be bound by the terms of the Policy generally.

2. RESPONSIBILITY FOR ENFORCEMENT

Person/individuals

- 2.1. All persons/individuals are responsible for ensuring their own compliance with this Policy and ensuring they are in a fit state to carry out their duties at the workplace or while undertaking authorized work-related activities.
- 2.2. Persons/individuals should alert management to any person or persons who may be involved in the use, possession, sale, manufacture, solicitation or distribution of illegal drugs or alcohol in the workplace.
- 2.3. If a person/individual feels unsafe working with one of their colleagues because they suspect he/she is in breach of this Policy, the person/individual should refer the matter to management.
- 2.4. We encourage all persons/individuals to discuss any prescription drugs they are taking with their manager at an early stage.
- 2.5. Persons/individuals should take prescription and/or non-prescription medication in accordance with the instructions of their medical practitioner and notify their manager if they believe or they have been advised by their medical practitioner that there is a risk to their ability to perform work safely.

Managers

- 2.6. Managers are expected to monitor their own reports, and to investigate situations that may breach this Policy. Appropriate steps should be taken to deal with the person/individual if the Manager:
 - (a) observes a person/individual using drugs or alcohol or finds evidence of usage; or
 - (b) detects the odour of alcohol on a person/individual; or
 - (c) suspects a person/individual is working under the influence of drugs or alcohol (for example through abnormal or erratic behaviour); or
 - (d) is advised that a person/individual is suspected of working under the influence of drugs or alcohol.
- 2.7. All referrals, suspensions, terminations and/or disciplinary action should only take place in conjunction with advice from management.
- 2.8. Managers should ensure that all persons/individuals are aware of and understand the Policy and their responsibilities under the Policy and Work Health & Safety legislation.
- 2.9. Managers should maintain records of any person/individual whose ability to perform work is limited through the use of prescribed medication.

3. PERSON/INDIVIDUAL ASSISTANCE

- 3.1. If a person/individual thinks he/she has a drug or alcohol problem that is affecting

their work, we encourage that person/individual to ask for help from the management at an early stage (that is before a person/individual may be subjected to a drug or alcohol test under this Policy) without fear of reprisal or disciplinary action. Discussions will be confidential. We will try to assist the person/individual to resolve the problem, including by referring the person/individual to appropriate community resources with ongoing monitoring.

- 3.2. A person/individual will be permitted to take any of their accumulated leave or unpaid leave to participate in a drug and alcohol rehabilitation or treatment program. Before being authorised to return to work, the person/individual will need to be examined by our nominated medical practitioner who will determine the person/individual's fitness to return to work. The person/individual may also be required to complete a course of follow-up treatment and must return a negative drug and/or alcohol test before being permitted to return to work. The person/individual's job security after returning to work will depend on his/her returning negative results on future drug and alcohol tests. All decisions will be dealt with on a cases by case basis and up to the discretion of the Chief Executive.
- 3.3. We will provide a person/individual with access to an EAP through Access EAP (contact 1800 818728). This is a confidential service, which is independent. The EAP offers services such as information, assessment, counselling or referral, to help a person/individual resolve issues that may be affecting his/her work, such as marital problems, depression, or drug and alcohol dependency. We encourage person/individuals to use the EAP where they have an issue that needs to be addressed with external assistance.

4. DRUG AND ALCOHOL TESTING

4.1. Testing prior to employment

We may require an applicant to undergo a pre-employment drugs and alcohol test. We reserve the right not to offer employment to any person who returns a positive drug or alcohol test result.

4.2. Testing during employment

During employment, we may require a person/individual to undergo a drug and alcohol test (see Appendices 5 and/or 6) to monitor compliance with this Policy. We may require a person/individual to undergo drug and alcohol testing on any of the following occasions:

- (a) If we suspect, on reasonable grounds, that a person/individual is working under the influence of drugs or alcohol. Reasonable grounds for testing can be established if a person/individual's behaviour, actions or conduct suggest that the person/individual is under the influence of drugs and/or alcohol. Further information about reasonable cause indicators is provided at **Schedule A** to this Policy. ***The test sample collected for this process will be urine (see Appendix 5).***
- (b) We may require any person/individual to undertake random drugs and alcohol testing. ***The test sample collected for this process will be oral fluid, randomly determined (see Appendix 6).***

Please note that random test selection means that some person/individuals will not be selected to be tested at all, some person/individuals may be

tested once, and other person/individuals may be tested more than once.

