



POLICY NO:  
CG02- 002

# Alcohol and Other Drugs Policy

Human Resources Directorate  
Workplace Standards

April June 2013



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## 1 PURPOSE

Fire & Rescue NSW (FRNSW) is committed to achieving and maintaining a safe and healthy workplace, free from the hazards and risks associated with substance misuse and/or abuse, to ensure it protects the interests of FRNSW, its employees, ~~the Government to whom we are accountable,~~ and the wider community.

This policy aims to:

- ~~1. Set a foundation of ethical and professional behaviour and standards, both on and off duty, required by all employees regarding substance use.~~
- ~~2. Establish fair, equitable, lawful and effective measures to ensure that employees meet the standards set out in the policy.~~
31. Facilitate the health, wellbeing and safety of all employees by providing training and information on the harmful effects of alcohol and/or other drugs on work performance, safety and conduct.
42. Provide employees experiencing difficulties with their use of alcohol and/or other drugs with advice and support services to assist them to manage this.
53. Promote personal responsibility in relation to the consumption of alcohol and responsible and lawful use of general medications.
4. Set a foundation of ethical and professional standards, ~~both on and off duty,~~ required by all employees regarding substance use.
5. Establish fair, equitable, lawful and effective measures to ensure that employees meet the standards set out in the policy.
- ~~6. Prohibit the use, possession and/or sale of prohibited substances.~~

## 2 SCOPE & APPLICATION

This policy and the standards articulated will apply on 1 ~~April~~ **July** 2013 with complete implementation and testing to commence 1 ~~July~~ **October** 2013.

The standards articulated in the policy will apply equally to all employees, including permanent and retained firefighters, trades and administrative staff, regardless of rank, grade or position.

The policy will apply to the workplace (encompassing any site where FRNSW employees are carrying out their duties) ~~and also to situations where an employees' off the job or off premises conduct undermines public confidence in or harms the reputation of FRNSW.~~

This policy ~~(excluding references to drug and alcohol testing)~~ also applies to contractors, **CFU** 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 **LEGAL & POLICY FRAMEWORK**

Under the Fire Brigades Regulation 2008 clause 18, 1 (a) (b) and (f), ~~and 18, 2:~~

(1) A firefighter must not:

- (a) come on duty while under the influence of alcohol or a drug, or
- (b) while on duty, consume, use or possess any alcohol or drug, or
- (f) while off duty, enter or remain on departmental premises without authority.

(2) ~~The officer in charge of any departmental premises must refuse to permit a firefighter to come on duty if of the opinion that the firefighter is under the influence of alcohol or a drug to the extent that the firefighter is unable to exercise the functions of a firefighter.~~

Work Health and Safety legislation (2012) also requires employers to ensure a safe working environment for all employees; this extends to the use of drugs and/or alcohol in the workplace. It places responsibility on both employer and employee to ensure the workplace is free from the risks associated with the use and/or consumption drugs and/or alcohol.

## 4 **POLICY ~~PRINCIPLES~~ STANDARDS**

### ~~4.1~~ **Policy Values**

~~The core values of FRNSW define the expectations, with respect to behaviours and relationships at work, and serve as a basis for all decision making relating to drug and alcohol.~~

~~How we choose to respond to this Alcohol and Other Drugs Policy and the mutual responsibility it confers on all FRNSW employees will reflect on our commitment to these organisational values.~~

- ~~▪ Adhering to the policy standards advances and supports our **commitment to safety**.~~
- ~~▪ Committing to the objectives of the policy demonstrates our **honesty and integrity**.~~
- ~~▪ **Respect** will be shown for individual rights and privacy as well as the authority under which this policy is made and applied.~~
- ~~▪ 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.~~
- ~~▪ The policy will demand, but also validate and demonstrate through our commitment to its principles, our **professionalism**.~~

- ~~▪ Teamwork will allow for its effective deployment.~~

## **4.2 Policy Requirements**

This policy adopts the following standards ~~of behaviour~~ relating to alcohol and other drugs:

### **Alcohol**

- Employees ~~reporting to work, and whilst~~ at work, who are assigned to drive an FRNSW heavy motor vehicle **must not** have a blood alcohol concentration (BAC) of **less than 0.02 grams or above** of alcohol per ~~100 millilitres of blood~~ 210 litres of breath (i.e. 0.02mg%)<sup>1</sup>.
- Employees at work who are not assigned to drive an FRNSW heavy motor vehicle **must** have a blood alcohol concentration (BAC) of **less than 0.05 grams** of alcohol per 210 litres of breath (i.e. 0.05mg%).
- Employees must not have in their possession any unsealed alcohol, or consume alcohol while at work or FRNSW premises.
- FRNSW uniformed employees must not consume alcohol while they are wearing a uniform nor in any identifiable part of a FRNSW uniform ~~that could easily be recognisable as being from FRNSW.~~
- ~~▪ The Commissioner may grant exemptions to allow the consumption of alcohol at work or whilst in uniform (e.g. a special event). In these circumstances employees must remain under 0.02 and ensure that alcohol is consumed in a responsible manner, consistent with upholding the reputation and integrity of FRNSW.~~
- ~~Token or non-token gifts~~ Gifts of alcohol must not be accepted under any circumstances and should be returned to the provider / gift giver. If this is not possible it should be managed in accordance with relevant policy.
- Employees are not permitted in the workplace, whether on or off duty **while under the influence of alcohol if they have consumed alcohol and believe they are 0.05 or above**, this includes any designated station where sleeping accommodation has been made for the purposes of overnight stay.
- ~~▪ Any employee subject to a driving infringement relating to a Prescribed Concentration of Alcohol (PCA) offence, whether on or off duty, is required to report this matter to the Workplace Standards Branch.~~
- ~~▪ Employees attending functions or events in an unofficial capacity (for example: a funeral of a fellow employee; FRNSW Annual Charity Ball; or dinner with other government agencies) should ensure that any alcohol consumed is in a responsible manner, consistent with upholding the reputation and integrity of FRNSW.~~

<sup>1</sup> The BAC legal limit for a special category driver – Section 8 of the Road Transport (Safety and Traffic Management) Act 1999 defines a special category driver as the driver of a heavy motor vehicle.

### Prohibited Drugs

- Employees must not use any prohibited drug or non prescribed steroid in any FRNSW workplace ~~or premise~~ (including in any FRNSW vehicle ~~or appliance~~).
- Employees **must not** ~~report to work, or~~ **be at work, with concentrations of any prohibited drug in their body systems** at or above the cut-off level for that drug, as prescribed ~~by the relevant Australian Standard in the table below.~~

<b>Class of drug</b>	<b>Cut off level, ng/mL</b>
Opiates	50
Amphetamine-type stimulants	50
Δ9-tetrahydrocannabinol (THC)	25
Cocaine and metabolites	50

- Employees are not permitted in the workplace, whether on or off duty, while under the influence of prohibited drugs, this includes any designated station where sleeping accommodation or arrangements have been made for the purposes of overnight stay.

### Other Drugs: Over the Counter Pharmaceuticals or Prescription Medication

~~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 is taking any form of general medication/s, such as over the counter and/or prescription medication, that carries a warning that it may impair or impact on normal functioning, they should: **not commence or remain at work if they believe they are unable to safely carry out their normal duties.**

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

~~Any allegations of criminal activity concerning the sale, possession, distribution of prohibited drugs, pharmaceuticals or non-prescribed steroids in any FRNSW workplace will be reported to NSW Police Force.~~

## 5 POLICY IMPLEMENTATION

### 5.1 Drug and Alcohol Testing

~~Measures adopted to gauge whether the standards are being met include provision for FRNSW shall conduct~~ random, targeted and post accident / serious injury drug

and alcohol testing of all employees in FRNSW; and pre-employment drug testing for firefighters, as part of the Health Standards for recruitment.

Drug and/or alcohol tests may be approved by the Commissioner ~~or their delegate/s,~~ Deputy Commissioner, Deputy Chief Executive, Director Human Resources or the Assistant Director, Workplace Standards, ~~or their delegate/s.~~

Such tests are a ~~mandatory~~ condition of employment with FRNSW. Any refusal by a FRNSW employee to undertake a drug and alcohol test may result in disciplinary action ~~being taken against that employee.~~

Such tests are a condition of attendance at an FRNSW workplace. Any refusal by a contractor or CFU volunteer (including an RFS firefighter) on site to undertake a drug and alcohol test will result in the contractor or volunteer being ordered to leave the workplace or, if the contractor or volunteer refuses to do so and the workplace is located outside of an FRNSW Fire District, the immediate withdrawal of all FRNSW employees.

