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1. Introduction

A person conducting a business or undertaking (PCBU) must ensure, so far as is reasonably practicable, the health, safety and welfare of workers engaged, or caused to be engaged by the PCBU, as well as workers whose activities in carrying out work are influenced or directed by the PCBU.

While on site, Mirvac workers, service provider workers and visitors must take reasonable care for their own health and safety and also take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons.

Being under the influence of alcohol or other drugs can pose serious harm, not only to the affected individual, but also to others. It is imperative that all persons attending an MC Site are fit for work so that in carrying out their work activities they do not expose themselves, their co-workers or other people to unnecessary risks to health and safety. All Workers who test positive for alcohol or other drugs will be deemed not fit for work and subject to this Procedure.

Mirvac Constructions (NSW) Pty Limited (MC) promotes a supportive culture that encourages a cooperative approach between management and workers and builds on the shared interest in workplace health and safety.

2. Purpose

The purpose of this Procedure is to ensure that persons attend an MC site fit for work and the proper management of the misuse of alcohol and other drugs.

It is the goal of MC to

- minimise the risks associated with the misuse of alcohol and other drugs, thereby providing a safe working environment;
- reduce the risks of alcohol and other drugs impairing persons at an MC Site;
- provide pathways to access rehabilitation and support services where appropriate;
- comply with all relevant legislation as well as Government Codes of Practice which relate the industries in which we operate;
- ensure all persons attending an MC comply with their legal obligations, including all obligations under the Work Health and Safety Act 2011 (WHS Act); and
- ensure all disciplinary processes arising from a breach of this Procedure are managed appropriately and in a lawful manner.

3. Scope

3.1 Projects

This Procedure applies to all MC Sites where construction commences following the Date of Procedure Implementation where MC is the Principal Contractor.

3.2 People

This Procedure applies to all persons attending an MC Site. This includes:

- Mirvac wages and salary staff
- Contractor wages and salary staff



- Site visitors

Note, contractors are expected to have in place their own Alcohol and Other Drugs Procedure consistent with this procedure. Where this is not in place the following Procedure will be the minimum standard applicable to those contractors. Relevant provisions will be included in all contracts with contractors performing building works on MC sites.

3.3 Types of Testing

The following types of testing may be undertaken and are explained in more detail below:

- Voluntary or self-testing
- Random testing
- Reasonable suspicion
- Post incident / for cause testing¹
- Targeted (high risk)

Under this Procedure, testing will be conducted for:

- (a) Alcohol;
- (b) Opiates;
- (c) THC (marijuana or cannabis);
- (d) Cocaine;
- (e) Benzodiazepines;
- (f) Amphetamines;
- (g) Methamphetamines; and
- (h) Oxycodone.

The cost of all initial tests under this Procedure will be paid for by MC. Other than for MC employees, the costs associated with counselling and rehabilitation will be borne by the worker's employer or, alternatively, the relevant Service Provider.

4. Definitions

BAC means blood alcohol content.

Certified Laboratory means a laboratory which meets minimum Australian performance standards set by an accrediting agency being the National Australian Testing Authority (NATA).

Chain of Custody is a series of procedures to account for the integrity of each oral fluid specimen by tracking its handling and storage from point of collection to final disposal.

Confirmatory Test means an analytical test performed to identify the presence of alcohol and/or other drugs in accordance with Australian Standard AS3547:1997 and AS4760:2019 (or any subsequent standard).

The confirmatory test is a test of a sample taken following an initial non-negative test result. This test is conducted by the Independent Third Party Tester.

Date of Procedure Implementation is 1 November 2016.

Drug means a substance that has a physiological effect on the body, either by itself or through its metabolite(s). The term 'drug' refers to the drug and/or its metabolite(s) for the purpose of detecting a target drug in oral fluid.

Employer has the same meaning as a person conducting a business or undertaking (PCBU) under section 5 of the WHS Act.

Fit for Work means a person who has returned results below those set out in the Test Target Concentration levels set out in Appendix 1.

For Cause Testing is drug and alcohol testing which may be carried out for any of these scenarios and is ultimately determined by the MC Project Manager, Site Manager and Responsible Person:

- An individual or group of individuals' fitness for work may have been a contributing factor in an incident.
- There is a direct observation or indication of impairment or unusual behaviour or actions by the individual.
- Evidence or reason to believe the individual is involved with the use of alcohol or other drugs while at work; and/or
- Where safety precautions or processes may have been breached by the individual.

Health & Safety Representative (or HSR) means an employee of MC designated as the health & safety representative for the relevant project.

High Risk Trades are defined as trades that involve the following high risk activities: crane operation, formwork installation stripping and operation, scaffold erection or stripping, lift installation, façade installation works, civil works, works that require a high risk work license as defined by regulatory authority or other activities as defined by MC Project Manager and Site Manager (in consultation with the HSE committee).

HSE Committee means the health and safety committee for the relevant project comprising nominated representatives from MC and relevant contractors.

Independent Third Party Tester is defined as an external third part testing provider engaged by MC.

Initial Testing is defined as a valid method used to exclude the presence of alcohol and/or a drug or a class of drugs as provided by Australian Standard AS3547:1997 and AS4760:2019 (or any subsequent standard).

Limited Random Testing means a period of random testing of a Worker in the case where the Worker either:

- (a) fails a drug or alcohol test; and/or
- (b) unreasonably refused a drug or alcohol test as a result of a Notifiable Incident or random testing program; and/or
- (c) following a determination of impairment as a result of an impairment assessment.

MC is Mirvac Constructions and related entities performing construction works.

MC Site is any site under the management and control of MC where MC is the Principal Contractor

Non-Negative Result means an initial test result that indicates the presence of alcohol or other drugs above the prescribed or nominated target concentration levels.

