



POLICY NO:  
CG02-003

# **Alcohol and Other Drugs Testing Procedures for Firefighters**

Human Resources Directorate  
Workplace Standards



## Table of contents

<b>1</b>	<b>Purpose .....</b>	<b>3</b>
<b>2</b>	<b>Scope and application .....</b>	<b>3</b>
<b>3</b>	<b>Policy Implementation .....</b>	<b>4</b>
3.1	Drug testing .....	4
3.2	Alcohol testing .....	5
<b>4</b>	<b>Random Alcohol &amp; Other Drug Testing Procedures .....</b>	<b>5</b>
<del>4.1</del>	<del>Random Testing .....</del>	<del>5</del>
<b>5</b>	<b>Targeted Alcohol and Other Drug Testing Procedures ...</b>	<b>6</b>
<del>5.1</del>	<del>Initiating a Target Test .....</del>	<del>6</del>
<del>5.2</del>	<del>Approving a Target Test .....</del>	<del>6</del>
<del>5.3</del>	<del>Target Testing Timeframes .....</del>	<del>6</del>
<b>6</b>	<b>Post Accident / Serious Injury Testing Procedure .....</b>	<b>7</b>
<del>6.1</del>	<del>Post Accident / Serious Injury Testing .....</del>	<del>7</del>
<del>7</del>	<del><b>Pre-employment Screening .....</b></del>	<del><b>7</b></del>
<del>7.1</del>	<del>Pre-employment Screening .....</del>	<del>7</del>
<b>87</b>	<b>Roles &amp; Responsibilities .....</b>	<b>8</b>
<b>98</b>	<b>Test Results .....</b>	<b>11</b>
9.1	Negative Test Results .....	12
9.2	Non – Negative Test Results .....	12
9.3	Positive Test Results .....	13
9.4	Assessment of Positive Test Results .....	14
9.5	Return to Work Testing .....	14
<b>109</b>	<b>Pharmaceuticals / Medications .....</b>	<b>14</b>
<b>110</b>	<b>Reporting Substance Misuse .....</b>	<b>15</b>
<del>110.1</del>	<del>Self Disclosure .....</del>	<del>15</del>
<del>110.2</del>	<del>Reporting Accidental Exposure .....</del>	<del>16</del>
<b>1211</b>	<b>Support Services .....</b>	<b>16</b>
<b>1312</b>	<b>Definitions .....</b>	<b>18</b>
<b>1413</b>	<b>Document control .....</b>	<b>20</b>

# 1 Purpose

This document establishes the processes to be followed in applying the Fire & Rescue NSW (FRNSW) Alcohol & Other Drugs Policy (AOD Policy) ~~to firefighters~~. It sets out the drug and alcohol testing program procedures used to monitor policy compliance and to ensure a safe working environment for all employees.

~~How we choose to respond to the Alcohol and Other Drugs Policy and the mutual responsibility it confers on all Fire & Rescue NSW employees will reflect on our commitment to these organisational values:~~

- ~~1. Adhering to the policy principles advances and supports our commitment to safety;~~
- ~~2. Committing to the objectives of the policy demonstrates our honesty and integrity;~~
- ~~3. Respect will be shown for individual rights and privacy as well as the authority under which this policy is made and applied;~~
- ~~4. Our courage and selflessness will be demonstrated by the responsibility the policy places on each of us in actively dealing with drug and alcohol issues;~~
- ~~5. The policy will demand, but also validate and demonstrate through our commitment to its principles, our professionalism; while~~
- ~~6. Teamwork will allow for its effective deployment.~~

# 2 Scope and application

These procedures set out the processes for drug and alcohol testing within FRNSW. They will be implemented with testing to commence ~~from three months following the inception of the policy on 1 October 2013 to allow any employee with substance misuse issues to seek support services.~~

The procedures outlined within will apply equally to all ~~employees, including permanent and retained firefighters, trades and administrative staff (permanent & temporary),~~ regardless of rank, ~~grade~~ or position. These procedures apply to the workplace (encompassing any site where FRNSW ~~employees—firefighters~~ are carrying out their duties) ~~and also to situations where an employees' conduct undermines public confidence in or harms the reputation of FRNSW.~~

The procedures ~~(excluding references to alcohol and drug testing)~~ also apply to contractors, volunteers ~~(including RFS firefighters)~~ and employees of other businesses, who may be working on behalf of FRNSW or working ~~on at a FRNSW premises workplace~~ (encompassing any site where FRNSW firefighters are carrying out their duties).