- (c) If there is an incident, accident or near miss involving potential or actual compromise of health and safety standards and a person/individual's actions, or inaction, may have been a direct or indirect contributory factor. ***The test sample collected for this process will be urine (see Appendix 5).***
- (d) If there is property damage involving potential compromise of health and safety standards and a person/individual's act or omission may have been a direct or indirect contributory factor. ***The test sample collected for this process will be urine (see Appendix 5).***
- (e) If a person/individual is injured in the workplace or directly or indirectly causes an injury to someone else, the person/individual may be required to undergo a drug and/or alcohol test as part of the investigation process. ***The sample collected for this process will be urine (see Appendix 5).***

4.3. Testing

- (a) Drug and alcohol testing will be performed at our expense by a Collector. Testing will be done in such a way as to respect a person/individual's privacy and confidentiality. Test results will be confidential.
- (b) All Drug and alcohol testing will be compliant with the relevant Australian standard at the time of testing.

4.4. Failing to comply with a drug and/or alcohol test

If, on the balance of probabilities it is determined that a person/individual has failed to comply with a drug and/or alcohol test or attempts to compromise the integrity of a specimen when taking a drug test (for example by providing a specimen that is not his or her own, or by use of a masking agent, or by providing a 'cool' specimen *ie* not within acceptable temperature testing range meaning that we cannot verify it was provided by the person/individual), or the person conducting the testing has reasonable grounds to suspect that the Person/individual has tampered with a specimen, then we will take the following action:-

- (a) terminate the employment of an employee; or
- (b) remove a Person/individual who is not our employee from the workplace.

4.5. Dilution of a drug test

If a person/individual provides a urine specimen that is 'dilute' the person/individual will be given one further opportunity to provide a specimen within 24 hours that is not 'dilute'. This may mean the person/individual may have to reduce his/her fluid intake during this period. If the second specimen is also 'dilute' this will be treated as a failed test (i.e. positive) and we may take disciplinary action up to and including dismissal (with or without notice) or, in the case of a Contractor, termination of his/her engagement.

