



ALCOHOL AND OTHER DRUGS IN THE WORKPLACE

On all sites, including private sites, code covered entities must ensure there is an approach to managing drug and alcohol issues in the workplace to help ensure that no person attending the site to perform building work does so under the influence of alcohol or drugs listed in Schedule 4 to the Building Code.

This requirement applies to code covered entities regardless of whether they are a head contractor or subcontractor and regardless of whether the project is privately or publicly funded.

FITNESS FOR WORK POLICIES

The head contractor for Commonwealth funded building work that is required to have a WRMP must have a fitness for work policy as part of the WRMP. The fitness for work policy must provide for drug and alcohol testing. It must address how those on site, including employees of the head contractor, subcontractors and their employees and others, will be required to comply with the relevant fitness for work policy (ie. through contract or some other enforceable means).

The head contractor's fitness for work policy must require the use of an objective medical testing method/s to detect the presence of drugs or alcohol in a worker's system. It must also outline which detection method/s is to be used on the project and outline the processes in place when a positive test is returned.

There is no single type or form of objective medical testing to be utilised by contractors. Urine testing and saliva testing are both permitted.

Some information on the minimum requirements is outlined below. The specific requirements for fitness for work policies are set out in Schedule 4 of the Building Code. [A copy of the Building Code is available here](#).

WHAT SUBSTANCES MUST BE TESTED FOR?

All of the following substances must be tested for by the head contractor:

- Alcohol
- Opiates
- THC
- Cocaine
- Benzodiazepines
- Amphetamines
- Methamphetamines

WHO IS TO BE TESTED?

Head contractors must outline in their fitness for work policy the procedures in place for the selection of personnel to be tested, including staged selection across a worksite or random selection for testing if the entire workforce is not to be tested in a testing round.

As a minimum, frequent and periodic drug and alcohol testing of both construction workers and site office workers should be conducted as follows:

- where there are less than 30 workers on site – at least 10% of the workforce per month;
- where there are 30 to 100 workers on site – a minimum of 5 workers per month; and
- where there are greater than 100 workers on site – a minimum of 10 workers per month.

HOW OFTEN SHOULD DRUG AND ALCOHOL TESTING OCCUR?

The minimum frequency for random drug and alcohol testing by head contractors is at least once per month.

Head contractors must also outline their procedures for targeted testing of higher risk activities, voluntary testing and for-cause testing.

WHAT IS THE LEVEL OF TOLERANCE FOR DRUGS AND ALCOHOL?

In respect of each substance listed above, subject to testing detectable levels, there is a zero level tolerance.

WHAT MUST HAPPEN IF A PERSON TESTS POSITIVE TO ANY OF THE SUBSTANCES BEING TESTED FOR?

When a person returns a positive result for any of the substances listed they will be deemed not to be fit for work.

Head contractors must outline in their policy how a person who returns a positive result will be prevented from performing work until they can prove they are fit to return to work, and other processes that will apply in the event of a positive result or deemed positive result (i.e. a failure to submit to a test).

Head contractors must also outline in their fitness for work policy how workers who attend for work affected by drugs or alcohol will be counselled and assisted, apart from any disciplinary process that might apply.

CAN A HEAD CONTRACTOR CHARGE SUBCONTRACTORS THE COST OF TESTING, OR DELEGATE TESTING TO SUBCONTRACTORS?

A head contractor must not pass the implementation and cost of any drug and alcohol testing to its subcontractors (section 16A(2) of the Building Code 2016). However, the costs of return to work testing after a positive test is a matter for a head contractor and subcontractors to determine.

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NEED MORE INFORMATION?

For further information, advice or assistance please contact the ABCC at **1800 003 338** or enquiry@abcc.gov.au