Drugs and alcohol

Principles and processes to manage the risks of drugs and alcohol in the workplace.
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Introduction

Purpose

Roads and Maritime Services has a duty to ensure the health and safety of all workers and others affected by our undertakings\(^1\).

Workers\(^2\) have a duty to take reasonable care for their own health and safety, as well as for the health and safety of others, in the workplace and to cooperate with Roads and Maritime in providing a safe working environment\(^3\). The purpose of this procedure is to establish clear, transparent and consistent processes for addressing the risks associated with drugs and alcohol in the workplace.

This procedure explains the:
- Principles underlying Roads and Maritime’s approach to drug and alcohol risk management, including expectations of workers and managers
- Process for establishing that there is reasonable suspicion that a person is not fit for work as a result of drug or alcohol use, and arranging drug and alcohol tests
- Process for managing self-identification, and positive drug or alcohol tests.

Scope

This procedure applies to workers when undertaking work for, or on behalf of, Roads and Maritime.

Roads and Maritime staff\(^2\) must comply with this procedure in accordance with the Transport Code of Conduct.

All Transport Service employees working at or visiting Roads and Maritime premises\(^2\) must comply with this procedure.

When Roads and Maritime staff are performing work for Roads and Maritime, but at a site not owned, managed or controlled by Roads and Maritime, they are required to comply with this procedure and any drug and alcohol policies, procedures or site rules that may be in place at that site. If a Roads and Maritime staff member contravenes the policy, procedure or site rules in place at such a site, that contravention will be regarded as a breach of this procedure.

\(^1\) Section 19 of the Work Health and Safety Act 2011
\(^2\) See Definitions
\(^3\) Section 28 of the Work Health and Safety Act 2011
1 Principles of drug and alcohol risk management

1.1 Expectations

All workers are expected to be fit for work when reporting for work, at all times during working hours (including breaks and travel time), and when on call under a Roads and Maritime Award. In the context of this procedure fit for work means:

- Not having a blood alcohol concentration of 0.02% or more\(^4\), or drugs above the levels stipulated in AS4760:2006\(^5\)
- Not consuming alcohol or taking drugs (as listed in AS4760:2006).

Workers are expected to advise their manager:

- If they are taking prescribed or over-the-counter medication that may affect their fitness for work
- If they think someone they are working with is not fit for work.

Managers are expected to manage the risks arising from drug and alcohol use by implementing this procedure.

1.2 Leadership and supervision

In the context of this procedure managers are expected to:

- Communicate this procedure to workers and lead by example
- Proactively address potential drug and alcohol use
- Conduct effective conversations with workers focusing on their fitness for work
- Encourage workers to seek medical advice and support their return to work
- Maintain confidentiality.

1.3 Drug and alcohol testing

For-cause drug and alcohol testing is conducted in response to reasonable suspicion. Reasonable suspicion is a concern about a worker’s possible drug or alcohol use that may affect that worker’s ability to perform work safely and without risk of harm to themselves or others at the workplace, based on appearance or behaviour.

Section 2.3 describes how reasonable suspicion is confirmed.

The testing process will be managed through an authorised testing agency and Roads and Maritime will meet the costs associated with drug and alcohol testing.

Any worker (as defined in this procedure), whatever their level of seniority, can be directed to take a drug and alcohol test by their one-up manager.

\(^4\) Except where a lower limit applies under legislation – e.g. provisional drivers licence holders who are required to drive for work must not have a blood alcohol concentration above zero.

\(^5\) See External references
1.4 Information and education

Roads and Maritime will provide managers and workers with information and education about drugs and alcohol in the workplace. Examples include:

- Briefings to managers and workers to support implementation of this procedure
- General induction for new Roads and Maritime workers
- Safety induction for both Roads and Maritime and non-Roads and Maritime workers
- Health and wellbeing initiatives.

Mandatory training

All managers, and any worker who acts as a trained staff representative under this procedure, must complete the Drugs and alcohol procedure training before applying this procedure.

1.5 Self-identification

Roads and Maritime encourages workers who have concerns about their fitness for work due to drug or alcohol use to self-identify before reasonable suspicion of drug or alcohol use occurs.