4.6. Refusal to take a drug and/or alcohol test

- (a) If a person/individual is required to take a drug and/or alcohol test, and

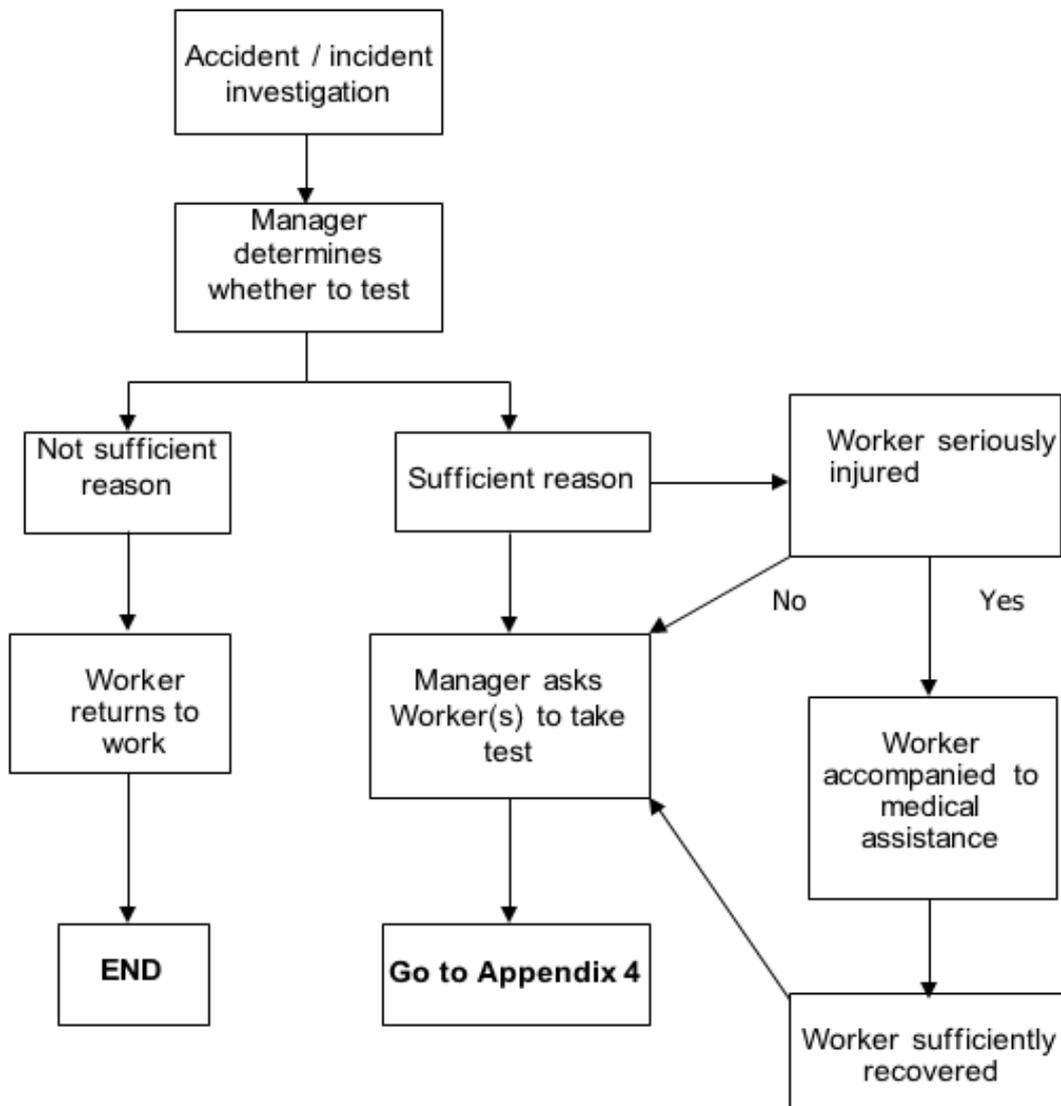
refuses to do so, the person/individual should first explain the refusal. We will consider any explanation given. If we consider the explanation is unacceptable or unreasonable in the circumstances, then we will instruct the person/individual to take the drug and/or alcohol test once again. If the person/individual again refuses to take the test, the person/individual will be terminated without notice. If a person/individual who is not our employee refuses to take the test, they will be removed from the workplace.

- (b) The person/individual must provide his/her specimen for drug testing within one (1) hour from the time that the request has been made by the Collector. In relation to alcohol testing, the person/individual must comply with a request for a breath alcohol test within 15 minutes from the time the request has been made by the Collector. Failure to comply with such timeframes may result in disciplinary action against a person/individual up to and including dismissal (with or without notice) or, in the case of a Contractor, termination of his/her engagement.

