



## **PERTH MARKETS**

# **Drug and Alcohol Policy**

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### Authority Table

<b>Authorised by</b>	Chief Executive Officer
<b>Document Owner</b>	Operations Manager

### Revision Index

<b>Version number</b>	<b>Date</b>	<b>Revised or reviewed by (Position title)</b>	<b>Revisions approved by (Position title)</b>	<b>Reasons and details of changes</b>	<b>Next review date</b>
1.0	31/03/2024	Operations Manager	Chief Executive Officer	Supersedes existing D&A policy	31/03/2025
1.1	4/04/2024	WHS Advisor	Chief Executive Officer	Additions to the scope and section 7, Breach of Policy	4/04/2025

## 1. Introduction

Under the Work Health and Safety Act 2020 (WHS Act), PMGL has an obligation to provide a safe working environment, so far as is reasonably practicable, for all workers in the workplace and other Site users.

Workers who are impaired by drugs or alcohol present a substantial safety risk to themselves and others in the workplace. The use of drugs or alcohol may affect a person's judgement, coordination, motor control, concentration, and alertness. This increases the risk of injury or accident to themselves and others, as well as increasing the risk of damage to plant, equipment, and property.

In addition, the use of drugs and alcohol increases the potential for absenteeism, substandard performance, poor employee morale and poses an increased health risk to individuals who engage in drug and alcohol misuse.

As part of the PMGL's duty of care obligations under the WHS Act, PMGL has identified that drugs and alcohol in our work environment pose a higher risk of increased incidents and accidents. The misuse of drugs and alcohol in the workplace constitutes a breach of the WHS Act.

## 2. Purpose

This Policy has been developed by Perth Markets Group Limited (PMGL) to provide the framework for the risk management of drugs and alcohol in the workplace.

As such, this Policy aims to support and enforce PMGL's obligation to create and maintain a safe work environment free from hazards or risks associated with drugs and alcohol.

## 3. Definitions

<b>PCBU</b>	A person conducting a business or undertaking alone or with others, whether or not for profit or gain. A PCBU can be a sole trader (for example, a self-employed person), each partner within a partnership, company, unincorporated association or government department of a public corporation (including a municipal council).
<b>Worker</b>	Any person who carries out work for a PCBU, including work as an employee, contractor, subcontractor, self-employed person, out worker, apprentice or trainee, work experience student, employee of a labour-hire company placed with a 'host employer' and volunteers.

All other definitions are taken to mean those as defined in the Perth Market Site Rules and Guides

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#### 4. Scope

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This policy applies to Persons Conducting a Business or Undertaking (PCBU) on the PMGL Site and their workers including:

- PMGL Employees
- Tenants
- Buyers
- Growers/Suppliers
- Transport Operators
- Contractors
- Weekend Stall Operators

All PMGL workplaces and other places where the workers may be working or representing PMGL (e.g. when visiting a customer, client, or supplier).

This policy does not form part of any contract of employment or contract for service.

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#### 5. Responsibilities

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##### 5.1 PMGL Management

5.1.1 PMGL Management is responsible for:

- a) maintaining a harmonious and healthy work environment as far as is reasonably practicable.
- b) ensuring that the work performance of workers, visitors and third parties is not impaired or impacted by the effects of drug or alcohol misuse within the Site or at external functions as a representative of PMGL.
- c) supporting the importance of PMGL's promotion of safety within the PMGL Site and holding responsibility for ensuring all Site users adhere to this Policy.

##### 5.2 PCBU's

5.2.1 PCBU's operating on the PMGL Site are responsible for:

- a) maintaining a harmonious and healthy work environment as far as is reasonably practicable.
- b) ensuring that the work performance of their workers, visitors and third parties is not impaired or impacted by the effects of drug or alcohol misuse within the Site.
- c) supporting the importance of PMGL's promotion of safety within the PMGL Site and holding responsibility for ensuring their workers, visitors and third parties adhere to this Policy.

- d) ensure all current and future workers read and sign Section 10 - Worker Acknowledgement of this Policy before returning the signed acknowledgement to PMGL.

### 5.3 Workers

#### 5.3.1 All workers are responsible for:

- e) maintaining a harmonious and healthy work environment as far as is reasonably practicable.
- f) complying with this Policy.
- g) observing all directions from PMGL regarding this Policy.
- h) recognising that their performance of duties could be affected by drugs or alcohol.
- i) immediately notify PMGL if they are aware of any breach of this Policy by another worker or Site user.

**Note:** Subject to any disclosures required by law, any notifications received by PMGL will be treated confidentially. Failure to report any breach of this Policy by another worker may itself constitute a breach of this Policy.

#### 5.3.2 Except as set out in this Policy, workers must not:

- j) attend work, commence work, continue work or return to work having consumed alcohol and/or drugs, such that it may impair their performance and/or result in them being in breach of the law.
- k) consume alcohol within Common Areas of the PMGL Site without express written permission from PMGL's CEO.
- l) possess, distribute, sell, use, or consume illegal drugs on the PMGL Site

**Note:** Any such conduct constitutes serious misconduct. It may also constitute a criminal offence, in which case PMGL may notify the police or other appropriate government authority.

- 5.3.3 Any worker who is using prescription or over-the-counter medication that may impair them in the performance of their normal duties must report the medication and its potential effects to their employer before commencing work.