Section 1.6.1 addresses disclosure of prescribed or over-the-counter medicine use.

If a person self-identifies as having a problem with alcohol or drugs (including prescribed or over-the-counter medicine), Roads and Maritime will be supportive and assist them.

However, if a worker self-identifies during a conversation to confirm reasonable suspicion that they are affected by drugs or alcohol, they may still be directed to undergo testing. Self-identification cannot be used to avoid a test or action that may result from a positive test.

The worker should self-identify to their manager, who will take action to ensure the health and safety of the worker and others in the workplace according to the Fitness for Duty procedure (PN243P05). This may involve the manager removing the worker from their duties, directing them to seek medical advice, and providing information about support options (see section 1.9).

Where medical advice indicates that the worker should enter treatment or a rehabilitation program, Roads and Maritime employees will be entitled to access their leave in accordance with the Sick Leave procedure (PN208P02).
1.6 Consumption of drugs or alcohol on Roads and Maritime premises

1.6.1 Prescribed or over-the-counter medicine

Roads and Maritime expects workers who are required to take prescribed or over-the-counter medicine that may affect their work performance, or otherwise impact on their own health and safety or that of the workplace, to inform their one-up manager.

Once notified the manager will review and, where necessary and possible, modify the worker’s duties according to Human Resources policies and procedures.

1.6.2 Drugs

Drugs (apart from prescribed or over-the-counter medicine) must not be consumed on Roads and Maritime premises at any time.

1.6.3 Alcohol

Alcohol must not be consumed on Roads and Maritime premises.

The only exception to this is where workers are required to report for duty on ‘Distant Work’ as defined under the Roads and Maritime Services (Wages Staff) Award 2017 and are accommodated at an established Roads and Maritime camp. In these circumstances, workers may be permitted to consume alcohol at the discretion of management after the cessation of working hours (unless they are on call) and only within the zone established as the Roads and Maritime camp (not the worksite area). Workers are expected to exercise moderation in their drinking, and must be fit for work when they next present for work.

1.7 Alcohol at work functions

Workers on duty at Roads and Maritime or industry partner work functions held off-premises must not consume alcohol.

Workers who attend work-related social functions held off-premises after working hours, where alcohol is served, should be mindful to consume alcohol in moderation and not return to work.

1.8 Confidentiality and privacy

In all circumstances, any information created or collected about a worker’s use of drugs or alcohol must remain confidential.

This includes records of test results, self-identification, medical assessment, rehabilitation and follow-up action.

Managers and workers must ensure so far as possible that confidentiality is maintained in the application of this procedure.

Health and personal information may be used for the purpose of applying this procedure, and in any related investigations and outcomes. The collection, use and
1.9 Support

The following services are available to both managers and workers:

- **Employee Assistance Program (EAP) (telephone: 1300 360 364)** – a free and voluntary counselling service available to all staff and their immediate family. For more information, go to HR Intranet – EAP.

- **managerAssist (telephone: 1300 360 364)** – a telephone advisory service for managers dealing with difficult or complex issues. For more information, go to the HR Intranet – EAP.

- **HR Advisory (telephone: 1800 618 445)** – the first point of contact for managing non-work related injuries and health-related concerns according to the Human Resources *Fitness for duty procedure*, and disciplinary matters. For more information, go to the HR Intranet – HR Advisory.

Roads and Maritime encourages workers who have concerns about their drug or alcohol use to seek the advice of a registered medical practitioner who can provide medical assessment and referral to treatment options.

Workers may also contact their union for assistance with accessing support through other recognised programs.

1.10 Breaches

A worker does not comply with this procedure if they:

- Fail to disclose to their manager that they are taking prescription or over-the-counter medicine that may affect their work performance or otherwise impact on their own health and safety or that of the workplace

- Use or consume drugs or alcohol during working hours or when on call

- Return a positive test result for alcohol

- Return a positive test result for drugs

- Do not provide a breath or oral fluid sample after being requested to do so

- Unreasonably refuse to engage in a conversation with the manager

- Do not provide reasonable cooperation in relation to any sample collection procedure or refuse to sign or complete any sample collection documents or labels

- Avoid, contaminate or falsify any breath and/or oral fluid sample, or aid, abet or attempt to do so

