

# **Recognised Standard 07**

## **Criteria for the assessment of drugs in coal mines**

*Coal Mining Safety and Health Act 1999*

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# Recognised Standards

This document is issued in accordance with PART 5—RECOGNISED STANDARDS and Section 37(3) of the *Coal Mining Safety and Health Act 1999*.

## PART 5 - RECOGNISED STANDARDS

### 71 Purpose of recognised standards

A standard may be made for safety and health (a “recognised standard”) stating ways to achieve an acceptable level of risk to persons arising out of coal mining operations.

### 72 Recognised standards

- (1) The Minister may make recognised standards.
- (2) The Minister must notify the making of a recognised standard by gazette notice.
- (3) The chief executive must keep a copy of each recognised standard and any document applied, adopted or incorporated by the recognised standard available for inspection, without charge, during normal business hours at each department office dealing with safety and health.
- (4) The chief executive, on payment by a person of a reasonable fee decided by the chief executive, must give a copy of a recognised standard to the person.

### 73 Use of recognised standards in proceedings

A recognised standard is admissible in evidence in a proceeding if—

- (a) the proceeding relates to a contravention of a safety and health obligation imposed on a person under part 3; and
- (b) it is claimed that the person contravened the obligation by failing to achieve an acceptable level of risk; and
- (c) the recognised standard is about achieving an acceptable level of risk.

## PART 3- SAFETY AND HEALTH OBLIGATION

### 37. How obligation can be discharged if regulation or recognised standard made

- 37(3) .... if a recognised standard states a way or ways of achieving an acceptable level of risk, a person discharges the person’s safety and health obligation in relation to the risk only by—
- (a) adopting and following a stated way; or
  - (b) adopting and following another way that achieves a level of risk that is equal to or better than the acceptable level.”

Where a part of a recognised standard or other normative document referred to therein conflicts with the *Coal Mining Safety and Health Act 1999* or the *Coal Mining Safety and Health Regulation 2001*, the Act or Regulation takes precedence.

**This recognised standard is issued under the authority of the Minister for Natural Resources and Mines.**

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## 1. Purpose

The purpose of this standard is to provide guidance on matters required for a workplace regime for the assessment of coal mine workers for improper use of drugs at a mine under Chapter 2, Part 6, Div1, Section42(7) of the Coal Mining Safety and Health Regulation 2001.

## 2. Scope

This standard is for coal mines where agreement has not been achieved with a majority of workers at a mine on the criteria for assessment to decide a person's fitness for work by:

- i) Random testing before starting, or during work
- ii) Testing a person if someone else reasonably suspects the person's ability to carry out the person's duties at the mine is impaired because the person is under the influence of drugs.

The standard does not imply or suggest actions that should be taken in the event of evidence being found that indicates a person at the mine may be under the influence of drugs to a level that may cause an unacceptable level of risk at a mine site.

## 3. Application framework

All mines are required to have a safety and health management system for controlling risks associated with drug use by persons at a mine. The safety and health management system affects all persons at a mine including workers and visitors.

This standard applies to workers and visitors at mines where the majority of workers at the mine have not agreed on the criteria for the assessment of a person's fitness for work as required under section 42(7) of the Coal Mining Safety and Health Regulation 2001.

This standard has the objective of putting in place a system that can assess the level of drugs in a person that may result in an unacceptable level of risk to the person or others at the mine.

In the event of an incident or accident at a mine, the results of any assessment for the presence of drugs in a person associated with the incident should not be disclosed to the investigators of the incident or accident until after the preliminary investigation is completed.

## 4. Technical guidance

### Criteria for assessment

The following body fluids can be used to test mine workers for the presence of drugs or their metabolites:

- Urine
- Oral fluid (saliva)
- Blood.

Oral fluid is defined in AS 4760 - 2006 as "Secretions in the oral cavity emanating predominately from the major and accessory salivary glands". Saliva and oral fluid can be taken as the same.

### Urine testing

Urine testing should be conducted in accordance with AS/NZS 4308:2001- Procedures for the collection, detection and quantitation of drugs of abuse in urine. Results of urine tests may be used to identify persons who have used drugs and who may therefore, reasonably be expected to be affected by drugs while at work.

## Oral fluid testing

Oral fluid testing should be conducted to similar standards currently used by the Queensland Police Service (QPS) for the detection of drug affected drivers in Queensland, or to AS 4760 - 2006: Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.