**Note:** If PMGL suspects that a worker's ability to safely perform their work is affected by drugs or alcohol, PMGL may take immediate action to address the issue in accordance with this Policy.

## 6. Drug and Alcohol Testing Process

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- 6.1 If PMGL suspects, on reasonable grounds, that a worker is under the influence of drugs or alcohol in breach of this Policy, PMGL will take steps to address the issue. Reasonable grounds may include but are not limited to where the worker:
- a) is unable to coordinate their actions.
  - b) has red or bloodshot eyes or dilated pupils.
  - c) smells of alcohol.
  - d) has slurred speech.
  - e) acts contrary to their normal behaviour.
  - f) is not behaving professionally or competently and in accordance with PMGL Policies.
  - g) otherwise appears to be impaired or affected by drugs or alcohol.
- 6.2 Workers will also be subject to drug and alcohol testing as follows:
- h) pre-employment or pre-engagement.
  - i) random drug and alcohol testing as determined by either PMGL or the worker's employer, PMGL Drug and Alcohol Management Plan or any other third party as required.
  - j) for cause testing should they be reasonably suspected of being under the influence of drugs or alcohol in breach of this Policy.
  - k) immediately following the workers' involvement in a workplace incident or accident.
  - l) returning to work following an absence from the Site as the result of a non-negative drug or positive alcohol test result and before resuming their normal work duties.

## 7. Breach of Policy

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- 7.1 A worker will breach this Policy if he or she records a positive test result, even if the worker is not impaired. A positive result is described as follows:
- a) A non-negative test result for drugs will be to the relevant levels in the Australian Standard 4760.
  - b) A positive test result for alcohol will be a blood alcohol concentration (BAC) of equal to or more than 0.05g/100ml (0.05%).
  - c) The exception to b) above are those workers who are involved in the following high-risk activities, who, if tested, must provide a BAC of 0.00g/100ml (0.00%) include:
    - Forklift permit holders.
    - Operation of cranes and commercial vehicles.
    - Handling hazardous chemicals.
    - Working under a PMGL permit to work.
    - Operation of fixed rotation machinery, e.g. lathes, drill press, belt grinder.
    - Operation of power tools, including chainsaws.

- Welding and/or grinding activities.

7.2 Any discussions with a worker about the results of drug or alcohol testing will remain confidential, so far as possible, to protect a worker's privacy.

## 8. Disciplinary Action

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8.1 Workers are subject to disciplinary action up to and including termination of employment and/or site access if they:

- a) Report for duty in an intoxicated manner.
- b) Use or consume illegal drug substances in the workplace.
- c) Consume alcohol in Common Areas without express written permission from PMGL's CEO.
- d) Provide and/or coerce other staff to consume alcohol or drug substances in the workplace.
- e) Return a positive alcohol test or a non-negative drug test, which is confirmed as positive through secondary testing.
- f) Refuse to submit to a drug or alcohol test as required by either the employer, PMGL Drug and Alcohol Management Policy or any other third party as required.
- g) Where a worker returns a positive reading to an alcohol test or a non-negative result for a drug test, a repeat test will be immediately conducted if requested by the worker concerned to confirm the initial result.
- h) Where a non-negative result is returned for a drug test, the worker will be requested to provide a second sample.
- i) The second sample will be sent for analysis to an accredited laboratory to confirm a positive or negative result.

8.2 A positive or non-negative result, or refusal to take a test, will result in the worker having their Forklift Operators Permit and/or Site Access suspended immediately by PMGL, and the following process will apply:

- a) The worker is not to commence work or return to normal duties if a positive alcohol test is returned.
- b) The worker will not be permitted to operate a vehicle to leave the Site.
- c) The worker will not be permitted to re-enter the PMGL Site until a negative alcohol test is returned.
- d) The worker will not be permitted to commence work or return to normal duties if a non-negative drug test is returned.
- e) If a non-negative drug test is returned, a second test is conducted immediately by an accredited AS/NZS 4760 laboratory to confirm the result.



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- f) The employer and/or PMGL will receive the confirmatory test results.
- g) If the confirmatory test shows a negative result, the worker is fit for duties and may either commence or resume work.

8.3 Should the confirmatory test show a positive result, the worker will be deemed unfit for duties and:

- a) The worker will not be permitted to operate a vehicle to leave the Site.
- b) The worker will be subject to PMGL’s remedial actions under this Policy.
- c) The worker will not re-enter the PMGL Site until a non-negative drug test is returned.
- d) If the worker refuses to undertake a drug test they will be disciplined in accordance with this Policy and will be refused Site access until they return a non-negative drug test.

**9. Education and Training**

9.1 All workers (including new workers) will be provided with education about the effects of drugs and alcohol in the workplace in conjunction with this Policy.

9.2 All workers are inducted before being given access to the PMGL Site. The induction includes the provision of a copy of this Policy.

9.3 By signing the Worker Acknowledgement, you acknowledge that you have been provided with, read and understood information on:

- a) The effects of drugs and alcohol in the workplace.
- b) The consequences of being under the influence of drugs and alcohol in the workplace.
- c) PMGL’s Drug and Alcohol Management Plan (DAMP) (including the testing process).

**10. Worker Acknowledgement**

I, \_\_\_\_\_ acknowledge that I have received, read and understood this Drug and Alcohol Policy. I understand that a breach of this Policy may result in disciplinary action up to and including termination of my employment and/or removal of my Site access.

**Worker Name:**

**Worker Signature:**

**Dated:**