- Substitute for another worker or are involved in any such substitution or aid, abet or attempt to do so

- Store, sell, supply, manufacture or cultivate drugs or alcohol on work premises

- Engage in vexatious reporting

- While working for Roads and Maritime at a site not owned, managed or controlled by Roads and Maritime, contravene the drug and alcohol policies, procedures or site rules that apply at that site.
It is a breach of this procedure if a worker, while working for Roads and Maritime, returns a positive test following drug and alcohol testing conducted by a third party (e.g. testing done in accordance with legislative requirements, or an industry partner’s drug and alcohol policy, or by the Police) according to the drug and alcohol limits prescribed by that third party.

Where a manager has reasonable suspicion a worker is not fit for work due to drug or alcohol use and they are unable to proceed to testing due to any of the breaches listed above, the manager will take action to ensure the health and safety of the worker and others in the workplace according to Human Resources policies and procedures. This may involve removal of the worker from their duties and commencement of disciplinary processes.

**Inability to submit to testing**

If a worker is reasonably unable to submit to any test for alcohol and other drugs because of a significant personal injury or incapacity, they will not have breached this procedure. The worker will be required to produce appropriate medical verification on request by Roads and Maritime.

A worker may be required to submit to any alcohol and other drugs test at the earliest practicable time, as determined by both parties.
2 Process

2.1 Alcohol testing

Alcohol testing involves a worker giving a breath sample on site, which is used to measure the worker's blood alcohol concentration (BAC). It involves:

1. An initial breath test conducted on site by an authorised testing agency using a testing device and collection process that complies with AS3547:1997

2. A second confirmatory breath test (conducted in the same manner as the initial test) after 15 minutes only if the initial test is non-negative. The worker must remain in the immediate vicinity for the period between the initial and confirmatory tests. The prescribed concentration of alcohol (PCA) for undertaking work for, or on behalf of, Roads and Maritime is under 0.02%. A positive test is recorded when a confirmatory breath test result is 0.02% or above.

2.2 Drug testing

Drug testing involves a worker providing an oral fluid (saliva) sample on site, which is used to identify the presence and quantity of drugs and/or their metabolites. It involves:

1. An initial oral fluid test conducted on site by an authorised testing agency using a testing device that complies with AS4760:2006

2. Confirmatory testing only if the initial test result is non-negative. The authorised testing agency sends a second oral fluid sample to a certified laboratory. Confirmatory testing is conducted according to AS4760:2006, and results are usually available within 48 hours.

Drugs capable of being detected by oral fluid sample are shown below. A positive test is recorded when a confirmatory test result exceeds a level stipulated in AS4760:2006:

<table>
<thead>
<tr>
<th>Class of drug</th>
<th>Level (ng/mL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opiates e.g. heroin, morphine, codeine</td>
<td>50</td>
</tr>
<tr>
<td>Amphetamine type substances (includes methamphetamine)</td>
<td>50</td>
</tr>
<tr>
<td>Cocaine and metabolites</td>
<td>50</td>
</tr>
<tr>
<td>Cannabis (11-nor-delta-9-tetrahydrocannabinol-9-carboxylic acid)</td>
<td>25</td>
</tr>
</tbody>
</table>

2.3 For-cause drug and alcohol testing

Action by the manager

On reasonable suspicion that a worker is not fit for work due to drugs and/or alcohol:

1. If possible locate a trained staff representative to monitor how the process is conducted.

2. Discuss the matter with the worker in a private location away from other workers.
3. Explain to the worker why they have been approached. The worker may request that they have a support person present. (This may be a union representative or colleague for example, but they cannot take part as an advocate for the worker.)

4. Give the worker an opportunity to respond to the concerns raised. Consider mitigating factors.

5. If reasonable suspicion is otherwise explained, it remains at your discretion to alter or reallocate work tasks if you still feel a genuine safety risk exists.

6. If reasonable suspicion remains:
   a. Direct the worker to stop active duties and remain on site for testing.
   b. Contact the authorised testing agency to arrange drug and alcohol testing.

2.4 Arranging a test

Drug and alcohol tests will be conducted on site in the workplace by an authorised testing agency. To ensure the worker’s privacy and confidentiality, the manager must make provisions for testing to occur in a private location on site.

