



PERTH MARKETS

Drug and Alcohol Management Plan

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1 Introduction

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

PMGL management is committed to ensuring the safety of all persons on site is not compromised by any person being impaired by alcohol or other drugs.

This Management Plan defines the program to address the potential risk of drug and alcohol impairment and the steps to be taken to eliminate related incidents on-site.

2 Purpose and Scope

The objectives of this Management Plan are:

- To ensure PMGL meets its obligations with respect to providing a safe environment for all workers and visitors while on site.
- To eliminate the workplace hazards associated with personnel affected by alcohol or other drugs.
- To provide employees assistance and counselling to address and overcome problems associated with inappropriate use of alcohol and other drugs that may affect workplace safety.
- To promote through education a responsible attitude amongst all personnel towards alcohol and other drug use.

This Management Plan and the procedures within are directly applicable to all personnel, including PMGL employees, contractors, sub-contractors, consultants, weekend market operators, tenants, buyers and their respective employees and visitors while in the common areas under the control of PMGL. This Plan also applies to PMGL employees conducting business or performing work for PMGL away from their normal workplace.

This Plan incorporates the testing and sampling methods in the current version of AS/NZS 4760 Procedure for Specimen Collection, the Detection and Quantification of Drugs in Oral Fluid, and AS 3547:2019 Breath Alcohol Testing Device.

3 Definitions

For this management Plan, the definitions below apply:

AOD – The simple abbreviation for the phrase or term "Alcohol and Other Drugs."

Authorised Tester – A person who is trained and holds the certification - **HLTPAT005** Collect specimens for drugs of abuse testing and is authorised by the CEO to complete the testing.

Benzodiazepines – Oxazepam, temazepam, flunitrazepam, diazepam, nitrazepam, clonazepam and their metabolites.

Cannabinoid – A class of chemically related compounds found in or extracted from the marijuana Plant. Tetrahydrocannabinol (THC) is predominately the compound and the principal psychoactive substance of this class.

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Chain-of-custody – A series of procedures to account for the integrity of each specimen by tracking its handling and storage from the point of specimen collection to the final disposal of the specimen.

Collection site – A location where a donor provides a specimen for drug of abuse testing.

Confirmatory test – A second analytical procedure that uses mass spectrometry to identify the presence of a specific drug or metabolite.

Cut-off level – A value expressed at or above which the drug is deemed 'detected' and below which the drug test is deemed 'not detected'. The cut-off levels align with the Australian Standard AS/NZ4760:2019.

Donor – Any person required to submit a sample for testing.

Employee – All employees of PMGL and its contractors, sub-contractors, and visitors.

Employee Assistance Program – A confidential and professional counselling service available to employees and their immediate families who may be experiencing a range of personal problems that may impact job performance.

Illegal / Illicit Drugs – Any drug which is unlawful to possess, consume or sell in the State of Western Australia

Initial test – An approved method to presumptively identify a drug or class of drugs. This is also known as a screening test.

Laboratory – An accredited place at which the analytical procedures for undertaking substance analysis are in accordance with AS/NZS 4760, and it should participate in a recognised external proficiency test program.

Laboratory sample – A sample prepared for sending to the laboratory and intended for inspection and testing.

Laboratory testing – The analysis of a sample within an accredited laboratory to determine the identification and quantification of the level of a specific drug or metabolite.

Opiates – One of the classes of morphine-like compounds naturally occurring in the opium poppy, including codeine, morphine, and its synthetic derivative, heroin.

Post-incident testing – A drug and alcohol test undertaken after a serious accident, incident, or near miss, or an incident that has a reasonable potential to cause an injury.

Prohibited drugs – Illegal / Illicit Drugs, Designer Drugs, and medically unauthorised prescription medications capable of causing dependency, alteration of mood, and impairment of judgement, concentration, or coordination.

Random testing – The selection of donors for drug and alcohol testing at a frequency and quantity set by the CEO, in line with the random selection methods described within the Random Drug and Alcohol Testing Procedure.

Reasonable cause testing (for cause) – Targeted testing of an individual or group when there is evidence to support the belief that the individual or group are under the influence of drugs or alcohol. This targeted test requires the approval of the CEO or Department Manager.

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Tenant - Any Person holding a Tenancy Agreement, including any sub-lessee or licensee of that Tenant.

Visitor – A person on site who does not have a contract of employment and is not performing paid work for PMGL or a contractor or Tenant. This does not include members of the public accessing the site for the weekend markets.

Worker – PMGL employees, contractors, sub-contractors and the on-site employees, contractors and sub-contractors of tenants, delivery drivers, buyers, sellers, weekend market operators, and other persons conducting business on site.

4 Support Services

4.1 Employee Assistance Program (EAP)

External counselling is available to all direct PMGL employees and their immediate family members. The service is confidential. The service is explained to all employees during the site induction.

Any direct PMGL employees who receive disciplinary action under this Plan will be reminded of the EPA and encouraged to utilise the service if they feel that they may have a problem with alcohol or drug use.

4.2 National Alcohol and Other Drug Hotline

This hotline provides confidential support for people struggling with addiction. You can call the Alcohol Drug Information Service (ADIS) 24 hours a day, 7 days a week on 1800 250 015.

4.3 Alcohol and Drug Support Line

Alcohol and Drug Support Line is a state-wide, free, confidential counselling and information helpline at (08)9442 5000 or toll-free 1800 198 024 for country callers. A worker can also chat with a counsellor online; go to <https://www.mhc.wa.gov.au/about-us/our-services/alcohol-and-drug-support-service/live-chat-with-an-alcoholdrug-counsellor> .

