

## Drug and Alcohol Work Testing Program Frequently Asked Questions

### 1. Why has the Melbourne Market introduced drug and alcohol testing?

The Melbourne Market has a Drug and Alcohol Policy, and as part of this policy, any person on Market Land can be tested for the presence of drugs and alcohol in their system.

We are committed to providing a safe, healthy and productive workplace for all Market users. We recognise that drugs and alcohol can influence an individual's fitness for work and can be a contributing factor in workplace incidents and injuries. The Melbourne Market Drug and Alcohol Policy intends to keep everyone safe.

### 2. Does the MMA have the authority to conduct drug and alcohol testing?

The MMA has a responsibility to provide a safe work environment for all Market users and Market Operating Rules are in place to help facilitate this.

As part of your Market access card agreement and conditions of entry to the Market you have agreed to abide by Market Operating Rules and comply with any of the MMA's policies and procedures. As part of the Melbourne Market Drug and Alcohol Policy, any person on Market Land can be tested for the presence of drugs and alcohol in their system.

### 3. How will the introduction of drug and alcohol testing impact me?

Random drug and alcohol testing can be conducted on any individuals on Market Land to ensure a safe working environment for all Market users. The MMA appoint an external provider to carry out these tests. The provider will always hold appropriate National Association of Testing Authorities accreditations to perform this testing. When approached, individuals are expected to cooperate and provide a breath and saliva sample when requested by the external provider.

All persons on Market Land must ensure that they are fit for work. It is important to know how long to leave between your last alcoholic beverage and entry into the Market to ensure you return a result of 0.00% blood alcohol content (BAC).

Some prescription and over the counter drugs can return positive drug test results. If you have any concerns about what result the medication you're taking might produce, have a conversation with your Medical Doctor.

It is important that you educate yourself, customers and employees on the implications of returning a nonnegative test result and the steps to avoid this including providing an awareness of the Market Operating Rules and policies in relation to drugs and alcohol.

#### *Market Operating Rules*

#### *POL-IMS-005 Drug and Alcohol Policy*

A Person on Market Land must not:

- sell alcohol or drugs;
- consume alcohol in a Common Area, Licensed Area, Leased Premises or a Market Vehicle Park;
- have a Blood Alcohol Content (BAC) over 0.00%;
- have in excess of any Target Concentration of illegal drugs, prescription medication or over the counter medication in their system;
- consume any illegal or prohibited substance or any other substance (whether legal or not) likely to
- impair a Person's capacity to act in a safe and proper manner on Market Land; or

- drive or operate a Vehicle or Market Approved Vehicle while in any way impaired or affected by the consumption of alcohol or drugs;

#### 4. What kind of tests will be conducted?

You will be tested for the presence of both drugs and alcohol in your system. The alcohol test is conducted via an Australian Standards compliant breathalyser, and the drug testing via an oral swab. If you are tested, you will be requested to provide both a sample breath test and oral fluid via a non-invasive swab test of saliva collected from inside your mouth.

#### 5. Where will the tests be conducted?

Drug and alcohol tests will be conducted inside a small mobile caravan, that will be brought to the Melbourne Market site. This is to respect the privacy and confidentiality of those being tested.

#### 6. What will I be tested for?

You will be tested for the presence of alcohol and prohibited drugs that affect your fitness for work. The specific substances tested for are listed below:

- Alcohol
- Marijuana (THC)
- Cocaine
- Amphetamine type substances (MDMA, Amphetamines and Methamphetamines)
- Opiates
- Oxycodone

Other substances may be included for testing from time to time (e.g. other synthetics and Benzodiazepines).

#### 7. How often will the testing be conducted?

Drug and alcohol testing will happen on an ongoing random basis. Testing can also be conducted where there has been an accident, incident or near miss, or where a Market user is onsite and reasonably suspected of not meeting our safety standards as they relate to drugs or alcohol.

