FEDERAL BUILDING CODE NOW REQUIRES DRUG AND ALCOHOL TESTING AND POLICY
SCHEDULE – WHAT A COMPLIANT FITNESS FOR WORK POLICY MUST INCLUDE

If the threshold federal funding threshold is met, a contractor’s fitness for work policy must address, expressly, each of the following matters set out in Schedule 3 to the Building Code:

• how all persons on site (including employees of the principal contractor, subcontractors, and others) will be required to comply with the policy, for example, through contract or some other enforceable means;

• the use of objective medical testing method/s to detect the presence of alcohol and drugs, and outline the detection method/s to be used on the project;

• a requirement that, as a minimum, testing will target, against a zero level tolerance, at least:
  • alcohol;
  • opiates;
  • tetrahydrocannabinol, referred to in Schedule 3 as “THC”;
  • cocaine;
  • benzodiazepines;
  • amphetamine; and
  • methamphetamine;

• a requirement that anyone who returns a positive result, against a zero level tolerance, for any substance on the list above, is deemed unfit for work;

• how a person who returns a positive test result will be prevented from performing work until they can (and do) prove they are fit to return to work;

• all other processes that apply if a worker returns a positive result or fails to submit a test (which will be deemed to be a positive result);

• that the contractor will require the following minimum numbers of its personnel (including construction workers and site office workers) to undergo frequent and periodic testing, including, as a minimum, at least monthly random testing:
  • if there are fewer than 30 workers on site – at least 10% of the workforce;
  • if there are at least 30 and up to 100 workers on site – at least 5 workers; and
  • if there are more than 100 workers on site – at least 10 workers;

• procedures for selecting personnel for testing, including staged selection across a worksite or random selection if the entire workforce is not to be tested in a testing round;

• procedures for targeted testing of higher-risk activities, voluntary testing and for-cause testing; and

• how workers who attend for work affected by drugs or alcohol will be counselled and assisted, including in returning to work, apart from disciplinary processes that might apply.