

# ALCOHOL AND OTHER DRUGS PROCEDURE

Broome Port Services

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**VARIATION RECORD:**

<b>Version No.</b>	<b>Version Date:</b>	<b>Brief Description of Change:</b>
1.0	June 2005	Original issue
2.0	August 2009	Revision to entire policy and inclusion of alcohol other drug screening. Board approved 7 August 2009.
3.0	March 2012	Revision to entire policy. Fitness for Work Policy supported by two procedures; Alcohol and Other Drug Screening and Validation Procedure and Fatigue Management Plan
3.1	July 2014	Rebranded with Kimberley Ports Authority. Minor corrections to Office names and Health Safety and Environment team roles.
1.0	November 2015	Review of whole document and change of Policy name from Fitness For Work Policy to Alcohol and Other Drugs Policy. Inclusion of requirements for state and federal officers, KPA authorised events, additions to Self-Screening options and changes to consequences for a breach. The Alcohol and Other Drug Screening Procedure was combined into the Policy.  Note: due to the Policy name change this is now Version 1.
1.1	January 2017	Updated employee assistance provider in Appendix A. Changed HSE Department titles to HSE Manager and HSE Officer.
1.2	July 2018	Capture requirements around return to work. Employee Assistance Program availability. Retitled as Alcohol and Other Drugs Procedure.
1.3	January 2020	Updates to Appendix A including Employee Assistance Provider details and other resources. Minor formatting.
1.4	Dec 2021	Title and location changes
1.5	July 2022	Location amendments for wall mount and mobile breathalysers
1.6	Jan 2023	Full review, minor changes only to align with AS/NZS 4760: 2019 including updated laboratory cut off levels table in Appendix D. Locations of screening units updated. Updated reference to WHS Act 2020.

## 1. INTRODUCTION

Kimberley Ports Authority (**KPA**) is committed to providing a safe working environment for all Workers and visitors.

The use of Alcohol and other Drugs in KPA's workplace has the potential to adversely affect:

- the health and safety of KPA Workers and visitors
- KPA's ability to efficiently perform its duties and provide services
- the security and enjoyment of the working environment
- KPA's port as an environment in which to conduct business or pleasure activities and
- the security and integrity of KPA property and other business interests connected to KPA's port.

In particular, the use of Alcohol and other Drugs is an occupational health and safety (**OHS**) issue in the workplace as it affects an individual's ability to exercise judgment, coordination, motor control, concentration and alertness which can lead to an increased risk of error, injury or illness.

The consumption of Alcohol and the consumption or use of other Drugs on KPA Operated Sites is prohibited.

This Procedure and the activities described herein are directed at discouraging the use of Alcohol and other Drugs where there can be an impact on the work environment. The intention of this Procedure is to assist in providing a safe work environment for employees, contractors and visitors.

This Procedure sets out KPA's actions concerning Alcohol and other Drugs screening and the consequences for breaching this Procedure.

### 1.1. Scope

This Procedure applies to:

- KPA's employees undertaking work for KPA and;
- Contractors (as defined by this Procedure) undertaking work on KPA Operated Sites.

This Procedure will not apply to:

- Passengers and vessel crew who are not Workers, solely accessing KPA's ports for the purpose of embarking or disembarking a commercial vessel. Vessel Masters are responsible for the safety of all crew and passengers, particularly when passengers and vessels crew are transferring between the wharf and vessel and vice versa and must ensure they have plans in place for identifying and dealing with passengers or crew who are not fit to safely disembark or embark from KPA sites
- Members of the public visiting the public recreational areas and
- State and Federal Officers, such as Police, Customs officers and Department of Agriculture officers, who have a legal entitlement to decline a Drug and Alcohol screen under their relevant State and Federal policies. In the event of an incident involving a Federal Officer who declines a for cause screening, KPA may notify the relevant agency.

This Procedure supports KPA's:

- OHS System
- Code of Conduct and
- Contracts between KPA and its Contractors, including the Contractor's Handbook.

## **1.2. Legislation and supporting KPA documentation**

Legislative instruments that are used or referred to in this Procedure:

- Work Health and Safety Act 2020 (WA)
- Port Authorities Act 1999 (WA) and
- Port Authorities Regulations 2001 (WA).

Australian/New Zealand Standards referred to in the Procedure

- AS 3547-2019 Breath Alcohol Testing Devices (AS 3547) and
- AS 4760-2019 Procedures for Specimen Collection and the Detection and Quantitation of Drugs in Oral Fluids (AS 4760).