### 3 Policy Implementation

Both drug and alcohol testing will be conducted under the following circumstances:

- Random
- Targeted (including returning to the workplace following a positive test result)
- Post Accident / Serious Injury

All employees of FRNSW, regardless of rank, grade or position, will be subject to drug and alcohol testing. Employees may be required to undertake:

- A breath test and/or breath analysis; and/or
- A saliva test.

Testing ~~by of~~ FRNSW ~~trades and administrative employees~~ will be contracted to an external testing agency, accredited to Australian Standards, as an on-site test collection service provider. ~~Testing of FRNSW firefighters will be conducted by FRNSW firefighters holding the rank of Inspector or above. This provider will have accreditation certifying they meet all criteria to conduct in both instances, testing will be conducted~~ as follows:

- breath testing for alcohol using a device that meets either, AS 3547, Breath alcohol testing devices for personal use; or NMI R 126, Pattern Approval Specifications for Evidential Breath Analysers;
- saliva testing for drugs, using a testing device that complies with the relevant Australian Standard.

~~It is estimated that approximately 10 per cent of the FRNSW workforce is expected to be random tested on an annual basis, although this figure is subject to review pending the periodic analysis of testing outcomes.~~

Workplace Standards will monitor drug and alcohol testing carried out ~~by the test collection provider~~ to ensure:

- procedures are being adhered to and any issues arising from the random testing program are appropriately addressed;
- FRNSW ~~employees~~ ~~firefighters~~ understand the requirements of the AOD Policy and these procedures; and
- ~~the specified percentage (as varied from time to time by approximately 10 per cent of FRNSW) of~~ employees are tested annually.

~~Any inappropriate behaviour or conduct, either directly or indirectly, towards the test collection service provider is to be reported to Workplace Standards for assessment.~~

#### 3.1 Drug testing

An oral screening test using a testing device that complies with Australian Standards is intended to detect a range of substances including:

- Opiates (eg. morphine, heroin, codeine).
- Amphetamine type substances (eg. speed, ecstasy).
- Cannabis metabolites (eg. marijuana).
- Cocaine metabolites (eg. cocaine).

Any test reading taken for substances listed on the testing device **below the “cut off” level** is considered **negative**.

Any test reading taken for any substances listed on the testing device **above the “cut off” level** is considered **‘non-negative’**, and will require further analysis (confirmatory analysis) at an approved laboratory.

### 3.2 Alcohol testing

Alcohol testing is in accordance with the Australian Standard and is intended to detect a prescribed concentration of alcohol of **0.05 or above or, in the case of firefighters who are assigned to drive an FRNSW heavy motor vehicle, a prescribed concentration of alcohol of 0.02 or above**. This means a concentration of **0.05 (or 0.02)** grams or more of alcohol in 210 litres of breath ~~or 100 millilitres of blood~~. An alcohol test is considered a positive result, where an employee undertakes a breath test that indicates a **(BAC) at or above 0.05 (or 0.02) mg%**.

- Any reading **below 0.05 (or 0.02)**, the test result is considered **negative**.
- Any reading of **0.05 (or 0.02) or above** the employee will be required to undertake a second test, after a period of 20 minutes.
- If the reading for the second test is **0.05 (or 0.02) or above**, the test will be considered a **positive (+)** result.

## 4 Random Alcohol & Other Drug Testing Procedures

### 4.1 ~~Random Testing~~

Random testing may be conducted at any ~~work-site~~ **FRNSW workplace** on a **24 hour, 7 day a week basis**. A random testing schedule outlining specific dates and times for testing to be conducted will be developed from a list of ~~known~~ **FRNSW worksites workplaces**.

For the duration of testing, the station selected ~~will may be deemed to be taken~~ ‘off line’, ~~if considered necessary by the senior officer(s) conducting the testing, except where this would affect community safety. (eg: A stand alone retained station, in which case a sufficient number of firefighters, usually four (4), will remain available).~~

The timing of random testing will take into account operational factors such as regular working hours at the ~~work-site workplace~~; whether a station is 'permanent' or 'retained'; the staffing at the location; and anticipated activity levels ~~and/or any unexpected incidents~~.

~~Work-sites~~ Workplaces selected for random testing will require all ~~employees~~ firefighters and emergency service volunteers (including, for example, CFU members and RFS firefighters) on site to be tested, ~~including employees not normally attached to the particular location where testing is being conducted~~.

## 5 Targeted Alcohol and Other Drug Testing Procedures

### 5.1 ~~Initiating a Target Test~~

Targeted testing can be requested by ~~a Manager, Duty Commander (or equivalent) or above~~, any firefighter in circumstances where ~~an~~ another firefighter, employee, contractor or volunteer presenting for work is observed to display behaviours that suggest they are a potential safety hazard. This request should be made as soon as possible to the officer in charge or, if it is officer in charge who is the subject of concern, directly to officer in charge of that officer. An officer who receives a targeted test request must immediately refer the matter through their Duty Commander (or equivalent).

