Sections 10.6 and 10.7 of the July 2014 [Implementation Guidelines to the Victorian Code of Practice for the Building and Construction Industry (Guidelines)](http://www.dtf.vic.gov.au/files/0d05c7ac-c2b1-4d39-b991-a350008d276c/Implementation-Guidelines-July-2014.docx) set out requirements in relation to site security and risk management and to managing alcohol or other drugs.

Drugs, alcohol and site security

Managing alcohol, drugs and site security on Victorian construction sites

On what projects do these new requirements apply?

Construction procurements that commence from 1 July 2014 will apply these new requirements. Client agencies should use the new Model Tender and Contract documentation at [www.dtf.vic.gov.au/cccu](http://www.dtf.vic.gov.au/cccu).

What are the drug and alcohol testing and site security requirements and what projects do they apply to?

For Victorian Government projects with a WRMP\*:

* **Tender stage:** tenderers must outline their drug and alcohol management plan and their site security systems in their Workplace Relations Management Plan (WRMP) in accordance with the Guidelines.
* **Project delivery**: comply with promises made at tender stage, including random drug and alcohol testing of the workforce and best practice site security measures.

\* A WRMP is required for projects of at least $10 million. Also required if project has indirect funding and the Victorian Government contribution is at least $5 million. The tender documents will make this clear.

What are the requirements for projects without a WRMP?

Contractors must still have policies to address their management of drugs and alcohol in the workplace and site security measures and will be audited to ensure compliance with these policies.

What are the minimum standards expected in relation to drugs and alcohol?

For Victorian Government construction projects where a WRMP is required, tenderers must include a fitness for work policy which addresses the issues set out in section 6.1(h) of the Guidelines and meets the minimum standards specified in the Model WRMP. Part O of the WRMP relates to [Fitness for Work/Alcohol and other drugs in the workplace*.*](http://www.dtf.vic.gov.au/files/7b4e65ed-fc61-4c5a-b831-a350008cf497/Model-WRMP-July-2014.docx)

The WRMP must include detailed information on the management of alcohol or other drugs in the workplace that will apply on the project. The policy must, as a minimum, require the use of an objective medical testing method to detect the presence of drugs or alcohol in a worker's system, outline which detection method is to be used on the project and outline the processes in place when a positive test is returned.

Further,the Model WRMP sets minimum standards including a requirement for random testing, the substances to be tested for, the frequency of testing, the sample size of the workforce to be tested and what constitutes a positive test.

Where a tenderer's policy does not meet these minimum standards, the tenderer must explain, to the satisfaction of the CCCU, why their proposal nevertheless meets the objectives of the Guidelines.

Some of the minimum requirements are outlined below:

When are mandatory drug and alcohol tests required?

Mandatory drug and alcohol testing is required on projects where a WRMP is required.

Who is to be tested (i.e. sample size?)

Drug and alcohol testing should be conducted on a random selection of the workforce with a scale that reflects the numbers on site. The scaling is as follows:

* Where there are less than 30 workers on site – 10 per cent of the workforce per month
* Where there are 30 to 100 workers on site – a minimum of five tests per month
* Where there are greater than 100 workers on site – a minimum of 10 tests per month.

How frequently is drug and alcohol testing required?

The minimum frequency for random drug and alcohol testing is monthly. Contractors must also outline their procedure for targeted testing of higher risk activities, voluntary testing and for‑cause testing.

What is the blood alcohol content (BAC) Ievel of tolerance?

The BAC tolerance level is zero. The same blood alcohol level applies to all workers regardless of work classification / work risk category.

What is the tolerance level for drug testing?

Subject to testing detectable levels the acceptable level for all specified substances is zero.

What should I do if someone who has a positive result claims that the result was caused by prescription or over the counter medicine?

Your policy must outline how persons returning a positive result will be prevented from working until it is safe for them to do so. Your policy may consider how you will deal with workers who claim taking prescription or over the counter medicine has caused the positive result. It will be a matter for each contractor to determine how these types of issues will be dealt with to ensure that only those persons who are fit to work are able to do so.

Who is responsible for the cost of the tests and ensuring when and how the tests are carried out?

Head contractors maintain responsibility for the testing and must not pass the implementation and cost of testing to its subcontractors. Contractors may choose whether to conduct urine or oral testing. This will occur in consultation with their workforce.

Who is responsible for the cost of counselling and rehabilitation processes?

It is expected that principal contractors would specify in their policy the counselling and rehabilitation processes that will apply for their own employees and require subcontractors that work on their site to have in place a policy that provides for counselling and rehabilitation processes for the subcontractor's employees. It is also expected that the substance of the counselling and rehabilitation processes will be a matter for each contractor/subcontractor to decide in consultation with their own workforce.

How will the CCCU monitor the drug and alcohol screening requirements?

The CCCU will review a contractor’s WRMP to ensure that the minimum standards for drug and alcohol testing are adequately addressed in their fitness for work policy. The CCCU will also audit projects to ensure that the drug and alcohol requirements of the Guidelines and the WRMP are being followed.

What are the site security measures required under the Guidelines?

Companies tendering for WRMP projects must be able to demonstrate best practice security measures. This means that contractors are required to implement site security and risk management processes and procedures to help determine who is on the site and to ensure only authorised persons access the site.

What will contractors be required to introduce in order to tighten security on Victorian construction sites?

Tenderers for WRMP projects must include security measures such as those described in section 6.1(g) of the Guidelines.

These include security measures in the form of CCTV, swipe card, photographic or biometric access systems.

Are any contractors exempt from implementing these measures?

The Guidelines include a mechanism for contractors to outline why it is not feasible to implement these types of security systems in their WRMP.

The CCCU will consider these situations on a case by case basis and *may* offer an exemption.

What is required of contractors on projects valued at less than $10 million?

On sites valued at less than $10 million contractors will be required to implement systems and procedures that maintain the integrity of the site. These systems and procedures will enable the contractor as far as is reasonably practicable to determine and verify who is on site at any given time, to determine who has attended the site, and to ensure that only those persons authorised to be on a site are permitted to access it.

Contractors may choose the best method for achieving these requirements.

What is the role of the CCCU in relation to security measures?

Contractors will be required to outline their security measures in their WRMP. The CCCU will review a contractor’s WRMP to ensure that the site security requirements are adequately addressed. In addition, the CCCU will conduct site inspections and audit projects to ensure they are implementing their promised security measures.

Are there sanctions for non‑compliance with the drug and alcohol and site security requirements?

Yes. The Minister for Finance can issue sanctions where contractors do not comply with the Guidelines or follow the systems and procedures outlined in the project specific WRMP.

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| Compliance with the Guidelines will:* promote productive and safe work practices;
* reform the construction industry; and
* ensure value for money on Victorian projects.
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For further information contact:

CCCU hotline 1800 VIC CCC [1800 842 222]

Website [www.dtf.vic.gov.au/viccode](http://www.dtf.vic.gov.au/viccode)

Email address vicccc@dtf.vic.gov.au

On the website, you will find:

* FAQs.
* Fact sheets.
* Model Tender and Contract Documentation.
* Model Workplace Relations Management Plan.



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