



**THE GEO GROUP AUSTRALIA PTY LTD
CORPORATE POLICY AND PROCEDURE**

Not for Release to External Agencies / Prisoners / Inmates

POLICY NUMBER: 1.3.11	ISSUE DATE: 13/01/2011	PAGE: 1 of 26
<p>EXTERNAL REFERENCES: NSW Department of Corrective Services Employee Alcohol and Other Drugs Policy Crimes (Administration of Sentences) Act 1999 (NSW), Part 11 Division 5 Testing of Correctional staff for alcohol and prohibited drugs section 236 E – 236 I Crimes (Administration of Sentences) Regulation 2001 (NSW) – Part 1A of Chapter 8, Conduct of members of correctional staff regarding alcohol and prohibited drugs, Clauses 249A – 249B Occupational Health and Safety Act 2000 (NSW) Australian Standard AS/NZS 4308:2001 Additional relevant legislation is listed in Appendix 4</p>	<p>INTERNAL REFERENCES: 1.3.01 Code of Conduct and Ethical Behaviour 1.4.01 Grievance Procedure 1.4.02 Disciplinary Procedures and Guidelines 1.8.09 Risk Management 2.1.07 Privacy Policy 5.1.04 Company Investigations 7.1.02 Corporate EAP Counselling 7.1.04 Workplace Rehabilitation 7.1.08 Corporate Occupational Health and Safety CF 1.75 Authority to test for alcohol and other prohibited drugs. CF 1.76 Positive alcohol test result CF 1.77 Certificate of evidence of concentration of alcohol in blood CF 1.78 Letter to employee in the event of a negative test result CF 1.79 Letter to employee in the event of a positive test result. CF 1.80 Refusal to submit to an alcohol test or urine sample</p>	
<p>REVOCATION DATE Issue B – 20/01/2011</p>	<p>RELATED POLICIES</p>	
<p>SUBJECT: Employee Alcohol and Other Drugs Policy</p>		

1.0 POLICY

- 1.1 The GEO Group is committed to the health and safety of all staff and other persons in our facilities.
- 1.2 Legislation requires employers and employees to minimise the risks to health and safety in the workplace. This includes the risks due to the effects of alcohol or the use of prohibited drugs by employees in the workplace.
- 1.3 This policy informs all employees of The GEO Group's expectations in relation to the use of alcohol and other drugs.
- 1.4 This policy also explains the:
 - 1.4.1 Support available to employees who seek assistance with problems relating to alcohol and other drug misuse.
 - 1.4.2 Use of mandatory, targeted and random testing of employees for alcohol and other drug use.

2.0 RESPONSIBILITY AND REVIEW

- 2.1 The Executive General Manager Human Resources shall be responsible for the implementation, monitoring and review of this policy.
- 2.2 This document shall be reviewed as required and recorded in the Corporate Policies & Procedures Register of Amendments.

3.0 PURPOSE

- 3.1 To promote the health and well being of all employees of The GEO Group.
- 3.2 To inform employees who are experiencing difficulties with the use of alcohol and other drugs of the assistance and support that is offered by The GEO Group.
- 3.3 To minimise the risks to safety of other staff or persons under our care posed by the inappropriate or unlawful use of alcohol or prohibited drugs.
- 3.4 To meet the community expectation that employees of The GEO Group will at all times act in a lawful and professional manner and will not be affected by alcohol or prohibited drugs in the workplace.
- 3.5 To establish procedures for dealing with employees who have, or are reasonably suspected to have, alcohol and other drug problems that impact on their work.

4.0 POLICY PRINCIPLES

- 4.1 Prohibited drugs are not permitted in any GEO workplace.
- 4.2 Under no circumstances will alcohol be permitted in any facility or workplace in which prisoners or detained persons are located.
- 4.3 An employee must not be affected by the use of alcohol or prohibited drugs in any GEO workplace.

5.0 APPLICATION OF THIS POLICY

- 5.1 This policy applies to **all** employees of The GEO Group and its subsidiaries. The policy applies to all workplaces at which The GEO Group employees may attend, or a site deemed to be a workplace.
- 5.2 The policy may be modified from time to time to meet legislative requirements in specific states.
- 5.3 This policy will be implemented on the dates stipulated in Schedule 1 to this policy.

6.0 DEFINITIONS

Definitions

<i>affected by alcohol</i>	means having a blood alcohol concentration of 0.02 grams of alcohol per 100 millilitres of blood or greater while in a workplace following a test carried out pursuant to this policy
<i>AOD</i>	means alcohol and other drugs
<i>authorised person</i>	means a person authorised to make a decision or give a direction or carry out any task pursuant to this policy
<i>breath test</i>	means: <ul style="list-style-type: none"> (i) a test that is designed to indicate whether there is alcohol present and/or the concentration of alcohol present in a person's blood, and (ii) a test that is carried out on a person's breath by means of a device (not being a breath analysing instrument) of a type approved for the conduct of breath tests under applicable state or federal legislation
<i>critical incident</i>	means an incident which has resulted in death or serious injury to any person; or

- (i) where the incident has involved the discharge of a firearm; or
- (ii) where the incident has involved the use of force resulting in death or serious injury to any person; or
- (iii) where the incident has involved the use of force and the authorised person reasonably considers that the use of force may have been excessive or unwarranted