Targeted testing can be initiated by a Duty Commander (or equivalent) or above, in circumstances where an on duty firefighter is observed or reported to display behaviours that suggest they are a potential safety hazard.

Targeted testing can also be initiated by the Assistant Director, Workplace Standards, in circumstances where information received suggests ~~an employee or group of employees are suspected of possible~~ drug and/or alcohol misuse and/or abuse in the workplace.

### 5.2 ~~Approving a Target Test~~

The decision to conduct a targeted test will be based on ~~available~~ information ~~provided to Workplace Standards~~ and on the balance of probability that the ~~employee's firefighter's~~ behaviour is likely the result of the misuse and/or abuse of alcohol and/or other drugs. The decision will not be automatic and will only be made after considering all the available information provided, and in consultation with relevant parties.

### 5.3 ~~Target Testing Timeframes~~

Targeted testing should be undertaken as soon as reasonably practical ~~after~~ ~~assessment of the employee~~ following approval, ~~preferably within 2 hours for an~~

~~alcohol test and 24 hours for a drug test.~~ Depending on the circumstances the Station may be deemed to be 'off line' for the period of testing.

## 6 Post Accident / Serious Injury Testing Procedure

### 6.1 ~~Post Accident / Serious Injury Testing~~

In the event of a serious workplace accident or injury ~~that is sufficiently serious as to require an employee's immediate treatment as an in-patient in hospital,~~ a drug and alcohol test will be conducted on all employees involved.

~~Post Accident / Serious Injury Testing will be conducted in the event of:~~

- ~~▪ the occurrence of an accident or injury that gives rise to danger of death or serious injury to a person, or~~
- ~~▪ the occurrence of an accident or injury that gives rise to danger of serious damage to a vehicle, equipment or property.~~

~~It is generally not sufficient that the injury merely interferes with the health or comfort of the person suffering the injury. As a guide, types of injuries which of their nature are likely to be serious include:~~

- ~~▪ life threatening injuries;~~
- ~~▪ an injury that would require emergency admission to a hospital resulting in significant medical treatment;~~
- ~~▪ an injury likely to result in permanent impairment or long term rehabilitation; or~~
- ~~▪ an injury that would constitute grievous bodily harm.~~

This testing ~~should~~ will be undertaken as soon as reasonably practical after the ~~incident~~ accident has occurred, ~~preferably within 2 hours~~ provided that no firefighter can be tested after the expiration of 2 hours from the occurrence of the accident. Depending on the circumstances the Station may deemed 'off line' for the period of testing.

## 7 ~~Pre-employment Screening~~

### 7.1 ~~Pre-employment Screening~~

~~All applicants for the position of Firefighter will be required to participate in pre-employment drug screening as part of the FRNSW Medical Standards.~~

~~Any applicant that tests positive to a prohibited substance will not be offered employment and be deemed "not fit for employment" for a period of time as determined by FRNSW, taking into consideration the position applied for and applicant circumstances.~~

## 87 Roles & Responsibilities

### Employees Firefighters

- All firefighters have a work health and safety obligation to report unsafe work practices; this extends to the misuse and/or abuse of substances in the workplace.
- ~~Participate~~ Firefighters must participate in the testing process and adhere to any lawful and reasonable direction given ~~by a more senior officer or Manager,~~ as part of the testing process.
- For drug testing purposes and to ensure the integrity of samples, ~~firefighters who are to be tested must:~~
  - ~~— Provide information to the tester and sign the 'Medication Declaration' form, indicating any consumption of medications or prohibited substances.~~
  - Sign chain of custody forms as requested to do so by the tester.
  - Provide a sample of saliva for the purposes of a drug test.
- For alcohol testing purposes and to ensure the integrity of samples, ~~firefighters who are to be tested must:~~
  - Provide a sample of breath as directed to do so by the tester.
  - If the reading ~~is 0.02 or above~~ exceeds the permitted limit, undertake a second test as requested, after a waiting period of 20 minutes.
  - ~~— If a positive reading is 0.05 or above you must not drive.~~
- ~~Leave~~ Firefighters must leave the workplace if directed to do so, noting that anyone who records a BAC reading of 0.05 or above should not drive.