Roads and Maritime’s authorised testing agency operates 24 hours, seven days a week to conduct for-cause drug and alcohol testing.

On-site testing at Roads and Maritime work locations can usually be conducted within less than an hour of a manager’s request in the Greater Sydney Metropolitan area, and less than two hours in regional areas. Remote worksites may experience longer response times for on-site testing and the manager should discuss suitable testing arrangements with the authorised testing agency, for example organising a test before the commencement of the next shift or working day.

Workers will not be required to remain on site for a drug and alcohol test beyond their rostered or normal working hours. If a test is required but cannot be performed before the end of the worker’s shift or normal working hours, the manager should direct the worker to leave the workplace and arrange for the worker to be tested before the start of their next shift or working day.

2.5 Test outcomes

1. If the worker’s alcohol and drug tests are negative, the worker may be directed to return to work – it remains at the manager’s discretion to request that the worker provide medical advice about their fitness for work or to modify work tasks should they still feel a genuine safety risk exists.

2. Positive tests:
   - If there is a positive alcohol test, direct the worker to leave the workplace.
   - If there is an initial non-negative result for drugs, direct the worker to leave the workplace and await the result of confirmatory testing.

   The testing agency will manage the confirmatory laboratory test and report.

3. Make suitable arrangements to get the worker home safely.

   A worker who is not physically fit and competent to drive must not drive or operate a vehicle while at work or on their way home from work (refer to the procedure for Safe driving – PN066P13).
In making suitable arrangements, managers should consider the availability and suitability of public transport options including taxis to safely transport the worker home. Alternatively, the worker may wish to contact a friend or relative to transport them home safely.

Where the worker is camping or staying away from home they should be transported to the base location (such as their accommodation).

**For non-Roads and Maritime employees:**

4. If the worker is employed by an organisation other than Roads and Maritime, inform their employer. Roads and Maritime will require medical evidence of the worker’s fitness for duty before recommencing any work for Roads and Maritime.

**For Roads and Maritime employees:**

5. Encourage the worker to access free counselling support through the Employee Assistance Program (EAP) (for other support options see section 1.9).

6. Instruct the worker to seek medical advice about their fitness for work. If there is a positive alcohol test or the confirmatory test for drugs is positive, in accordance with the *Fitness for Duty procedure*, the worker must provide medical advice from a registered health professional confirming that they are fit for duty, before returning to work.

   Roads and Maritime employees will be entitled to access their leave in accordance with the *Sick Leave procedure* (PN208P02).

**Once the worker has left the workplace**

Report the occurrence to the WHS reporting line on 1300 131 469 (24-hour service).

Note that this is a ‘sensitive’ occurrence, so it must be reported by phone and not online – see *Hazard and occurrence reporting* (PN066P28).

**After receiving a confirmatory test result for drugs** contact the worker to advise the result and repeat steps 4 or 5 and 6 above as appropriate.

**2.6 When the worker returns to work**

Where the manager requests it, the worker will need to present medical advice confirming that they are fit for duty.

The manager is to maintain confidentiality and be sensitive to the worker’s situation.

The worker will not be directed to undergo further drug and alcohol tests unless reasonable suspicion is established as per 2.3 or required according to medical advice.

**2.7 Disciplinary action**

Breaches of this procedure (see section 1.10) by Roads and Maritime employees will be investigated. Any action taken will be in accordance with Human Resources policies, procedures and guidelines.
A non-Roads and Maritime employee breaching this procedure will be managed according to their employer's policies and procedures, and may be excluded from performing work for, or on behalf of, Roads and Maritime.