## 5.2 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 FRNSW ~~worksites~~ workplaces.

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 accidents.~~

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

## 5.3 Targeted Testing

Targeted testing can be initiated by a Duty Commander (or equivalent) or above, in circumstances where an employee presenting for work 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 is suspected of possible~~ drug and/or alcohol misuse and/or abuse in the workplace.

## 5.4 Post Accident / Serious Injury

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.

Testing will also be conducted in the event of a workplace accident that causes serious damage to FRNSW equipment or property.

~~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 will be undertaken as soon as reasonably practical after the 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.

## 5.5 Reporting Substance Misuse

All employees have an obligation to report the abuse or misuse of alcohol and/or other drugs, ~~as employees affected by alcohol and/or other drugs are a safety hazard to themselves and all other persons~~ in the workplace. Any suspected substance misuse ~~issue/s~~ in the workplace should be reported to a Manager, Station Officer, ~~Captain~~ Commander or Workplace Standards. ~~Reports of substance misuse can be made anonymously.~~

## 5.6 ~~Call Outs Recall~~ / On Call ~~Duty~~ Arrangements

It is the responsibility of all employees to ensure they adhere to the ~~standards of the~~ Drug and Alcohol Policy and do not commence work if impaired by alcohol and/or other drugs.

In circumstances where an employee is recalled to duty and has consumed alcohol (and believe they are ~~0.02~~ 0.05 or above); and/or medications that carry a warning (and believe they are unable to safely carry out their normal functions) they must not ~~report for~~ commence duty.

## 5.7 Retained Firefighters

In circumstances where a ~~FRNSW~~ Retained Firefighter has been ~~requested to attend a call out~~ alerted to an incident and has consumed:

- alcohol (and believe they are ~~0.02~~ 0.05 or above or, if driving, they are 0.02 or above); and/or
- medications that carry a warning (and consequently believe they are unable to safely carry out their normal functions); and/or
- prohibited substances;

they must not respond to the ~~call-out~~ incident.

## 5.8 Accidental Exposure

If an employee believes they may have inadvertently been exposed to substances listed on the testing device, they must ~~voluntarily~~ 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.

Any disclosure of accidental exposure will require the employee to submit to a drug test prior to resuming duty ~~to ensure their health and safety, and that of their co-workers and the community.~~

If an employee fails to disclose accidental exposure and is subject to random, targeted or post accident testing, they ~~will~~ may be subject to the provisions of any positive test result as outlined in the Alcohol and Other Drug Testing Procedures.

## 5.9 Counselling and support services

This policy seeks to facilitate the health, safety and welfare of all employees by providing a wide range of support services and programs available to individuals experiencing ~~genuine~~ dependency problems and FRNSW is committed to providing ~~all-reasonable~~ comprehensive rehabilitation support through these channels for its employees.

FRNSW is committed to educating, assisting and supporting employees to deal with alcohol and/or other ~~genuine~~ drug problems, through support services, counselling and assistance.

Information on how to access counselling and rehabilitation services is available from Workplace Standards or Health & Safety.

## 5.10 Positive Test Results

Procedures for the management of situations where a positive test result is recorded are presented in the Alcohol and Other Drug Testing Procedures.

## 5.11 Confidentiality

Confidentiality in relation to the misuse or abuse of alcohol and other drugs is fundamental to protecting the privacy of individuals and in encouraging employees' acceptance of prevention and treatment measures. Maintaining confidentiality is the responsibility of all employees and management of FRNSW.

All test results are treated as confidential. FRNSW will only use personal or health information for the purposes for which it was collected.

Any employee, contractor or consultant who has access to information about testing results, or another person's self identification or participation in counselling or a rehabilitation program, is obliged to maintain that information in confidence and not to disclose it to anyone else unless authorised to do so by FRNSW's policies or procedures, the law and/or the person to whom the information relates.

Any employee, contractor or consultant who becomes aware of a breach of confidentiality in relation to these matters is ~~obliged~~ **encouraged** to report such breaches **to** the Assistant Director, Workplace Standards.

Breaches of confidentiality, ~~or failing to report a breach of confidentiality,~~ will be considered a breach of this policy and will be investigated. If the breaches are found to have occurred, disciplinary action may be taken.