KPA supporting documentation to this Procedure:

- KPA Prescribed Medication Doctor Declaration (Appendix B) and
- KPA Other Medication Declaration (Appendix C).

## **2. DEFINITIONS**

**Alcohol** means all intoxicating liquor including Ethyl Alcohol and Ethanol.

**Authorised Collector** means a Worker who is trained in the screening process and authorised by KPA to do any or all of the following:

- conduct on-site breath Alcohol and other Drugs screening
- specimen collection for off-site analysis and
- storage, handling and dispatch, of Alcohol and other Drugs samples.

**Breath alcohol concentration (BrAC)** means the amount of Alcohol in an individual's body as measured by the concentration of Alcohol in the individual's breath.

**Contractors** mean all KPA contractors, sub-contractors and their employees and any other contractor or individual participating in KPA business on KPA's Operated Sites at the Port of Broome. See also definition of Worker.

**Drug** means any chemical substance or compound, organic or inorganic, derived from a natural source or by synthetic formulation which, when taken by an individual, may modify one or more of the physiological, biochemical or psychological functions of that individual.

**Employees** mean all KPA employees (including the CEO) and KPA Directors. This Procedure only applies when Employees are undertaking or scheduled to work for KPA. See also definition of Worker.

**For Cause Screening** means screening which takes place:

- where a Workers erratic, unusual or inappropriate behaviour raises concern that the Worker may be under the influence of Alcohol or other Drugs
- where evidence is found of Alcohol or other Drug use at work (e.g. drug paraphernalia, distribution or possession of Alcohol or other Drugs, Alcohol containers on worksites or in vehicles) or
- as part of an employee return to work program.

**KPA Operated Site** refers to any part of KPA lands (including land leased by KPA), administrative areas or facilities which are managed by KPA. It excludes lands leased by KPA to third parties and the following public recreational areas:

- Entrance Point boat ramps
- the public walkway on the wharf
- beaches in port limits and
- the public carpark.

**Laboratory** means a laboratory which has been accredited to carry out chemical analysis in conformity to the requirements of AS 4760.

**Management Representative** means a KPA Manager or their delegate.

**Negative Screen** means a screen for Alcohol which results in a reading of 0.00%, or a screen for other Drugs which results in a concentration at or below the target concentrations following Laboratory confirmation in line with AS 4760.

**Non-Negative Screen** means an initial onsite Drug screen which is not negative and requires laboratory confirmation.

**Other Medication** means non-prescription medication (over the counter or off the shelf medication) and natural health care products that:

- a pharmacist, doctor or natural health practitioner has advised the individual, could present a workplace safety risk or
- may influence an Alcohol or other Drugs screen.

**Port Access Card** means the KPA card which provides unescorted access to the wharf.

**Positive Screen** means a screen for Alcohol which results in a reading above 0.00%, or a screen for other Drugs which results in a concentration above the target concentration following Laboratory confirmation in line with AS 4760.

**Post Incident Screening** means a screening which takes place following a Workplace Incident.

**Pre-employment Screening** means a comprehensive pre-employment medical assessment screening that includes breath screening for Alcohol and urinalysis for other Drugs conducted by a qualified external provider selected by KPA.

**Prescription Medication** means any medication that a doctor has prescribed and considers could present a workplace safety risk. It also refers to any prescribed medication an individual is taking that may influence a Drug screen.

**Random Screening** means screening conducted at any KPA workplace or premises at unannounced times which is not For Cause Screening or Post Incident Screening.

For clarity:

- Random Screening may be conducted over a particular shift or a particular work area and may involve blanket screening for an entire shift of Employees or work area or be based on a random selection of Employees across shifts and work areas and
- Random Screening can be conducted on Contractors.

**Self-Screening** means screening conducted by an individual prior to commencing work or entering KPA premises.

**TOIL** means time off in lieu or an accrued day off provided for in an enterprise agreement or contract between KPA and the Employee.

**Workplace Incident** means any event in the workplace resulting in, or having a potential for injury, ill-health or personal, property or business damage or other loss.

**Worker** means both Employees and Contractors as defined in this Procedure.

### **3. ROLES AND RESPONSIBILITIES**

General OSH responsibilities are outlined in KPA's OSH Procedure. Specific responsibilities relating to this procedure are outlined below.

#### **3.1. Employer**

KPA will inform all Workers of this Procedure in relation to Alcohol and other Drugs through the KPA induction process. The KPA Workplace Alcohol and Other Drug Presentation will be provided to new Employees as part of their induction. The presentation provides additional information on the effects of Alcohol and other Drugs.