If English is not your first language, you can get free translation support through the Translating and Interpreting Service (TIS National) by phoning 131 450.

5 Privacy

The Privacy Act 1988 applies to information gathered under this program and information held in relation to the outcomes of drug and alcohol testing. PMGL and its authorised testers will comply with any obligations they may have under that Act regarding the treatment of records and information collected to fulfil the requirements of this management plan.

PMGL shall take all reasonable steps to ensure that all test results concerning a worker shall be and remain confidential between that Worker, PMGL and the Worker's employer.

All information will be treated as strictly confidential.

Written records will only be maintained where necessary for confirmation and comparison of positive drug test results or for the record of disciplinary actions.

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6 Education

6.1 Site Induction

All workers and visitors are inducted before being given access to the site. The induction includes information on this Plan, including the requirement that Workers and visitors are not permitted on site if under the influence of alcohol or drugs and the consequences of being on-site under the influence of alcohol or drugs.

6.2 Knowledge / Training

Education on safe alcohol consumption and use of other drugs will be provided to employees of PMGL and made available to other workers and Tenants.

Education on the contents of this Plan will be communicated to site users at the time of rollout out and again as requested.

7 Supply, possession, consumption or use of alcohol or other drugs.

Alcoholic beverages are not to be brought to the site without the authorisation of the CEO. The sale, supply, manufacture, possession, or use of illegal drugs by any person is strictly prohibited on-site. The sale or supply of any prescription drugs is strictly prohibited while on site without the authorisation of the CEO. The possession or use of any prescription drugs on site without a valid prescription for that drug is prohibited. Any person who contravenes the above rules may face disciplinary action, including a permanent removal of site access. PMGL employees may face disciplinary action, including dismissal.

7.1 Prescription drugs

Prescription drugs are permitted on site only if the person in possession of these drugs has a legally obtained and current prescription in their name.

If you take by any method a prescription drug for which you do not have a legally obtained prescription and it is detected on a drug test, you may face disciplinary action in accordance with Section 9 of this Plan.

7.1.1 Schedule 8 (S8) Controlled Drugs

A person prescribed a Schedule 8 drug is required to report this to the CEO. Anyone taking a Schedule 8 drug may be required to take appropriate leave if the drug is causing impairment that may pose a risk to their safety or the safety of others on site.

Each case will be evaluated on an individual basis by the CEO after consultation with the individual, employer, WHS Advisor and prescribing medical practitioner.

If you take a Schedule 8 drug and are on-site without the written permission of the CEO and it is detected on a drug test, you may face disciplinary action in accordance with Section 9 of this Plan.

7.1.2 Prescription drugs – fitness for work

Where any worker is in any doubt as to their fitness to work by reason of the consumption, use or anticipated consumption or use of prescription drugs or is taking any Cannabis-based medication, the Worker must inform their site Supervisor/Manager. The worker is to seek advice from their treating Doctor and request a review to determine whether the side effects may cause impairment in the workplace. The manager is to consult with the CEO if there is any question regarding the fitness of the employee.

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If it is determined after this consultation that the Worker is not fit for their normal duties, the supervisor may find suitable alternate duties or the Worker may be required to take appropriate leave while they are under the effects of prescription drugs.

Any worker taking prescription drugs is responsible for following the directions regarding the drug prescribed, and the work to be performed. This will be established as the Medication Management Plan.

Workers must immediately report any side effects of the use of prescription drugs experienced by them to their on-site Supervisor/Manager. Particularly so with respect to possible adverse additive and synergistic effects resulting from the consumption of alcohol and other drugs simultaneously.

Any worker who is affected in relation to this section may be requested by the CEO or delegate for a clearance to work from a medical practitioner or take appropriate leave until the Worker is clear of the side effects of such drug or drugs.

A worker who is affected by prescription drugs provided as treatment for a work-related injury will be managed in accordance with Worker's compensation/injury management guidelines.

If the worker is required to undertake a Drug and Alcohol screening test at work in line with the Drug and Alcohol Management Plan, the worker must declare to the authorised tester, the medication they take and the fact they are on a workplace Medication Management Plan. The advised medication will be recorded on the record of test paperwork and the test will be conducted as normal.

If the completed preliminary test indicated a negative result, no further action will be required. If the completed preliminary test indicates a non-negative result for a drug that is consistent with the declared medication. A second sample will be requested from the worker for further laboratory analysis.

The worker is to be assessed for obvious signs of impairment by a member of the Work Health and Safety management team, in consultation with the employer. If there are no signs of impairment, the worker will be given the benefit of the doubt and will be free to undertake their normal duties on site. At the discretion of PMGL management, site access may be revoked if the worker is showing signs of impairment.

If the second sample result is consistent with the declared medication and the Medication Management Plan, then no further action is required, and the test will be recorded as a negative result.

If the confirmation test result is inconsistent with the expected results for the medication management plan, a positive result will be recorded against the worker and their site access will be revoked in line with the disciplinary procedures within section 9.

