

## Chapter 13 Workplace Safety

<b>13.1 Drugs including alcohol matters</b>	<b>2</b>
13.1.1 Use of drugs including alcohol	2
13.1.2 Self-reporting misuse of drugs including alcohol	2
13.1.3 Consumption and storage of alcohol at police establishments	2
13.1.4 Relevant persons for alcohol and drug testing	3
13.1.5 Critical incident testing	3
13.1.6 Random alcohol testing	4
13.1.7 Reasonable suspicion testing	4
13.1.8 Departmental traffic crashes	5
13.1.9 Further testing	5
13.1.10 Recruit testing	6
13.1.11 Voluntary testing	6
13.1.12 Exemptions from random alcohol testing	6

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## 13.1 Drugs including alcohol matters

The intent of this policy is to assist with supporting the health, welfare, and safety of all members of the Service with regard to the use of drugs including alcohol. This policy also identifies support mechanisms available to persons of the Service.

### 13.1.1 Use of drugs including alcohol

#### ORDER

Members must not use illicit drugs including prescription and over the counter medications which have not been lawfully prescribed.

Members must not consume:

- (i) alcohol while on duty or during meal breaks except where related to the member's official duties and subject to a superior member's approval and conditions; or
- (ii) licit drugs including alcohol when a requirement to go on duty is reasonably foreseeable and imminent where such consumption will:
  - (a) adversely affect the ability to conduct official duties;
  - (b) result in unsatisfactory work performance; or
  - (c) affect the safety of others.

Special circumstances may lead to some relaxation of this direction but these will be very rare. The reasons for this restriction are evident; they include the risk of impaired efficiency that accompanies the consumption of any alcohol and the damage to the Service's public image when members who have been drinking then interact with members of the public.

Members and other persons who work in police stations or establishments must ensure that the consumption of licit drugs (i.e. aspirin, prescribed medication) including alcohol does not adversely affect the performance of their duties.

### 13.1.2 Self-reporting misuse of drugs including alcohol

Self-reporting misuse of drugs including alcohol is encouraged by all members.

Members may self-report problems with misuse of drugs including alcohol to their local human service officer, chaplain or the Alcohol & Drug Testing Coordinator (ADTC), People Capability Command. Such action is regarded as a positive sign that a member is willing to take action to address their problems. There is a process under ss. 5A.21A: 'Agreements about counselling and rehabilitation' of the *Police Service Administration Act* and 66: 'Agreements about counselling or rehabilitation' of the *Police Service Administration Regulation*, called '**Self-Reporting**' which is only applicable to members, for further information please contact the ADTC.

### 13.1.3 Consumption and storage of alcohol at police establishments

The use of Service premises for social occasions is encouraged, however it imperative to ensure that these are managed professionally and if alcohol is available it is consumed responsibly.

#### PROCEDURE

Officers in charge of stations and establishments should ensure that:

- (i) a function held at a police establishment is well-conducted according to law with a responsible person appointed to take charge;
- (ii) there is no interference with the usual running of the establishment and the function is kept separate from duty areas;
- (iii) spouses and families are invited, whenever possible;
- (iv) low alcohol/non-alcoholic drinks are available;
- (v) arrangements for transport (i.e. taxis) are arranged; and
- (vi) the reputational risk to the Service is managed.

There is no objection to the storage or consumption of liquor in reasonable quantities:

- (i) in living quarters, or the premises associated with quarters;
- (ii) at or in immediate connection with a specific social function organised at the establishment. The officer in charge is expected to make arrangements for appropriate control over the function; and
- (iii) in connection with other specific events organised in the interests of the Service where alcoholic drinks might reasonably be served.

Apart from the above instances, the consumption and storage of alcohol at police stations or establishments is to be kept under strict control by the officer in charge.

### 13.1.4 Relevant persons for alcohol and drug testing

Statutory alcohol and drug testing of relevant persons is defined under Parts 5A: 'Alcohol and drug tests' of the *Police Service Administration Act* (PSAA) and 12: 'Alcohol tests', 13: 'Targeted substance tests' and 14: 'Self-reporting for counselling or rehabilitation in relation to alcohol or drug use' of the Police Service Administration Regulation (PSAR).

ORDER

A relevant person (see s. 5A.3: 'Persons to whom pt 5A applies' and 'critical area' in s. 5A.2: 'Definitions for pt 5A' of the PSAA) must not have evidence of a dangerous drug present in their urine at any time.