Notifiable Incident as defined in the WHS Act is:

- death of a person
- 'serious injury or illness', or
- 'dangerous incident'
arising out of the conduct of a business or undertaking at a workplace.

Notifiable incidents may relate to any person— whether an employee, contractor or member of the public. Only the most serious safety incidents are intended to be notifiable, and they trigger requirements to preserve the incident site pending further direction from the regulator. The MC project manager and site manager (in consultation with the HSE committee) will have the ultimate decision on what is deemed a notifiable incident.

Negative Result means a test result at or below the prescribed or nominated target concentration levels.

Positive Result means a test result which is:

- in relation to alcohol, a confirmatory sample returning a result in excess of 0.000 grams per 100 millilitres of alcohol; and
- for drugs, a confirmatory sample returning a result at, or in excess of, the levels contained in AS4760: 2019 (or any subsequent standard).

Prescription medication means medication that is prescribed by a doctor.

Principal Contractor has the same meaning as Principal Contractor under the WHS Regulation.

Reasonable Suspicion Procedure refers to indicators of impairment and includes the observable indicators of impairment which are used to determine whether a reasonable suspicion exists that a person is impaired by alcohol and/or other drugs.

Responsible Person means a person designated by MC together with an Health & Safety Representative or HSE Committee representative who is suitably trained to assess the fitness for work of persons in the workplace under the Reasonable Suspicion Procedure.

Random Testing means a structured program of randomly testing workers.

Service Providers means any subcontractors or suppliers who attend an MC Site.

Targeted Testing refers to testing conducted for the workers working in high risk activities or once returning to work after a confirmed positive (fail) drug or alcohol test.

Tester means a person assessed and certified for drug and alcohol testing in accordance with Australian Standards.

WHS Act means the *Work Health and Safety Act 2011* (NSW).

WHS Regulation means the *Work Health and Safety Regulations 2017* (NSW)

Worker has the same meaning as Worker under section 7 of the WHS Act

5. Confidentiality

MC will aim to ensure that confidentiality is maintained in relation to all information obtained by it in the implementation of this Procedure. This will include:

- testing will be conducted in a location that maintains the privacy and dignity of the individual so far as is reasonably practicable;
- testing will be conducted by certified collectors
- persons who record a non-negative result will be treated at all times in a respectful and non-judgemental manner by all involved in the management of the matter;
- MC records pertaining to test results and written warnings shall be regarded as confidential information and their use/access/dissemination shall be restricted to those who have a genuine requirement to access the results. For the avoidance of doubt, a worker's employer has a genuine requirement to be provided the results of a non-negative and / or confirmed positive drug and/or alcohol test; and
- MC may release information relating to this Procedure to a third party as required by law, to comply with the intent of this Procedure or otherwise after the relevant worker concerned has been consulted.

6. Responsibilities and Obligations

The responsibilities of MC and all persons attending the MC Site are guided by the obligations imposed on a PCBU, Workers as well as other persons at the workplace as set out in WHS Legislation.

7. Possession

Workers must not have any alcohol or drugs in their possession or control at the MC Site, except for:

- a) drugs prescribed by a medical practitioner; or
- b) non-prescribed drugs (being over the counter medications),
- c) in respect of which the Worker has otherwise complied with the obligations contained in this Procedure.



8. Consultation Communication and Information

The development of this Procedure has occurred in consultation with all relevant stakeholders, including any relevant requirements under the industrial instrument in place at time of implementing this Procedure.

Other communication processes in relation to this Procedure may include toolbox meetings, newsletters, and the use of communication boards at the MC Site.

9. Education and Training

MC recognises that it is important to develop a workplace culture where Workers are prepared to encourage each other to be safe and never attend a workplace under the influence of alcohol or other drugs or otherwise be impaired at work.

Workers will receive training and education at induction on the MC Site, or where appropriate via separate training sessions.

All PCBU's are required to provide education to their workers including:

- a) information sessions on roles and responsibilities under the WHS Act;
- b) the need for early recognition and detection of fitness for work issues around drug and alcohol abuse within the workforce;
- c) provision of relevant alcohol and other drugs literature, including information about the adverse effects that drugs and alcohol may have of health and the related risks to safety;
- d) toolbox talks and other meetings;
- e) specialist programs presented by external representatives; and
- f) Responsible Person training for 1 wages employee representative and 1 salary employee representative per Site.

All PCBU's must provide practical guidelines and training to their managers and supervisors for dealing with persons who may be affected by alcohol or other drugs, including the correct application of disciplinary sanctions.

10. Employee Assistance Program and Information

If a Worker has issues of concern including those related to alcohol and other drugs MC encourages Workers to make use of their employer's Employee Assistance program (**EAP**) or other available programs, and seek appropriate support and assistance.

As part of addressing drug and alcohol issues in the workplace, contractors are strongly encouraged to make arrangements for the introduction of an the services as listed in Appendix 3 in the first instance.

A list of organisations which offer drug and alcohol counselling and assistance is included at Appendix 3 of this document.



11. Medications

Workers are responsible for ensuring that any prescription or over the counter medications do not impair their fitness for work, and notifying their employer of the medications being taken (refer 14.3).

11.1 Prescription medications

Workers taking medication should find out how it affects them by consulting their doctor. During this consultation workers should explain their work duties to the doctor in order to determine if their ability to work safely will be affected by the medication. A worker will be deemed unfit for work unless they can prove they are fit for work by providing confirmation from their doctor that they are fit for work whilst taking the medication. Any directions or warnings on the medication should also be read carefully and followed.

Side effects which could affect work performance may include but are not limited to drowsiness, being less alert, tiredness, difficulty in concentration, slowed reaction times or decreased physical coordination.