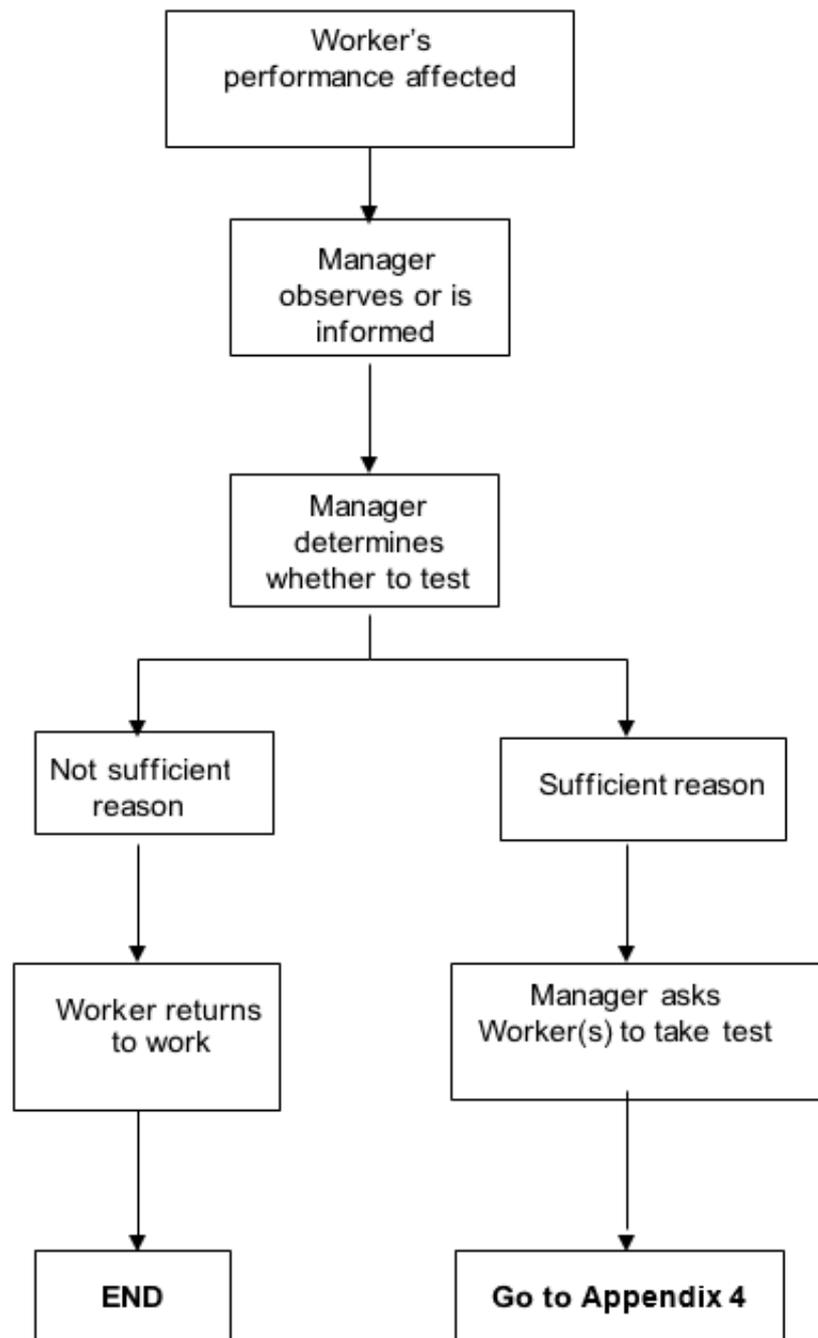
5. DRUG AND ALCOHOL TEST RESULTS

- 5.1. A copy of the results of any drug and/or alcohol test will be provided to the Donor. Results may be used in evidence or disclosed in disciplinary or legal proceedings. In all other respects, material and information used or obtained from testing will be kept confidential only to be made available to management personnel involved directly in dealing with the matter.
- 5.2. Person/individuals should note that the test may not measure the degree to which he/she is under the influence of drugs or alcohol. If a test indicates the presence of drugs or alcohol, then the Person/individual will be deemed to be under the influence of drugs or alcohol in breach of this Policy.
- 5.3. A person/individual who tests positive for drugs is entitled to challenge the results and obtain an independent analysis of the sample (at the Person/individual's own expense). Generally, the samples are held for 90 days.
- 5.4. **Stand down if non-negative drug test**
 - (a) If any requested drug class returns a result that is not negative, or the integrity of the specimen is in question, then that specimen is considered a 'non-negative' result and an interim report may be issued that can only advise that the specimen requires further testing.
 - (b) If a person/individual returns a 'non-negative' result in relation to his/her drug test, we may stand him/her down without loss of pay or entitlements until receipt of confirmation of the test result.
 - (c) If a person/individual's drug test result is negative, the person/individual may immediately return to full duties.
 - (d) If that result is positive and the person/individual elects to participate in a rehabilitation/counselling program, the person/individual will be required to give authority for us to treat the stand down period as annual leave and make deductions from the person/individual's accrued entitlements accordingly. If the person/individual has no accrued annual leave entitlements, we will be authorized to treat the stand down period as a period of leave without pay.