### Managers Station Commanders

- Where a ~~Manager~~ Station Commander suspects ~~an employee or group of employees of~~ drug or alcohol misuse and/or abuse ~~in the workplace~~; or where a serious accident or injury occurs in the workplace; they must report the matter to ~~Workplace Standards~~ their Duty Commander (or equivalent) as soon as practical.
- ~~Managers~~ Station Commanders are responsible for assisting in the facilitation of the drug and alcohol testing process ~~using the 'D&A Checklist'. That is by:~~
  - ~~Provide~~ providing an appropriate room suitable for drug and alcohol testing.
  - For Random Testing - ~~ensure~~ ensuring that all ~~employees~~ firefighters are present for testing, and remain so for the duration of the testing process ~~(including Managers, Station Officers and/or Captains).~~
  - In the event ~~an employee~~ a firefighter leaves prior to testing (i.e. due to sickness or emergency) ~~make~~ making a notation on the roster ~~or,~~



timesheet or occurrence book and ~~ensure~~ inviting the ~~employee~~ firefighter ~~signs to sign~~ the notation.

- For Random Testing - ~~direct informing~~ each employee of their obligation to undertake a drug and alcohol test, and personally ~~submit to~~ undertaking a the same test.
- ~~Inform Workplace Standards of any positive test results.~~
- ~~Provide the Test Collector with information on action taken based on test results and instruction from the next line manager.~~
- If appropriate, ~~arrange~~ arranging to have the ~~employee/s~~ firefighter/s returned home safely (ie: ~~do not allow~~ arranging transport for an ~~employee~~ someone that who has registered a ~~(+)~~ positive test result to ~~drive a motor vehicle~~).
- ~~Managers are also subjected to random testing.~~
- ~~During random testing, if the Manager records a positive test result the next senior person should inform Workplace Standards and the next line manager of the test results.~~
- ~~During targeted testing, if a manager is required to undertake a targeted test the next line of management will be responsible for the facilitation of the testing process.~~

#### **Duty Commanders (or equivalent) ~~Roles & Responsibilities~~**

- Where a Duty Commander (or equivalent) suspects ~~an employee or group of employees of~~ drug or alcohol misuse and/or abuse in the workplace they must ~~report this to Workplace Standards for assessment~~ decide whether to conduct an immediate targeted test. The decision to conduct a targeted test will be based on available information and on the balance of probability that the firefighter's behaviour is likely the result of the misuse and/or abuse of alcohol and/or other drugs. The decision will not be automatic and will only be made after considering all the available information provided, and in consultation with relevant parties.
- ~~For Targeted Testing where a test is required after hours the Duty Commander (or equivalent) should contact the Workplace Standards Branch to initiate the testing process and ring the Authorised Test Collection Agency hotline to arrange for testing to be conducted. (contacts details are available on the Workplace Standards intranet page).~~
- Duty Commanders will conduct all random, targeted and post accident/serious injury drug and alcohol tests of firefighters and emergency service volunteers in accordance with these procedures by:
  - attending the workplace, informing the Station Commander that their workplace has been selected and approved for random or targeted testing (whichever applies) and, if the Duty Commander considers it necessary, informing Communications that the Station is required to be "off line".
  - Setting up the testing process.

- Ensuring that all firefighters rostered for and reported as being on duty are in fact present.
  - Providing every firefighter and volunteer to be tested with Drug & Alcohol Testing forms.
  - Conducting the testing and documenting the test results.
  - Inform those tested of their test results.
  - Providing Workplace Standards with test results, chain of custody forms, testing summaries and associated documentation.
  - Sending any non-negative result, if contested by the firefighter in question, to an approved laboratory for confirmatory analysis and providing those firefighters or volunteers who record a non-negative result with a tamper-proof sample for their own evidence and possible independent testing.
  - Taking all necessary action(s) following a positive alcohol test result and/or any non-negative drug test result that requires the removal of a firefighter or volunteer from the workplace.
  - Taking all necessary action(s) following a refusal by a firefighter or volunteer to submit to a drug and/or alcohol test that requires the removal of a firefighter or volunteer from the workplace or, the withdrawal of FRNSW firefighters from the workplace.
- ~~For Random Testing – inform Communications that testing is to take place and the Station is required to be “off line”.~~
  - ~~Take action for any positive alcohol test result and/or any non-negative drug test result that requires removal of an employee from the workplace.~~
  - ~~By local arrangement, inform the next level of management of test results and action taken, if necessary.~~
  - As is the case for all FRNSW firefighter ranks and positions, Duty Commanders ~~(or equivalent) can be~~ also be subjected to drug and alcohol testing and must participate in the testing process and adhere to any lawful and reasonable direction given as part of the testing process.
  - A reference to “Duty Commanders” in these procedures includes all FRNSW officers of Inspector rank or higher.