11.2 Over-the-counter medications

Workers must ask the pharmacist about the short and long term effects of medication and whether or not their ability to perform their work duties safely may be affected.

Workers must always be alert to the fact that commonly taken medications, including antihistamines taken for allergies or as cold medicine, can cause drowsiness and impair the ability to work safely.

11.3 Safeguards for medication use

If a worker knows or feels that his or her ability to work safely may be affected as a result of medication, prior to commencing work the worker should inform his or her direct supervisor and safety advisor that he or she is taking medication and of the effects of the medication. It is not necessary for the worker to disclose the illness for which they are taking the medication and the provision of such information shall be kept in confidence.

For the avoidance of undue confusion the worker or person visiting site must have with them evidence from their doctor that the prescribed medicine does not prevent them carrying out their duties in a safe manner.

If the worker can perform their usual work duties safely, the supervisor should monitor the worker to ensure there are no signs of performance impairment.

If the worker is unable to perform his or her usual work tasks safely, the worker should not commence or return to work.

12. Alcohol and Other Drugs Testing Procedure

MC has established a program of testing that aims to:

- discourage people from coming to work where they may be unfit for work because of alcohol or other drug use; and

- assist in identifying people who may be unfit for work.

A combination of testing methods will be implemented including:

- Voluntary or Self-testing (for alcohol);
- Post reportable incident;
- Random Testing;
- Reasonable suspicion;
- Targeted (high risk).

12.1 Voluntary or self-testing

Voluntary or self-testing for alcohol will be available for workers prior to presenting for work. A breathalyser will be located adjacent to the main site entry point with provisions made for the privacy of the self-tester.

A worker undertakes self-testing at his/her own accord therefore no documentation is recorded. No disciplinary action will be taken in respect of positive test results from a self-test. However, all Workers must comply with their obligations under the WHS Act.

Voluntary or self-testing does not exempt a Worker being part of alcohol or other drug testing on MC Sites in accordance with this Procedure.

Self testing units for the influence of Drugs may also be provided at MC discretion.

12.2 Post Notifiable Incident Testing

After a Notifiable Incident at the Workplace, all Workers (including supervisors) involved in the incident may be required to undergo an initial alcohol and other drug test.

Where a subsequent investigation has identified that the true cause or causes of an incident were not properly reported and fell into the category requiring a test, then a drug and alcohol test will be organised. Late, incorrect or failure to report incidents will be investigated and drug and alcohol testing may be undertaken.

The Worker(s) is to be supervised by a MC Representative continually from the time of the incident until they have completed all testing required. The worker may also elect to have their health and safety representative or representative of their relevant union in attendance to all testing is completed.

Post Notifiable Incident Testing will be conducted as soon as practical and when it is safe to do so.

The HSE Manager in consultation with the delegate will arrange for the testing of the Worker(s). Testing of a Worker under the age of 18 (or a work experience person) is to be referred to MC's nominated representative and will not take place until such time as an appropriate parent or guardian permission is received. .

An injured person who requires immediate medical attention may only be tested when it is appropriate. This will be determined by the HSE Manager and delegate in consultation with suitably trained medical personnel. In such cases, where testing can be conducted while under medical care, a non-invasive testing process will be used.

12.3 Random testing

Random testing for alcohol and/or other drugs for Workers may be conducted at any time throughout the Worker's hours of work (including overtime) or time at the Worksite.

Random testing will be conducted in an appropriate area which contains adequate facilities for testing (this may be a dedicated site shed or equivalent). The testing will be done privately.

All Workers and persons attending or seeking to attend the Workplace may be eligible for selection for random testing. Individuals will be selected for testing by using a simple random selection process (this will be an industry accepted smart phone Application that randomly selects induction numbers from a pre-populated list or equivalent). The selection process may include the selection of Workers from across the site, within a specific work group or contractor (for example High Risk Trades), or within a group of workers located in a specific area. This shall be at MC discretion.

A Worker or person selected for testing will be required to present themselves for testing immediately.

12.3a Random Testing – Sample Size

- Where there are less than 30 workers on site, a minimum of 10% of the workers must be tested;
- Where there are 30 to 100 workers on site, a minimum of 5 workers must be tested;
- Where there are greater than 100 workers on site, a minimum of 10 workers must be tested.

This testing will include both construction workers and site office workers.

12.3b Random Testing - Frequency

Random testing may be no less than once per quarter.

12.4 Reasonable suspicion procedure

Reasonable suspicion is based upon:

- observable phenomena, such as the direct observation of use of, and/or the physical behavioural symptoms of being impaired by alcohol and/or other drugs and/or unusual and/or inexplicable actions by the worker; or
- evidence that the worker is involved in the use or possession of alcohol and/or other drugs while working; or
- situations where safety precautions or procedures have been, or may have been, breached by the worker.

Where there is basis for a reasonable suspicion, a worker may be requested to undertake an observable impairment assessment by appropriately trained staff to assess fitness for work. These trained MC staff members are referred to as 'responsible persons'.

The procedure is to be applied fairly, objectively and equitably. It is important that responsible persons act in an ethical and professional manner and with consistency across all Workers and on each occasion they are required to conduct an assessment.



12.3c When and how should this procedure be used

This procedure is for use when a person reasonably suspects that a Worker is unfit for work and impaired by alcohol and/or other drugs in the workplace.

If a Worker is concerned that a person at the Workplace is impaired, they should report their suspicion to their supervisor, manager, safety officer, worker representative or a responsible person. The responsibility to make a formal assessment of a worker remains with the responsible persons.

The basis for this is a test of reasonable suspicion that a Worker is impaired by alcohol and/or other drugs. This means a suspicion that is reasonably held by two responsible persons.