<i>disclosure</i>	occurs when an employee voluntarily informs his/her supervisor, manager or above about his/her AOD problem
<i>employee</i>	means an employee of The GEO Group and subsidiaries wherever employed as a permanent, part time, fixed term or casual employee
<i>prohibited drug</i>	means a drug identified under applicable state or federal legislation which prohibit and/or provide criminal penalties for possessing, using or misusing the drug. For the purposes of this policy, prohibited drugs includes the use/misuse of anabolic steroids
<i>serious injury</i>	means any physical injury exceeding minor cuts and bruising, grazing, sprains or other hurt or discomfort
<i>urinalysis</i>	means testing of a urine sample for prohibited drugs in compliance with the relevant Australian Standard
<i>using a prohibited drug</i>	means having a detectable level of a prohibited drug or a detectable level of a metabolite of a prohibited drug, following a test carried out pursuant to this policy
<i>workplace</i>	means any place or vehicle where an employee carries out any work on behalf of The GEO Group, and includes off-site areas and areas adjacent to any GEO workplace (which shall include car parks adjacent to any facility and any point of access or exit to a GEO workplace).

7.0 AMNESTY

- 7.1 Except as relevantly provided for below, The GEO Group may take disciplinary action against an employee relating to an incident involving the use of alcohol or a prohibited drug and/or being affected by the use of alcohol or prohibited drugs in the workplace.
- 7.2 The GEO Group offers an amnesty from disciplinary action relating to the use of and/or being affected by alcohol or prohibited drugs in the workplace, to any employee who discloses his/her alcohol or drug (“AOD”) problem to his/her Human

Resources Manager or other member of the Senior Management Team in a facility, **prior** to the employee being informed that they are required to submit to testing or that testing is about to be conducted in their workplace or the detection of an employee's AOD use in the workplace. This amnesty is subject to the employee agreeing to participate in AOD counselling or other support services and is subject to the further provisions of 7.3-7.5 (below) of this policy.

- 7.3. Any breach of discipline, which is already under investigation at the time of a disclosure of an employee's AOD problem, will fall outside of the amnesty.
- 7.4. The amnesty offered is in respect of internal disciplinary processes only. The GEO Group must report to police (and any other relevant authority) any criminal act, which has been identified or reported to The GEO Group.
- 7.5 Any employee who is charged with a criminal offence relating to their AOD use may be subject to disciplinary action notwithstanding this amnesty.

8.0 COUNSELLING AND SUPPORT SERVICES

- 8.1 An employee seeking assistance for his/her AOD problem should contact his/her Human Resources Manager, who can assist in providing advice and support.
- 8.2 An employee with an AOD problem may also use The GEO Group's Employee Assistance Program ("EAP") to obtain counselling.
- 8.3 The GEO Group may also assist an employee who is participating in an external AOD rehabilitation program. Confidential counselling through the EAP will not be regarded as qualifying for immunity from disciplinary action, unless the employee has already made a disclosure pursuant to 7.2 of this policy.
- 8.4 Any employee with an AOD problem is entitled to use personal leave (including sick leave), annual leave or extended leave entitlements to attend approved AOD rehabilitation or treatment programs.
- 8.5 The GEO Group must ensure that any employee who discloses, or is identified as having, an AOD problem, is safe in the workplace.
- 8.6 The GEO Group may withdraw counselling or other support if the employee concerned does not comply with specified conditions of the counselling or other support.

9.0 RESPONSIBILITY TO REPORT

- 9.1 This policy is supportive of **every person's** health and safety. Any employee who **reasonably** suspects that another employee may have an AOD problem is encouraged to report that suspicion to the facility General Manager or their Department Manager. Such a report need not be in writing, although the person

receiving the report should create a written record. An employee reporting their suspicion may take advantage of protected disclosures legislation or internal policies protecting such disclosures where same apply.

- 9.2 A manager or supervisor, to whom an employee has disclosed his/her own AOD problem must report that disclosure to the Department Manager and to the facility General Manager.
- 9.3 The facility General Manager must ensure the facility Human Resources Manager is informed in order to arrange safety and support services that may be required. The facility General Manager must also inform the Executive General Manager Human Resources.

10.0 RETURN TO WORK

- 10.1 When an employee discloses or is identified as having an AOD problem the employee will be subject to the following restrictions until a workplace safety assessment is facilitated by the facility Human Resources Manager, in consultation with an appropriate manager/supervisor of the employee.
- 10.2 The employee will not be permitted to obtain access to any security system.
- 10.3 The employee must disclose to the facility General Manager or his/her Department Manager all personal identification numbers (PIN) and passwords used by the employee to operate or gain access to any locks, doors, computers or databases owned or operated by The GEO Group.
- 10.4 The employee must surrender to the facility General Manager or his/her Department Manager any device used by the employee to operate an electronic lock or control system.
- 10.5 The employee must surrender to the relevant armourer all firearms and ammunition under the employee's control.
- 10.6 The employee must surrender to the facility General Manager or his/her Department Manager all instruments of restraint and batons under the employee's control.
- 10.7 The employee must surrender to the facility General Manager or his/her Department Manager keys to any vehicle owned or operated by The GEO Group that the employee has in his/her possession.
- 10.8 The GEO Group may temporarily re-deploy an employee who makes a disclosure about an AOD problem to another area in the same or another Department within the facility, for safety or operational relations.

