



# Frequently asked questions Drug and alcohol testing



Western Australian Building and Construction Industry Code of Conduct 2016 (BCI Code)

## Drug and alcohol testing

The BCI Code requires Building Contractors (that are head contractors) who enter into a contract exceeding \$10 million in value which involves State Building Work to have a BCI Code compliant Workplace Relations Management Plan (WRMP) in place prior to commencing work.

As part of the WRMP, the Building Contractor must ensure that their management of drug and alcohol issues in the workplace is reflected in the WRMP document.

If the Building Contractor is covered by a Commonwealth code and has prepared a WRMP which has been approved under that Commonwealth code then this will be sufficient.

If the Building Contractor is creating a WRMP under the BCI Code, then the Building Contractor is required under item 5 of Schedule 2 of the BCI Code to include a fitness for work policy to manage drugs and alcohol in their WRMP. Please be aware that this fact sheet only covers the requirements relating to drug and alcohol testing under Schedule 2 of the BCI Code. All references to "Building Contractor" in this fact sheet should be read as references to a Building Contractor who is the head contractor.

### Q Who must be tested?

A Building Contractors must ensure that all persons who attend the site for work are subject to objective medical testing.

This includes:

- employees of the Building Contractor;
- all Subcontractors and their employees; and
- other persons who are on the site to perform work.

Site means a site where State Building Work is being performed under a Covered Contract exceeding \$10 million in value.

### Q How frequently is drug and alcohol testing required?

A The fitness for work policy should outline the frequency of testing. Building Contractors must outline their procedure for random testing, voluntary testing and for-cause testing. The Implementation Guidelines contain recommendations:

- that scheduled testing be performed at least once per month; and
- for the proportion of workers who should be tested under scheduled testing regimes **each month**:
  - At least 10% of the workforce where there are < 30 workers on site
  - At least 5 workers where there are 30 to 100 workers on site
  - A least 10 workers where there are more than 100 workers on site



## Q Can visitors to the site be tested?

A A Building Contractor may choose to extend its testing to visitors who are not attending the site to perform work. However, in order to comply with the BCI Code, the testing must include persons who are at the site to perform work. If a Building Contractor only tests visitors to the site, this would not meet the requirements of the BCI Code.

## Q What happens if a person performing building work refuses a drug and alcohol test?

A The BCI Code does not address this issue. However, a Building Contractor must ensure that persons who attend for work are not under the influence of alcohol or other drugs. If a person fails to submit to a test, the BCCMU recommends that the Building Contractor deems that refusal to be a positive result and prevents the individual from performing work until it can be established that it is safe for them to return to work.

## Q What are the procedures in place for positive results due to the presence of prescribed medication?

A The fitness for work policy must outline how a person who returns a positive result due to medication will be prevented from performing work until it is safe for them to return to work. This applies whether or not the medication is prescribed.

## Q Can a Building Contractor pass the cost and implementation of drug and alcohol testing onto its Subcontractors?

A No. The Building Contractor must implement and pay for drug and alcohol testing of all persons working at the site. The Building Contractor cannot pass on the obligation to implement that testing or the costs associated with that testing to the Subcontractors.

Any costs incurred in addition to those relating to drug and alcohol testing (e.g. training, rehabilitation, counselling, leave) is a matter between the Building Contractor and Subcontractors and is not prescribed in the BCI Code.

## Q The BCI Code requires the use of an objective medical testing method to detect the presence of drugs or alcohol in a worker's system. What is considered 'an objective medical testing method'?

A Testing needs to be conducted using a robust and reliable instrument which is appropriate to detect the particular drug(s) listed in the policy and/or alcohol. The testing method should be objective. A subjective impairment test would not be considered to be compliant with the requirements of the BCI Code.

The Implementation Guidelines recommend that the Building Contractor tests for alcohol; opiates; THC (Tetrahydrocannabinol); Cocaine; Benzodiazepines; Amphetamine; and Methamphetamine.

## Q What happens if a person is not allowed on site after testing? Do they need to be escorted off site and monitored to ensure they are safe to travel home?

A The BCI Code requires the Building Contractor to have a WRMP that outlines how a person who returns a positive result will be prevented from performing work until they are fit for work. Building Contractors must decide how to approach these issues on a case by case basis.



This fact sheet should be read in conjunction with the BCI Code and information provided in the Implementation Guidelines.

For further information please visit the Building and Construction Code Monitoring Unit website at:  
[www.commerce.wa.gov.au/bccmu](http://www.commerce.wa.gov.au/bccmu)

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