While management are conscious that changes in the normal appearance or behaviour of a person may indicate that the person is impaired by drugs or alcohol, it is not the responsibility of supervisors, managers, safety officers, or Worker representatives to diagnose personal or health problems or determine what the cause of impairment may be.

12.3d Consulting with the Worker

Responsible Persons are to request a discussion with the Worker in a private location away from other Workers, where possible. The privacy of the Worker is a priority at all times and the discussion should be held away from other Workers. The Worker may request the presence of another person as a witness. The witness must be immediately available and must not in any way affect or delay the discussion.

The Worker should be clearly informed by the responsible persons of the indicator or indicators upon which reasonable suspicions are based. Responsible persons should speak politely and assertively. Judgemental or confrontational language should be avoided.

The individual may elect to have a witness from the site of their choice attend the test.

Responsible Persons will be trained in the delivery of this process.

12.3e Other factors

Other factors are to be taken into consideration.

The Worker is to be given an opportunity to explain their behaviour. A person may appear to be unfit for work or impaired from alcohol or other drugs but not necessarily have taken any such substances. For example, the Worker may be suffering the side effects of medication prescribed by their treating doctor or suffering from sleep deprivation because of a personal trauma or concern.

MC acknowledges that a Worker may be suffering an impairment that is not related to alcohol or non-prescription drugs. Such impairment may include:

- Unexpected impairment from prescription or over the counter medication;
- side effects from medical treatment or an illness or injury;
- impairment from fatigue due to a personal trauma, sleep deprivation or other issue;
- mental health issues; or
- any similar factor that may cause impairment but is not the result of inappropriate alcohol or other drug consumption.

Where the responsible persons are satisfied that a person is impaired due to an 'other' factor as set out above no disciplinary action is to be taken.

Repeated presentation at work by a Worker whilst unfit for work or impaired from over-the-counter or prescription medication may result in a breach of procedure being recorded and this could lead to disciplinary action. Any Worker identified as impaired from this cause is to be reminded that any impairment is a safety risk and that they should not present for work impaired.

Where the responsible persons assess that the Worker is not fit to continue working as a result of the fit for work assessment, they will:

- consult with the Worker's Employer as to the availability of alternative duties or other control measures to ensure the Worker's safety and the safety of others at the Workplace, or
- require the Worker leave the Workplace until they are fit to resume duties.

13. Testing Procedure - Alcohol

13.1 Conducting the Test

Workers identified to participate in alcohol testing will be required to carry out a supervised alcohol analysis test, using a calibrated breath testing device as per the Australian Standard AS3547:1997 - Breath alcohol devices for personal use. The test will be administered by a suitably qualified Independent Third Party Tester.

The Worker may request the presence of another person to witness a test. The presence of a witness must be immediately available and must not in any way affect or hinder the results of the testing.

Workers are considered not to have passed the BAC test if the results indicate a BAC of more than 0.000mg/ml as set out in Appendix 1.

13.2 If 1st Alcohol Test = Positive (ie Non-Negative)

If the results of the first breath analysis test returns a positive result it will be deemed a non-negative result until it can be confirmed by a confirmatory test.

In the event that a non-negative result is registered, a subsequent confirmatory test will be carried out 60 minutes after the first test. During this 60 minute period, the Worker is to be supervised continually at all times by the person conducting the tests.

13.3 If 2nd Alcohol Test = Positive (ie Confirmed Positive)

The second test will be carried out with an alternative device to that used in the first test.

Workers with a non-negative second breath analysis test result will be recorded as a confirmed positive result, and will be suspended for an initial 24 hours and will have to provide a negative result before they can return to the Workplace.

The Employer will be expected to make arrangements to transport the person to their place of residence. The employer will also be responsible for offering rehabilitation and/or access to an Employment Assistance Program.

A confirmatory breath test result above the limit set out in under the Confirmatory Test definition in this document, will be determined to be a positive alcohol test result.

In this instance the disciplinary procedure set out in Appendix 2 shall be followed.

13.4 If 2nd Alcohol Test = Negative (ie Confirmed Negative)

Where a Worker presents a negative confirmatory result or result lower than the acceptable levels identified in this Procedure (see Appendix 1) the Worker will be permitted to resume their normal duties.

14. Testing Procedure – Other Drugs

14.1 Conducting the test

Workers or persons identified to participate in a drug test will be required to undergo an initial oral swab test as per the Australian Standard AS4760:2019 (or any subsequent standard) - Procedures for specimen collection and the detection and quantitation of drugs in oral fluid. The test will be administered by a suitably qualified Independent Third Party Tester.

Workers must meet the Test Target Concentration Levels set out in Appendix 1.

14.2 If 1st Drug Test = Positive (ie Non-Negative) For Other Drugs

If the results of the first oral swab returns a positive result it will be deemed a non-negative result until it can be confirmed by an accredited testing laboratory.

The worker or person will be asked to leave the site until the confirmatory sample results are returned. The employer will be expected to make arrangements to transport the person to their place of residence. The employer will also be responsible for offering rehabilitation and/or access to an Employment Assistance Program.

A confirmatory sample will be taken in accordance with the Australian Standard AS4760:2019 - Procedures for specimen collection and the detection and quantitation of drugs in oral fluid (or any subsequent standard). The sample will be taken by a suitably qualified Independent Third Party Tester.

The Independent Third Party Tester will be responsible for chain of custody of confirmatory sample from point of taking sample to issue to accredited testing laboratory through to the return of sample results to site.

The worker may request the presence of another person to witness a test. The presence of a witness must be immediately available and must not in any way affect or hinder the results of the testing.

The worker will be given the opportunity to receive their own B-Sample.