7.1.3 Inappropriate use of prescription drugs

A worker who:

- Takes by any method more than the prescribed amount of a drug or contravenes the instruction of a medical practitioner,
- Takes by any method any amount of a prescription drug that has not been legally prescribed by a medical practitioner for that person is deemed to have engaged in inappropriate use of prescription drugs.
- All cases of inappropriate prescription drug use will be investigated. If it has been determined that this inappropriate use was intentional or contributed to a serious incident or injury, the Worker may face disciplinary action in accordance with Section 9 of this Plan.

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7.2 Non-Prescription Drugs

There is no restriction on bringing legal non-prescription (over-the-counter) drugs onto the site with the intention of using the drugs in the manner recommended by the manufacturer or a licensed medical practitioner.

7.2.1 Non-prescription drugs – fitness for work

A worker in any doubt as to their fitness to work by reason of the consumption, use or anticipated consumption or use of non-prescription drugs, which may include but is not limited to, pain medication, antihistamines, nasal decongestants, or cold and flu tablets containing ephedrine or pseudoephedrine must inform their Supervisor/Manager. The supervisor is to consult with the CEO if there is any question regarding the employee's fitness for work.

If it is determined after this consultation that the Worker is not fit for their normal duties, the manager may find suitable alternate duties, or the Worker may be required to take appropriate leave while they are under the effects of the drug/s

Any worker taking non-prescription drugs is responsible for following the directions regarding the drug, particularly with respect to possible adverse additive and synergistic effects resulting from the consumption of alcohol and other drugs simultaneously.

Employees must immediately report any side effects from the use of non-prescription drugs, experienced by them, to their Supervisor/Manager.

Any worker who is affected by this section may be required to take appropriate leave until the employee is clear of the effects of such drug or drugs.

7.2.2 Inappropriate use of non-prescription drugs

A worker who takes by any method more than the amount of a drug recommended by the manufacturer or a licensed medical practitioner is deemed to have engaged in inappropriate use of non-prescription drugs.

All cases of inappropriate non-prescription drug use will be investigated. If it has been determined that this inappropriate use was intentional and/or contributed to a serious incident or injury, the Worker may face disciplinary action in accordance with Section 9 of this Plan.

7.3 Alcohol

BAC levels will be determined by testing in accordance with this Plan. Any person found to have a BAC level greater than that prescribed by this Plan will face disciplinary action in accordance with Section 9 of this Plan.

PMGL requires that all persons, whilst on site or undertaking work on behalf of PMGL, comply with the permitted alcohol limits.

- 0.00% BAC for workers performing High-Risk Work, including:
 - 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.

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- Below 0.05% BAC for all other workers.

8 Testing for alcohol or other drugs

All Alcohol and Other Drugs testing will be completed in line with:
Appendix i – Alcohol Testing Procedures and
Appendix ii - Drug Testing Procedures

8.1 Pre-employment

Alcohol and drug screening may be conducted as part of a PMGL pre-employment medical. If requested, any candidate who does not consent to a pre-employment alcohol and drug screen will not be considered for employment.

Workers and visitors to the site may be requested to undergo an alcohol and drug screen prior to receiving authorisation to come onto the site.

8.2 Discretionary Testing

The CEO or Department Manager may require, at any time, any person or group of persons on site to undergo alcohol and other drug testing in order to satisfy their legal requirements under the WHS Act 2020 and WHS Regulations 2022.

8.3 Reasonable Cause Testing

Testing may be carried out where a worker's behaviour has raised a doubt or concern that he or she may be under the influence of alcohol or other drugs. This test may be approved by the CEO or Department Manager.

8.4 Refusal to Work with Other Persons

If a worker has reasonable grounds for believing a co-worker is intoxicated or under the influence of any drug, then that Worker should contact their supervisor and state the grounds for their belief.

The supervisor must then assess the situation and, if there is reasonable cause, remove the suspected Worker from their duties and submit a request for cause testing with the Department Manager or CEO.

8.5 Post Incident Testing

Any worker involved in a serious incident, near miss, or an incident that has a reasonable potential to cause an injury, if requested, must make themselves available for an alcohol and drug screen test as soon as reasonably possible after the incident.

Any worker who, by reason of personal injury or for any other reason, in the opinion of the CEO or Department Manager, would make it unreasonable to request that the person submit to an alcohol or drug test at that time may not be tested.

The CEO may request the person submit to an alcohol and/or drug test at any subsequent reasonable time.

8.6 Random Testing

Random testing will be conducted at a frequency and quantity as requested by the CEO. The process for selecting candidates and completing the testing will be covered by the Random Drug and Alcohol Testing Process.

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8.7 BAC Self-testing

If a person believes that they may be above the permitted level for their role, they can ask for a self-test before entering the site. The following process must be followed:

- Park in the carpark outside the Bannister Road Administration building
- Walk to the admin gate, contact the gatehouse via the intercom at the gate, and request to undertake a self-test.
- A Market or Gatehouse Officer will attend and will assist with the test.
- This is a self-test to assist a person in making a personal decision regarding their fitness for work.
- If the test results in a reading that is more than the allowable limits for this Worker, the Market or Gatehouse Officer will advise the person to contact their employer contact.
- If the BAC level is 0.05% or above, the person will be advised not to operate a vehicle and, if required, seek an alternative option to return home.

A worker can only self-test for alcohol prior to entering the site.

An employee of PMGL who does not present for work after completing a self-test will not be subject to counselling and/or disciplinary action with reference to this Plan but may be subject to counselling and/or disciplinary action as a performance management issue.