KPA will also:

- provide and disseminate relevant information on the Procedure, including by displaying posters on workplace noticeboards and
- provide an Employee Assistance Program (EAP) for all employees. The EAP service's aim is providing management strategies for addiction, mental health concerns, fatigue and stress.

#### **3.2. Management Representatives**

Management Representatives' responsibilities include:

- taking prompt and appropriate action when they reasonably suspect an individual is not capable of working in a safe and effective manner or otherwise poses a risk to themselves or others. This includes consideration of the need to isolate the individual from others or the workplace for assessment of capacity. If isolation is required, it is to occur in a manner that shows fairness, respect and has regard to the need to maintain confidentiality, so far as is practicable
- requiring a Worker to undertake Alcohol or other Drugs screening when:
  - they reasonably believe a Worker is affected by Alcohol or other Drugs
  - a Workplace Incident has occurred (unless CEO approval has been given to not conduct a Post Incident Screening) or
  - evidence of Alcohol or other Drugs use is found at KPA premises;
- requiring an individual to be screened for Alcohol or other Drugs at a WorkSafe Officer's or KPA Supervisor's request and
- maintaining confidentiality within appropriate reporting lines, as far as reasonably practicable, in regards to Workers screening results, medication or referral for treatment or counselling, in accordance with relevant legislation.

#### **3.3. HSER Manager**

The HSER Manager is responsible for:

- coordinating the KPA random Alcohol and other Drug screening program
- maintaining KPA Alcohol and other Drugs screening equipment

- reporting individual or collated Alcohol and other Drugs screening results to relevant Managers, the CEO and the KPA Board of Directors
- monitoring compliance with this Procedure
- coordinating a review of this Procedure as required, ensuring that it is reviewed with adequate consultation from the workforce and
- coordinate return to work processes i.e. workers returning from surgery that may be on prescription medication, workers returning to work after confirmed positive AOD test results.

### **3.4. Supervisors**

The Supervisors' responsibilities include:

- taking prompt and appropriate action if they reasonably believe that an individual is not capable of working in a safe and effective manner. This may include isolating the individual from the workplace in a manner that shows fairness, respect and has regard to the need to maintain confidentiality, so far as is practicable
- requiring that Alcohol and other Drugs screening be undertaken if they have reasonable grounds to believe a Worker is affected by Alcohol or other Drugs
- coordinate the efficient arrival of workers to the testing facility when called upon for AOD testing and
- ensure workers are following any return to work requirements including restrictions that might apply for prescription medication.

### **3.5. Workers**

Workers responsibilities include:

- taking reasonable care not to expose themselves or others to unnecessary health or safety risks including ensuring that he or she is in a fit state to work at the commencement and throughout the work period
- complying with this Procedure, including participating in screening when required
- viewing the KPA Workplace Alcohol and Other Drug Presentation during induction (for KPA employees)
- reporting situations where they are not, or may not be, fit for work or become unfit for work during their shift/work hours
- reporting situations where they observe other Workers who are not complying with this Procedure, who may not be fit for work or may otherwise pose a risk to themselves, others or property. In the event it appears that a passenger or crew member is not fit to embark/disembark, advise the Harbourmaster (or his/her delegate) as the responsibility of the vessel passengers and crew lies with the vessel master;
- seeking advice from appropriately qualified professionals to ascertain whether any medication or natural remedies they are taking may adversely affect their ability to perform their duties safely;
- Following agreed return to work plans following illness or injury with respect to the use prescription medication i.e. painkillers and
- for Contractors, ensuring that all employees and sub-contractors are made aware of this Procedure.

### **3.6. Authorised Collectors**

Authorised Collectors are responsible for:

- conducting Random, For Cause and Incident Based Screening when required
- maintaining confidentiality during the screening process, including the communication of results to appropriate Management Representatives, as far as reasonably practicable and
- ensuring the maintenance of integrity during the Alcohol and other Drug screening process.

An Authorised Collector may be a KPA Employee or a Contractor.

#### **4. KPA AUTHORISED EVENTS OR FUNCTIONS**

The CEO may authorise events or functions outside of KPA Operational Sites where Alcohol can be responsibly consumed by Workers.

CEO approval of these events will include details on the location, date, time and any conditions associated with the arrangement.

Provided a Worker complies with any conditions pertaining to CEO approval, a Worker will not be in breach of this Procedure merely by reason of consumption of Alcohol at an authorised event or function.

A Workers responsibility to be fit for work at the commencement of, or when resuming, work applies regardless of attendance at a KPA authorised event or function.