2.8 Grievances

Any grievances relating to this procedure are managed in accordance with the TfNSW Grievance Management Policy (CP16001).
## Roles and responsibilities

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
</tr>
</thead>
</table>
| **Manager**                   | • Apply reasonable suspicion guidelines ethically and consistently when required, in consultation with a trained staff representative (if available).  
• Conduct an effective, private conversation with a worker focusing on their fitness for work.  
• Direct a worker to undergo a drug and alcohol test.  
• Direct a worker to leave the workplace.  
• Make arrangements for any worker directed to leave the workplace to travel home safely.  
• Contact the WHS reporting line and report as a sensitive occurrence.  
• Manage a worker’s return to the workplace and associated fitness for duty issues according to the *Fitness for duty procedure*.  
• Maintain confidentiality at all times. |
| **Trained staff representative** | • On request of a manager, monitor the application of reasonable suspicion guidelines ethically and consistently.  
• Maintain confidentiality at all times. |
| **Human Resources**            | • Support implementation of this procedure.                                      |
| **WHS Partners**               | • Support implementation of this procedure.                                      |
| **All workers**                | • Take reasonable care of their own and others’ health and safety.              
• Cooperate with Roads and Maritime in providing a safe workplace.  
• Be fit for work when reporting for work, at all times during working hours (including breaks and travel time), and when on call under a Roads and Maritime Award.  
• Inform their manager if they are taking any prescription or over-the-counter medicine that may cause them to be not fit for work.  
• Comply with a direction to undergo a drug and alcohol test or a direction to leave the workplace, in accordance with this procedure. |

## Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Authorised testing agency</strong></td>
<td>An organisation appointed and authorised by Roads and Maritime Services to use qualified testing officers to carry out drug and alcohol testing in accordance with AS4760:2006 and AS3547:1997 (see references) – includes conducting breath testing and oral fluid (saliva) testing, conveying samples to a certified laboratory and arranging for test result reports.</td>
</tr>
<tr>
<td><strong>BAC</strong></td>
<td>Blood alcohol concentration is the amount of alcohol in the bloodstream. A BAC of 0.02% means 0.02 grams of alcohol in every 100 millilitres of blood.</td>
</tr>
<tr>
<td><strong>Certified laboratory</strong></td>
<td>A laboratory which meets minimum Australian performance standards set by the National Australian Testing Authority (NATA).</td>
</tr>
<tr>
<td><strong>Drug</strong></td>
<td>Drugs and metabolites capable of being detected from a saliva sample. These are opiates, amphetamine type substances including methamphetamine, cocaine and cannabis (see <em>Positive test</em>).</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>-------------------------------</td>
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</tr>
<tr>
<td>EAP</td>
<td>The Employee Assistance Program is a free and voluntary counselling service available to all staff and their immediate family. For more information refer to HR Intranet – EAP.</td>
</tr>
<tr>
<td>For-cause testing</td>
<td>This is drug or alcohol testing that occurs in response to reasonable suspicion.</td>
</tr>
</tbody>
</table>
| Human Resources (HR)          | This procedure may involve liaison with:  
  - HR Advisory  
  - Human Resources (Roads and Maritime)  
  - Workplace Conduct and Investigations Unit (Transport for NSW).                                                                                                                                     |
| Manager                       | A person responsible for planning and directing the work of a worker or group of workers, monitoring their work, and taking corrective action. All managers must have completed the Drugs and alcohol procedure training before applying this procedure. |
| Metabolites                   | Metabolites are chemical substances produced when drugs are broken down in the body. Their presence in a saliva sample indicates drug use.                                                                 |
| ng/mL                         | Nanograms per millilitre                                                                                                                                                                                |
| Non-negative                  | An initial positive test as yet unconfirmed by confirmatory testing.                                                                                                                                    |
| Occurrence                    | An occurrence is a series of events and conditions that result in, or has the potential to result in, a non-trivial amount of damage or injury.                                                            |
| On call                       | Rostered or directed by Roads and Maritime to be on stand-by for duty.                                                                                                                                   |
| On duty                       | Working; performing tasks and actions required by the worker’s job role.                                                                                                                                  |
| Positive test                 | A positive test for alcohol is recorded when a confirmatory test BAC is 0.02% or above (or a lower limit where required under legislation, such as zero for provisional drivers licence holders who are required to drive for work).  
A positive test for drugs is recorded when a confirmatory test result exceeds the levels stipulated in AS4760:2006, as follows. |
<p>| Class of drug                 | Level (ng/mL)                                                                                                                                                                                            |
| Opiates e.g. heroin, morphine, codeine | 50                                                                                                                                                |
| Amphetamine type substances (includes methamphetamine) | 50                                                                                                                                                |
| Cocaine and metabolites       | 50                                                                                                                                                                                                     |
| Cannabis (11-nor-delta-9-tetrahydrocannabinol-9-carboxylic acid) | 25                                                                                                                                                                                                     |
| Reasonable suspicion          | A concern about a worker’s possible drug or alcohol use that may affect that worker’s ability to perform work safely and without risk of harm to themselves or others at the workplace based on appearance or behaviour. |
| Roads and Maritime premises   | Any permanent or temporary place or structure – including plant, vessels and vehicles – occupied, used or under the control of Roads and Maritime or its workers.                                              |</p>
<table>
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<th>Definition</th>
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<tbody>
<tr>
<td>Roads and Maritime staff</td>
<td>Includes permanent, temporary and casual employees of the Transport Service assigned to the Roads and Maritime Group; employees of a labour-hire company working for Roads and Maritime; personnel assigned or seconded to Roads and Maritime under the Government Sector Employment Act 2013 (NSW) from the government sector or private sector; apprentices and trainees.</td>
</tr>
<tr>
<td>TNSW</td>
<td>Transport for NSW</td>
</tr>
<tr>
<td>Trained staff representative</td>
<td>A Roads and Maritime worker, volunteer or other requested person who has completed the Drugs and alcohol procedure training. This can include WHS committee members or safety representatives, a union delegate, a first aider or another worker.</td>
</tr>
<tr>
<td>WHS</td>
<td>Work health and safety</td>
</tr>
<tr>
<td>WHS reporting line</td>
<td>The 24-hour telephone service for reporting hazards and occurrences at Roads and Maritime.</td>
</tr>
<tr>
<td>Worker</td>
<td>Any person who carries out work in any capacity at a Roads and Maritime workplace including Roads and Maritime staff; professional services contractors and consultants; contractors, subcontractors and their employees; outworkers; students gaining work experience; and volunteers. Note: for the purposes of this procedure ‘worker’ does not include contractors, subcontractors and their employees on work sites where Roads and Maritime does not have management or control; for example work sites where a principal contractor has been engaged.</td>
</tr>
<tr>
<td>Workplace</td>
<td>A place where work is carried out for Roads and Maritime’s business or undertaking and includes any place where a worker goes or is likely to be, while at work.</td>
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</table>

