



Developing Drug and Alcohol Programs:

A guide for the NSW Bus and Coach Industry



Introduction

Accredited bus operators in NSW have an obligation under the *Passenger Transport Act* to develop and implement a Drug and Alcohol Program in their workplace. This obligation applies irrespective of the size of the bus and coach operator. This Guide has been developed jointly by Roads and Maritime Services and BusNSW to provide assistance to bus operators, particularly smaller operators, on how to do this.

When people think of drug and alcohol programs their minds often turn to drug and alcohol testing. However, a Drug and Alcohol Program is far more than that. It is a set of work practices and procedures designed to manage the risk of drug and alcohol use in your organisation (Note an organisation can be an individual, partnership or corporation that is accredited to operate public passenger services in NSW.) Its aim is simply to ensure that employees are not under the influence of drugs or alcohol while on duty.

The most effective way to achieve this is to develop a Drug and Alcohol Program in consultation with employees, and to include in the program information that assists employees to manage any drug and alcohol issues that may arise. While a bus operator's Drug and Alcohol Program may cover all employees, the powers under the *Passenger Transport Act* extend only to a subset of employees known as "*Transport Safety Employees*". These are employees involved in work related to driving the bus, repairing the bus or developing, managing or monitoring safe work systems. This includes bus drivers, mechanics and other operational staff.

This guide provides information designed to help bus operators develop and implement a Drug and Alcohol Program in their workplace. If information in the guide is unclear or if operators require further assistance, contact Roads and Maritime or BusNSW for further information. More detailed information, including a range of sample policies and procedures can be found in the publication, *Drug and Alcohol Handbook for Bus Operators*, available from the Roads and Maritime website.



What is a Drug and Alcohol Program?

A Drug and Alcohol Program is a set of work practices and procedures designed to manage the risk of drug and alcohol use within an organisation. While a Drug and Alcohol Program is initiated by management, it requires the participation and input of all employees within the business. Typically, a Drug and Alcohol Program will consist of the following elements:

1. A Written Policy

A statement of the organisation's intention to control drug and alcohol risks.



2. Risk Assessment

Analysis of the drug and alcohol risk in the organisation including whether random testing is required.



3. Employee Consultation

Involving employees in the program's development.



4. Employee/Manager Training

Including which drugs are prohibited and the consequences of drug and alcohol consumption within the business.

5. Drug and Alcohol Testing

Including mandatory "Post-Incident" testing and whether/how random testing works.



6. Drug and Alcohol Reporting

Specifying how Roads and Maritime will be notified of a positive confirmatory drug and alcohol test.



7. Employee Counselling/Disciplinary Program

Policies and procedures for managing employees with a drug or alcohol problem.

Further information on each of these elements is outlined on the following pages.

1. Drug and Alcohol Policy

A Drug and Alcohol Policy is a simple statement of the organisation's intention to control drug and alcohol risks. It outlines what the organisation is trying to achieve by its Drug and Alcohol Program and how it will manage drug and alcohol problems and misuse. Refer to Appendix A for a sample Drug and Alcohol Policy.

The Drug and Alcohol Policy should be signed off by senior management and placed in a prominent position to remind employees and visitors of the organisation's position on managing the risks posed by drug and alcohol use.

2. Drug and alcohol risk assessment

The scope and detail needed in a Drug and Alcohol Program will depend on the level of risk posed by drugs and alcohol to the organisation. A small rural bus operator with only one or two staff who the operator knows well is likely to need a less comprehensive program than a large operator with many hundreds of employees.

A risk assessment will help the operator to identify their particular drug and alcohol risk and what controls will be necessary to manage that risk; in particular whether testing is required. Operators may document their drug and alcohol risk assessment by using the *Risk Register* provided as part of the *Roads and Maritime Safety Management System Handbook*.



3. Employee consultation

Consultation is a central feature in developing an effective Drug and Alcohol Program. Involving employees (and their representatives) in the development of a Drug and Alcohol Program will help to ensure employee support for the program and minimise the risk of conflict once the program is implemented.

Consultation can take place through existing forums (e.g. driver committees, tool box talks, Work Health Safety Committees) or the operator may choose to nominate a specific group of employees to work through the issues. It is essential that the organisation is proactive in ensuring that constant discussions are held relating to the Drug and Alcohol Program.