The KPA Code of Conduct continues to apply to Employees participating in these events or functions during work or attending on behalf of KPA.

#### **5. SELF REVIEW OF FITNESS FOR WORK**

KPA encourages Workers with concerns relating to their use of Alcohol or other Drugs to self-identify and seek assistance.

Contacts for Alcohol and other Drug rehabilitation, resources and counselling can be found in Appendix A.

##### ***5.1. KPA Assistance for Alcohol or other Drug Problems***

KPA's EAP is offered through an independent entity. It provides counselling services on a wide range of topics, including assisting Employees in managing potential or existing Alcohol and other Drug issues. The current EAP provider's details are set out in Appendix A to this Procedure.

If an Employee identifies an issue or problem with Alcohol or Drug use they can access the KPA EAP. KPA will pay for six consultations for Employees under this program. The cost of further consultations may be met by KPA at the discretion of the CEO.

The EAP provider will confirm to KPA the number of participants in the EAP program, but otherwise the records of consultations are confidential between the Employee and the relevant EAP. Discussions between the two parties are not provided to KPA unless the Employee authorises this to occur.

An Employee may also self-identify as being unfit for usual duties by reason of Alcohol or other Drug issues to their Management Representative. Self-identifying must occur prior to any breach of this Procedure.

In the event of self-identification, KPA will develop a return to work plan for the Employee. This will involve the Employee, the HSE Manager (or delegate), the relevant Management Representative and



treatment provider/s. This plan may involve a period of absence from the workplace, a gradual or total return to usual work or provision of alternate duties depending on;

- the advice of the treatment provider
- whether any safety risk is identified
- the level of risk associated with the work performed by the Employee
- KPA's business needs and
- the available duties.

A time frame of 30 days will generally apply to these return to work plans, or as otherwise approved by the CEO.

### **5.2. Self-Screening**

If a Worker is concerned that they may be presenting for work with a blood Alcohol level above 0.00%, they must undertake Self-Screening for Alcohol prior to commencing work or participating in KPA operations. Self-Screening is not available once a Worker has commenced work.

Wall mounted breathalysers are situated at:

- the Maintenance Store
- Head Office

Mobile breathalysers are also available at the Port of Broome Security Gate and at Head Office.

If a Worker self-screens and has an initial Positive Screen (i.e. above 0.00% BrAC), then they must:

- notify their supervisor, manager or KPA contact that they have self-screened and have recorded a Positive Screen
- advise their supervisor, manager or KPA contact whether they will exercise the option of re-screening after 20 minutes. Note: this must still be prior to the scheduled work time
- not commence work during the intervening period between screens and
- not operate a KPA vehicle or machinery or, if they are above the legal limit, drive a motor vehicle.

If a Worker elects not to rescreen, or returns a Positive Screen on rescreening then the Worker:

- must not commence work
- must not operate any KPA vehicle or machinery, or if they are above the legal limit drive a motor vehicle in Western Australia and
- may access any available leave (for Employees). This can be a personal or annual leave day.

In the event of an Employee's Positive Screen on Self-Screening, KPA will offer to either provide a taxi or other to the Employees Broome residence.

A Positive Screen on Self-Screening is not a breach of this Procedure. However, Self-Screening results will be recorded by KPA and follow up action may be taken. This may include discussions with a Management Representative and, where required a recommendation for the Worker to attend counselling or seek professional medical advice.

In the event a pattern of unfitness for work emerges from Self-Screening or an Employee has an unacceptably high levels of absenteeism, the Employee may be required to meet with the relevant Management Representative to discuss the Employee's ongoing fitness for work or absenteeism. The

Employee may be subject to performance management or disciplinary action up to and including termination of employment.

For Contractors an ongoing pattern of unfitness may result in KPA contacting their Employer and potentially re-assessing the Contractor's eligibility to hold a Port Access Card.

## **6. RANDOM, FOR CAUSE AND POST INCIDENT ALCOHOL AND OTHER DRUG SCREENING**

### **6.1. Screening Procedure**

Authorised Collectors will conduct Random, For Cause and Post Incident Screening. If there is a Positive or Non-Negative Screen, a KPA Management Representative will be informed immediately and be present to witness all chain of custody procedures.

Contractors must supply photo identification prior to being tested. If the Contractor's identity cannot be established unequivocally, then the individual will be refused access to all KPA sites.