11.0 CONFIDENTIALITY OF INFORMATION DISCLOSED

11.1 Any employee who obtains access to information disclosed by another employee about his/her AOD problem, and/or details of that employee's counselling or AOD treatment program, must treat the information as confidential. Only employees who “need to know” may have access to information, concerning another employee’s AOD problem/treatment. (This requirement does not operate to prevent a disclosure under 9.1 or 9.2 of this policy).

11.2 File notes and records prepared by the facility Human Resources Department in relation to an employees’ AOD problem are confidential. Breaches of confidentiality will be viewed seriously and may result in disciplinary action.

12.0 RESPONSIBILITIES: HUMAN RESOURCES DEPARTMENT

12.1 The facility Human Resources Manager will manage all procedures related to random testing of employees and will maintain records relating to employees who disclose or who have been identified as having an AOD problem.

12.2 The facility Human Resources Manager, is responsible for facilitating a workplace safety assessment (with expert OH&S input, where required), with the appropriate manager/supervisor when notified of an employee’s disclosure about an AOD problem.

12.3 The facility Human Resources Manager is responsible for managing all arrangements with external support agencies for work placement, work rehabilitation and other employment related support in consultation with the employee's manager/supervisor.

13.0 TYPES OF TESTING

13.1 Critical Incident

13.1.1 An employee reasonably suspected of having been involved in a critical incident must submit to a breath test and/or provide a urine sample for testing when directed by an authorised person.

13.2. Alcohol Impairment

13.2.1 An employee in a GEO workplace who appears to be affected by alcohol must submit to a breath test when directed by an authorised person.

13.3 Target Testing

13.3.1 An employee reasonably suspected of contravening this policy regarding being affected by alcohol or using prohibited drugs, **must** submit to a breath test and/or provide a urine sample for testing (as appropriate) when

directed by a person acting under the authority of the Manager Investigations, an Executive General Manager or the Managing Director.

13.4 Random Testing

- 13.4.1 A person acting under the authority of the facility General Manager (or above) may carry out random breath testing or urine testing of employees who are on duty or otherwise in a GEO workplace at any time.

14.0 AUTHORISATION FOR TESTING

14.1 Direction Only by an Authorised Person:

- 14.1.1 A direction to undergo testing must always be given or approved by an authorised person before any such test may be conducted.

14.2 Authorised Person for Testing following a Critical Incident:

- 14.2.1 A Correctional Manager or above is authorised to direct an employee to undergo a breath test or provide a urine sample following a critical incident.
- 14.2.2 Any employee must submit to breath testing or urine testing after a critical incident when directed by an authorised person acting on behalf of the Correctional Manager or above. Failure to do so is a disciplinary offence.
- 14.2.3 The person authorising for a test to be undertaken must inform the General Manager as soon as practical that this has occurred.

14.3 Authorised Person for Testing for Alcohol Impairment

- 14.3.1 A General Manager, the Manager Investigations or above, is authorised to direct an employee to undergo a breath test, where there are reasonable grounds to consider that an employee in a GEO workplace is under the influence of alcohol.
- 14.3.2 Any employee in a GEO workplace must submit to a breath test when directed by an authorised person acting on behalf of the General Manager, Manager Investigations or above. Failure to do so is a disciplinary offence.

14.4 Authorised Person for Target Testing

- 14.4.1 The Manager Investigations or above, is authorised to direct an employee in a GEO workplace to undergo a breath test or provide a urine sample, where the employee is reasonably suspected of being affected by alcohol or using prohibited drugs.

- 14.4.2 Any employee on duty in a GEO workplace must submit to target breath testing or urine testing when directed by an authorised person acting on behalf of the Manager Investigations or above. Failure to do so is a disciplinary offence.

14.5 Authorised Person for Random Testing

- 14.5.1 A General Manager or above is authorised to direct random breath or urine testing be undertaken in a GEO workplace.
- 14.5.2 Any employee in a GEO workplace must submit to random breath or urine testing when directed by an authorised person acting on behalf of the General Manager or above. Failure to do so is a disciplinary offence.
- 14.5.3 Where an employee has returned a positive test under this policy for the use of a prohibited drug or for anabolic steroids, the employee may be directed by an authorised person to provide a urine sample in accordance with this policy at any time, while in the workplace.
- 14.5.4 Where an employee has returned a positive test for alcohol, the employee may be directed by an authorised person to submit to a breath test at any time while in the workplace.

14.6 Breath Test Collector

- 14.6.1 It is the responsibility of the authorised person to ensure that the breath test collector is trained as competent in the use of breath testing equipment and follow up procedures.

14.7 Urine Sample Collector

- 14.7.1 It is the responsibility of the authorised person to ensure that the external service provider sourced for urine sampling is an authorised collector as determined in the AS/NZS 4308:2001

15.0 PROCEDURES FOR BREATH TESTS

15.1 Completing an Authority to Test

- 15.1.1 Whenever an authorised person directs an employee to undergo a breath test for the presence of alcohol following a critical incident, the appearance of alcohol impairment or target testing, he/she must complete the “Authority to Test for Alcohol and Prohibited Drugs” CF 1.75. A copy of the completed form must be given to the employee. (This requirement does **not** apply to random breath testing directed by an authorised person.)