#### 8. Do I need to bring anything along with me when I have a test?

The Collector needs to verify your identity before conducting the tests. You will need to bring photo identification such as a valid Driver's Licence or your Melbourne Market access card.

#### 9. How long does it take to have a test?

Tests with a negative result usually take about 8 minutes, allowing time for both administrative activities and the testing itself (which takes up to 5 minutes). If an initial test returns a non-negative result, total testing time will increase.

#### 10. Can I refuse to participate in testing?

Yes, you can. However, refusing to participate in the testing process including, completing consent forms, signing documents, providing a sample(s) for drug and alcohol testing may be viewed as refusal to follow lawful and reasonable instructions, which may lead removal from Market Land and disciplinary action from your employer or principal, and/or the Melbourne Market Authority.

#### 11. When will I know the results of my test?

You will know your initial test results for both drug and alcohol tests in a matter of minutes. You will be present for the entire on-site testing process and will be informed of the initial results by the Collector. If Melbourne Market Drug and Alcohol Testing Program further analysis for drugs is required by a confirmatory laboratory test, final drug test results will be available within about three days.

#### 12. How accurate are the results of my test?

Alcohol testing is conducted using compliant breathalysers that are very accurate, and their use is well established in Australian Law. The devices used by an external accredited provider for oral fluid drug testing have been verified by the Victorian Institute of Forensic Medicine and are very accurate. Non-negative samples will be confirmed in the laboratory. In the case of a non-negative

drug test, the sample will be forwarded to an accredited laboratory for confirmatory analysis. Accredited laboratories perform scientific analysis of samples using a Liquid Chromatography Mass Spectrometry analyser in accordance with the provisions of Section 5 of AS 4760:2006 or, and in transition to Section 5 of AS/NZS 4760:2019.

**13. I'm currently taking prescribed medication; will my medication affect my test results?**

There are some prescribed medications that people take for legitimate health reasons that may cause a non-negative drug test result.

How some people metabolise certain foods, herbal remedies, vitamins and some pre-workout and other fitness supplements may also cause a non-negative drug test result.

At that time of testing, you should disclose to the Collector any medications you are taking, and these will be recorded on the Consent & Chain of Custody Form. If an initial non-negative drug test result is solely because of medication a person is taking (over the counter or prescribed), and the person makes a formal declaration to this effect, they may be allowed to remain on site. You may be required later to provide proof that you have taken this medication by providing a copy of the prescription, or by other means. If the results provided by the laboratory do not confirm the presence of the medication declared, but instead, reveal the use of an illicit substance or evidence of abuse of prescription medication, this will be a breach of Market Operating Rules, and may result in disciplinary action from the MMA, and your employer.

**14. What happens if I return an initial non-negative test result?**

If your initial test result is non-negative, you will be required to undertake a confirmatory test. In the case of a non-negative result for alcohol, that means being re-tested via the compliant breathalyser.

In the case of a non-negative result for drugs, that means you will be required to provide a second sample. The collector will seal the saliva sample in your presence and witnessed by you and, together with the Consent & Chain of Custody Form, the sample will be sent to an accredited confirmatory laboratory to perform confirmatory analysis.

In the meantime, you will not be permitted to remain on Market Land. Your employer or principal will be notified, and make arrangements for you to be transported home safely. Your employer or principal may also discuss support services with you.

You may also be subject to disciplinary action per the Market Operating Rules, including but not limited to being suspended from the Market pending the outcome of the confirmatory test. The confirmatory test result via a toxicology report from the independent laboratory can take up to 72 hours.

**15. What happens if my onsite result is confirmed by the laboratory?**

If your confirmatory test is confirmed positive for an illicit substance, you may be subject to disciplinary action per the Market Operating Rules.