### Workplace Standards Branch

~~The role of~~ Workplace Standards ~~is to~~ will:

- ~~Determine~~ Prepare the ‘Random Testing Schedule’ for approval ~~, in consultation with the testing agency,~~ and arrange for the appropriate Duty Commanders to conduct approved random testing as well as any Workplace Standards initiated targeted ~~and post accident / serious injury~~ testing.
- Provide advice in relation to drug and/or alcohol reports and determine if testing is an appropriate strategy.

- ~~▪ Arrange for the a-test collection training and equipment, including a drug and alcohol test results summary sheet, to be provided to Duty Commanders. service provider to conduct testing as requested or as per the random testing schedule, which should include;~~
- ~~— Station, office or FRNSW premises location details;~~
- ~~— phone contact details of the Manager, Station Officer or Captain responsible for that location;~~
- ~~— dates and times testing is required;~~
- ~~— a list of employees / roster for each location; and~~
- ~~▪ drug and alcohol test results summary sheet.~~
- Ensure all information, where a positive (+) test is recorded, is documented in the Workplace Standards Complaint Notification System, including all relevant documentation.
- Confidentially record and store all results as per record keeping guidelines.

### **Test Collection Service Provider**

- ~~▪ For Random Testing attend the location and inform the manager that their location has been selected for random testing.~~
- ~~▪ Set up testing process.~~
- ~~▪ Obtain a list / roster of all employees on duty from manager and compare attendance with list / roster from D&A unit.~~
- ~~▪ Make a notation of any discrepancies on the D&A list / roster.~~
- ~~▪ Check employee ID and list / roster of employees.~~
- ~~▪ Provide Drug & Alcohol Testing forms.~~
- ~~▪ Conduct testing & document test results.~~
- ~~▪ Inform employee of test results.~~
- ~~▪ Provide managers with test results. If the manager records a positive test result, Workplace Standards should be contacted immediately.~~
- ~~▪ Provide Workplace Standards with test results, chain of custody forms, testing summary and associated documentation.~~
- ~~▪ Send non-negative results to approved laboratory for confirmatory analysis.~~
- ~~▪ Provide Workplace Standards with confirmatory results in writing (via email).~~

## **98 Test Results**

All test results will be recorded by the ~~test collector~~ Duty Commander and provided to Workplace Standards. The ~~test collector~~ Duty Commander, at the time of testing, will inform ~~all employees~~ all those tested of their individual test results.

~~The test collector will also inform the manager of any positive test results, so that appropriate action can be taken.~~

Results for samples sent to an approved laboratory for further confirmatory analysis will be received by ~~the~~ Workplace Standards within 24 – 48 hours.

All test results will be recorded by ~~the~~ Workplace Standards as per the record keeping guidelines.

### 9.18.1 Negative Test Results

Where a negative test result for alcohol and/or or drugs is recorded, the ~~employee firefighter or volunteer~~ may return to the workplace and resume normal operational duties.

### 9.28.2 Non – Negative Test Results

The term '~~Nonnon-Negative-negative~~' refers only to the drug testing process. If the test reading indicates a presence of one or more of the substances listed on the testing device, it will be deemed as a 'non-negative' result.

Any test result that is considered non-negative will ~~be considered a positive result if the firefighter elects to accept the screening test and this outcome. If, however, the firefighter elects to contest the screening test's non-negative result then this will~~ require further analysis of that sample at an approved laboratory to determine a confirmatory result. The analysis of the sample in a laboratory incorporates highly sensitive Gas/Liquid Chromatography, which is considerably more sensitive and specific than screening devices, and produces quantitative results as opposed to simply an indication of whether readings exceed the 'cut-off' levels.

Confirmatory results may take between 24 – 48 hours. These quantitative results ~~are will~~ then ~~be~~ the final determinant.

Where ~~the a random or post accident / serious injury (but not targeted) screening test result indicates a non-negative result to either the opiates, amphetamine type substances or benzodiazepine drug classes and the firefighter elects to contest the non-negative result and the firefighter;~~ ~~an employee may return to work prior to obtaining a confirmatory result, if the employee has been subject to random or post accident / serious injury testing; and~~

- has disclosed the use of medications, on the Medication Declaration Form (such as codeine and/or cold and flu tablets); and/or
- provides a current prescription for any pharmaceutical medications;

~~the firefighter may return to work prior to obtaining a confirmatory result.~~

~~Where required this may be assessed by a suitably approved Medical Review Officer to determine the employee's fitness for duty.~~

~~In the following circumstances, an employee~~ Any other firefighter who records a 'non-negative' result (whether they elect to accept this as a positive result or otherwise) will be relieved of duty and directed to leave the workplace. ~~until a confirmatory result is obtained:~~

- ~~I. Targeted testing (regardless of any self disclosure of medications or prohibited drug use).~~
- ~~II. Random testing where there was no disclosure of medication.~~
- ~~III. Random testing where self disclosure of prohibited drugs occurred.~~

~~In these circumstances the employee~~ They will only be permitted to ~~return to the workplace~~ resume duty if:

- they undertake a subsequent test and record a negative result; or
- ~~the a~~ confirmatory result indicates the use of legally obtained over the counter and/or prescription medication/s; and/or
- in the case of 'prescription only medication', the employee is able to produce evidence of a current prescription in their own name.