15.2 Testing after a Critical Incident

15.2.1 Where a critical incident has occurred, an authorised person must direct all employees reasonably suspected of being involved in the critical incident to undergo a breath test immediately or as soon as practicable after the critical incident.

15.3 Refusal by Employee

15.3.1 An employee who fails to provide a breath sample and/or refuses to undergo a breath test when directed by an authorised person will be subject to disciplinary action, which may result in dismissal.

15.4 Failure of a Breath Test

15.4.1 An employee fails a breath test if the test indicates that the blood concentration of alcohol in the employee's blood is equal to or greater than 0.02 grams of alcohol per 100 millilitres of blood.

15.5 As soon as practicable after an employee has failed a breath test, the person who conducted the breath test (following the direction of the authorised person) must deliver to the employee a statement in writing signed by the person who conducted the test specifying:

15.5.1 the concentration of alcohol determined by the breath test to be present in the employee's blood, and

15.5.2 the time and date on which the breath test was completed.

15.6 The facility General Manager must suspend from duty for the remainder of the shift or contracted hours for the day any employee who fails a breath test, fails to provide a breath sample and/or who refuses to comply with a direction to undergo a breath test. The employee concerned will not be eligible to use any form of paid leave in such circumstances. The OIC must ensure the employee is transported to their residence.

15.7 An employee who is required to undergo a breath test may request the authorised person to arrange for the taking (in the presence of an authorised person or a senior employee delegated by the authorised person) of a sample of the employee's blood for analysis, at the employee's own expense, by:

15.7.1 a medical practitioner nominated by the employee, or

15.7.2 a medical practitioner nominated by the authorised person at the employee's request.

15.8 Arranging for a blood sample to be taken does not remove the requirement for an employee to undergo a breath test.

- 15.9** An employee who fails a breath test but who has not tested positive for alcohol in the preceding 3 years, may be required to undergo counselling and/or rehabilitation. If the employee refuses to do so the employee will be subject to disciplinary action.
- 15.10** An employee who fails a breath test and who has tested positive for alcohol within the preceding 3 years will be subject to disciplinary action. In addition the facility General Manager may also refer the employee to a medical practitioner for the purposes of determining the person's fitness to remain an employee.

16.0 PROCEDURES FOR URINE SAMPLES

- 16.1** Whenever an authorised person directs an employee to provide a urine sample following a critical incident, the appearance of AOD impairment or target testing, he/she must complete the "Authority to Test for Alcohol and Prohibited Drugs" CF 1.75. A copy of the completed form must be given to the employee. (This requirement does **not** apply to random urine testing).

16.2 Where a critical incident has occurred, an authorised person must direct all employees reasonably suspected of being involved in the critical incident to provide a urine sample immediately or as soon as practicable after the incident.

16.3 Urine Samples:

- (a) Procedures for collecting urine specimens should allow for individual privacy. The AS/NZS 4308:2001 does not exclude the option to observe the collection of urine under strictly controlled medical conditions. In this case, observation is to be carried out by a medical practitioner or a paramedic under the direction of a medical practitioner.
 - (b) Must not be provided in the presence or view of a person whose presence is not necessary for the purposes of provision of the sample.
 - (c) Must not involve the removal of more clothing than is necessary for providing the sample.
 - (d) Must not involve more visual inspection than is necessary for providing the sample.
- 16.4** A urine sample taken from an employee must be taken in accordance with the procedures set out in Australian Standard AS/NZS 4308:2001 *Procedures for the collection, detection and quantitation of drugs of abuse in urine*.
- 16.5** The sample will be divided into two approximately equal portions each of which must be sealed in a suitable container and marked for future identification.
- 16.6** One container must, as soon as reasonably practicable thereafter, be transported to an approved laboratory for analysis. If the employee requests a part of the sample, this must be given to the employee in a suitable container.

16.7 Refusal by Employee

16.7.1 An employee who fails to provide a urine sample and/or refuses to provide a urine sample when directed by an authorised person will be subject to disciplinary action, which may result in dismissal.

16.8 Failure of a Urine Test:

16.8.1 An employee fails a urine test if the concentration of a prohibited drug in the urine sample exceeds the levels listed in Australian Standard AS/NZS 4308:2001.

16.9 The NSW Health Department Analytical Laboratories (or NATA certified laboratory) will provide test results to The GEO Group. The employee providing the sample will be informed in writing by the facility General Manager. The facility General Manager will also inform the Executive General Manager Human Resources and the employee's manager/supervisor of the result of any test, together with any other persons who are reasonably required to be informed for security reasons and/or for the taking of disciplinary action.

16.10 The facility General Manager must suspend from duty for the remainder of the shift or contracted hours for the day an employee who refuses to comply with a direction to provide a urine sample. The employee concerned will not be eligible to use any form of paid leave in such circumstances.

16.11 An employee who tests positive to a prohibited drug but who has not tested positive for a prohibited drug in the preceding 3 years may be required to undergo counselling and/or rehabilitation. If the employee is required to undergo counselling and/or rehabilitation and refuses to do so the employee will be subject to disciplinary action.