### 13.1.5 Critical incident testing

Any relevant persons involved in a critical incident will be required to undergo alcohol and targeted substance (drug) testing as soon as practicable after the incident (see ss. 5A.2: 'Definitions for pt 5A', 5A.8: 'Circumstances for alcohol testing' and 5A.13(1)(a)(i): 'Circumstances for targeted substance testing' of the PSAA).

#### Critical incident alcohol test

An authorised person (inspector or above of higher rank than the relevant person):

- (i) is to make a verbal or written requirement to obtain a breath test on persons involved in a critical incident using an approved alcolmeter as soon as practicable after a critical incident;
- (ii) will usually be a local regional duty officer (RDO);
- (iii) can provide a requirement over the phone and delegate an officer to obtain the sample if in a rural and remote area, where they are unable to attend the incident;
- (iv) should use the suggested wording for this requirement on QP 0568: 'Alcohol & Drug Tests Return';
- (v) is required to complete a QP 0568 and provide this to the:
  - (a) investigating officer for Ethical Standards Command; and
  - (b) Alcohol and Drug Testing Coordinator via email; and
- (vi) is to complete a QP 0570: 'Notification of a Positive Alcohol Test Result of Failure/Refusal to Provide a Specimen of Breath' where a relevant person:
  - (a) refuses or fails to supply a specimen of breath; or
  - (b) supplies a positive alcohol test result (e.g. above prescribed limits).

#### Critical incident targeted substance test

In the event of a critical incident Ethical Standard Command (ESC) or a delegate will call the Alcohol and Drug Testing critical incident phone number as soon as practicable.

An authorised person (inspector or above of higher rank than the relevant person) can obtain a QP 0588: 'Alcohol and Drug Testing Record and Continuity of Specimen', which outlines the testing procedures.

Usually a Safety and Wellbeing member will attend the incident with a registered nurse and will:

- (i) complete all administration in relation to a critical incident;
- (ii) provide a requirement template for the authorised person and nurse collecting the specimen (which can be found on the QP 0588);
- (iii) take the sample to the laboratory; and
- (iv) provide results.

In the event a Safety and Wellbeing member is not able to attend follow the procedures as outlined in the QP 0588 or as provided over the phone.

If a relevant person:

- (i) refuses to submit to a test, complete the relevant section of QP 0588; or
- (ii) is unable to provide a specimen due to a medical condition have the person speak with the registered nurse or doctor to obtain their opinion.

Samples are analysed and results returned to members electronically and by post as soon as practicable.

### 13.1.6 Random alcohol testing

A random alcohol testing notice (RATN) is randomly generated by a computerised program and emailed to the Alcohol and Drug Testing Coordinator (ADTC), Safety and Wellbeing in compliance with ss. 5A.9(3)(b): 'Random alcohol testing' of the *Police Service Administration Act* (PSAA) and 47: 'When random alcohol test may be conducted without approval of commissioner or deputy commissioner' Police Service Administration Regulation.

The ADTC makes contact with the relevant random alcohol testing local coordinator (group coordinator) with instructions to action the notice, by sending or scheduling to send the notice via email:

- (i) to the group coordinator to:
  - (a) complete; or
  - (b) select an authorised testing officer (ATO); or
- (ii) directly to the ATO.

The ATO will be required to action the notice within the specified timeframes of the notice by testing all relevant persons contained in all units listed on the notice at the time of testing and

- (i) entering the results online via the RATN email link and upload rosters; or
- (ii) by completing a QP 0568: 'Alcohol and Drug Test Return' with relevant details, obtain relevant roster and sending to the ADTC via email or hard copy,

as soon as practicable (see QP 0568 for further information in relation to completing a RATN).

### Random alcohol testing with written approval

Section 5A.9(2)(a) of the PSAA allows for written approval from the Commissioner or deputy commissioner to conduct random testing on a group or class of person rather than an individual person.

This provision is not to be used to target an individual covertly (see s. 13.1.7: 'Reasonable suspicion testing' of this chapter), it is only to be used where a problem is known or suspected at a work unit or class of persons.

For advice or queries in relation to random alcohol testing with approval contact the ADTC.

### 13.1.7 Reasonable suspicion testing

All relevant persons must:

- (i) be below their legislated alcohol limits as stipulated in ss. 5A.6: 'When is a person over the limit' and 5A.7: 'Alcohol limits' of the PSAA when reporting for duty, while on duty or while on call; and
- (ii) not have evidence of the presence in the person's urine at any time of a:
  - (a) dangerous drug; or
  - (b) substance that may impair a person's physical or mental capacity that is a:
    - regulated substance under the *Medicines and Poisons Act*; or
    - another substance.