~~If a confirmatory result indicates the sample provided by the employee is negative to prohibited substances, the firefighter will be reccredited any sick leave deducted as a consequence of a non-negative screening result.~~

If ~~the a~~ confirmatory result indicates the sample provided by the employee is positive to prohibited substances, the employee will be subject to the provisions of a positive test result as outlined in these procedures.

At no time will prohibited drugs be considered legal medication.

### 9.38.3 Positive Test Results

On the first (1st) occasion, where ~~an employee a firefighter~~ tests positive to drugs or alcohol in the workplace, ~~or elects to accept a non-negative result as a positive result, for the safety of themselves, their co-workers and the community,~~ they will be:

- Immediately relieved of duty and directed to leave the workplace on sick leave;
- Provided access to support services if ~~requested or~~ required; and
- ~~Assessed for fitness to return to work, including~~ Required to undertake a 'return to work drug and alcohol test' ~~prior to~~ at the commencement of their next shift ~~to ensure no substance is in their system.~~

Where ~~an employee a firefighter~~ tests positive to drugs or alcohol in the workplace, on a second or any subsequent occasion ~~within two years of the previous occasion,~~ they will be subjected to the conditions listed above. The matter ~~may will~~ also be addressed with written advice to the employee reminding them of required

professional expectations and standards; and warning against a repeat of the behaviour.

Any ~~employee– firefighter that who~~ tests positive will be subject to ongoing 'no notice' targeted testing for 12 months following the test result. This is in addition to any further occasions where their ~~work-site workplace~~ is subject to random drug and/or alcohol testing.

Workplace Standards will provide a written copy of all positive test results to the ~~employee–firefighter and the employee's manager/s (this may include Duty Commander, Zone Commander, Area Commander or equivalent).~~

#### **9.48.4 Assessment of Positive Test Results**

Each matter will be assessed on a case by case basis and individual factors and circumstances will be taken into consideration to determine the appropriate action, ~~including whether or not to commence disciplinary action.~~

~~During this process all employees will be afforded procedural fairness.~~

#### **9.58.5 Return to Work Testing**

Where ~~an employee a firefighter~~ has recorded a positive test result for a prohibited substance/s and/or an alcohol test ~~result of 0.02 or above~~, they will be required to undertake a drug and/or alcohol test prior to returning to the workplace. The ~~employee–firefighter~~ is not permitted to ~~return-to-work resume duty~~ until a negative result is obtained.

### **109 Pharmaceuticals / Medications**

These guidelines are not intended to restrict any authorised medical practitioner, medical professional, paramedic, pharmacist, or medical assistant from prescribing medications for medicinal purposes. Some prescription or 'over the counter' medications may affect ~~an employee's–a firefighter's~~ work performance and their ability to work safely.

If ~~an employee a firefighter~~ is taking any form of general medication/s, such as over the counter and/or prescription medication, that carries a warning that it:

- (i) may impair or impact on normal functioning;
- (ii) cause drowsiness; ~~and /or~~
- ~~(iii)–may affect users when driving or operating heavy machinery;–, and /or~~
- ~~(iv)(iii) they exhibit side effects in connection with prescription or over the counter medication (such as dizziness, drowsiness, fatigue, impaired vision, sweating, chills, unsteadiness etc);~~

they should: not commence or remain at work if they believe they are unable to safely carry out their normal duties.

- ~~(i) consult a suitably qualified medical practitioner (ie: a doctor and/or pharmacist) for further advice; and~~
- ~~(ii) notify their Manager of any restriction on their ability to perform their normal duties following this advice.~~

~~If an employee is taking any form of prescription medication they must be able to produce a current prescription, in their own name, if directed to do so as part of the drug and alcohol testing program.~~

If ~~an employee~~ a firefighter uses, possesses, sells or distributes a prescription medication in the workplace which has not been prescribed by a medical practitioner for the individual, it will be treated as a breach of the policy ~~and will be dealt with under the disciplinary process in the same manner as prohibited substances.~~

## 1110 Reporting Substance Misuse

~~All employees, as well as Managers have an obligation under Work Health and Safety to report unsafe work practices; this extends to the misuse and/or abuse of substances in the workplace.~~

Where ~~an employee~~ a firefighter suspects ~~another employee or group of employees~~ of substance misuse and/or abuse in the workplace they should report this to ~~their Manager~~ to the officer in charge or, if it is officer in charge who is the subject of concern, directly to officer in charge of that officer. ~~or~~ Or it may be reported directly to Workplace Standards.

