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Drug and Alcohol Management Procedure

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1. Purpose

This Procedure sets out OTHR's drug and alcohol management policy with regard to drug and alcohol testing of Rail Safety Workers in accordance with section 115 (Drug and alcohol management program) of the Rail Safety National Law (South Australia) Act 2012.

2. Scope

This policy applies to all OTHR Members and contractors performing Rail safety Work within its area of operation.

OTHR may conduct drug and alcohol testing of Members and contractors as part of its formal drug and alcohol management Procedure.

The Office of the National Rail Safety Regulator may undertake testing using its authorised officers. This testing may include post-incident testing in response to Category A incidents and programmed ('non incident related') testing of OTHR Rail Safety Workers.

3. References

ONRSR Drug and Alcohol Testing Policy

Rail Safety National Law (South Australia)

Rail Safety National Law National regulations

4. Definitions

ONRSR – means the Office of the National Rail Safety Regulator

4 General Requirements

OTHR has a zero tolerance for illicit drugs and alcohol for all Members and contractors.

Members and contractors are not permitted to be on duty or attempt to carry out any Rail Safety Work whilst under the influence of alcohol or drugs.

The provisions of the Rail Safety National Law Act (South Australia) and Regulations under that Act shall apply in relation to Drugs and Alcohol.

OTHR has a zero tolerance for illicit drugs and alcohol for all Members and contractors.

The provisions of the Rail Safety National Law Act (South Australia) and Regulations under that Act shall apply in relation to Drugs and Alcohol.

4.1 Penalties

Any OTHR Member or contractor found under the influence of alcohol or drugs whilst carrying out Rail Safety Work may be liable to prosecution under the Rail Safety National Law (South Australia) when:

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- presence of drugs or alcohol is detected
- refusing a test
- not following the direction of an authorised person.

4.2 Refusal to Undertake Drug or Alcohol Test

Any OTHR Member or contractor who refused to undergo either a random breath test or a blood or urine sample as detailed in this document shall be deemed to have submitted a positive reading and shall be subject to discipline on the basis of a maximum reading being obtained. The matter shall also be reported to the ONRSR as a Notifiable Occurrence.

4.3 Random Breath Testing - Alcohol

OTHR Members and contractors may be subject to Random Breath testing.

All OTHR Members and contractors may be subject to random breath testing at any time whilst carrying out Rail Safety Work for OTHR and may be subject to testing where there is suspicion that the worker is under the influence of alcohol or drugs.

No OTHR Member or Volunteer should refuse to undertake a test when requested to do so.

Breath Testing must be conducted by an “Authorised Person” which could include:

- An Officer of the ONRSR or their Contractors.
- A person nominated by an accredited person.
- Police Officers are “Authorised Persons”.

Breath Testing may be carried out on a random basis and will include OTHR Members and contractors on duty at the time of the test.

The Authorised Person shall have on their person, and available for inspection at the time, an identification to the effect that they are an “Authorised Person”.

Where there is cause to believe that a Member or contractor may be under the influence of drugs or alcohol, they may be requested to submit themselves for testing.

A Random Breath Testing Form, shall be completed by the Testing Officer indicating the date and time of the test, the identification of the unit used, the name of the person tested and the test results.

The person being tested shall ensure that the reading shown is correctly recorded on the test sheet and sign to verify same. A witness to the testing shall not be required.

Should a person refuse a Random Breath Test on the basis of physical or medical condition the person may forthwith request that a sample of their blood or urine be taken at which time the Authorised Person shall facilitate the taking of the sample by a medical practitioner nominated by or acceptable to the person or where that medical practitioner may not be available within one hour or within 10 kilometres from the point where the request for the test was made, any other available medical practitioner.

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The taking of the sample of blood shall be carried out in the presence of the Authorised Person.

Should a positive reading be found at the time of testing the Authorised Person shall arrange for a second reading to be taken 20 minutes later. During the interim period, the person being tested should not be permitted to partake of any substances which may affect the second reading.