You will also be suspended from the Market until you are able to return a negative result on a drug test. It is also advised that your business principal arranges for you to attend counselling in relation to drug and alcohol use (including through an Employee Assistance Program provider). Melbourne Market Drug and Alcohol Testing Program

If your result is not confirmed by the laboratory, or the result is confirmed by the laboratory but is consistent with the medications that you have declared during testing (and you can furnish proof of these medications), the MMA will restore your Access Card. The MMA will not be liable for any time lost from work in these circumstances.

**16. Will the police be notified if a Market user fails a drug test?**

No, in the case of random drug tests, results will never be disclosed to the Police without the consent of the person who is tested or as otherwise required by law.

In the event of a notifiable incident within the Market (e.g. collision, road accident) it is law that Victoria Police and Worksafe are notified. You may be required to undertake drug and alcohol testing as instructed by Victoria Police should you be involved in a notifiable incident.

## 17. What steps do I have to take to return to the Market after a suspension period?

After any suspension period you will need to provide evidence of a negative test result.

For an alcohol related suspension, you have a couple of choices;

- a) You can undertake alcohol breath testing in front of the MMA General Counsel (or his delegate) at the fixed self-service alcohol breathalyser located at gate 1 security. You must obtain a pass reading before being able to re-enter the Market.
- b) You can provide written report (which reasonably satisfies the MMA General Counsel (or his delegate) of a negative alcohol breath test from a registered independent alcohol test provider (these include but are not limited to Melbourne Pathology, Dorevitch, and Clinical Labs). This testing is undertaken at your own cost. For a suspension relating to drug use, you will need to provide evidence of a negative drug test from a registered independent drug test provider. This process can take up to 72 hours and testing is undertaken at your own cost.

## 18. Can I appeal a test result?

Yes, you can appeal the test results. Within 14 days of being notified of the positive confirmatory test results you can request the MMA to arrange to have your second saliva sample analysed by an independent accredited laboratory. This testing will be at your own cost.

## 19. Who has access to my test results and how will MMA ensure my privacy?

The initial test results will be known by the person tested, the MMA General Counsel (or their delegate), and the Collector. If in the opinion of the MMA General Counsel (or their delegate) it is reasonably necessary

to disclose test results to a worker's employer, principal, or manager, the disclosure will be made on a confidential basis, and the worker will be notified of the disclosure. Samples sent to laboratories for

confirmatory testing are de-identified. Laboratory results will be forwarded from the laboratory to the collection facility, retained in a highly secure database at the collection facility and forwarded to the MMA General Counsel in a password-secured form. Any paperwork pertaining to drug and alcohol testing will be kept strictly confidential and securely retained by the MMA.

You will be provided with a privacy and confidentiality statement explaining this in more detail and requiring your consent to the use and disclosure of your personal and/or health information. Melbourne Market Drug and Alcohol Testing Program.

## 20. Are buyers, visitors, contractors and MMA employees and contractors also subject to drug and alcohol testing

Yes, all persons entering Market Land must abide by Market Operating Rules and comply with any of the MMA's policies and procedures. Any person on Market Land can be tested for the presence of drugs and alcohol in their system.

## 21. What is the Melbourne Market doing to ensure employees are informed and supported during the introduction of the drug and alcohol testing?

To support the introduction of the drug and alcohol testing the MMA will set up a consultation desk outside the Customer Service Centre during trading hours to allow any Market user to ask questions relating to the Melbourne Market drug and alcohol policy or testing.

## 22. I am a Business Principal; should I ensure my business has its own drug and alcohol policy in place?

As a Business Principal you have a duty of care, under law, to ensure your employees or contractors are working in a safe environment. Having a drug and alcohol policy in place helps ensure your employees or contractors know the business' expectations regarding drugs and alcohol in the workplace. There are several businesses who can assist you in formulating a drug and alcohol policy for your own organisation. The MMA make their own drug and alcohol policy publicly available on our website.

**23. I am a Business Principal; how can I access support services for any employee who returns a confirmed positive alcohol or drug test result?**

You can directly engage an Employee Assistance Provider to perform this service. Alternatively, please contact the MMA for further information about support services for your employees or contractors.