

ONRSR drug and alcohol testing: Proposed introduction of urine testing

Urine testing by the Regulator

The Office of the National Rail Safety Regulator (ONRSR) is progressing implementation of the outcomes of the review of drug and alcohol management as agreed by Ministers in May 2018 (subject to final legislative drafting approval) including provision for the Regulator to undertake urine testing. The following Q&A covers the key elements of the implementation of the proposed amendment to *Rail Safety National Law*.

1. Why does the Regulator conduct drug and alcohol testing?

The Regulator's key role is to work on behalf of the Australian public to improve safety. We undertake a testing program to complement those programs undertaken by operators, primarily as a deterrent to rail safety workers undertaking rail safety work whilst under the influence of drugs or alcohol and thereby placing themselves and others (including the general public) at risk.

It is an offence under the law to undertake rail safety work whilst under the influence of drugs or alcohol so the Regulator's testing program is also to test for compliance with the law.

2. Will the Regulator use urine testing as the main form of drug testing?

No. Oral fluid testing will remain our primary form of testing but in a very limited number of circumstances, urine testing may be used.

3. Why would the Regulator use urine testing?

There are some scenarios where the ability to undertake urine testing will enable us to use the drug testing method best suited to the circumstances. For example if it takes a number of hours after an incident to attend the site and undertake the testing, oral fluid testing would not detect drug use, as oral fluid only shows up the presence of drugs for a short time. Other examples maybe where there are visible signs of impairment or a complaint has been received in relation to a particular workgroup or location.

4. How much urine testing will the Regulator do?

A minimal amount. The Regulator's main method of drug testing will remain oral fluid.

5. Why is oral fluid testing alone not sufficient?

Oral fluid only shows up the presence of drugs for a short time, so if a rail safety worker has been working for longer into their shift, drugs may not show up in oral fluid. A negative oral fluid test undertaken some hours into a shift may not give a true indication if the worker is using drugs or not.

6. Is the use of drugs and alcohol in the rail industry significant?

No, the fact that operators have had drug and alcohol testing programs in place for many years has been a major deterrent for people working in the rail industry. However, there are still a small number of positive test results reported each month to ONRSR and for the safety of rail safety workers and general public, a choice of testing methods is essential in continuing to manage this risk.

7. Do rail operators use urine testing?

Yes. Operators generally use a mix of testing methods (oral fluid and urine) to best address their risk.

8. Will a rail safety worker (male or female) be given privacy in order to provide a urine sample?

If ONRSR was to commence urine testing then provisions for undertaking testing in such a way that respects the privacy of the rail safety worker will be included in the arrangements ONRSR has with its current provider. ONRSR's current provider undertakes urine testing for other clients and generally uses the facilities provided at worksites when undertaking urine testing.