If a positive reading is again found at the second sample the Authorised Person shall take immediate action to notify the Safety Manager. If the worker was involved in rail safety work, then the Safety Manager will submit a “notifiable occurrence” form to ONRSR.

OTHR Members or contractors who made the positive reading may seek a blood test in addition to the second test in which case it is to be arranged as detailed above. Where the blood test also proves positive all costs associated with the test shall be borne by the Member or contractor. The taking of the blood sample shall be done in the presence of the Authorised Person.

The results of any Blood testing shall be made available as soon as possible to the Authorised Person. However, where there is to be a delay in the processing of the results, they may be forwarded direct to the Administration Manager who will inform the Safety Manager of the result. If the result is positive and if Rail Safety Work was being undertaken the Safety Manager will submit a “notifiable occurrence” form to the ONRSR.

4.4 Disciplinary Action in the case of a Positive Reading

Should a OTHR Member or contractor return a positive result to a test the following actions may be taken:

4.4.1 Where the reading is no higher than .02

The Member or contractor shall be suspended from duty for the duration of that shift.

The Safety Manager shall check the personnel record of the Member or contractor concerned and if it is a second offence the worker shall be suspended from duty for a period not exceeding three months. The Member or contractor will also be recommended to undertake counselling.

If it is a third offence, then the member or contractor shall be advised by the Safety Manager that they are no longer permitted to carry out any duties for OTHR.

4.4.2 Where the reading is .02 and above

The Member or contractor shall be immediately suspended from duty and arrangements made to send the person home. For a first offence the period of suspension is a minimum of six months. The Member or contractor will also be recommended to undertake counselling.

The Safety Manager shall check the personnel record of the Member or contractor and if it is a second offence the Member or contractor shall be suspended from duty for a minimum period of twelve months.

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Any person offending for the third time shall not be permitted to return to work for OTHR.

The Safety Manager will be immediately informed and where Rail Safety Work was being undertaken a “notifiable occurrence” form will be submitted to the ONRSR.

For all offences, the Safety Manager and Administration Manager shall interview the worker to ascertain the workers suitability to continue as Member or contractor with OTHR

4.5 Testing for Drugs

Random testing for drugs may be undertaken during regular rail safety medical examinations.

Candidates for testing shall be selected at random by the Administration Manager who shall maintain a confidential record of testing undertaken to ensure that the same person is not tested to the exclusion of other persons.

Testing for drugs may be undertaken at such other times as required and shall be carried out by either a Contractor appointed by the ONRSR or a medical practitioner nominated by or acceptable to the Member or contractor being tested.

If a nominated medical practitioner is not available within one hour or within 10 kilometres from the point where the request was made for the test, any other available medical practitioner may be used.

5.4.1. Disciplinary Action where the reading returns a positive

The Member or contractor shall be immediately suspended from duty and arrangements made to send the person home if required.

For a first offence the period of suspension is a minimum of six months and recommended to undertake counselling.

The Safety Manager shall check the personnel record of the Member or contractor and if it is a second offence the worker shall be suspended from duty for a minimum period of twelve months.

Any person offending for the third time shall not be permitted to return to work for OTHR.

Where rail safety work was being undertaken a “notifiable occurrence” form will be submitted to ONRSR.

For all offences, the Safety Manager and Administrative Manager shall interview the worker to ascertain the workers suitability to continue as a Member or contractor with OTHR.

5 Records of Testing

All positive readings shall be notified to the ONRSR who may choose to summon the person to appear in Court where a maximum penalty of up to \$10,000 can be imposed.

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All completed Random Breath Testing Forms shall be signed by the Authorised Person and returned to the Human Resources Manager for recording and storage for a minimum period of 15 months.

The OTHR Administration Manager shall maintain and keep personal information with regards to the drug and alcohol management process confidential.

If requested, test results shall be provided to the ONRSR.

6 Prescription Drugs

OTHR Members and contractors undertaking Rail Safety Work, who use prescription medication should report what they are taking and what affect they may have on their ability to undertake Rail Safety Work.

OTHR Members and contractors who use prescription medication should also understand the impacts of self-medicating outside of prescribed dosages.