Equipment used for Alcohol and other Drug screening is to be calibrated in accordance with the relevant Australian Standards. All specimen collection and testing procedures will be consistent with the requirements of AS4760 and will, as far as practicable, ensure individual privacy during sample collection and confidentiality of information.

It is a breach of the Procedure for Worker to:

- refuse to participate in any screening for Alcohol or other Drugs at the time that a sample is requested
- tamper or attempt to tamper with any screening for Alcohol or other Drugs. Tampering can include using a masking substance or adopting a technique designed to affect or tamper with the screening process or
- make a false statement to the Authorised Collector or Management Representative throughout the screening process.

#### **6.1.1 Post Incident Screening**

Post Incident Screening will occur (subject to the paragraph immediately below) in the following circumstances:

- for any injury requiring medical treatment or a higher level of treatment (as documented in KPA's risk reference tables)
- where damage to a vehicle, equipment or infrastructure has occurred
- in the event of a high potential near miss or
- where a KPA Management Representative, KPA supervisor or WorkSafe Officer has reasonable concern that an individual's use of Alcohol or other Drugs may have contributed to the Workplace Incident.

It is recognised that some incidents may not require screening or, in the event of a more serious incident, it may be inappropriate or not possible to screen the individual/s, for example, when the priority is seeking medical treatment. If a Management Representative believes screening is not required or appropriate after an incident, they are to discuss this with the CEO and gain CEO approval for not completing Post Incident Screening. In the event of an emergency where Post Incident Screening is unable to be done on site, KPA may request the hospital or doctor to undertake Alcohol and other Drugs screening. This screening will require the Employees consent and may use breath,

urine or blood for analysis. If the Employee refuses to consent to a screen, it may be considered a breach of this Procedure.

### **6.2. Screening for Alcohol**

The maximum BrAC permitted by Workers on all KPA sites is 0.00% BrAC.

If a Positive Screen is obtained from an initial Alcohol screen, the Worker being screened has the opportunity to retest 20 minutes after the initial screen. The Worker must advise the Authorised Collector if they wish to exercise the option of a rescreen immediately on being advised of the initial Positive Screen result. In the event of an initial or positive screen the Worker can request a witness to be present, however, this cannot delay or interrupt the chain of custody process.

If the Worker's subsequent screen is a Negative Screen (i.e. 0.00% BrAC) then the individual can commence or resume work.

If a Worker has a Positive Screen:

- the Worker must not commence or resume work
- the Worker must not enter KPA's site or operate any KPA vehicles or machinery
- the Workers Management Representative or Employer will be notified of the Non-Negative Drug Screen and
- KPA will offer to provide a taxi or other transport to their Broome residence. For Contractors, KPA will offer to call a taxi or they will be requested to organise a lift off-site.

A Worker returning a Positive Screen will be managed in accordance with Section 8 of this Procedure.

The Worker must not, if they are under the influence of Alcohol or other Drugs which would result in them breaching a law in Western Australia, drive a motor vehicle or operate any KPA vehicle or machinery.

### **6.3. Screening for other Drugs**

Other than Pre-employment Screening, screening for other Drugs will be performed from a sample of oral fluid.

If a Worker has a Non-Negative Drug screen:

- the Worker can request a witness to be present, however, this cannot delay or interrupt the chain of custody process
- the Worker will be required to provide an additional sample of saliva
- the additional sample will be sent to a Laboratory for confirmation
- the Worker will not be able to commence or resume work on a KPA site (see below in regard to declared Prescription Medication and Other Medication for an exception to this)
- KPA will offer to provide a taxi to, or drop an Employee at, their Broome residence. For Contractors, KPA will offer to call a taxi or they will be requested to organise a lift off-site
- the Worker will not be able to resume work with KPA until Laboratory confirmation is received. Employees are to take accrued leave or TOIL and if the Employee does not have any accrued leave or TOIL, they will be placed on leave without pay. Contractors will have their Port Access Card removed and their employer will be notified and
- the Workers Management Representative or Employer will be notified of the Non-Negative Drug Screen. For Contractors, they or their Employer will be required to cover the associated costs with the Laboratory confirmation for the drug screen.

The relevant Management Representative is responsible for coordination of any follow up action required with the Worker.

If the Laboratory confirms a Positive Screen, the Worker will be managed in accordance with Section 8 of this Procedure.

In the event the Laboratory does not detect in the confirmatory screen quantities of any Drug in line with AS 4760, the Employee will return to work and have their leave or TOIL reinstated. Permanent Employees will be paid for any period of unpaid leave. Supplementary Employees will be paid for missed work or shifts as determined by KPA acting reasonably. Contractors can return to site.