16.12 The employee may not be required to undergo counselling and/or rehabilitation if, having regard to all the circumstances, it is more appropriate to deal with the matter as a disciplinary issue.

16.13 An employee who tests positive to a prohibited drug and who has tested positive for a prohibited drug within the preceding 3 years will be subject to disciplinary action. In addition the facility General Manager may refer the employee to a medical practitioner for the purpose of determining the person's fitness to remain an employee.

17.0 HAIR SAMPLES

17.1 Certain legislation may enable The GEO Group to direct an employee to provide a hair sample in particular circumstances. The GEO Group does not, at this stage, intend to implement a policy for the provision of hair samples.

17.2 An employee may **not** elect to substitute a hair sample when required to provide any other sample for testing

18.0 PRESCRIPTION DRUGS

- 18.1 The GEO Group seeks to respect the privacy of employees taking prescription drugs.
- 18.2 Where an employee considers their work performance may be affected or that they may endanger themselves/or others, the employee is encouraged to inform their manager/supervisor.
- 18.3 This disclosure may be reported and an employee may be referred for medical assessment to identify any safety concerns.
- 18.4 Any disclosure will be dealt with confidentially in accordance with this policy.
- 18.5 The GEO Group will not test for the presence of prescription drugs.

19.0 PROCEDURES FOR URINE SAMPLES AND BLOOD SAMPLES AT HOSPITAL

- 19.1 An employee admitted to or attending a hospital or other medical facility following a critical incident may be directed by an authorised person to provide a urine sample or a blood sample in accordance with the advice of a medical practitioner, registered nurse or other accredited person who attends to the employee at the hospital or medical facility.
- 19.2 In such situation a medical practitioner, registered nurse or other accredited person, may administer the test on behalf of an authorised person.
- 19.3 An authorised person must use the "Authority to Test for Alcohol and Prohibited Drugs" CF 1.75.
- 19.4 A medical facility includes any clinic or other premises operated by The GEO Group.

20.0 CRIMINAL OFFENCES

20.1 Interfering with Test Results

Any person who does anything to introduce, or alter the concentration of, alcohol or any prohibited drug in a employee's blood or other biological sample, before an employee undergoes a AOD sample or test pursuant to this policy may breach applicable laws if the person does so for the purpose of preventing or restricting the use of the results of the test in any disciplinary matter or other matter. Such conduct will also result in disciplinary action, which may include dismissal.

20.2 Interfering or Tampering with, or Destroying Samples

A person must not interfere or tamper with, or destroy, a sample of blood or a non-invasive sample provided by or taken from an employee unless the sample is destroyed:

- (a) by or at the direction of an analyst in the course of or on completion of analysis, or
- (b) in the case of sample handed to a person on behalf of an employee, by or at the direction of the person, or
- (c) after the expiration of 12 months commencing on the day on which the sample was taken or provided, or a longer period (being no more than 5 years) as directed by the facility General Manager, Manager Investigations or above, made before the 12-month expiration period.

20.3 Any person interfering, tampering or destroying a sample other than destruction in the circumstances set out above may breach applicable laws. Such conduct will also result in disciplinary action, which may include dismissal.

21.0 MISCELLANEOUS

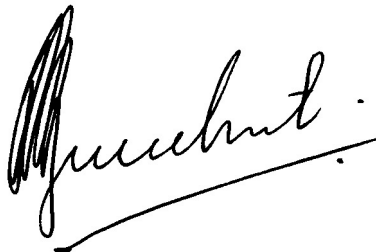
21.1 Any AOD testing will be deferred while an employee requires urgent medical attention.

21.2 An employee will not be subject to disciplinary action for both refusing a test and for subsequently failing a test, where these events arise out of the same incident.

21.3 Any AOD testing will only be conducted in a GEO workplace, a hospital (where the employee have been referred for urgent medical treatment) or a pathology collection site.

22.0 AUDITS

22.1 This policy and procedure shall be audited in accordance with the established audit schedule or at the discretion of the Managing Director or Executive General Managers as applicable.



APPROVED

PIETER BEZUIDENHOUT
Managing Director

Attachments

Appendix 1 – Random Employee Alcohol and Other Drug Testing Procedure

Appendix 2 – Information for Managers in the Event of a Positive Breath Test Result of an Employee

Appendix 3 – Information Sheet Concerning a Positive Drug Test Result of an Employee

Appendix 4 – Other Applicable Legislation

Schedule 1 – Date of Implementation of Policy

CF 1.75 Authority to test for alcohol and other prohibited drugs.

CF 1.76 Positive alcohol test result

CF 1.77 Certificate of evidence of concentration of alcohol in blood

CF 1.78 Letter to employee in the event of a negative test result

CF 1.79 Letter to employee in the event of a positive test result.

CF 1.80 Refusal to submit to an alcohol test or urine sample

APPENDIX 1

RANDOM EMPLOYEE ALCOHOL AND OTHER DRUG TESTING PROCEDURE

1.0 PURPOSE

- 1.1 To ensure a consistent approach is undertaken in the implementation of the random employee Alcohol and Other Drug testing program.