- If the self-test reading is above the prescribed limit, the employee must inform their supervisor that they will not be attending work and will be requesting a day of sick leave (if entitled), annual leave, or leave without pay.
- If the employee provided their own transport to the site, they will be encouraged to find an alternate way home.

8.8 Alcohol and drug testing – Workers rights

A worker cannot be forced to submit a sample for an alcohol or drug test.

- The Worker may nominate a third party/witness to be present while a sample is provided.
- The Worker has a right to confidentiality during and after the testing process.
- The sample provided by the Worker shall be tested only for the presence and levels of drugs.

8.9 Refusal to provide a test sample

A worker cannot be forced to submit to either an alcohol or drug test.

If a worker refuses to submit to or cooperate fully with the administration of a drug or alcohol test, the Worker will be counselled by the Supervisor/Manager to ensure they fully understand the contents of this Plan and the disciplinary actions.

The Worker will be given another opportunity to submit to the test. If the Worker again refuses to submit to testing without good reason, their site access may be revoked after consultation with the CEO or Delegate.

A refusal by a worker to submit to, cooperate fully with or any attempt to falsify any drug and/or alcohol test results shall result in the test result being recorded as positive. Disciplinary action in accordance with Section 9 of this Plan will be applied.

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8.10 Transport arrangements

A Worker who is not permitted to work or who has reported to work and is required to leave the site due to testing positive for alcohol and/or drugs shall be encouraged not to drive from the site. Alternate transport arrangements for PMGL employees is at the discretion of the CEO. Transport arrangements for workers other than PMGL employees will be at the discretion of the relevant employer.

9 Disciplinary procedures

This Plan applies equally to all workers – direct employees of PMGL and its contractors, tenants, weekend market operators and visitors. PMGL recognises tenants' and contractors' right to discipline their employees for breaches of this Plan and their own fitness-for-work policies.

9.1 Alcohol

If a reading greater than 0.00% BAC is returned on the first test, a confirmation test shall be performed 20 minutes later to ensure that there is nothing in the person's mouth affecting the results.

If the confirmation test is found to be above the prescribed limit, (0.00% BAC or 0.05% BAC) this will be considered the official result, regardless of the reading being higher or lower than the initial reading, and the Employee/Worker shall be managed in accordance with section 9.1.1 or 9.1.2 of this Plan.

9.1.1 Worker – Not a PMGL Employee

First offence* - Site access is revoked for the remainder of the shift, and they must provide a 0.00% BAC reading at the start of their next shift to have their access reinstated.

Second offence within a 6-month period* - Permit to operate or site access revoked for one week (at the discretion of the CEO). Must provide a 0.00% BAC reading upon returning to the site to have their access reinstated. The person will be subject to more frequent random testing for the next six months.

Third offence within a 6-month period* - Site access revoked for one month. After one month, the person may petition the CEO to reinstate their site access.

***If the person was involved in an incident that caused or had the potential to cause a serious injury, their site access may be immediately and permanently revoked at the discretion of the CEO.**

9.1.2 PMGL Employee

If a PMGL employee tests positive for a BAC greater than the prescribed limit as defined under this Plan, the following will occur:

- Stood down for the remainder of the shift must provide a 0.00% BAC reading at the start of their next shift to have their access reinstated.
- Counselling for an alcohol-related breach will occur at the start of the employee's next shift after the employee has been tested and returned a 0.00% BAC reading.
- The employee will be offered the opportunity to explain the breach and may elect to have a representative present.
- The employee will be counselled by their supervisor or manager, focusing on:
 - This Plan and the obligations it places on personnel,

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- The unacceptability of the employee's behaviour,
 - The risk that such behaviours create for the safety of the individual and other individuals, as well as for PMGL's property and other's property,
 - The employee's responsibility for demonstrating that the problem has been effectively addressed,
 - The consequences of future breaches of the Plan,
 - Establishing why the employee has breached the Plan.
- The Supervisor / Manager will remind the employee of the EAP counselling that is available and encourage the use of the service if the employee believes that they may have a problem with alcohol or drug use.
 - The employee will be notified that their behaviour will be monitored for six months to ensure that the problem has been addressed. The employee will be notified that, during this time, he or she will be subject to regular screening. This testing is in addition to any other random testing undertaken at the workplace during that period.
 - The employee will receive a warning to the effect that any reoccurrence within six months will result in further action. The warning shall reflect the key points covered in this Plan. A copy of this will be placed in the individual's personnel file.

First offence* - Stood down for the remainder of the shift; must provide a 0.00% BAC reading at the start of their next shift to have their access reinstated.

Second offence within a 6-month period* - Permit to operate or site access revoked for one week (at the discretion of the CEO). The employee may take annual leave to cover this period if available.

Must provide a 0.00% BAC reading upon returning to the site to have their access reinstated. The person will be subject to frequent screening tests for the next six months.

Third offence within a 6-month period* - Site access revoked/suspended from work for one month or termination of employment at the discretion of the CEO. If the employee has been suspended, they may take annual leave to cover this period, if available.

***If the person was involved in an incident that caused or had the potential to cause a serious injury, their employment/site access may be immediately terminated at the discretion of the CEO.**

9.2 Drugs

The initial screening test conducted on-site is an indicator that a person may be under the influence of drugs. Confirmatory testing carried out in an accredited laboratory in accordance with AS/NZS 4760 is the official test.

The cut-off levels for disciplinary proceedings are based on the confirmatory test cut-off levels in the corresponding standard, which may differ from the screening test cut-off levels.