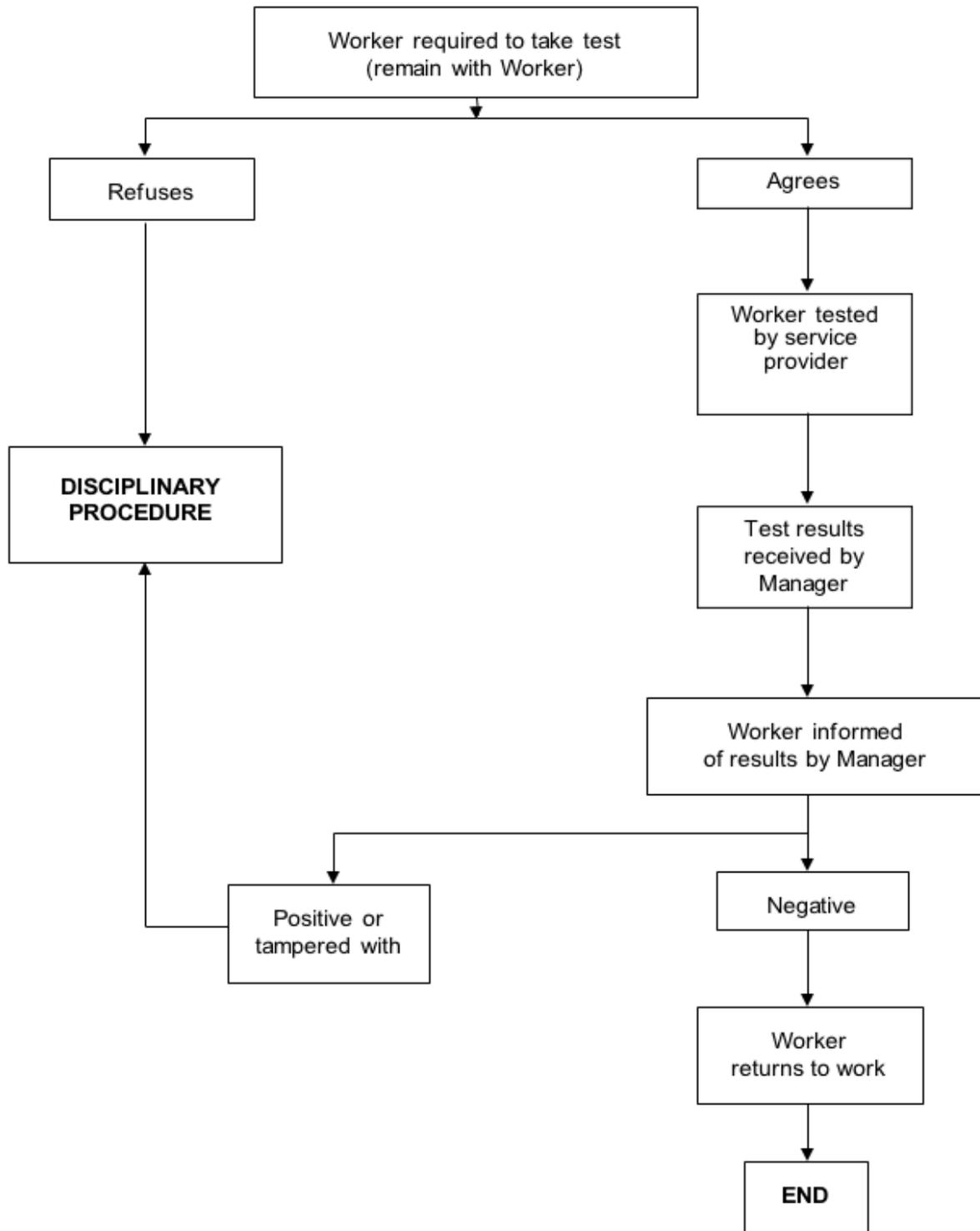
Appendix 2 - Post Incident Testing Flowchart



Appendix 3 - Reasonable Cause Testing Flowchart



Appendix 4 - Post Incident and for Cause Testing Flowchart



Appendix 5 - Urine Drug and Alcohol Procedure AS/NZS 4308:2008

Step 1

Identities of the Collector/s and Donor/s will be confirmed (photo id) and details recorded including any medication the Donor/s may be taking.

Step 2

Screening process and consent explained then written consent obtained from you on the TDDA 1.1 Form.

Step 3

Breath alcohol screening is conducted (if applicable).