### **6.4. Prescription and Other Medication**

KPA recognises that individuals may at times take Prescription Medication and Other Medication. It is not the intention of Drug screening to capture these, provided they are not masking agents for Drugs or Alcohol.

However, Employees are required to inform KPA if they may be impaired by Prescription Medication and Other Medication.

Individuals must comply with any restrictions on the use of the medication as set out in the information accompanying the Prescription or Other Medication or as advised by their pharmacist or doctor, for example, by not operating machinery.

#### **6.4.1 Prescription Medication**

If an individual is taking Prescription Medication, they must consult with a doctor to ascertain whether the medication will adversely affect their ability to perform their duties.

If the Prescription Medication is likely to impact the Employee's ability to work safely, or if it is likely to be detected in a Drug screen, the Employee must organise for the doctor to provide a medication declaration setting out the relevant medication and the effect of that medication in relation to the Employee's fitness for work (an example is provided in Appendix B). This declaration must be provided to the HSE Manager (or delegate) prior to the Employee next commencing work.

In the event of a worker not being fit for work due to prescription medication, the Employee will access accrued leave or liaise with the relevant Management Representative to identify whether KPA can provide appropriate alternative duties.

#### **6.4.2 Other Medication**

If an individual is taking Other Medication, they must discuss with a pharmacist the requirements of their role and whether the medication could impact on working safely.

If the Other Medication is likely to impact an Employee's ability to work safely, or if it is likely to be detected in a Drug screen, the Employee must advise their supervisor of that circumstance.

In the event of unfitness for work due to Other Medication, the Employee will access accrued leave or liaise with the relevant Management Representative to identify whether KPA can provide appropriate alternative duties.

#### **6.4.3 Declaring Prescription Medication and Other Medications in a Drug screen**

If a Worker is taking Prescription Medication or Other Medication that is likely to be detected in a screen then they must advise the Authorised Collector prior to undertaking the Drug screen.

Any Non-Negative Screen will result in a subsequent sample being sent to the Laboratory for confirmation in accordance with section 6.3 regardless of advice as to the taking of Prescription Medication or Other Medication.

If the substance detected in the Non-Negative Screen is inconsistent with a Workers declared Prescription Medication or Other Medication then they will be managed in accordance with Section 6.3 of this Procedure.

If the substance detected in the Non-Negative Screen is consistent with an Employee's declared Prescription Medication or Other Medication (e.g. opiates are present and they have declared Nurofen Plus) then the Employee must meet with their Management Representative and:

- the Employee must advise the type and dosage of the Prescription Medication or Other Medication being taken
- the Management Representative must make a decision based on available medical advice whether the employee is fit to continue normal duties
- the Employee must fill out the Other Medication Declaration Form (see Appendix C)
- the Management Representative may, at their discretion, require the Employee to undertake alternate duties, for example no high risk work
- the Management Representative may, at their discretion, require the Employee to provide a Negative Screen prior to resuming work or
- the Management Representative may require the Employee to leave the work site and obtain a medical certificate from a doctor which confirms that they are fit for work. The appointment and lost earnings (if any) will be at the Employee's cost.

If a Contractor has a Non-Negative Screen and declares Prescription Medication or Other Medication, KPA may contact the individual's employer where appropriate, or require medical information prior to allowing the Contractor to resume their activities on KPA lands or facilities.

If the Laboratory confirms the Workers levels of Prescription Medication or Other Medication are at a quantity consistent with what was declared; the Positive Screen will not be a breach of the Procedure. However, in the event a pattern of unfitness for work emerges from an Employee's use of Prescription Medication or Other Medication, a meeting may be held between the Employee and his or her Management Representative to discuss the Employee's ongoing fitness for work. For Contractors an ongoing pattern of unfitness may result in KPA contacting their Employer and potentially re-assessing the Contractor's eligibility to hold a Port Access Card.

If the Laboratory confirms a Positive Screen that is not consistent with a Workers declared Prescription Medication or Other Medication then the Worker will be managed in accordance with Section 8 of this Procedure.

## **7. BREACHES OF THE ALCOHOL AND OTHER DRUGS PROCEDURE**

A breach of this Procedure includes any of the following:

- a Positive Screen for Alcohol or other Drugs
- consumption, manufacture, distribution or possession of Drugs on KPA premises
- consumption of Alcohol during work activities or on KPA Operated Sites at the Port of Broome
- failure to advise KPA of unfitness for work
- refusal to participate in screening for Alcohol or other Drugs at the time that a sample is required

- tampering, or attempting to tamper, with any screening for Alcohol or other Drugs (tampering can include a masking substance or adopting a technique designed to affect or tamper with the screening process) and
- making a false or misleading statement to an Authorised Collector or Management Representative in respect of Alcohol or other Drug use or the screening process.