2.0 DEFINITIONS

AS/NZS4308:2001 means Australian and New Zealand Standard 4308:2001 Procedures for the collection, detection and quantitation of drugs of abuse in urine

Collector means a contractor who is responsible and has been trained for recommended urine collection procedures under the AOD Policy.

Collection Site A place where employees present themselves for the purpose of providing a specimen of their urine to be analysed for the presence of drugs.

AOD Policy means Employee Alcohol and Other Drugs Policy

Negative test means a test conducted in accordance with applicable laws or standards which indicates that an employee has less than the prescribed concentration of alcohol (not equal to or above 0.02 grams of alcohol per 100 millilitres of blood) in his or her blood or does not have a detectable level of a prohibited drug (when tested in compliance with AS/NZS 4308:2001) in any of his or her biological material

OIC means the officer in charge of the work location or the most senior person on duty at a GEO workplace at the time of testing

Positive Test means a test conducted in accordance with applicable laws and standards indicating that an employee has above (equal to or above 0.02 grams of alcohol per 100 millilitres of blood) the prescribed concentration of alcohol in his or her blood or had a prohibited drug present in any of his or her biological material whilst in the workplace.

Prescribed Concentration means a concentration equal to or above 0.02 grams of alcohol in 100 millilitres of blood

Positive Test Result means a certificate of evidence determining that an employee has the prescribed concentration of alcohol in his or her blood or had a prohibited drug present in any of his or her biological material whilst in the workplace.

- Test*** means an analysis that is designed to indicate the concentration of alcohol present in a person's blood or, an analysis of a urine sample testing for prohibited drugs, that is conducted in an approved laboratory as per AS/NZS 4308:2001.
- Testing Officer*** means a person authorised by The GEO Group to give a direction or carry out any tasks relating to the implementation of random testing under the AOD Policy
- Urine test*** means conducting approved laboratory testing for prohibited drugs in compliance with AS/NZS 4308:2001

3. AUTHORITY TO UNDERTAKE TESTING

- 3.1. A Testing Officer must carry on duty at all times a letter of authority or other document certifying that the person is authorised by The GEO Group to carry out breath testing and / or urine sampling of GEO staff. This document must be produced where an employee requests that the Testing Officer show proof of authority to undertake random AOD testing of GEO employees. This document will be issued on the authority of the Managing Director from time to time. More than one Testing Officer can be appointed in any one workplace.

4. CONFIDENTIALITY

- 4.1. Confidentiality must be maintained by all employees involved in undertaking random AOD sampling activities. Confidentiality must be maintained concerning the work locations selected for testing, work related travel plans and the positions or individuals that have been selected to provide breath or urine samples.
- 4.2. Employees who breach confidentiality concerning the above may be subject to disciplinary action, which may include dismissal.

5. PROCEDURES FOR RANDOM BREATH TESTING

- 5.1. On arrival at a GEO workplace that has been selected for AOD testing, the Testing Officer will report to the facility General Manager of the workplace. The facility General Manager will be made aware by the Testing Officer that randomly selected employees are requested to attend for breath testing.
- 5.2. The Testing Officer shall liaise with the facility General Manager to allocate a private room/area in which to undertake the testing.
- 5.3. The Testing Officer will request that the facility General Manager provide a list of all employees on duty at the time of testing.

- 5.4. The facility General Manager shall arrange for randomly selected employees to attend for testing on a 'rolling' basis to minimise any adverse impact on the operations of the workplace.
- 5.5. When an employee attends for breath testing, the Testing Officer should ensure that the employee is aware that they are required to submit to a breath test as part of the random employee AOD testing program.
- 5.6. The Testing Officer will ensure that the employee being tested has been formally identified, either through a GEO identification card, driver's licence or confirmation of identity by a senior staff member.
- 5.7. The Testing Officer will explain the breath testing procedure to the employee being tested.
- 5.8. The Testing Officer will enter the employee's details in the "Employee Alcohol Testing Register".
- 5.9. Upon completing the breath test, the Testing Officer shall show the reading to the employee and enter the reading into the Register. The employee must then sign the Register. Should the employee refuse to sign the Register, the Testing Officer must record in the signature space that the employee has refused to sign.
- 5.10. If an employee fails to attend the nominated area for testing, all efforts to direct the employee to attend should be recorded and provided to the facility General Manager.

6 0 POSITIVE BREATH TEST RESULT

- 6.1. Where a positive breath test is indicated at a prescribed blood alcohol concentration of 0.02 grams of alcohol per 100 millilitres of blood or greater, a further breath test will be conducted after a period of ten minutes has lapsed in order to eliminate the possibility of alcohol residue from an innocent source (eg. mouth wash).
- 6.2. Where a positive breath test is indicated at a prescribed blood alcohol concentration of 0.02 grams of alcohol per 100 millilitres of blood or greater on the second reading, the Testing Officer will inform the employee of the result and that the matter will be referred to the facility General Manager to respond in accordance with the AOD Policy.
- 6.3. The employee should be made aware that they will be required to cease duty for the remainder of the shift or contracted hours for the day on leave without pay and that the positive result will be referred to the facility Human Resources Manager, in order to arrange for assessment and support services to be made available to them. The OIC shall provide transport to their residence for any employee who is required to cease duty for the remainder of their shift.
- 6.4. The Testing Officer will provide a statement in writing concerning the positive test to the facility General Manager and the employee CF 1.76. Positive alcohol test

results. CF 1.77 Certificate of evidence of concentration of alcohol in the blood, will also be provided to the employee and the facility General Manager. The facility General Manager will inform the EXECUTIVE GENERAL MANAGER Human Resources and make available all relevant documentation.