References

Roads and Maritime references

<table>
<thead>
<tr>
<th>Doc no</th>
<th>Name</th>
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<tbody>
<tr>
<td>PN066P13</td>
<td>Procedure Safe driving</td>
</tr>
<tr>
<td>PN066P28</td>
<td>Procedure Hazard and occurrence reporting</td>
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<tr>
<td>PN208P02</td>
<td>HR Sick leave procedure</td>
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<td>PN243P05</td>
<td>HR Fitness for duty procedure</td>
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<td>–</td>
<td>Roads and Maritime Services (Wages Staff) Award 2017</td>
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Transport for NSW references

<table>
<thead>
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<tbody>
<tr>
<td>–</td>
<td>Transport Code of Conduct</td>
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<td>Grievance Management Policy</td>
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<td>CP16002</td>
<td>Managing Conduct and Discipline Policy</td>
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<td>CP14024.1</td>
<td>Drug and Alcohol Policy</td>
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<td>60-ST-010</td>
<td>Alcohol and Other Drugs Standard</td>
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External references

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<thead>
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Document control

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<td>General Manager Work Health and Safety</td>
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<td>procedure-pn066p31</td>
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<td>Objective label: WHS procedure template</td>
</tr>
</tbody>
</table>

Change history

The procedure will be reviewed annually or when legislation or process changes.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Date</th>
<th>Description of change</th>
</tr>
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<tbody>
<tr>
<td>1.1</td>
<td>01/09/2017</td>
<td>Updated reference to wages staff award; updated other links. No other changes.</td>
</tr>
<tr>
<td>1.0</td>
<td>05/10/2016</td>
<td>Republished as WHS procedure PN066P31 Drugs and alcohol under OneRMS SMS, to replace PN 272 P01 (v4.0) Drug and alcohol risk management procedure approved 11/07/2016.</td>
</tr>
</tbody>
</table>

Feedback

Contact WHS Branch with feedback on this document at: onermssms@rms.nsw.gov.au