



SYDNEY TRAMWAY MUSEUM

DRUG AND ALCOHOL PROGRAM

| JULY-AUGUST 2013

Drug & Alcohol Program

1. Purpose

To ensure that the STM provides a safe and secure tourist passenger tram services by enforcing a policy of absolute prohibition of alcohol or other drugs, (other than those legally prescribed by a medical practitioner, which will not impair worker performance) in relation to all members, rail safety workers and contractors.

2. Scope

This plan applies across STM's operations and facilities.

3. Responsibilities

The Board of Directors is responsible for ensuring that the drug and alcohol program is implemented.

STM personnel are required to abide by this program.

4. References

Alcohol and Other Drugs Policy (STM6130)

AS 4308 - Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine

Occupational Health & Safety Act 2000,

Rail Safety (Adoption of National Law) Act

Rail Safety (Adoption of National Law) Regulation 2012 No. 662

5. Definitions

ONRSR - Office of National Rail Safety Regulator

[RSNL - Rail Safety National Law \(NSW\)](#),

STM - Sydney Tramway Museum, a trading name of South Pacific Electric Railway Co-Operative Society Limited.

6. Actions

6.1 Drug and Alcohol Policy Statement

In the interests of public, visitor, contractor and member's safety, STM is committed to the elimination and / or control of all safety, health and environmental risks, which may affect public, visitor, contractor or member's safety, when on STM managed property or involved in STM rail operations.

STM has a policy of absolute prohibition of alcohol or other drugs, (other than those legally prescribed by a medical practitioner, who will not impair worker performance) in relation to all members, rail safety workers and contractors.

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This policy is based on the STM's general "Duty of Care" and its legal obligations under Part 2 of the Occupational Health & Safety Act 2000, the provisions of the Rail Safety (Adoption of National Law) Act and Rail Safety (Adoption of National Law) Regulation 2012 No. 662, in relation to all types of rail safety work.

Rail safety workers perform critical safety tasks requiring concentration and clear judgement, and drugs and alcohol can impair a rail safety workers skills and ability to carry out their tasks safely and effectively.

All STM members are expected to cooperate with management, in its efforts to comply with current legislation, to prevent incidents arising from drug and alcohol abuse, and to provide a safe and accident free environment for all persons who visit the STM. [Members may demand to see the STM D&A Testing Officer's identification card before undertaking a D&A test.](#)

[The current authorised STM D&A Testing Officers are: Martin Pinches. Bill Parkinson and Ian Saxon.](#)

6.2 Supporting Measures

STM workers are advised that they must not attend for duty, commence duty or continue on duty, if alcohol or other drugs are affecting their fitness to carry out their duty with safety.

STM takes measures to reduce alcohol and other drug related problems in the workplace, through proper personnel management and good employment practices. The Drug and Alcohol policy is based on peer assessment procedures, which is used to help identify potential problems relating to the abuse of drugs and alcohol. This is effective due to the small number of people involved and the familiarization of managers and supervisors under their control.

All STM members are responsible for ensuring their own safety as well as the safety of other members and any other persons that may visit Sydney Tramway Museum.

STM will provide guidelines and support to managers for dealing with employees and volunteers whose work performance or conduct is affected by the misuse / abuse of alcohol and other drugs.

Sydney Tramway Museum will provide training to ensure awareness of the Drug and Alcohol Policy, (STM6130) and personal responsibilities to comply with the policy at all times when on STM managed property, or involved in STM rail operations. The procedure applies to all STM members and contractors, who carry out rail safety work.

The training should include the following aspects:

- Ensuring that Sydney Tramway Museum employees do not, by the consumption of alcohol and other drugs, endanger their own safety or the safety of any other person in the workplace, or a member of the public;
- Attending and resuming work not under the influence of alcohol or other drugs;
- Notifying their manager or supervisor of any drug and alcohol related risks, including the use of prescription or over the counter medication;
- Consulting with their manager or supervisor if they are concerned about other employees because of a perceived safety risk.

As a Heritage Rail Operator, the STM is not required by legislation to conduct random drug and alcohol testing, on its rail safety workers.

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Post incident testing for alcohol or other drugs is mandatory, and the STM will arrange for an authorised testing officer to attend the accident or incident site for the purpose of conducting testing, as required by the Rail Safety (Adoption of National Law) Regulation 2012 No. 662.

The STM Operations Manager or a Director will conduct an assessment of sobriety at any time if, it is reported that any member has reasonable cause to be suspicious about another persons performance, well being or other condition which may affect that person, or other persons safety whilst on duty at the STM.