Authorisation to permit a PMGL employee to work or a worker to have site access while awaiting the results of the confirmatory testing is at the discretion of the CEO or alternate.

The laboratory sample will be collected and packaged in line with the chain of custody requirements before being sent to the laboratory. If the Laboratory testing returns a negative result:

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- An Employee may return to work, and wages will be reinstated from the Date of the test if they have been stood down.
- A Worker will have their site access reinstated.

If the confirmatory test returns a positive result that is in breach of this Plan, the Worker will be subject to disciplinary action in accordance with Section 9.2.1 or 9.2.2 of this Plan.

9.2.1 Worker – Not a PMGL Employee

In the event a worker tests positive on a confirmation test as defined under this Plan, the following will occur:

First offence* - Site access revoked; must provide a negative test result from an accredited testing centre, conducted in accordance with AS/NZS 4760, to have their access reinstated.

Second offence within a 6-month period* - Permit to operate or site access revoked for one week (at the discretion of the CEO) must provide a negative test result from an accredited testing centre, conducted in accordance with AS/NZS 4760 to have their access reinstated. The person will be subject to more frequent random testing for the next six months.

Third offence within a 6-month period* - Site access revoked for one month. After one month, the Worker may petition the CEO to reinstate site access.

*If the person was involved in an incident that caused or had the potential to cause a serious injury, their site access may be immediately and permanently revoked at the discretion of the CEO.

9.2.2 PMGL Employee

In the event an employee tests non-negative on a screening test as defined under this Plan, the following will occur:

- The employee will be stood down for the remainder of the shift.
- A laboratory sample will be collected and sent to the accredited laboratory for confirmation testing.
- The employee will be required to pass a retest at a testing centre selected by PMGL before returning to work.
- Counselling will occur at the start of the employee's next scheduled shift.
- The employee will be offered the opportunity to explain the breach and may elect to have a witness present.
- The employee will be counselled by their supervisor or Manager, focusing on:
 - This Plan and the obligations it places on personnel,
 - The unacceptability of the employee's behaviour,
 - The risk that such behaviours create for the safety of the individual and other individuals, as well as for PMGL's property and other's property,
 - The employee's responsibility for demonstrating that the problem has been effectively addressed,
 - The consequences of future breaches of the Plan,
 - Establishing why the employee has breached the policy.

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- The Supervisor / Manager will remind the employee of the external counselling (EAP) that is available and encourage the use of the service if the employee believes that they may have a problem with alcohol or drug use.
- The employee will be notified that their behaviour will be monitored for six months to ensure that the problem has been addressed. The employee will be notified that, during this time, he or she will be subject to further regular screening. This testing is on top of any other random testing undertaken at the workplace during that period.
- The employee will receive a warning to the effect that any reoccurrence within six months will result in further disciplinary action. The warning shall reflect the key points covered in this Plan. A copy of this will be placed in the individual's personnel file.
- For a drug-related breach, a negative test result will be required prior to returning to work. This test will be conducted at an approved centre, as directed by PMGL and at the employee's expense. The negative test must be provided within a reasonable time frame at the discretion of the CEO.

Second breach

Formal disciplinary procedures will be invoked to ascertain if any mitigating circumstances exist and to allow the employee to state their case.

- The employee may elect to have a witness present.
- A second breach within six months will result in suspension of employment for one week. This may be taken as annual leave (at the discretion of the CEO). Must provide a reading of 0.00% BAC upon returning to the site to have their access reinstated. A person will be subject to more frequent random testing for the next six months.

Third breach

Third offence within a 6-month period* - Site access revoked/suspended from work for one month or termination of employment at the discretion of the CEO. If the employee has been suspended, they may take annual leave to cover this period, if available.

10 Variations/amendments

PMGL may review and make variations or amendments to this Plan that are not inconsistent with the stated purpose and objectives of this Plan. Variations and amendments to this Plan will only come into force with the authorisation of the CEO. Variations and amendments, upon receiving approval, will be communicated to Workers and all PCBU's operating on site forthwith.

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APPENDIX I – ALCOHOL TESTING PROCEDURES

Alcohol breath testing will be conducted by an authorised tester. An external agency may be engaged to assist in conducting the testing. Any such agency will be qualified to conduct the testing in accordance with AS3547. The breathalyser unit used shall comply with AS3547:2019 Breath Alcohol Testing Devices and be maintained and calibrated in accordance with the manufacturer's instructions.

Testing procedure

- The authorised tester, where required, must establish the identity of the person to be tested.
- Acceptable means of identification shall include the Gallagher identification card/ID with a photo or a driver's licence with a photograph. If photo ID cannot be shown, the donor's supervisor may be required to accompany the donor to verify the donor's identity. Document ID supplied on **Alcohol Test Record Form (FRM-WHS-0001)**.
- The Western Diagnostic Pathology (WDP) collectors will use a Chain of Custody form where the results will be recorded. The collector can complete this document in addition to the Chain of Custody. Results will be recorded on the WDP electronic result system, Medway, from the Chain of Custody form.
- The authorised tester must explain the process to the Worker, including the rights of the Worker.
- A worker cannot be forced to submit to an alcohol or drug test.
- The Worker may nominate a third party/witness to be present while a sample is provided.
- The collector shall request that the donor blow into the breathalyser in accordance with the manufacturer's instructions.
- For post-incident testing, ACTIVE mode must be used.
 - For other testing, PASSIVE mode may be used. If passive mode detects alcohol, then an active mode test is to be conducted immediately afterwards. In this case, the active mode test is considered the first test.
 - If a reading > 0.00% BAC is returned on the first test, a confirmation test shall be performed 20 minutes later to ensure that there is nothing in the person's mouth affecting the results.