- 6.5 The Testing Officer will also provide the facility General Manager with an information sheet relating to the event of a positive breath test result. The information sheet (attached as Appendix 2) stipulates that the facility General Manager should ensure that the employee is placed on restricted duties upon their return to work, until a workplace safety assessment is undertaken by the Return to Work Co-ordinator (and/or an appropriately qualified employee or consultant). In addition, the facility General Manager should authorise the undertaking of further breath testing of the employee at times determined by The GEO Group until the assessment has been undertaken.
- 6.6 The Testing Officer will notify the facility General Manager of the positive test result as soon as practical.

7.0 PROCEDURES FOR URINE SAMPLING

- 7.1 Urine sampling of staff will be undertaken only by an external specialist provider as determined by The GEO Group. In such case, the procedures set out below should be followed:
- 7.2 The number of staff to be selected for random urine sampling will be decided prior to any direction for an employee to undergo random urine sampling.
- 7.3 The Testing Officer will report to the facility General Manager on arrival at the selected workplace and inform them of their intention to undertake random urine sampling.
- 7.4 The facility General Manager will allocate a toilet facility to enable the urine samples to be collected. This may involve the randomly selected employees attending an external facility for the purpose of random urine sampling.
- 7.5 When the selected employee(s) present for testing, the Testing Officer will ensure that the employee is aware of the request to provide a urine sample for testing.
- 7.6 The Testing Officer will inform the employee of the procedures involved, including that the procedures are to be conducted in accordance with the AS/NZS standard.
- 7.7 The Testing Officer will ask the employee if he/she wishes to take possession of a container bearing a sample of his or her own urine. The Testing Officer will record this offer and the employee's response, which the employee will be asked to sign.
- 7.8 The Testing Officer will accompany the employee to the Collector and remain present only until the employee has provided the Collector with their first name, employee number and date of birth.

- 7.9 The Collector will supervise the provision of a urine sample, in a manner that allows for individual privacy. If observation is to be carried out, this will only be carried out by a medical practitioner or paramedical staff under the direction of a medical practitioner. Reference should be made to the EAOD Policy for the procedures to be followed in collecting urine samples to ensure the authenticity of the samples and the “chain of custody” of the samples.
- 7.10 After the employee has provided the sample to the Collector, the employee will return to the Testing Officer to sign the Drug Testing Register. Should an employee refuse to sign the register the Testing Officer must record in the space provided that the employee refused to sign.

8.0 URINE SAMPLE RESULTS

- 8.1 All urine sample results will be forwarded from the relevant approved testing laboratory to the relevant Testing Officer.
- 8.2 Where a negative test result is returned, the relevant Testing Officer will notify the employee in writing of the result as soon as practical (CF 1.78.)
- 8.3 Where a positive urine test result is returned, the Testing Officer will contact the employee concerning the result and to advise the result will be referred to senior management for the purpose of suspending the employee. Thereafter, the Testing Officer will notify the facility General Manager concerning the result and the facility General Manager will refer the matter to the EXECUTIVE GENERAL MANAGER Human Resources and the Managing Director in order that the employee may be suspended on paid leave. The facility General Manager and employee will also be provided with an information sheet concerning the event of a positive drug test result of an employee (Appendix 3).
- 8.4 The positive result will be referred by the relevant Testing Officer as soon as possible to the facility General Manager. The facility General Manager will report the positive result to the EXECUTIVE GENERAL MANAGER Human Resources and to the Managing Director who will arrange for the notice of suspension. The result will also be notified to the facility Human Resources Manager in order to arrange for assessment and support services to be made available to the employee.
- 8.5 The facility Human Resources Manager, will send a statement in writing to the employee on CF 1.79 concerning the positive test result and initiate a referral for assessment.

9.0 FOLLOW UP TESTING

- 9.1 Where a positive breath or drug test result has been identified, the employee will be required to undergo follow up tests at a future time (the number of follow up tests to be in the discretion of The GEO Group).

- 9.2 The facility Human Resources Manager is responsible for ensuring the implementation of the follow-up tests by the Testing Officer/s. The follow-up tests will take into consideration the employee's AOD needs assessment.

10.0 REFUSAL TO SUBMIT TO BREATH TEST OR URINE TEST

- 10.1 Where an employee refuses to submit to a breath test or urine test, the Testing Officer should give a lawful direction to the employee, including that refusal to submit to a breath test or urine test is a breach of the Code of Conduct and will result in the following:
- 10.1.1 the employee will be stood down on leave without pay for the remainder of their shift or contracted hours for the day by the facility General Manager
 - 10.1.2 the matter will be referred to a disciplinary process, which may include dismissal.
- 10.2 Where an employee continues to refuse to submit to the requested test, the Testing Officer will notify the facility General Manager of the refusal as soon as possible.
- 10.3 The Testing Officer will also provide a statement in writing concerning the refusal CF 1.80. to the employee and the facility General Manager. The Facility General Manager will advise the Executive General Manager Human Resources and the Managing Director, as soon as possible.
- 10.4 The Testing Officer will also provide a copy of the statement in writing to the facility Human Resources Manager, of the refusal, as soon as practical.