See s. 5A.4: 'Substances to which pt 5A applies' and 5A.12: 'Targeted substance levels' of the PSAA.

In the event that any member reasonably suspects an officer or other relevant member of the Service ('**relevant person**') has contravened the:

- (i) alcohol limits (see s. 5A.8: 'Circumstances for alcohol testing' of the PSAA); and/or
- (ii) targeted substance levels (see s. 5A.13(1)(b): 'Circumstances for targeted substance testing' of the PSAA),

they are to:

- (i) document any suspicions or evidence including indicia; and
- (ii) provide this information to their supervisor as soon as practicable.

The supervisor (unless an inspector or above ('**authorised officer**')) must report and document the suspicions including indicia to an authorised officer as soon as practicable, who:

- (i) should confirm the:
  - (a) person is a relevant person and on duty; and
  - (b) reasonable suspicions;
- (ii) should contact the Alcohol and Drug Testing Coordinator (ADTC) to determine if the relevant person is subject to (as appropriate) any further:
  - (a) random alcohol testing schedule; and/or

(b) targeted substance testing schedule;

(iii) should require the person to submit as appropriate to:

(a) an alcohol test by obtaining a QP 0568: 'Alcohol & Drug Tests Return' for the testing procedures and if a positive alcohol test or refusal to provide is returned:

- complete a QP 0570: 'Notification of a Positive Alcohol Test Result or Failure/Refusal to Provide a Specimen of Breath';
- send a copy to the ADTC; and
- consider further action (under TO(RUM)A) if the person drove to work prior to the reasonable suspicion test; and/or

(b) a targeted substance test by:

- obtaining a QP 0568 and QP 0588: 'Alcohol and Drug Testing Record and Continuity of Specimen' for the testing procedures;
- contacting the ADTC or critical incident phone (see QP 0588) who will assist with the provision of a nurse and staff member to assist with the administration of testing;
- ensuring the person is not called to their place of residence for the purpose of the test;
- if the person refuses to submit to a test:
  - complete the QP 0588; and
  - send a copy to the ADTC;
- if the person cannot provide a specimen due to a medical condition, have the person speak to the registered nurse to obtain their opinion; and
- if the member requests to be informed of the test results, obtain their contact details (phone and/or email). Results must be provided as soon as practicable (electronically and hard copy) unless alternative arrangements have been agreed to by all parties involved.

In the event the person is not classified as a relevant person refer to s. 91(5): 'Grounds for discipline' of the *Public Sector Act*.

### 13.1.8 Departmental traffic crashes

In the event of a departmental traffic crash a tasked supervising officer will:

- (i) conduct an alcohol breath test;
- (ii) recorded the test and results on a QP 0568: 'Alcohol and Drug Tests Return';
- (iii) submit this form to the Alcohol and Drug Testing Coordinator by email as soon as practicable (see QP 0568 for details).

### 13.1.9 Further testing

Further testing is a testing schedule created for a member who has either:

- (i) entered into a voluntary treatment agreement (VTA); or
- (ii) required to complete an alcohol management plan (AMP)

For further details on VTAs and AMPs contact the Alcohol & Drug Testing Coordinator (ADTC), Safety and Wellbeing.

An authorised person (inspector or above):

- (i) will be identified either by the subject member or ADTC;
- (ii) will receive some additional information and a random alcohol testing matrix to record all alcohol testing; and
- (iii) must:

(a) consider the frequency of testing as per the agreement, which is an 'at least', so the subject person can be tested more often, however this must not be excessive or unnecessary;

(b) conduct the tests in a private and confidential manner;

(c) ensure testing:

- occurs in the first hour of commencing shift; and
- does not become predictable, when possible (e.g. consider night-time testing);

(d) ensure subject person is on duty before conducting the test;

- (e) not conduct the test at the subject person's place of residence;
- (f) ensure they have easy access to an Alcolmeter;
- (g) complete the Alcohol Breath Testing Table after conducting each test and email it to the ADTC as soon as practicable;
- (h) inform the ADTC if they or the subject member goes on leave; and
- (i) provide advice as soon as practicable to the ADTC should any test return a positive result or there are any concerns regarding the person and their agreement.

### 13.1.10 Recruit testing

Section 5A.13(2): 'Circumstances for targeted substance testing' of the *Police Service Administration Act* makes provisions to test recruits for a targeted substance upon their appointment as a recruit.