14.3 Workers with prescribed medication

It is recognised that certain prescription medication may return positive results during testing, and it is the Worker's responsibility to inform his or her Supervisor if he or she is taking any prescription medication that may cause impairment whilst at work.

Where practicable, the Independent Third Party Tester will provide a list of medications which may provide a false non-negative result.

14.3a Medication Declaration

Any Worker required to undertake drug testing can choose to declare any medication taken immediately prior to the test being conducted. Such information is to be kept confidential and only

to be used in determining if such medication has contributed to or caused a false non-negative result.

Subject to conditions outlined in section 11, if the Worker declares the medication prior to any testing being conducted, and the drug class(es) declared is consistent with the drug class(es) detected at the initial screening test, then a fitness for work assessment is to be conducted by two responsible persons.

Note, if a negative result is returned the medical declaration/paperwork will be returned to the worker or destroyed.

14.3b On Medication - Assessed as Unfit

If the Worker is assessed as being unfit to continue in their normal role, the employer will be expected to actively explore any opportunity temporarily re-deploy the Worker into alternate suitable duties that may be available at the time. In the event that there are no suitable alternative duties available, the Worker's Employer will be expected to make arrangements to transport the worker to their place of residence.

14.3c On Medication - Assessed as Fit

If the Worker is assessed to be fit for work the person will be permitted to return to work and will be allocated low risk tasks pending the results of the confirmatory test where there is reasonable suspicion that the worker may not be fit for work.

14.4 If 2nd Drug Test = Positive (ie Confirmed Positive) and consistent with medication

A confirmatory positive test result for other drugs will be determined by the Australian Standard AS4760:2006 (or any successor standard).

If the Worker has previously been allocated low risk duties, their fitness for work will be reassessed and the Worker will either return to normal duties or remain on low risk duties for the duration of the use of the medication, providing the duration of the use of the medication is a reasonable timeframe.

If the Worker has been stood aside pending the confirmatory test results, the HSE Manager will contact them and request that they return to work once results have been received. On return to work, the HSE Manager in consultation with either the Worker's Supervisor and/or the Manager will reassess their suitability for duties. Any loss of pay as a result of being required to leave the Workplace will be reinstated by the Worker's Employer.



14.5 If 2nd Test = Positive and not consistent with medication (ie Confirmed Positive)

Once the Third Party Provider has forwarded the results to the HSE Manager, the Worker and the Worker's Employer will be advised in writing that the confirmatory test was positive and inconsistent with the medication as disclosed by the Worker.

The worker will not be permitted back to the place of work until such time as a negative result is returned. The employer will be responsible for offering rehabilitation and/or access to an Employment Assistance Program.

In this instance the disciplinary procedure set out in Appendix 2 maybe followed.

14.6 If 2nd Test = Negative (ie Confirmed Negative)

The Third Party Provider will forward the results to the HSE Manager who will then advise the Worker and the Worker's Employer that the confirmatory test result was negative.

Any loss of pay as a result of being required to leave the Workplace will be reinstated by the Worker's Employer.

15. Refusal or Tampering of Tests

15.1 Refusal

The HSE Manager, HSR and Employer Supervisor shall use the following procedure if a Worker refuses to take an initial alcohol or drug test:

- a) The Independent Third Party Tester will inform the Worker who has refused the test that the refusal will have the same consequences as a positive result, i.e. that the Worker will be unfit for work and deemed to be under the influence of drugs and/or alcohol.
- b) The Worker will be offered the test again. This would be the second request to be tested.
- c) If the Worker still refuses, the Independent Third Party Tester will notify the HSE Manager of the refusal to take the test. The HSE Manager will notify the MC's nominated representative. The MC's nominated representative will discuss the refusal and likely consequences with the Worker and try to determine the reasons for refusal. After discussion between the MC's nominated representative and the Worker, the Worker will be re-offered to take the test. This will be the third and final offer to be tested.
- d) If the Worker still refuses, the refusal will be treated as a Confirmed Positive Result, and may constitute a serious breach of this Procedure and be dealt with by banning the Worker from the Workplace.
- e) The Worker's Employer will be required to make arrangements to transport the Worker to his or her place of residence.
- f) The HSE Manager and/or MC's nominated representative will inform the Project Manager and Site Manager of the situation and ensure all documentation is retained for recording and filing.
- g) The Worker concerned will not be permitted to return to work until a discussion is held with the Worker's Employer and negative result provided.



15.2 Tampering

Any attempt to tamper with samples and introduce, or alter the concentration of alcohol or other drugs in their own, or another's saliva or breath may constitute a serious breach of this Procedure and be dealt with in accordance with Group Company policies.

16. Procedure for Non-negative Results

16.1 Workers

If a Worker returns a non-negative drug test result, he or she will be suspended for an initial 24 hours (with exception of prescribed medication example) and will have to provide a negative result before he or she can return to the Workplace. The Worker's Employer will be immediately advised of the test result. Once the Worker has provided a sample for confirmatory testing, he or she will be required to leave the Workplace directly. The Employer will be required to make arrangements to transport the Worker to his or her place of residence. The employer will also be responsible for offering rehabilitation and/or access to the services as listed in Appendix 3 in the first instance..

16.2 Visitors

A Visitor returning a non-negative drug test will be required to leave the Workplace immediately. A record will be kept of the Visitor's name and that person will be required to return a negative result before future access to the Workplace may be granted. A Visitor who returns a second positive result may be refused access to the Workplace at the discretion of the Project Manager.

17. Procedure for Positive Results

The Worker's Employer and/or the Employer's site representative will be informed as soon as possible. A written report will be forwarded to the Worker's Employer by the HSE Manager following the confirmation of a positive test.

The Worker's Employer will advise MC's HSE Manager of remedial action taken. Contractors are encouraged to make use of recognised employee assistance program providers, education, rehabilitation and counselling services prior to disciplinary measures which may result in dismissal.