All employees should be aware of their obligations if they suspect that a Transport Safety Employee may be under the influence. Employees are to be informed of their employer's expectation of reporting such suspicion and any such report shall be handled in confidence with the employee's identity protected. Reporting suspicious drug or alcohol misuse may save a life or prevent a serious incident from occurring.



4. Training and education

Training of both employees and managers is essential to ensure that everyone within the organisation understands their responsibilities and powers in relation to drug and alcohol use. Training should include, as a minimum:

- Why a program is required
- The legal limits for the prescribed concentration of alcohol under the *Passenger Transport (Drug and Alcohol Testing) Regulation 2010*
- What drugs are prohibited from use
- What prescription/over the counter drugs may impair driver fitness
- The consequences of drug and alcohol consumption within the organisation (including employee counselling and disciplinary action such as suspension or termination)
- Mandatory (post incident) testing
- How random testing will occur (where this is undertaken by the business)
- The difference between initial breath or urine tests and confirmatory tests
- The requirements for reporting positive confirmatory drug or alcohol tests
- Benefits derived from regular testing.



5. Drug and alcohol testing

The bus and coach industry is different from many others that test employees for drug and alcohol consumption. A specific Regulation, the *Passenger Transport (Drug and Alcohol Testing) Regulation 2010*, requires strict processes and protocols for drug and alcohol testing by bus operators.

Mandatory Testing

Some forms of testing are mandatory for bus operators; namely when there has been an incident resulting in:

- Death, or an injury requiring hospital treatment
- A bus being unable to continue its journey
- Cause for serious public concern.

Testing in these cases will mostly be undertaken by the police but in all cases, it is the operator's obligation to ensure that testing (by the police or by the operator) takes place within four hours of the incident occurring.

Other Testing

Other types of testing such as random and targeted testing will depend upon the risk posed by drug and alcohol consumption to the operator's organisation (see *Risk Assessment* above).

A Transport Safety Employee falls under the auspice of the *Passenger Transport (Drug and Alcohol Testing) Regulation 2010*, when they leave home to attend work.

Under the Regulation, tests undertaken by operators must be authorised by a specifically appointed person, the *Test Supervisor*.

Testing is by way of breath, urine or blood tests – the Regulation does not provide power for saliva testing.

The Bus Operator Accreditation Scheme (BOAS) Annual Self Assessment Report (ASAR) requires operators to provide information on drug and alcohol programs and testing. This data will be used to monitor industry trends.



6. Drug and alcohol reporting

The *Passenger Transport (Drug and Alcohol Testing) Regulation 2010* requires bus operators to notify Roads and Maritime when a “transport safety employee” tests positive in a confirmatory test. A confirmatory test includes:

- A police *breath analysis* confirming the presence of alcohol in the blood of a bus safety employee (n.b. not the operator’s initial breath test)
- A confirmatory urine analysis confirming the presence of drugs in the urine of a bus safety employee (n.b. not the initial urine screening test)
- Any analysis of blood confirming the presence of alcohol or drugs in the blood of a bus safety employee.

Operators are also required to notify Roads and Maritime whenever a bus safety employee refuses to undertake a breath test, breath analysis or to provide a sample of urine or blood, when requested.

Operators must notify Roads and Maritime via an approved form, the Drug and Alcohol Testing — Test Notification Form. This form must be provided to Roads and Maritime within 48 hours of the confirmatory test/refusal to test.



7. Employee counselling and discipline

An operator's Drug and Alcohol Program must include arrangements for dealing with an employee's drug and alcohol problems and misuse. This is in addition to any action that may be taken by Roads and Maritime in response to a positive confirmatory test.

The operator's arrangements could include:

- Drug and alcohol counselling, treatment and rehabilitation
- Disciplinary action including suspension and/or termination (and other sanctions)
- Appropriate leave (e.g. personal leave, leave without pay, annual leave, etc.)
- Alternative work arrangements.