Step 4

You are asked to wash hands.

Step 5

You are given test cup and asked to provide a sample.

Step 6

You give Collector the sample.

Step 7

Sample checked for temperature and foreign objects and then lid is placed on and test started.

Step 8

Urine checked to ensure it is within a testable range using the adulteration panel which checks for five (5) main adulterants.

Step 9

Results recorded and copy given to donor. Negative result – no further involvement with TDDA.

If the initial on-site screen is a non-negative, the sample is forwarded to the laboratory for confirmation.

Step 10

A second TDDA form is completed TDDA 1.2 notifying you of the result, asking if you agree with the result, inviting any comment and advising you that the sample will be split into two (2) samples across three (3) vials.

Step 11

The sample is split into three (3) vials in your presence and the containers sealed with tamper proof seals initialled and sealed in your presence.

Step 12

The samples are then secured in a tamper proof bag and forwarded to the accredited laboratory for confirmation

Step 13

The results will be forwarded directly to the nominated person in the Facilities Policy.

Appendix 6 - Oral Fluid Drug and Alcohol Procedure AS 4760-2006

Step 1

Identities of the Collector/s and Donor/s will be confirmed (photo id) and details recorded including any medication you the Donor/s be taking.

Step 2

Screening process and consent explained then written consent obtained from you on the TDDA 1.1 Form.

Step 3

Breath alcohol screening is conducted (if applicable).

Step 4

You are asked to wash hands.

Step 5

You are asked to insert test device collection pad into mouth. Collector will advise when sample is ready.

Step 6

Remove from mouth and results will be ready in approximately five (5) minutes.

Step 7

Results are then recorded on the TDDA 1.1 form; if negative a copy of the form is given to you and no further involvement with TDDA.

If the initial on-site screen is a non-negative.

Step 8

A second TDDA form is completed TDDA 1.2 notifying you of the result, asking if you agree with the result, inviting any comment and advising you that a second sample will be obtained and forwarded to a laboratory for confirmation.

Step 9

The second sample is obtained by you placing 2 pads in your mouth to gather more saliva. Collector will advise when sample is ready.

Step 10

You will sign chain of custody forms and initial tamper proof seals. These will be placed on the containers containing your samples in your presence.

Step 11

The samples are then secured in a tamper proof bag and forwarded to the accredited laboratory for confirmation.

Step 12

The results will be forwarded directly to the nominated person in the Carrington Policy namely the HR Manager.

Appendix 7 - Generic Names of Targeted Drugs

As per the definitions section in clause 1.6, '**Drugs**' mean any mind altering or legally controlled substance unless it is prescribed by a doctor and used in accordance with medical directions. Below is a list of drugs categories and a non-exhaustive list of commonly used names that are subject to screening:

- **Delta-9 tetrahydrocannabinol (THC)**

Cannabis, cannabinoids, marijuana, yarndi, pot, weed, hash, dope, gunja, joint, stick, Kronic (synthetic form), cone, choof, dabs, dabbing

- **Synthetic Cannabis**

Spice was the earliest in a series of synthetic cannabis products sold in many European countries. Since then a number of similar products have been developed, such as Kronic, Northern Lights, Mojo, Lightning Gold, Blue Lotus and Godfather.

- **Opiates**

- Codeine

Some over-the-counter pharmaceutical products may contain Codeine and may not be listed here. These can be at levels that may exceed the cut off levels described in workplace drug testing. Please read the packaging carefully and if in doubt, seek advice from your Doctor or Manager)

Codeine, Codral Cold & Flu Original, Ibuprofen & Codeine Nurofen Plus, Panadeine Forte/Extra, Panamax

- Heroin

Smack, gear, hammer, the dragon, H, dope, junk, Harry, horse, black tar, white dynamite, homebake, china white, chinese H, poison, Dr Harry.

- **Cocaine**

C, coke, nose candy, snow, white lady, toot, Charlie, blow, white dust, stardust

- **Amphetamines**

Speed, fast, up, uppers, louee, goey, whiz

- **Also includes:**

- Ecstasy

eckies, E, XTC, pills, pingers, bikkies, flippers, molly

- **Methamphetamine**

Ice, crystal meth, shabu, crystal, glass, shard, P.