Contractors are expected to have an escalating disciplinary procedure in place as part of their internal policies and/or employment arrangements. MC's procedure is attached in Appendix 2. While Contractor's internal policies and/or employment arrangements may have differing standards of disciplinary procedures, MC's guideline will be the minimum standard for the Workplace.

18. Rehabilitation

MC recognises that some people may require treatment and/or support for alcohol and/or other drug related issues.

Where the Worker takes up the offered support for rehabilitation, the Employer will assist the individual in developing a rehabilitation plan to manage their fitness for work issue. The details of the plan should be

agreed between the parties and may include the aim of the plan, the actions to be taken, the progress reporting procedure, the review date and the timeframe for return to work.

19. Review and Audit

The procedure will be reviewed periodically by MC in consultation with stakeholders pursuant MC HSE Management Plan. It is understood that as new testing technology becomes available for alcohol and other drugs testing it should be considered in any review, provided it is based upon levels of drugs and alcohol which indicate impairment at work.

20. Other MC Policies and Procedures

In the case of Workers under direct hire of MC, other related MC policies and procedures should be read in conjunction with this procedure where required.

21. Grievances/Disputes Relating to this Procedure

Any dispute relating to the application of this procedure shall be settled by broadly following the dispute resolution process under the MC HSE Management Plan.

22. References

Australian Standards (or any successor standards)AS3547:1997 - *Breath alcohol devices for personal use.* ('AS3547:1997')

AS4760:2006 - *Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.* ('AS4760:2019')

Work Health and Safety Act 2011

Work Health and Safety Regulation 2017



Appendix 1 - Test Target Concentration Levels

Test cut off concentrations in accordance with Australian Standard AS3547:1997 - Breath alcohol devices for personal use, and AS4760:2006 - Procedures for specimen collection and the detection and quantitation of drugs in oral fluid (or any successor standard).

Levels below do not refer to the Standard. Alcohol Standard does not refer to cut off level.

Levels in standard are:

TABLE 1 – ON SITE & LABORATORY TESTING CONCENTRAITONS

Compound	Abbreviation	AS4760	Laboratory Confirmation Level
		Onsite Levels ng/mL	ng/mL
Amphetamine	AMP	50	25
Cocaine & Metabolites	COC	50	25
Methamphetamine	MET	50	25
MDMA	MDMA	50	25
Opiates (Morphine)	OPI	50	25 10 (6MAM)
THC Δ ⁹ -tetrahydrocannabinol	THC	15	5
Oxycodone	OXY	40	20

ALCOHOL TESTING THRESHOLD

Alcohol	BAC
Alcohol	0.000%



Appendix 2 - Testing Procedure & Disciplinary Procedure Flowchart

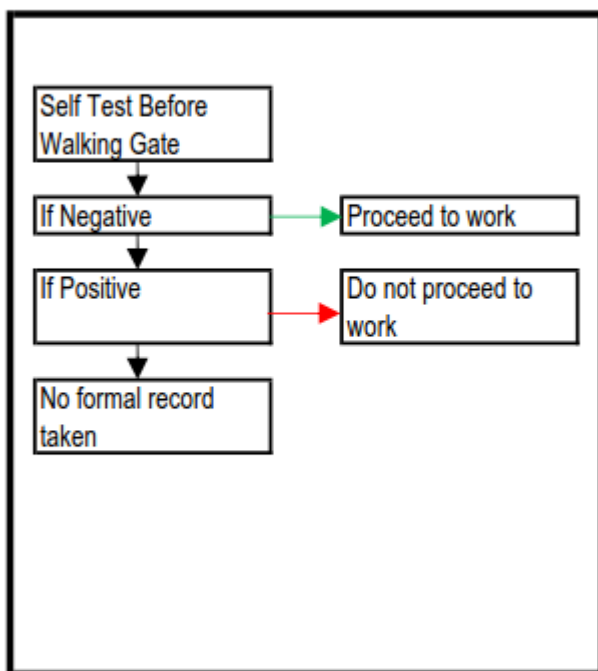
The following sets out the four scenarios relating to Alcohol and Other Drug testing procedure and subsequent disciplinary action which may be taken when an MC Worker or service provider returns a confirmed positive result to an alcohol or other drugs test.

In circumstances where the breach is of a more serious/extreme nature, MC has the discretion to take action which does not conform with the guide below. This shall be consulted for information purposes to the HSE committee.

MC subcontractors and /or service providers should use the following as a minimum base line in the development of their disciplinary procedure.