It is up to each operator to decide how to structure these counselling and disciplinary arrangements, which may be guided by Industrial Awards or Enterprise Agreements. However, the arrangements need to be included in work policies and procedures, and all staff need to understand the consequences of drug and alcohol consumption (see Training and Education above). The following factors may influence the structure of the operator's remedial actions:

- Whether the employee's drug or alcohol misuse is self-reported (employees who self-report have taken a positive step toward improving safety and this should be acknowledged when determining appropriate action)
- The extent of the employee's drug and alcohol problem
- Whether the employee's drug and alcohol misuse was an isolated incident or has occurred on previous occasions
- Whether the employee's positive result relates to an illegal drug or a drug taken for medicinal purposes
- Where the drug detected taken for medicinal purposes, whether the employee gave sufficient notice that he/she needed to take the drug.

The Roads and Maritime *Drug and Alcohol Handbook for Bus Operators* includes a sample Remedial Action Procedure that may be adapted.

8. Sample of a drug and alcohol policy

Purpose

To provide clear information to transport safety employees concerning the company's policy on drug and alcohol use. This policy applies to all <insert company> personnel.

Our Commitment

We view the health, safety and well-being of our staff, passengers and the public as paramount, and we are committed to addressing any drug and alcohol risks. The organisation's Safety Management System sets out the drug and alcohol risks that we have identified, which have the potential to affect the safe operation of our bus services.

Safety Objectives

The objective of our drug and alcohol program is to ensure:

- The safe operation of our bus services
- A safe and healthy workplace for employees and members of the public
- Employees are not under the influence of drugs or alcohol when carrying out bus safety work
- Employees are fully aware of and understand their safety responsibilities in relation to drugs and alcohol
- Drug and alcohol problems and misuse are identified early and managed appropriately.

Risk Control Measures

The measures that we have adopted to achieve these objectives are that we will:

- Consult with and involve managers and staff in preparing and implementing our drug and alcohol program, including the development of this policy
- Educate and inform our employees about the effects of drug and alcohol misuse and their responsibilities for the safe operation of our bus services
- Carry out on-going assessment of bus safety employees' fitness for duty
- Conduct random, suspicion based and post-incident drug and alcohol testing as part of our efforts to prevent drug and alcohol misuse
- Support and assist bus safety employees who self-identify as having drug and alcohol problems; take strong but fair action when employees misuse drugs or alcohol where they do not abide by our drug and alcohol program.

Drugs and Alcohol

This organisation strictly prohibits the following during bus safety work:

Alcohol

Having the prescribed concentration of alcohol in the blood (i.e. being on or over the legal Blood Alcohol Concentration limit of 0.02).

Prohibited Drugs

Having any concentration of illegal or prescribed illicit drugs (a defined term in legislation) in blood or urine. It is illegal to drive ANY motor vehicle or carry out bus safety work with **any** presence of any illegal drugs.

Medications

Any drug or substance taken for medicinal purposes, which poses a risk to safety (for example, by making an employee drowsy).

Depot Manager Responsibilities

As the senior operational officer in charge of the depot, the Depot Manager has overall responsibility for implementing and monitoring the Drug and Alcohol Program.

Manager/Supervisor Responsibilities

Managers are responsible in their areas of control for:

- Ensuring that safety policies and procedures are developed and implemented effectively
- Supporting staff, and holding them accountable for their specific responsibilities.

Employee Responsibilities

Our bus safety employees must:

- Refrain from drug and alcohol misuse
- Self-report drug and alcohol problems
- Abide by their responsibilities under the law and our Drug and Alcohol Program.

Review

We will review and evaluate this policy regularly and update it as necessary to ensure that we can continue to achieve our objectives for the safe operation of our bus services.

Signature:

Manager

Date:

Drug and alcohol information & help services

For further information refer to the following sources:

NSW Alcohol and Drug Information Services (ADIS) – 24 hour hotline

Phone: (02) 9361 2111
or toll free number: 1800 422 599
Drug Program Bureau's website:
www.health.nsw.gov.au

For information about welfare and social services contact:

Lifeline Sydney – 24 hour counselling service

Phone: 131 114
Face to Face Counselling call: (02) 9951 5577

Alcohol and other Drugs Council of Australia (ADCA)

Phone: (02) 6281 0686
Website: www.adca.org.au

BusNSW

27 Villiers Street, North Parramatta NSW 2151
Phone: (02) 8839 9500
Website: www.busnsw.com.au

Roads and Maritime Services

General enquiries: 13 22 13
Email: contactus@rms.nsw.gov.au
Website: www.rms.nsw.gov.au