The **Alcohol Test Record Form (FRM-WHS-0001)** must be filled out with the relevant details and signed.

- The Worker is to remain in the tester's presence for 20 minutes.
- The person is not to eat, drink, smoke, chew gum, or put anything in their mouth, such as a breath mint, lolly, or cough elixir, during the 20 minutes.
- The person may have a drink of water.

If the confirmation test is found to be above the prescribed limit, this will be considered the official result, regardless of whether the reading is higher or lower than the initial reading, and the Employee/Worker shall be managed in accordance with this Plan.

The CEO or applicable Manager is to be notified. The CEO or Manager will complete the bottom section of the **Alcohol Test Record Form (FRM-WHS-0001)**

- For a worker who is not an employee, the CEO or relevant Manager will inform the Worker's supervisor/manager of the test results and the process for reinstating site access.
- If the second test returns a reading below the prescribed limit, this will be considered the official test result. The alcohol test is negative, and the person may return to work.

For any post-incident testing, including where the person returns a reading below the prescribed limit, the **Alcohol Test Record Form (FRM-WHS-0001)** must be filled out with the relevant details. This is kept as evidence that a post-incident test was conducted.

The **Alcohol Test Record Form (FRM-WHS-0001)** is to be completed and signed by the relevant persons and held electronically by the WHS department for a period of at least seven years.

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APPENDIX II – DRUG TESTING PROCEDURES

Pre-collection

The authorised tester must be trained and certified in accordance with HLTPAT005. Collect specimens for drugs of abuse testing.

To rule out any substance that may interfere with the oral fluid test, the authorised tester must ensure:

- They have had the donor in their presence for a minimum of 10 minutes.
- The donor has nothing in their mouth, such as chewing gum or lollies.
- The donor is not permitted to eat, drink, smoke or vape during this time.

This time may be used to conduct the breathalyser test and to complete the pre-test paperwork.

The authorised tester must explain the process to the donor, including the donor's rights.

- A worker cannot be forced to submit to an alcohol or drug test.
- The Worker may nominate a third party/witness to be present while a sample is provided.
- The sample provided by the Worker shall be tested only for the presence and levels of drugs.

The authorised tester, where required, must establish the identity of the person to be tested:

- Acceptable means of identification shall include an identification card with a photo or a driver's licence with a photograph.
- If photo ID cannot be shown, the donor's supervisor may be required to accompany the donor to verify the donor's identity.

The authorised tester must ask the donor to declare all medications/drugs taken in the previous 14 days, including prescription and non-prescription medications, before the test commences. This is to be recorded on the Donor Consent and Chain of Custody Form.

Collection

Sample collection is to be done in accordance with the test kit manufacturer's instructions and AS/NZS 4760 Procedure for Specimen Collection and the Detection and Quantification of Drugs in Oral Fluid.

Post collection

- The authorised tester must always keep the sample/test device in sight.
- Read the test results in the presence of the donor and provide the donor with the results.
- If the outcome of the test is non-negative -an oral fluid laboratory sample is to be taken and sealed in accordance with the relevant Australian standard.
 - The CEO or relevant Manager is to be notified. The CEO or relevant Manager will fill in the **Notification – Detectable level of Drugs in On-Site Test** form (**FRM-WHS-0002**).
 - The CEO or Manager should consult with a subject matter expert regarding any results that may be consistent with medication or any medications that may affect the person's fitness for work. Some prescription and over-the-counter medicines will give a false, non-negative on-site test.

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- For a worker who is not an employee, the CEO or relevant manager will inform the Worker's supervisor/manager of the test results, the process for confirmation testing, and whether site access is revoked while waiting for the confirmation test.
- The samples, along with the **Donor Consent and Chain of Custody** form, must be sent as soon as reasonably possible to an approved laboratory for confirmation analysis.

Confirmatory test results

The test results shall be returned from the Lab to the site-approved person, who will inform the CEO or delegate. Depending on the test results, the relevant Manager or CEO will complete the applicable form and provide a copy to the employee's manager and/or Worker's employer.

Confirmatory Test Result: Drugs Consistent with Medication

Confirmatory Test Result: Positive for Illegal/Prohibited Drugs or Not Consistent with Stated Medication

Confirmatory Test Result: Negative for Illegal/Prohibited Drugs

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APPENDIX III – RANDOM SELECTION PROCEDURES

Random Drug and Alcohol Testing Process

The random drug and alcohol testing process to apply within the Perth Markets Group Limited (PMGL) Site is as follows:

- 1) Testing for drugs and alcohol will be conducted on a random selection of Site users.
- 2) Random testing for alcohol will immediately result in a positive or negative result. Random testing for drugs will initially result in a non-negative or negative result. Where a non-negative result occurs, there will be a requirement for the Site user to participate in a second test which will confirm a positive or negative result. The results of the second test are not known until a laboratory analysis is undertaken. This is a standard procedure for drug and alcohol testing.
- 3) The random selection of Site users to be tested will be coordinated by the service provider responsible for undertaking the testing.
- 4) Testing will occur by random selection unless a Site user has previously returned a positive or non-negative test in the prior six months or has refused to undertake a test.
- 5) Site users selected for testing will be identified at the entrance gate or on site and be asked to participate in the test. PMGL will be involved in the process of communicating the requirement for testing with the selected Site user.
- 6) Testing will be by way of a saliva sample for drugs and a breath test for alcohol. Where a positive or non-negative test is returned, a repeat test will be immediately conducted, if requested by the Site user concerned, to confirm the initial result.
- 7) Where a positive alcohol test is returned by a Site user, the Site user's access card will be immediately suspended, and their employer notified.
- 8) If a worker is taking prescription medications and their employer has established a management plan, the worker must declare all medications to the authorised tester and the test will be conducted in line with the Drug and Alcohol Management Plan.
- 9) Where a non-negative drug result is returned by a Site user, the Site user's Access Card will be immediately suspended pending the results of a laboratory test.
- 10) Where a non-negative test result is returned for a drug test, the Site user will be requested to undertake a second test to provide confirmation of the result. This second test sample will be analysed in a laboratory to confirm a positive or negative result.
- 11) A Site user who returns a positive or non-negative test, or who refuses a test, will also be automatically identified under a requirement to present for further tests. Anyone in this category will be subject to up to five repeat drug and alcohol tests over the subsequent six (6) month period. The timing of these tests will be scheduled by the service provider.
- 12) The employer of any Site user who returns a positive or non-negative result, or refuses to take a test, will be immediately advised by PMGL. It is expected that any Site user who returns a positive or non-negative test or refuses to take a test will be the subject of appropriate disciplinary action by their employer.

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- 13) A Site user who returns two or more positive drug or alcohol tests in a six month period or refuses to take two or more drug and alcohol tests in a six month period, will be served notice to show cause to PMGL as to why their Access card should not be cancelled (Note if two tests are conducted to confirm a result, this will count as one test).
- 14) A copy of the Show Cause Notice will also be sent to the Site user's employer. The Site user will have five (5) Business Days to respond to PMGL's Show Cause Notice which PMGL may accept or reject in its sole discretion.
- 15) In the event the Site user holds a Forklift Operator's Permit (FOP), their FOP will be suspended for a 6-month period and they will not be able to operate a forklift in any Common area of the Site. After the expiration of six (6) months, the Forklift Operator may appeal this decision in writing addressed to the Chief Executive Officer of PMGL. After due consideration PMGL, in its sole discretion may issue a conditional FOP to the Forklift Operator subject to:
 - a. The Forklift Operator's written agreement to participate in regular drug and alcohol testing (e.g. fortnightly through PMGL's appointed service provider) for a period of six months, at their, or their employer's expense with the results provided to PMGL.
 - b. The Forklift Operator's employer providing a written reference supporting their employee's appeal and expressing their support for same,
 - c. Nil positive tests being recorded during the six (6) month testing period.
 - d. The understanding that any positive result during the six (6) month period will automatically result in the immediate cancellation of the Forklift Operator's FOP.
- 16) The suspension of the Forklift Operator's Permit (FOP) may only be immediately appealed by the production of medical evidence by the Forklift Operator which confirms a medically (e.g. prescription medicine) based reason for a positive result. The evidence must be verifiable and be to PMGL's satisfaction.
- 17) The employer of any Forklift Operator who has their FOP suspended or cancelled will need to address any employment related matters with that employee. This could include transferring the employee to alternate duties or terminating the employee's employment. All employers will need to manage this potential scenario in their employment policies and/or agreements. Employers are encouraged to have other drug and alcohol testing in their workplace, as well as an Employee Assistance Program (EAP) in place to support Workers who may be identified as having substance dependency/abuse issues.
- 18) PMGL reserves the right to request the Western Australian Police Force to attend the Site to assist responding to any issue which may arise out of the process of any drug and alcohol testing conducted on site by PMGL's service provider.
- 19) In the instance of a Forklift Operator applying for, or renewing their PMGL FOP, which must be completed on an annual basis, PMGL may:
 - a) refuse to approve or renew the FOP of an applicant who has previously had their FOP cancelled or suspended, has a record of unsafe operation of a forklift as evidenced by multiple breaches of the PMGL Site Rules and Guides, or has who has returned multiple positive results or who has refused to undertake drug and alcohol testing on multiple occasions; or
 - b) issue a conditional FOP including without limitation a range of terms and conditions, such as obligations requiring the applicant undergo periodic drug and alcohol testing and that the conditional FOP may be cancelled with immediate effect if any of the terms and conditions are not met.
- 20) This process will be reviewed by PMGL from time to time, as appropriate.

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APPENDIX IIII – FORMS

Alcohol Test Record form – **FRM-WHS-0001**

Notification – Non-Negative (Detectable level) of Drugs in On-Site Test – **FRM-WHS-0002**

Confirmatory Test Result: Drugs Consistent with Medication – **FRM – WHS - 0003**

Confirmatory Test Result: Negative for Illegal/Prohibited Drugs - **FRM -WHS -0004**

Confirmatory Test Result: Positive for Illegal/Prohibited Drugs or Not Consistent with Stated Medication –
FRM-WHS-0005

Oral fluid drugs of abuse and Chain of Custody Form – Third party - Western Diagnostic