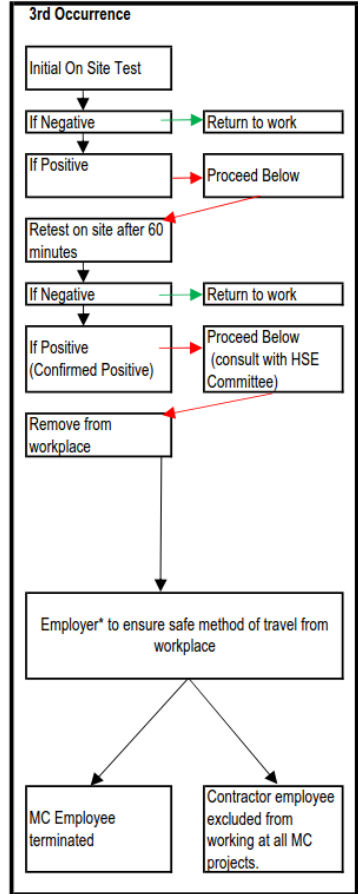
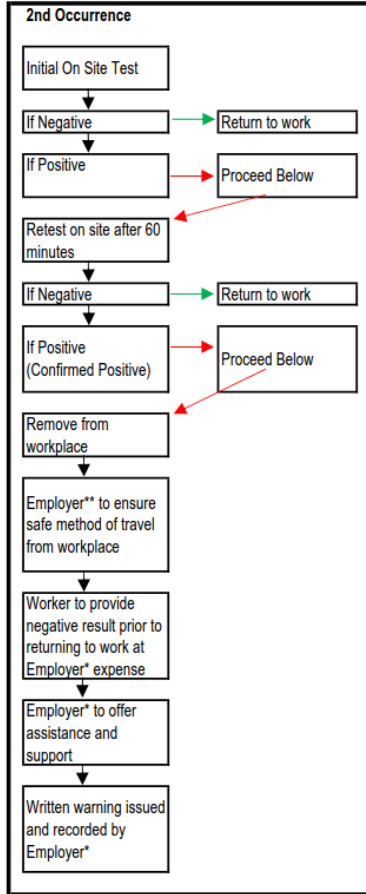
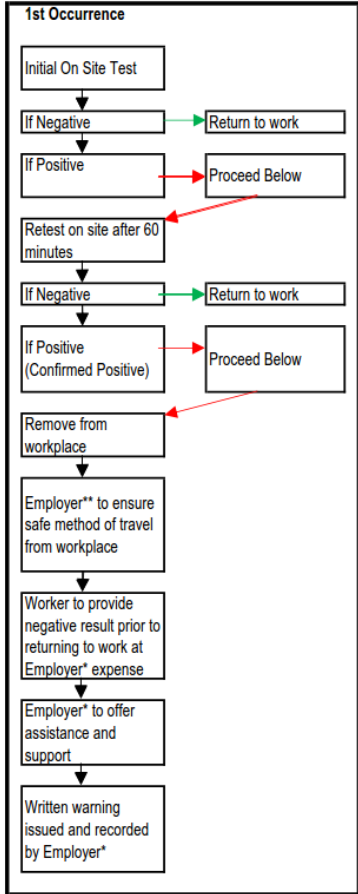
The discipline procedure below applies to a 12 month period. The 12 month period commences from the first confirmed positive result.

SCENARIO 01 - SELF TEST





SCENARIO 02 - ALCOHOL RANDOM TEST & DISCIPLINE MANAGEMENT MATRIX

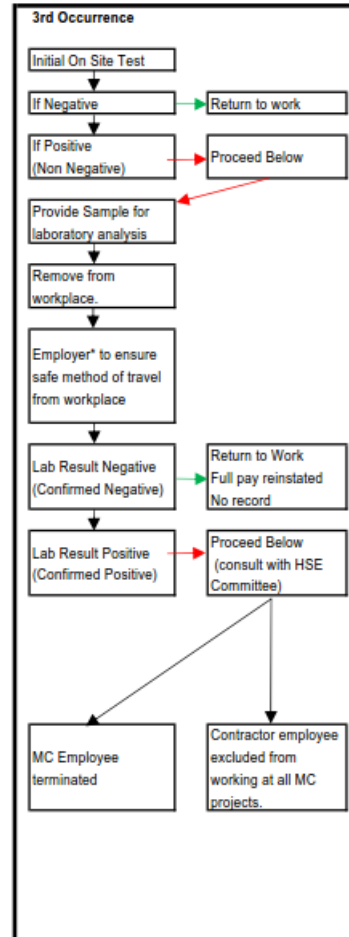
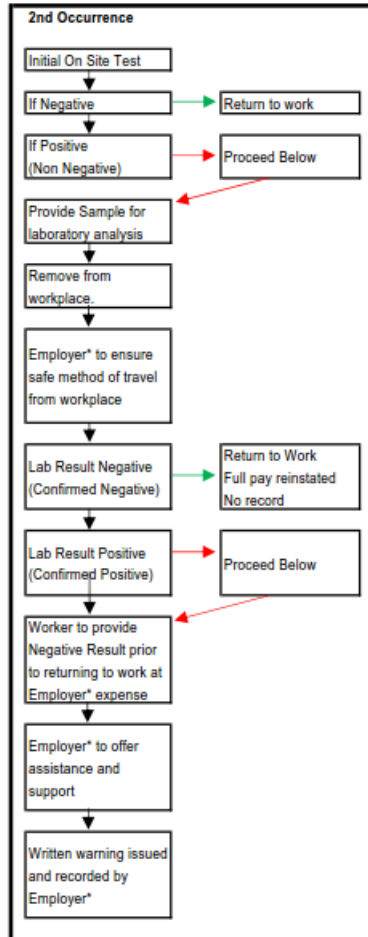
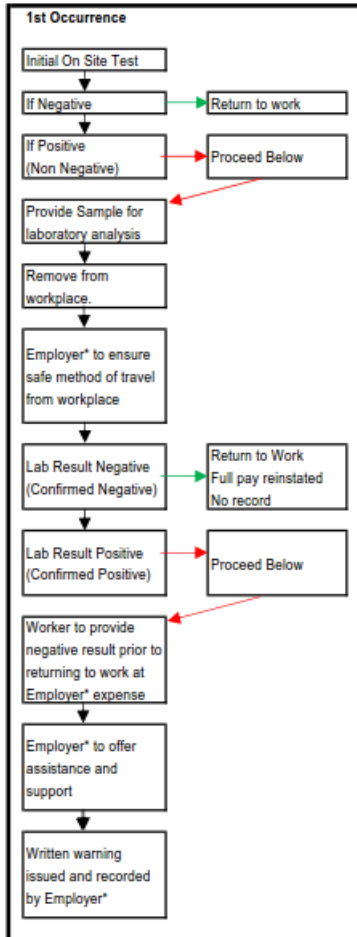


