



Workplace drug testing

Managing non-negative results

In any workplace drug and alcohol-testing regime, the best possible outcome is for all tested employees to return a negative result. Unfortunately, this is not always the case, so it's important to be prepared for any eventuality.

When managing an in-house testing program, minimising the distress that an alternate result can elicit relies on adequate education and training to ensure staff are able to handle the situation as required by law, and to provide the appropriate levels of support as needed.

Under the standards that guide workplace drug and alcohol testing, results are defined as one of the following three testing outcomes:

- 1. Negative** – means a result at or below the nominated level used for initial screening / testing
- 2. Non-negative** – this is an initial positive result obtained by an accredited tester using a screening device. This screening result is then subject to confirmatory testing by an external accredited testing laboratory.
- 3. Positive** – a positive result is where a non-negative screening result has been subsequently confirmed positive by an external accredited testing laboratory.

Legislation requires that testing is only carried out by fully trained accredited staff (technicians) and it is also vital that they are adequately trained in the use and handling of testing devices, as well as recording and reporting subsequent results, in order to eliminate the likelihood of false readings or any miscommunication.

Australian Standards define a technician as 'a person who conducts on-site testing' and goes on to stipulate that 'this person has successfully completed a course of instruction in compliance with this Standard (AS 4760-2006) for on-site testing and received a statement of attainment in accordance with the Australian Quality Training Framework'.

This highlights the importance of maintaining the program and ensuring that testing personnel are accredited, as required by law. In addition to legal requirements, every employee associated with the testing process should be armed with the information necessary to carry out duties of their role, including being familiar with the processes generated by a non-negative test result.

Clearly define and communicate

Aside from the requirement for confirmatory testing carried out by an accredited third party, a non-negative screening result will trigger a series of company-specific events as determined by your published drug and alcohol testing policy document, which should be readily available to all employees. Education, training and communication are all important in ensuring that the process flows smoothly.

A company's drug and alcohol policy is an integral part of the overall human resources (HR) policy, so the intent of the business when it comes to managing non-negative test screening results must be made very clear to all staff prior to any testing taking place.

For instance, a non-negative result will usually require an immediate suspension of duties for the tested individual, as their fitness for duty is in question pending confirmation of a positive (or negative) result. Employees undergoing testing must be aware that this is a potential outcome and what other measures will be taken.

As a minimum, the information regarding non-negative results provided in the policy document should include;

- a. How a non-negative result is defined.
- b. An explanation of the requirement for additional and/or confirmatory testing and how it will be conducted.
- c. The time frame in which confirmatory testing will occur.
- d. What is expected of the individual in the interim – for example, will transport be arranged for them to return home until they are fit for duty, or will they be relieved of duties and remain on work premises?
- e. How non-working hours resulting from suspension will be treated in terms of wages (in the event of either confirmed positive or negative results).
- f. An explanation of what will follow in the event of a confirmed positive result – what will happen to the individual and what will be communicated to the wider workplace.

Confirmatory testing

Australian Standard AS 4760-2006 governs the procedures for specimen collection and the detection and quantitation of drugs in oral fluid. This includes the requirement for confirmatory testing in the event of a non-negative result from an on-site testing procedure.

According to the standard, a confirmatory test is defined as 'an analytical procedure that uses mass spectrometry to identify and quantify unequivocally a specific drug or metabolite'.

While saliva-based testing devices offer exceptional rates of accuracy (greater than 95%), the use of confirmatory testing by an authorised lab or third party provides a safeguard against false positive results, for both the employer and the tested individual.

Positive outcomes

In incidences where an employee returns a confirmed positive result, it is important that any subsequent actions arising from this outcome are clearly defined and communicated prior to the event.

Next steps will depend on your company's chosen response, so decisions will need to be made in advance of program deployment.

Some considerations include;

1. Will your organisation adhere to a zero-tolerance policy – will the return of a positive result instigate immediate termination of employment?
2. Will you adopt a less stringent policy – via implementation of a three-strikes approach or similar?
3. Are there recognised 'degrees' of severity based on the level of a substance detected and will these attract differing subsequent courses of action?
4. Will you make information on drug and alcohol counselling services available to affected individuals? Will this apply to both terminated and temporarily sidelined workers?
5. How will you manage and communicate positive test results within the wider workforce – you will need to ensure that individual privacy is adequately handled, but questions will arise from termination of employment and temporary stand-downs, so you'll need to be armed and ready.

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Regardless of the policy in place and its guiding parameters, all employees must be aware of potential outcomes including suspension or dismissal from employment and, again, this should be clearly outlined in the drug and alcohol policy document. Accredited testing staff should be well-versed in the process for dealing with positive results at the time of testing in order to minimise disruption or confusion.

Provision of counselling & assistance

In many cases, it is appropriate to offer the individual drug and alcohol counselling if they are found to be using prohibited substances in the workplace.

The capacity for providing this type of assistance will be driven by available resources – in the case of larger companies, counselling services are often provided in-house or by arrangement with third party services and paid for by the company. This is less common in the case of small to medium enterprises, whereby provision of information on available assistance alternatives and counselling programs should be provided as a minimum.

A number of counselling services are available aimed at supporting those with substance abuse issues, investigating options for help and developing alternate coping strategies. Many offer telephone support lines or online chat services for direct response. Some of the available national services follow, but you should check for state-based services as well.

- ▶ Lifeline – aims to put callers in touch with the most appropriate service for their needs. They are available twenty-four hours a day, seven days a week. www.lifeline.org.au Tel: 13 11 14
- ▶ Counselling Online – a free 24/7 confidential drug and alcohol counselling and referral line. www.counsellingonline.org.au – Tel: 1800 888 236
- ▶ Australian Drug Foundation – a national foundation that provides information on localised support and counselling services. www.druginfo.adf.org.au Tel: 1300 85 85 84

While the overall objective of drug and alcohol testing programs in the workplace is to provide a safe working environment for all employees, it may be prudent to consider why instances of workplace drug use occur, particularly when patterns of usage emerge.

For example, some studies suggest a link between workplace amphetamine use and performance requirements. If an individual feels pressured by time-sensitive tasks, they may see drug use as an enabler to achieving their goals, so a review of current performance indicators and expectations may alleviate problems.

Just as no two individuals are alike, there is no one-size-fits-all solution to tackling the issue of workplace drug and alcohol use. Companies with the most successful testing programs focus on education, training and communication above all else, ensuring that the process remains as smooth as possible and that employees are delivered the safe work environment to which they are entitled.

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