Random Drug Testing at Work

OHS Reps MUST be consulted over all workplace safety matters

Despite the recent full bench decision of Fair Work Australia which found employees can be forced into random drug and alcohol tests, all employers have a legal obligation to fully consult with the CFMEU OHS rep before any changes.

Under the Victorian OHS Act 2004, Section 35 (1)b, employers MUST consult with employees when ‘... making decisions about the measures to be taken to control risks to health or safety at a workplace.

Further to this, Section 36 (2) mandates that ‘...If the employees are represented by a health and safety representative, the consultation MUST involve that representative’.

While this process is under way no testing should proceed.

If your employer tries to bring in random drug tests,
- contact your shop steward or organiser,
- get your OHS Rep involved
- ask for details on how the testing would be conducted
- tell your employer there will be no testing until you have had a chance to get some advice.

For further advice call the CFMEU OHS Unit on 9341 3444.