## **6 ROLES AND RESPONSIBILITIES**

### **6.1 Fire & Rescue NSW**

~~As a responsible employer, and a trusted and respected organisation in the community we serve,~~ FRNSW will:

1. Create an awareness of the impact of the misuse and/or abuse of alcohol and/or other drugs amongst employees.
2. Develop and administer policies and procedures that respect employee rights, are positive in their intent, and comply with the law.
3. ~~Support the establishment of~~ **Establish and maintain** programs to assist employees with alcohol and/or other drug abuse or dependency problems.

### **6.2 Managers**

Managers will ensure that:

- ~~1. A safe working environment is provided for all employees.~~
- ~~2. The Alcohol and Other Drugs Policy is communicated, implemented and supported in a manner evident to employees.~~
- 31.** The policy is administered in a manner that is fair and consistent, and in accordance with the Alcohol and Other Drugs - Procedures Guide.

42. Employees are actively supported through any program aimed at managing alcohol and/or other drug abuse or dependency problems.
53. The policy is communicated such that all employees are made fully aware of the Policy Principles and Policy Standards, including relevant procedures.
- ~~6. Employees have an understanding of their roles and responsibilities.~~

### 6.3 Employees

Employees ~~of FRNSW~~ are expected to take personal responsibility in meeting the standards articulated in this policy and must adhere to the requirements of the Alcohol and Other Drugs - Procedures Guide, ~~as varied from time to time.~~

All ~~FRNSW~~ employees have a responsibility to:

1. Ensure personal knowledge and understanding of the details and implications of this policy.
2. Adhere at all times to ~~the standards set out in~~ this policy.
- ~~3. Notify a manager of any medication/s that they are taking where that medication carries a warning concerning its potential to impair or impact on normal functioning.~~
43. Comply with all directions concerning drug and alcohol testing initiated by FRNSW under this policy.
- ~~5. Seek and accept assistance for alcohol and/or other drug abuse or dependency problems.~~
64. Participate in and support FRNSW sponsored drug and alcohol training, education and information programs.
- ~~7. Support FRNSW efforts to eliminate alcohol and/or other drug misuse and/or abuse among employees, where it exists.~~

### 6.4 Test Refusal / Interfering / Substituting test results

Any ~~FRNSW~~ employee who refuses to submit to a test; evades or wilfully delays the procedure; interferes with a test sample or test result; or substitutes or attempts to substitute a sample; will be subject to disciplinary action, ~~which may result in dismissal.~~

A person who does anything to introduce, substitute or alter the concentration of alcohol or any prohibited drug in the employee's saliva and/or breath;

- (i) before submitting to a breath analysis, or
- (ii) before providing a sample of saliva or breath,

or during the process will be ~~subjected~~ to disciplinary action.

~~The authorised accredited on-site test collection service provider will document the incident and refer the matter to the Workplace Standards Branch.~~

## **7 MONITORING AND REVIEW**

Annual reviews of this policy and accompanying procedures guide will be conducted to determine the effectiveness of the drug and alcohol program and compliance with the behavioural standards and expectations.

## **8 TRAINING AND SUPPORT**

Information and education for employees is available via the Workplace Standards intranet site. A checklist is available to assist managers understand their roles and obligations, ~~as part of upholding the standards associated with~~ under this policy and the procedures guide.

## 9 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"/> <b>CFU Volunteers (including RFS firefighters)</b>
<b>Status</b>	Unclassified [or other appropriate classification in accordance with the Information Security Policy]
<b>Security</b>	NFB/09732 -2
<b>Variations</b>	<b>Insert here variations as made, including date of variation</b>
<b>Review Date</b>	Initial review of Policy -
<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

### 9.1 Related documents

Document	Description
Alcohol and Other Drugs Testing Procedures (Policy no. CG02-003)	Outlines procedures followed for random, targeted and post accident / serious injury drug and alcohol testing; the management of negative results and for the reporting of concerns by managers and staff.
Fire & Rescue NSW Managers Checklist (Policy no. CG02-002)	Provides Managers with a checklist on how to handle alcohol and or other drugs issues.
<del>AOD Medication Declaration Form (Testing Purposes)</del>	<del>Form for employees to declare (prior to testing) any medication they are currently taking. This form and information is confidential.</del>
Support Services Referral Form	Provides a list of treatment services across metropolitan and regional NSW.