STM will also take the necessary action to remove members or contractors from its premises if it believes on reasonable grounds that the member is incapable of performing their duties safely, or they may endanger their own safety or the safety of other persons at the STM, due to the affects of drugs or alcohol.

The consumption of illegal drugs and /or alcohol whilst performing any type of rail safety work for the STM, is strictly prohibited at all times, and is a serious breach of this policy that will not be tolerated.

Breaches of the Drug and Alcohol Policy, by any member(s), will be subject to disciplinary action against those members(s) concerned, by the STM.

Where a member or contractor refuses or returns a positive test in breach of the STM Drug and Alcohol Policy (STM6130), the STM will notify ONRSR using the “[*Drug and Alcohol Testing in NSW*](#)” form which is located on the ONRSR web site under “Downloadable forms”.

NB. Under the Rail Safety (Adoption of National Law) Act, the term “railway employee” means employees, contractors or volunteers who perform railway safety work.

STM encourages members who are experiencing difficulties in complying with this Drug and Alcohol Policy, to contact any STM Director for assistance, if they are aware that their work performance or conduct could be adversely affected, or if it is considered that there is a risk to the safety of themselves or other persons as a result of their use of a prescribed or non – prescribed drugs.

STM Directors will provide guidance within the limits of their training and ability, however as a volunteer organization, the STM does not maintain its own employee assistance program (EAP), and any such assistance required would normally be provided through external agencies who provide counselling and rehabilitation services.

If any STM member believes they have a problem with alcohol or drugs, which may interfere with their responsibilities, they can speak with a director.

The STM will treat all cases of self-disclosure seriously and in the strictest confidence at all times.

6.3 Alcohol and Other Drug Testing

All staff and volunteers engaged in work on behalf of the STM on a tram or in a maintenance facility will sign on at the commencement of their work. In doing so, they will declare that they are fit for duty and are free from drugs and alcohol.

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Alcohol and drug testing of rail safety workers will be undertaken in accordance with the Rail Safety National Law (NSW) No.82a, the Rail Safety National Regulation 2012 and the Rail Safety (Adoption of National Law) Regulation 2012 (The NSW Regulation).

All testing will be undertaken by trained Drug & Alcohol Testing Officers, ~~or~~ the Police or hospitals, and urine drug testing will be undertaken in accordance with AS 4308. All breath testing equipment shall comply with the guidelines and will be properly maintained and calibrated.

As a heritage operator, the STM is not required to conduct random testing. However, if a manager or supervisor has reasonable cause to believe a person under their control is reporting for or undertaking rail safety work under the influence of alcohol or drugs, ~~and a testing officer is not present, then~~ the manager / supervisor will remove the person from rail safety work immediately, and arrange for a STM D&A testing officer to ~~conduct~~ organise the necessary tests.

In the event of a positive breath test, a breath analysis will be conducted at a Police Station, unless there is a reasonable excuse for not doing so.

In the event of an accident or an irregular incident, the STM will organise for testing within three (3) hours, unless there is a reasonable excuse for not doing so. The manager or supervisor on duty must notify a STM D&A Testing Officer of the event and then the NSW Police of the incident, and request them to attend the STM, for the purpose of administering initial breath testing and conducting a further breath analysis, if a positive result is returned by any rail safety worker involved in the incident.

Under no circumstances will any workers who are suspected of being affected by drugs and/or alcohol be permitted to commence or continue (if detected after commencing rail safety work) any type of rail safety work.

6.4 “Cause or On Suspicion” Testing

There are numerous indicators for “cause/on suspicion” testing. Some of the common ones include:

- where a rail safety worker has deliberately left a site where rail safety workers are being or will be tested;
- where a rail safety worker is undertaking rail safety work and they smell of alcohol or appear to be under the influence of a substance;
- where a complaint has been made alleging drug use, either by another rail safety worker or a member of the public;
- where a manager/supervisor has strong suspicions; or
- where there has been a breach of the STM’s drug and alcohol management program.

6.5 Refusing a Test

Members who fail or refuse to undergo a breath test, a breath analysis, or to provide a sample of urine or blood, are in breach of this program and section 20 of the Rail Safety (Adoption of National Law) Regulation 2012 No. 662. and will face disciplinary action if they:

- without reasonable excuse (medical grounds), fail to comply with any request to provide a breath, urine or body fluid test;
- without reasonable excuse, fail to provide all reasonable cooperation in relation to any sample collection procedure or refuse to sign or complete any sample collection documents or labels;
- avoid, adulterate, substitute or falsify any breath, urine or body fluid sample;

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- substitute for another member or arrange or are involved in any such substitution; or
- attempt to do any of the above matters.