## **8. CONSEQUENCES OF BREACHING THE ALCOHOL AND OTHER DRUGS PROCEDURE**

A breach of this Procedure by an Employee may result in disciplinary action being taken against the Employee, up to and including termination of employment.

A breach of this Procedure by a Contractor may result in the Contractor being required to leave site and the Contractors Port Access Card being cancelled. KPA may also notify the Contractors employer of the breach.

If an Employee's employment is terminated as a result of a breach of this Procedure, the Employees Port Access Card will be cancelled. After 6 months, the individual will have the opportunity to re-apply for their Port Access Card in the event they require access to the wharf.

If a Contractor has their Port Access Card cancelled, the individual will also have the opportunity to re-apply for Port Access Card after 6 months.

## **9. PRIVACY**

In order to ensure that the highest levels of confidentiality are maintained:

- conversations relating to work performance or problematic Alcohol and other Drug use will be conducted in private and
- all documentation relating to this Procedure will be kept confidential between the relevant individual and KPA.

KPA will respect the rights of Employees to privacy in matters relating to the use of EAP or other counselling and treatment services and communicate those rights to Employees.

The exceptions to this are:

- the current Procedure and its supporting documentation which are available for all Employees and on the website
- any disclosure required by law and
- any documents which are used by KPA in relation to a breach of this Procedure or in relation to any dispute between the Employee and the KPA concerning this Procedure.

### **9.1. Storage and Access to Assessment Results**

Any electronic and hard copy test results or notes produced from the fitness for work assessment process shall be stored on the Employees personnel file. Access to the test result(s) will be restricted to authorised personnel.

Results will be filed according to KPA's Recordkeeping Procedure and Procedures and Recordkeeping Plan RKP 2014035.

All screen results will be kept and disposed of in accordance with the State Records Act 2000 and the State Records Office of WA's General Disposal Authority for State Government Information 2013-017.

## APPENDIX A – WORKPLACE ASSISTANCE FOR ALCOHOL OR OTHER DRUG PROBLEMS

### 1. Relationships Australia

KPA has an employee assistance program (**EAP**) which is provided by Relationships Australia. EAP is available to all KPA employees and their immediate family members. KPA will pay for six consultations per person annually, with an option for additional services to be provided with CEO approval. EAP is a professional and confidential counselling service which provides you with the opportunity to talk to a professional counsellor who can offer support, advice and new perspectives on personal or work related problems.

For enquiries or appointments contact Relationships Australia Employee Assistance on Freecall 1300 364 277.

### 2. Counselling online

Counselling Online is a service where you can communicate with a professional counsellor about an alcohol or drug related concern, using text-interaction. This is a free service for anyone seeking help with their own drug use or the drug use of a family member, relative or friend. Counselling Online is available 24 hours a day, 7 days a week, across Australia.

Telephone: 1800 888 236 (toll free)

Website: <https://www.counsellingonline.org.au/>

### 3. Alcohol and Drug Information Service (ADIS)

The Alcohol and Drug Information Service is a confidential, non-judgemental 24 hour/seven days a week helpline for anybody seeking assistance with alcohol or other drug use. ADIS provides:

- **Counselling:** Counselling & referral for substance users & family members. Ongoing counselling for people unable to access community based services.
- **Information:** about all aspects of alcohol and other drug use, treatment options and agencies, and where you can access ongoing support.
- **Referral:** the counsellors will explain the different treatment options available and refer you to an appropriate service, other counselling services and support groups in your local area.


Telephone: (08) 9442 5000

Country toll free: 1800 198 024

Website: <https://www.mhc.wa.gov.au/alcoholanddrugsupportline>



**APPENDIX B – KPA PRESCRIBED MEDICATION DOCTOR DECLARATION**

 <p><b>KIMBERLEY PORTS AUTHORITY</b> <i>Broome Port Services</i></p>	<p><b>PRESCRIBED MEDICATION DOCTOR DECLARATION</b></p>	<p>File ref: PER ____/ Version: 1.2 / 82558 Issue date: October 2014</p>
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## Information for Medical Practitioner

Kimberley Ports Authority (KPA) employees have an obligation to comply with KPA's Fitness for Work Policy (**Policy**), a copy of which is enclosed.