These involve an oral fluid drug screening test that can detect the presence of a class of drugs (e.g. amphetamines) in a person. AS 4760 refers to this as "on-site initial testing".

If the result of the on-site initial test is positive and is disputed by the individual being tested, or is otherwise required to be confirmed, the original sample may be split or a second sample collected for confirmation analysis. Following appropriate chain of custody protocols for this confirmation sample, analysis should be undertaken by an appropriate laboratory to confirm (or not) the presence of a drug in the sample taken at the time of the on-site initial testing.

## Blood analysis

Where a person is unable to supply an oral fluid or urine specimen and is hospitalised following an accident / incident, the person should be requested to supply a blood sample for analysis. Signed consent must be given before the sample is taken.

Note: Not all accidents / incidents would need persons to be tested for the presence of drugs. Accidents such as those in which persons have been injured by falls of strata or incidents where mechanical failure has occurred, may be excluded.

## Assessment process where agreement has not been reached

Type of test	When test to be applied
Urine test	Before the worker first commences work at the mine. To confirm if a person is at a higher risk classification due to evidence of drug usage.
Oral fluid - on-site initial test	<ol style="list-style-type: none"><li>1. Random testing <i>Pre-shift, post-shift and during shift testing of persons whilst on the mine site to ensure no improper use of drugs.</i></li><li>2. After an accident / incident at the mine <i>Testing of all persons associated with the incident / accident as defined by the mine's safety and health management system.</i></li><li>3. On suspicion <i>Where there is reasonable concern regarding an individual's fitness for duty.</i></li><li>4. Following a positive drug test result <i>On return to work.</i></li></ol>
Oral fluid laboratory confirmation as per AS 4760 - 2006	If the on site initial test is positive and the result is disputed and/or a confirmation test is requested by the individual or is otherwise required.
Blood test	Hospitalisation following an incident <i>Unless a person has already been subjected to an oral fluid on-site initial test, or has provided a urine sample, prior to leaving the mine.</i>

## 5. Accountabilities / competencies

The safety management system must identify the competencies, accountabilities and appointments of persons conducting the assessment process. Numerous persons, each with limited specialised skills, may be co-ordinated to provide a competent assessment regime. One of the important functions of the safety management system will be to ensure that persons performing the assessments at the mine site maintain their competency.

## 6. Definitions

As per the *Coal Mining Safety and Health Act 1999* and the *Coal Mining Safety and Health Regulation 2001*:

- Drugs: Any substance which, when taken into the body, alters its function physically and/or psychologically, excluding food, water and oxygen. (World Health Organisation)
- Random: Means testing can be done anywhere at any time on a mine site.

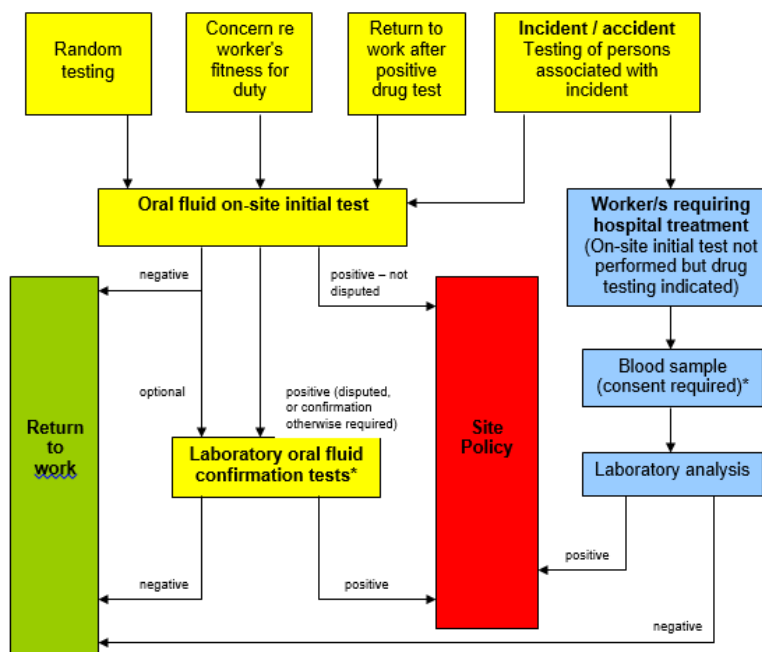
## 7. References

N/A

## 8. Informative standard

AS 4760 - 2006: Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.

### Flowchart – testing sequence (except pre-employment)



\* Blood sample/s should be taken within 2 hours of the incident