Alcohol Test Record Form

FRM-WHS-0001

Donor Details			
Name		Photo ID sighted	Y / N Type: _____
Employer		Supervisor	
Date			
Test instrument number		Calibration date	
Initial Test – Active <input type="checkbox"/> Passive <input type="checkbox"/>			
Time		Result	_____ BAC
Confirmation Test if required (20 minutes after initial test) Witness to be present			
Time		Result	_____ BAC
I acknowledge that the recorded results of the Confirmatory Blood Alcohol Concentration test (Breath test) are true and accurate.			
Name		Signature	Date
Witness		Signature	
Tester		Signature	
<i>If the person tested refuses to sign, the tester is to record the refusal in place of the signature</i>			
This is to be completed by the CEO or relevant PGML Manager if the confirmation test confirms a breach of MAN-WHS-PLN-0006. A copy is to be given to the Worker's site contact/supervisor/manager.			
As this is the above Worker 1 st / 2 nd / 3 rd breach in a 6-month period, the applicable sub-section under Section 9 – Drug and Alcohol Management Plan (MAN-WHS-PLN-0006) will apply, and the Worker may have their site access revoked for the specified time.			
Please contact me to discuss the process of reinstating the Worker's site access.			
Yours sincerely			
Name: Signature:			
Position: Date:			

*Once completed, this form is to be stored electronically in the WHS folder, and an electronic or hard copy is sent to the person's supervisor/site contact.
A copy is to be offered to the person tested.*

Notification Non-negative (Detectable level) of Drugs in On-Site Test FRM-WHS-0002

Donor Details			
Name		Photo ID sighted	Y / N Type: _____
Employer		Supervisor	
Date			

Test Result Details

The above-named was tested on *Date:* in accordance with MAN-WHS-PLN-0006. The test result indicated the presence of (*class of drugs*)

The oral fluid sample, under strict chain of custody procedures, will be sent to an approved NATA laboratory for confirmatory testing.

The test results **ARE / ARE NOT** consistent with any stated medication the Worker declared prior to initial testing.

It is my opinion that the Worker is **FIT / UNFIT** to return to work while awaiting the Laboratory test result.

Please contact me to discuss the Worker's fitness for work.

Yours sincerely

Name: Signature:

Position: Date:

Once completed, this form is to be stored electronically in the WHS folder, and an electronic or hard copy is sent to the person's supervisor/site contact.

A copy is to be offered to the person tested.

Confirmatory Test Result Drugs – Consistent with Medication

FRM-WHS-0003

Donor Details			
Name		Photo ID sighted	Y / N Type: _____
Employer		Supervisor	

Test result Details

The above-named was tested on *Date:* in accordance with MAN-WHS-PLN-0006. The test result indicated the presence of (*class of drugs*)

The oral fluid sample, under a strict chain of custody procedure's was sent to an approved NATA laboratory for confirmatory testing.

Laboratory testing confirms a result for (*class of drugs*) which is consistent with the stated medication that the Worker had a valid prescription or stated over-the-counter medication or substance.

Accordingly, this should not be considered a breach of MAN-WHS-PLN-0006.

As prescription and over-the-counter medicines may have an impact on a person's fitness for work, please contact me to discuss this.

Yours sincerely

Name: Signature:

Position: Date:

*Once completed, this form is to be stored electronically in the WHS folder, and an electronic or hard copy is sent to the person's supervisor/site contact.
A copy is to be offered to the person the*

Confirmatory Test Result

Drugs – Negative for Illegal/Prohibited Drugs

FRM-WHS-0004

Donor Details			
Name		Photo ID sighted	Y / N Type: _____
Employer		Supervisor	

Test result Details:

The above-named was tested on *Date:* in accordance with MAN-WHS-PLN-0006. The test result indicated the presence of (*class of drugs*)

The oral fluid sample, under strict chain of custody procedures, was sent to an approved NATA laboratory for confirmatory testing.

Laboratory testing confirms a negative result.

Accordingly, there has not been a breach of MAN-WHS-PLN-0006. The Worker's site access, if revoked, has been reinstated.

Please contact me if you wish to discuss further or to clarify any points.

Yours sincerely

Name: Signature:

Position: Date:

*Once completed, this form is to be stored in the WHS folder electronically, and an electronic hard copy will be sent to the person's supervisor/site contact.
A copy is to be offered to the person tested.*

Confirmatory Test Result Positive for Illegal/Prohibited Drugs or Not Consistent with Stated Medication

FRM-WHS-0005

Donor Details			
Name		Photo ID sighted	Y / N Type: _____
Employer		Supervisor	

Test Result: Positive for Illegal/Prohibited Drugs or not Consistent with Stated Medication

The above-named was tested on *Date:* in accordance with **MAN-WHS-PLN-0006**.

The test result indicated the presence of *(class of drugs)*

The oral fluid sample, under strict chain of custody procedures, was sent to an approved NATA laboratory for confirmatory testing.

Laboratory testing confirms a result for *(class of drugs)* which is not consistent with any stated medication that the Worker had a valid prescription or any stated over-the-counter medication or substance.

Accordingly, this is a breach of MAN-WHS-PLN-0006.

As this is the worker's **1st / 2nd / 3rd** breach in a 6-month period, the applicable sub-section under section 9 of this Plan will apply, and the Worker will have their site access revoked for the specified time.

Please contact me to discuss the process of reinstating the worker's site access.

Yours sincerely

Name: Signature:

Position: Date:

*Once completed, this form is to be stored electronically in the WHS folder, and an electronic or hard copy is sent to the person's supervisor/site contact.
A copy is to be offered to the person tested.*



PERTH MARKETS