* Employer = Mirvac Construction for Mirvac Employees.
 * Employer = Service Provider for contractors





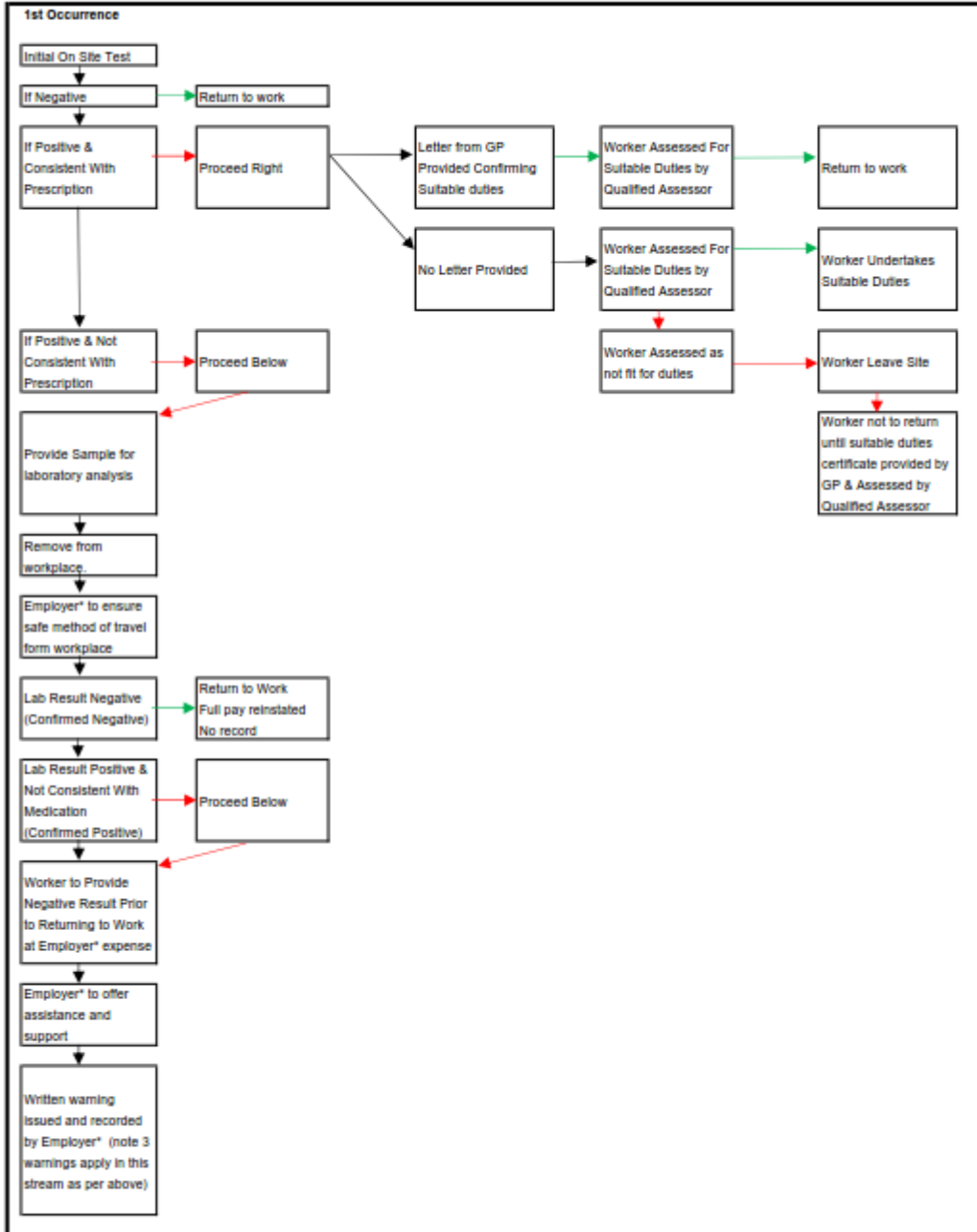
SCENARIO 03 - DRUG RANDOM TEST & DISCIPLINE MANAGEMENT MATRIX (Other Drugs; Non Medication)



* Employer = Mirvac Construction for Mirvac Employees.
 * Employer = Service Provider for contractors



SCENARIO 03 - DRUG RANDOM TEST & DISCIPLINE MANAGEMENT MATRIX (Prescription Medication)



* Employer = Mirvac Construction for Mirvac Employees.
 * Employer = Service Provider for contractors



Appendix 3 - Drug & Alcohol Counselling and Assistance

Foundation House - Counselling/Rehab

Phone: (02) 9810 3117

Drugs & Alcohol: info@foundationhouse.net.au

Gambling: ProblemGambling@foundationhouse.net.au

Alcoholics Anonymous

Tel: 1300 222 222

<http://www.aa.org.au/>

Lifeline

24 hour Helpline: 13 11 14

www.lifeline.org.au

Confidential telephone crisis support service

MATES in Construction

24 hour Helpline: 1300 MIC 111 (1300 642 111)

<http://matesinconstruction.org.au>

Narcotics Anonymous

Tel: 1300 652 820

www.na.org.au

Program based on abstinence from drugs. Regular support groups conducted.

Family Drug Help

Tel: 1300 660 068

www.familydrughelp.org.au

Support, information, education, inspiration and encouragement for family members of people who use drugs.

Family Drug Support

Tel: 1300 368 186

www.fds.org

Support for families faced with problematic drug use.

Australian Drug Foundation (ADF)

Tel: 1300 858 584

<https://adf.org.au>

Employee Assistance Program

Tel: 1800 81 87 28

<https://adf.org.au>

**List was checked for correctness at time of release.²*