KPA requires its employees to have their doctor complete the document appearing overleaf if they have been prescribed medication which may impact on their ability to safely carry out their duties at KPA and or may be detected in a drug screen.

The employee is primarily employed in stevedoring/office duties (circle relevant duties).

Information concerning the employee's duties is annexed to this document.

Can you please:

- consider the employee's employment duties;
- consider the employee's obligations under the Policy;
- consider whether the medication you have prescribed impacts on the employee's ability to perform their duties;
- consider whether the medication you have prescribed is likely to return a positive result for substances specified in the Policy;
- complete the Medical Practitioners Statement appearing overleaf; and
- forward the completed document to KPA's HSE Coordinator by email [hsecoordinator@kimberleyports.wa.gov.au](mailto:hsecoordinator@kimberleyports.wa.gov.au)

### KPA checklist for Doctor:

- Copy of FFW Policy attached
- Copy of relevant position description and/or list of duties

# CONFIDENTIAL

Employee's Name:  
("Employee") \_\_\_\_\_

Employee's Address: \_\_\_\_\_

Employee's Occupation and Duties:  
\_\_\_\_\_  
\_\_\_\_\_

Doctor's Name: \_\_\_\_\_

Practice Address: \_\_\_\_\_

I have prescribed the following medication to the Employee:  
\_\_\_\_\_  
\_\_\_\_\_

I am aware of the Employee's occupation and duties, and permissible concentration of drugs set out in the Policy. It is my considered opinion that provided the Employee takes the medication as prescribed:

- the Employee will be fit for work; and
- the Employee's performance of their duties will not be impaired to the extent that they are a threat to their own safety or the safety of other persons working with them or otherwise present on KPA's property.

Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Doctor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX C– KPA OTHER MEDICATION DECLARATION**

## MEDICATION DECLARATION FORM

Employee Name: \_\_\_\_\_

Department: \_\_\_\_\_

I declare that:

1. I am:

(a) taking medication prescribed to me by a medical practitioner (Prescribed Medication); or

(b) have taken over the counter medication, (Other Medication) that may cause me to provide a positive result to the drug test which I am about to take.

2. The details of the medication are as follows (note: include medication name, potential side effects, prescribed use and duration of prescription): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. I have consumed the medication in accordance with the specifications of the manufacturer and/or the recommendations/prescription of my medical practitioner.
4. I am aware of my obligations under 'Kimberley Ports Authority's ("KPA") Alcohol and Other Drugs Policy.
5. I am aware that the consumption of drugs can lead to impaired performance, putting the health and safety of myself and others at risk. Given the severity of the consequences, I understand that the provision of false or misleading information in regard to this matter will result in disciplinary action and may result in the termination of my employment.
6. I understand that pursuant to section 20 of the *Occupational Safety and Health Act 1984 (WA)* that I must ensure that I am not by the consumption of alcohol or a drug (including the medication), in such a state as to endanger my own safety while at work or the safety of any other person at work.
7. I have not taken any other drugs.
8. The medication has not affected, and will not affect, my ability to perform my tasks safely and I am fit for work.
9. I understand that if I am not fit for work and I am involved in an incident or accident then I may be personally liable for any loss, injury, harm or damage suffered by KPA and without limitation, other parties including KPA's contractors, customers, employees and invitees.

**Employee / Contractor:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Supervisor:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## APPENDIX D –CONFIRMATORY (LABORATORY) TARGET CONCENTRATIONS

The following table is from AS 4760: 2019

AS/NZS 4760:2019

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**TABLE 2**  
**CHROMATOGRAPHY-BASED SCREENING  
TEST CUT-OFF CONCENTRATIONS**

Compound	Cut-off concentration ng/mL
Amphetamine	25
Methylamphetamine	25
Methylenedioxymethylamphetamine	25
Methylenedioxyamphetamine	25
$\Delta^9$ -tetrahydrocannabinol (THC)	5
Cocaine	25
Benzoylcegonine	25
Codeine	25
Morphine	25
6-Acetylmorphine	10
Oxycodone	20

**NOTES:**

- 1 The cut-offs apply to the concentration in the neat oral fluid specimen (originally obtained from the donor). The specimen dilution of the particular device used to collect, store or transport the oral fluid specimen (as described in Appendix C1) shall be applied to calculate this concentration from the laboratory result.
- 2 Other drugs or drug classes not listed in Tables 1 or 2 can be added to the testing options provided the laboratory has established validated testing methods consistent with this Standard. If a cut-off concentration has not yet been established, the LOR for the methodology shall apply as specified in Appendix B.