6.65 Disciplinary Action

As a responsible rail operator the STM needs to ensure that the required standards of performance are clearly communicated and understood by all workers, and that all reasonable efforts to assist a worker to achieve and maintain those standards are made, as required by external legislation and the internal rules of the STM.

The STM workers are made aware of the policies and procedures.

The STM internal rules allow for disciplinary action up to expulsion of a worker. This will be enforced if required, in consideration of the STM “Duty of Care” to provide a safe workplace for all employees, contractors and visitors to the STM.

The STM workers facing disciplinary action will be given the opportunity to have support people, and a fair and reasonable opportunity to offer an explanation on their conduct.

The STM workers who have been removed from rail safety work, for breaches of the Drug and Alcohol Policy will not be permitted to return to rail safety work until such time as further testing is conducted, with a negative result returned and clearance from the counsellor (if involved) is confirmed.

The STM may monitor a workers performance for a set period of time after their return to rail safety work, to ensure that the member(s) are fully compliant with their rail safety worker duties and responsibilities.

7. Other Details

7.1 Privacy and Confidentiality

It is generally accepted that members have a right to confidentiality when addressing personal or sensitive issues. This means that information relating to results of testing activities or personal health information is shared with other people only for lawful purposes. It is important that rail safety workers are given clear information about the drug and alcohol management program and how testing occurs from the beginning of the program. This should include information about the way the STM and the authorised person deal with member information and also the limits on confidentiality. In this regard, it should be noted that STM is required to notify ONRSR of any of the matters specified in clause 28(2)(b) of the National Regulations, including positive tests, and that this information could ultimately lead to prosecution. In addition, under section 244 of the Rail Safety National Law (NSW), it is an offence to disclose without lawful authority any information or document obtained while exercising any power or function under the RSNL.

7.2 Duty of Care

STM and rail safety workers need to be aware of their responsibility to take reasonable steps to prevent injury and to ensure the safety of railway operations. They have a duty of care to other members and the public.

7.3 Provision of information

It is important that rail safety workers are given clear information about the drug and alcohol management program and how testing occurs.

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7.4 Fairness

Fairness means taking into account the interests of all parties, treating them impartially and giving due weight and consideration to the individual's rights, interests and legitimate expectations.

7.5 Gender and cultural sensitivity

Gender and cultural sensitivity takes into account the diversity in the workplace to provide services, which enable all members to be treated equitably, in a non-discriminatory, non-threatening manner and with respect. For STM, its drug and alcohol management programs takes into account religious, cultural and gender issues and authorised testing officers must conduct their testing in ways that reflect these requirements.

8. Drugs

The drugs that your rail transport operator could test for in urine are in the following classes:

<u>CLASS</u>	<u>DRUG</u>	<u>FOUND IN:</u>
<u>Opiates</u>	<u>Morphine</u>	<u>Heroin, Morphine, severe pain killers such as MS-Contin, Oxycontin, Proladone, Endone and Kapanol</u>
	<u>Codeine</u>	<u>Strong pain killers such as Panadeine, Panadeine Forte, Nurofen Plus, Mersyndol, Mersyndol Forte, Fiorinal and some cold and flu tablets.</u>
<u>Cocaine</u>	<u>Cocaine</u>	<u>Cocaine</u>
<u>Sympathomimetic amines</u>	<u>Amphetamines</u>	<u>Ice</u>
	<u>Methamphetamine</u>	<u>Speed</u>
	<u>MDMA</u>	<u>Ecstasy</u>
	<u>Pseudoephedrine</u>	<u>Cold and flu tablets</u>
<u>Cannabis</u>	<u>11-nor-(9-Tetrahydrocannabinol-9-carboxylic acid</u>	<u>Marijuana</u>
<u>Benzodiazepines</u>	<u>Diazepam</u>	<u>Muscle relaxants such as Antenex and Valium</u>
	<u>Nitrazepam</u>	<u>Relaxants such as Alodorm and Mogadon</u>
	<u>Oxazepam</u>	<u>Sleeping tablets such as Alepam and Serepax</u>
	<u>Temazepam</u>	<u>Sleeping tablets such as Euhypnos and Normison</u>

This list of drugs that are tested for was decided on by an independent group of scientists and other industry experts when the Australian Standard/New Zealand Standard (AS/NZS 4308) for drug testing was written. Your rail transport operator has had no input in to which drugs are tested for.