Recruits whilst at the academies (Oxley and Townsville) will be:

- (i) random alcohol tested; and
- (ii) targeted substance tested soon after induction.

In the event a recruit who has been required to submit to a targeted substance test and the sample provided is classified as a dilute specimen (creatinine level below 200mg/L) a secondary sample will be obtained as soon as practicable.

### 13.1.11 Voluntary testing

A relevant person can request a voluntary targeted substance (drug) test by contacting the Alcohol & Drug Testing Coordinator.

In the event of a relevant person who has been required to submit to a targeted substance test due to reasonable suspicion or a critical incident and the sample provided is classed as a dilute specimen (creatinine level below 200mg/L) where the sample is unable to be sufficiently analysed for certain substances, the relevant person can voluntarily request to have their specimen taken again. If a positive test for a targeted substance is returned in a dilute specimen, returning of a negative test on a voluntary test does not mitigate the first test result.

### 13.1.12 Exemptions from random alcohol testing

A relevant person or class of relevant persons may be exempt from random alcohol testing subject to approval in writing by an assistant commissioner or above (see HR Delegation 202 and s. 5A.9(4): 'Random alcohol testing' of the *Police Service Administration Act* (PSAA)).

#### Exemption categories

Category A exemptions apply to police officers presently performing duties or seconded to the Covert and Specialist Operations Group, Operations Support Command. An application for a Category A exemption should only be prepared and submitted by the Detective Inspector, Covert and Surveillance Operations Group.

Category B exemptions refer to all other applications. Approval may be granted upon application by a relevant person class of relevant persons within an organisational unit.

#### Category B procedures

Persons seeking an exemption are to submit a report to their officer in charge (OIC) outlining:

- (i) the duty to be undertaken, including any legislation being enforced;
- (ii) the need to consume alcohol whilst performing this duty and any impact of policing effectiveness if alcohol cannot be consumed should also be stated;
- (iii) whether the exemption is sought for a relevant person or class of relevant person. The particulars of the person/s are to be provided except where the particulars are confidential, i.e. in the case of covert police operatives. Where the particulars are confidential, this should be indicated;
- (iv) the period for which the exemption approval is sought (i.e. three months); and
- (v) any other relevant circumstances (e.g. should any member be under case management in relation to a self-reported problem with alcohol).

Officers in charge, when receiving a report, are to make a firm recommendation with regards to the application. The report is to then be forwarded by the chain of command to the assistant commissioner.

Relevant persons are still subject to the requirements of s. 5A.7: 'Alcohol limits' of the PSAA until an exemption approval has been issued.

#### Approval

The assistant commissioner or above is to consider the contents of the report with respect to but not limited to:

- (i) the period being sought, and a commencement date;
- (ii) any legislative requirements that should be met (e.g. the alcohol limit for the driving of a motor vehicle);
- (iii) whether the class of relevant person should be narrowed, redefined, etc.;
- (iv) the named individuals and any case management plans that may apply, where the particulars are indicated to be confidential, liaison should be made with the officer in charge who recommended the application to obtain those particulars;
- (v) any restrictions or conditions to be placed on any subsequent exemption approval. Such a condition might be that the exemption approval only applies where the relevant person is directly engaged with persons subject of a controlled operation, and not otherwise; and
- (vi) a suitable expiry date for the exemption approval being sought.

Where the application is supported, the executive officer should:

- (i) approve in writing the exemption of a relevant person or class of relevant persons from random alcohol testing, together with conditions appropriate for the exemption approval;
- (ii) forward the exemption approval to the OIC of the relevant organisational unit. Where the OIC forms part of the class of relevant members, the exemption approval is to be forwarded to that officer's OIC; and
- (iii) forward a copy of the exemption approval to the Manager and the Alcohol and Drug Testing Coordinator (ADTC), of Safety and Wellbeing.

Upon receipt of an exemption approval, the ADTC is to record the particulars of the exemption approval, together with any stipulated conditions, onto a register kept for that purpose.

The OIC of the relevant organisational unit is to bring to the attention of all relevant persons subject to the exemption approval the conditions and expiry date of the approval.

#### **Review and re-assessments**

The Director, Safety and Wellbeing, in the case of Category B exemptions may conduct assessments as to the effectiveness of the exemption approvals or a particular exemption approval. Where an exemption approval may need to be modified or revoked, the Director, Safety and Wellbeing is to forward advice to the relevant assistant commissioner for consideration.

An executive officer may modify or revoke an exemption approval at any time, in writing.