~~It is the responsibility of the Manager to notify their next line of management and report the matter to Workplace Standards to assess the matter and arrange testing if deemed appropriate.~~

~~Where an employee is unable to report substance misuse to their direct manager, for any reason, including in the circumstance where an employee suspects a manager of substance misuse, they may either contact their next line of management or Workplace Standards.~~

~~The~~ Workplace Standards will ensure all reports of substance misuse and/or abuse are reviewed and assessed. The identity of employees who report substance misuse will remain confidential. Any employee who makes a knowingly false or vexatious notification will be subject to disciplinary action.

### 11.110.1 Self Disclosure

Employees who believe they may have a substance misuse problem are encouraged to seek qualified support and assistance to manage their situation.



~~Employees–~~ Firefighters may self disclose substance misuse and/or abuse to the Workplace Standards Branch or the Health & Safety Branch.

Any disclosure of prohibited substance misuse and/or abuse will be considered and assessed by Workplace Standards.

Self disclosure (of a drug and/or alcohol dependency) needs to occur outside of any compulsion the ~~employee–~~ firefighter may feel should a random drug and alcohol test be underway at their worksite (i.e. it will not be accepted as a means to avoid a drug or alcohol test).

~~Where an employee self discloses a substance misuse and/or abuse issue, the self disclosure information will be provided to their immediate manager to ensure safety in the workplace. This information may also be provided to the employee's Duty Commander, Zone Commander and Area Commander, or next line manager if there are safety concerns.~~

The ~~employee–~~firefighter will be required to undertake an assessment of their fitness for duty and a drug and/or alcohol test. Where applicable, they will be referred to appropriate Support Services. They may also be subject to ongoing no notice targeted testing for a period of 12 months, ~~however they will not be subject to disciplinary action as a result of a positive drug and/or alcohol test result if they are genuinely participating in an approved rehabilitation/support program.~~

#### **11.210.2 Reporting Accidental Exposure**

~~Employees–~~ Firefighters who believe they may have inadvertently been exposed to substances listed on the testing device, ~~should–voluntarily~~ must disclose this information to Workplace Standards within 24 hours of the exposure ~~in order to avoid the provisions of any positive test result as outlined in the Alcohol and Other Drug Testing Procedures.~~ This must not coincide with random testing.

Any disclosure of accidental exposure will require the ~~employee–~~ firefighter to submit to a drug test ~~to ensure the health and safety of that employee prior to resuming duty.~~ If the test result indicates a non-negative, the ~~employee–~~firefighter will be relieved of duty and directed to leave the workplace until a ~~return to work drug and alcohol test is conducted and a confirmatory negative~~ result is obtained.

If ~~an employee–~~a firefighter fails to disclose accidental exposure and is subject to random, targeted or post incident/serious injury testing, they will be subject to the consequences of any positive test result.

### **1211 Support Services**

FRNSW provide support services for drug and alcohol dependency issues. Any employee experiencing substance dependency issues ~~should–may~~ contact ~~Workplace Standards Branch or the~~ Health & Safety Branch for further information.



Such contact will be kept in confidence and will not be treated as self disclosure unless the firefighter specifically requests this.

There are a wide range of support services available for ~~employees~~ firefighters to access, including:

- Access to the Employee Assistance Program (EAP) which provides counselling, education and support for ~~individuals, managers, other~~ FRNSW employees and family members.
- GP referral and mental health care plans, which can provide tailored treatment interventions and access to substance-specific treatment services.
- Appropriate referral pathways to external treatment service providers for individualised treatment (that offer strategies and assistance with rebuilding coping skills & resilience).
- Chaplains.

**How can ~~employees~~ firefighters access these services?**

- Through referral to support services by the Health & Safety (EAP Co-ordinator), Health & Safety Branch ~~or Workplace Standards Branch~~.
- By contacting their GP to arrange a mental health care plan.
- By contacting EAP directly.

More information is provided on the Workplace Standards and Health & Safety Intranet sites.