- **Benzodiazepines**

Diazepam, Valium, Oxazepam Alepam, Murelax, Serepax, Nitrazepam Temazepam, Alprazolam, Benzos, tranx, sleepers, downers, pills, xannies, serras, moggies, normies

Schedule A - Reasonable Cause Indicators – Process Form

When determining 'reasonable cause', physical symptoms and/or unusual or out of character on-site observable behaviours must be considered.

Examples of physical symptoms or behaviours include, but are not limited to:

- excessive lateness
- absences often on Monday, Friday or in conjunction with holidays
- increased health problems or complaints about health
- emotional signs – outbursts, anger, aggression
- changes in personality
- changes in alertness – difficulty with attention span
- changes in appearance – clothing, hair, personal hygiene
- less energy
- involvement in various minor accidents
- feigning sickness or emergencies to get out of work early
- going to the bathroom more than normal
- defensive when confronted about behaviour
- dizziness
- slurred speech
- hangovers
- violent behaviour
- impaired motor skills
- bloodshot eyes
- impaired or reduced short term memory
- reduced ability to perform tasks requiring concentration and co-ordination
- intense anxiety or panic attacks
- impairments in learning and memory, perception and judgement
- irritability
- depression
- odour of alcohol or drugs
- inability to walk in a straight line
- irrational laughter and foolish behaviour

Reasonable grounds testing may also take place where the Company learns, from a credible source, that the person/individual is working under the influence of drugs and/or alcohol, or where the person/individual is observed using, possessing, distributing or consuming drugs or alcohol during work time, during any breaks and/or during Company social event or work related function, whether on or off the Company premises or during our outside normal working hours.

Person/individual _____
Department: _____
Date(s): _____

Support person: Yes No Name: _____
Supervisor#1 name: _____
Department: _____
Supervisor #2 name _____
Department: _____
Date(s): _____

Supervisor #1 to record below the physical symptoms or behaviours observed:

Comments/explanation of Person/individual (if offered)

Comments of Supervisor #2 (if applicable)

DETERMINING REASONABLE CAUSE

From your observation is there a risk to the health and safety of this person and others?

Yes No

Are you satisfied that it is reasonably possible that the risk is a result of the possible use of drugs or alcohol?

Yes No

Do NOT proceed with reasonable cause testing unless the above questions are answered with a YES

TAKING ACTION

Reasonable cause established? Yes No

Time: _____ Date: _____

Action taken:

Supervisor #1
signature: _____

Date and time: _____

Supervisor #2
signature: _____

Date and time: _____

Schedule B - Health Rehabilitation Contract

Carrington Centennial Care Ltd Health Rehabilitation Contract

Person/individual Name

I acknowledge that I have been entered into the Carrington Centennial Care Ltd Health Rehabilitation Plan ('Plan') and that my continued employment with Carrington Centennial Care Ltd is subject to the following:

I am committed to full participation in the Plan with the service provider(s) specified by Carrington Centennial Care Ltd

I authorise the service provider to release the following information to Carrington Centennial Care Ltd.

- Whether I have kept appointments;
- Whether the service provider has recommended a course of treatment;
- Whether I am following that course;
- Whether a return to work is appropriate and within what timeframe; and
- Whether I have completed the required treatment.

I agree to take this course outside work hours or use leave entitlements, if required and approved, to participate during work hours.

I agree to take up to 3 subsequent drug and/or alcohol tests in the 6 months following treatment, agree to the release of the results to Carrington Centennial Care Ltd [Facility name] and I agree to pay for the cost of the positive test and/or any challenge to that test.

Optional:

I accept and agree that I will be [suspended from my duties with/without pay/ allocated alternative duties] while I participate in the course.

I accept that if:

- I do not attend or complete the required course; or
- On any future occasion, including the 3 tests referred to above, I return a positive drug and alcohol test; or
- I refuse to take any of the 3 subsequent tests,

Carrington Centennial Care Ltd will terminate my employment, without notice.

I accept the terms of this contract, which I acknowledge may be in addition to or vary the terms of my current employment agreement.

Person/individual: _____

Date: _____

Witness: _____

Date: _____