11. BLOOD TEST OPTION

- 11.1 In the event that an employee requests a blood test be undertaken, where it is practical to do so, the Testing Officer will arrange for the blood test to be undertaken as soon as possible.
- 11.2 Prior to the arrangements being made, the Testing Officer must inform the employee that the cost of the blood test must be paid for by the employee and that the request for a blood test does not exclude the employee from the requirement to comply with a request for a breath test or urine test.
- 11.3 Where it is not possible for a blood test to be undertaken at the workplace, the employee may attend for pathology collection at a location of their choice and at their own cost as soon as practical.

12. STAFF MISCONDUCT

- 12.1 Where an employee who has been requested to provide a breath test or urine sample for testing demonstrates threatening, abusive or harassing behaviour, the Testing Officer may document the incident and refer the matter to the facility General

Manager. The facility General Manager, may deal with the matter in accordance with the Code of Conduct and refer the matter to a disciplinary process.

13. RECORDS MANAGEMENT

- 13.1 The Testing Officer must enter all details concerning breath testing of employees in the Employee Alcohol Testing Register and all details concerning the drug testing in the Drug Testing Register at the time of testing.
- 13.2 The Testing Officer must ensure that all information in the Registers are also stored in the Employee AOD database.
- 13.3 The Testing Officer must ensure that the Employee AOD database is secure and maintained in accordance with professional standards.
- 13.4 The Testing Officer must ensure that all documentation concerning positive breath or urine test results provided to the employee (i.e. CF 1.75, CF 1.76, CF 1.79) is forwarded to the facility Human Resources Manager for placement on the employee's Personnel File.

14. GRIEVANCES

- 14.1 Any grievance related to the request for a breath or urine sample should be managed in accordance with The GEO Group's Corporate Grievance Policy.

APPENDIX 2

INFORMATION FOR MANAGERS IN THE EVENT OF A POSITIVE BREATH TEST RESULT OF AN EMPLOYEE

1. *Where an employee provides a breath test of 0.02 grams of alcohol per 100 millilitres of blood or higher, the employee must be stood down on leave without pay for the remainder of their shift or contracted hours on that day, as per GEO's AOD Policy.*
2. *A letter of Positive Alcohol Test Result will be issued to the employee, the facility General Manager of the workplace and the facility Human Resources Manager. A Certificate will also be issued to the employee concerning the test result.*
3. *Upon returning to work the employee should be placed on restricted duties until a workplace safety assessment is undertaken by the Return To Work Co-ordinator (or other qualified employee or consultant).*
4. *Where a risk assessment has not yet been completed by the RTW Coordinator (or other qualified employee or consultant), the facility General Manager is to arrange a breath test (where equipment is available) to be undertaken on the employee when the employee next presents for duty.*
5. *If a reading of 0.02 or above is obtained, a further reading is to be conducted after a period of 10 minutes in order to eliminate the possibility of mouth alcohol from an innocent source eg. mouth wash.*
6. *The facility General Manager may arrange for the employee's contact details (home phone number etc), should this be preferred by the employee, to be forwarded to the facility Human Resources Manager, to allow support and assessment to commence as soon as possible.*
7. *Managers and employees may contact the following staff for further information:*
 - Facility Centre Human Resources Manager*
 - Facility General Manager*
 - Employee Assistance Program*

APPENDIX 3**INFORMATION SHEET CONCERNING A POSITIVE DRUG TEST RESULT OF AN EMPLOYEE**

1. *Where an employee's urine sample returns a positive result to a prohibited drug, the Testing Officer will notify the employee and their facility General Manager of the result, verbally, where possible.*
2. *The employee and facility General Manager will be informed that the positive drug test result will be referred to the Managing Director to arrange for a notice of suspension to be prepared. The matter will then be considered by the executive team for appropriate action.*
3. *The facility Human Resources Manager, will send a statement in writing concerning the positive test result to the employee and the facility General Manager as well as arrange assessment and support services to be made available to the employee.*
4. *The employee's manager may arrange for the employee's contact details (home phone number etc), should this be preferred by the employee, to be forwarded to the facility Human Resources Manager to allow support and assessment to commence as soon as possible.*
5. *Managers and employees may contact the following staff for further information:*

*Facility Centre Human Resources Manager
Facility General Manager
Employee Assistance Program*

APPENDIX 4

OTHER APPLICABLE LEGISLATION

Anti Discrimination Act 1977 (NSW)

Drug and Misuse and Trafficking Act 1985 (NSW)

Freedom of Information Act 1989 (NSW)

Occupational Health and Safety Regulations 2001(NSW)

Poisons and Therapeutic Goods Act 1966 (NSW)

Privacy and Personal Information Protection Act 1998 (NSW)

Schedule 1

DATE OF IMPLEMENTATION OF POLICY

New South Wales – 29 October 2007

Other States – to be announced