## 1312 Definitions

AOD	Alcohol or other drugs
Alcohol Test / Breath Test	A testing process intended to detect a prescribed concentration of alcohol of litres of breath <del>or millilitres of blood</del> . An alcohol test is considered a positive result, where an employee undertakes a breath test that indicates a (BAC) at or above <del>0.05 (or 0.02)</del> mg%.
Approved laboratory	A NATA accredited laboratory.
Breath Analysis	A test carried out by a breath analysing instrument for the purpose of ascertaining, by analysis of a person's breath, the concentration of alcohol present in that person's breath or blood.
Breath analysing instrument	A device that meets either, <b>AS 3547</b> , Breath alcohol testing devices for personal use; <b>or NMI R 126</b> , Pattern Approval Specifications for Evidential Breath Analysers.
Disclosure	Occurs when a <del>member of staff firefighter</del> voluntarily informs the Workplace Standards Branch Unit or Health & Safety Branch about his/her alcohol or other drugs problem <b>and specifically requests that this information is treated as a self disclosure</b> .
Drug Test	An oral screening test for drugs using a device that complies with the relevant Australian Standard intended to detect a range of substances including: <ul style="list-style-type: none"> <li>▪ Opiates (eg. morphine, heroin, codeine)</li> <li>▪ Amphetamine type substances (eg. speed, ecstasy)</li> <li>▪ Cannabis metabolites (eg. marijuana)</li> <li>▪ Cocaine metabolites (eg. cocaine)</li> <li>▪ Benzodiazepines (eg. valium and other sedatives).</li> </ul>
Drug Test Cut Off Levels	Establishes minimum <b>base</b> level by which a substance can be detected using an oral screening drug detection device.
<del>Impairment</del>	<del>Any loss or abnormality of psychological, physiological, or anatomical structure or function. It represents a deviation from the person's usual biomedical state. Impairment is thus any loss of function directly resulting from the consumption or use of drugs and/or alcohol.</del>
<del>Managers</del>	<del>Refers to administration managers / staff performing management functions, Assistant Directors, Directors and above, and Station Officers, Captains, Duty Commanders, Area Commanders and above.</del>
Medications (over the counter / prescription)	Refers to any legal pharmaceutical drug intended for use in the medical diagnosis, cure, treatment, or prevention of disease.

Prohibited drug	Has the same meaning as in the Drug Misuse and Trafficking Act 1985.
Post Incident / Serious Injury Test	<p><del>Defined as person performing or being available to perform their role if either or both applies:</del></p> <ul style="list-style-type: none"><li><del>*—The occurrence of, gives rise to danger of death or serious harm to a person, or</del></li><li><del>*—The occurrence of, gives rise to danger of serious damage to a vehicle, equipment or property.</del></li><li><del>■</del></li></ul>
Random test	<del>A test carried out on a random basis at any given location, date, and time, on a 'no notice' basis.</del>
Serious injury	<p><del>Generally not sufficient that the injury merely interferes with the health or comfort of the person suffering the injury. As a guide, types of injuries which of their nature are likely to be serious include:</del></p> <ul style="list-style-type: none"><li><del>*—life threatening injuries.</del></li><li><del>*—an injury that would require emergency admission to a hospital resulting in significant medical treatment.</del></li><li><del>*—an injury likely to result in permanent impairment or long term rehabilitation.</del></li><li><del>*—an injury that would constitute grievous bodily harm.</del></li><li><del>■</del></li></ul>
Targeted test	<p><del>A test carried out on the basis of reasonable suspicion that an employee or group of employees:</del></p> <ul style="list-style-type: none"><li><del>*—may be under the influence of alcohol whilst and/or prohibited substances in the workplace or whilst on duty;</del></li><li><del>*—have breached the AOD policy standards; and/or</del></li></ul> <p><del>information received indicates prohibited drugs and/or alcohol has been consumed or is being consumed on FRNSW premises (including FRNSW's vehicles or property).</del></p>

## 1413 Document control

<b>Policy Manager</b>	Assistant Director, Workplace Standards
<b>Contact No</b>	02 9265 2826
<b>Document type</b>	Policy
<b>Applies to</b>	<input checked="" type="checkbox"/> Permanent Firefighters <input checked="" type="checkbox"/> Retained Firefighters <input checked="" type="checkbox"/> Administrative and Trades Staff <input checked="" type="checkbox"/> Contractors and Consultants <input checked="" type="checkbox"/> Volunteers (including RFS firefighters)
<b>Status</b>	Unclassified [or other appropriate classification in accordance with the Information Security Policy]
<b>Security</b>	
<b>Document Control</b>	Insert here variations as made, including date of variation
<b>File Reference</b>	
<b>Review Date</b>	
<b>Rescinds</b>	Joint Protocol 1998
<b>Rescinded by</b>	Commissioner Greg Mullins AFSM
<b>Copyright</b>	© State of New South Wales through Fire & Rescue NSW