

CSIRO Staff Association

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A section of the Community and Public Sector Union



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Date: 23/02/202

Dear Anthea

Thank you for providing the draft version of the CSIRO Alcohol & Other Drugs (AOD) policy. The Staff Association maintains our concerns with this policy overall but particularly in relation to the use of random alcohol and drug testing.

Staff Association members and staff have continued to raise strong concerns that in the draft CSIRO AOD policy, the proposed random drug and alcohol testing is a disproportionate response to any identified risk.

Addressing the justification provided by CSIRO to the Staff Association on the introduction of the draft CSIRO AOD Policy to date is below and includes Staff Association responses to each dot point.

- The draft AOD policy needs to be introduced as there is currently no process to address drug and alcohol consumption, possession in the CSIRO workplace. **Current code of conduct processes in place already provides a mechanism to deal with such matters if they occur.**
- That random drug and alcohol testing was needed to meet community expectations around the use of alcohol and other drugs. **There was no example provided of what community standard this is in reference to.**
- Despite advising CSIRO staff in earlier communications “that there is not a belief that there is an alcohol and drug issue at the CSIRO however a testing mechanism needs to be introduced to be sure”. Testing employees is a work health and safety measure. **The Staff Association takes safety of CSIRO staff very seriously and we will support genuine attempts to improve safety for staff. However, the solution needs to be proportionate to the risk, we believe this is a solution looking for a problem.**

Under the Work Health and Safety Act 2011 (Cth) taking measures to ensure health and safety that are reasonably practicable, into account matters such as the likelihood of the risk occurring and the degree of harm that could be caused by the risk (WHS Act section 18). Work health and safety measures are extremely important but, must be proportionate to the risk involved. It is inappropriate to take measures under the guise of work health and safety, that unduly impinge on worker privacy and autonomy where those measures are not reasonably necessary to manage a work health and safety risk. Randomly testing employees for drugs and alcohol in the absence of any evidence that they are posing a risk to work health and safety is a disproportionate measure.

Due diligence and genuine consultation have not occurred in the development of the draft AOD policy. At our recent meeting on 2.2.23 it was stated that the introduction of the CSIRO draft AOD policy is necessary for health and safety reasons. If there has been a WHS risk assessment that has been conducted, it has never been shared with the Staff Association or any of our representatives or workplace HSRs.

Not one example of a drug or alcohol related WHS incident involving a CSIRO employee has been provided. That no risk assessment(s) have been done, and that “for cause” and other testing will seem to be based on a manager’s discretion, observation and preferences rather than out of concern for the safety of staff.

Staff Association members and staff have expressed concerns with requirements to disclose their medical history; for example, the prescribed medication that they are taking. CSIRO has no right to this information, and it is reasonable to expect that any loss of privacy is genuinely required to ensure safety.

CSIRO is obliged to comply with the Privacy Act 1988 (Cth) and the Australian Privacy Principles (APPs). The APPs regulate the way personal information can be collected, stored and disclosed by Commonwealth organisations and contain specific requirements including:

That organisations should only collect information which is reasonably necessary for the performance of their work (APP5) Organisations must disclose specific information including the purpose for which the information is being collected and the use to which the information will be put.

That organisations must securely store information and only use information for the purposes for which it was collected, as specified at the time of collection (APP6)

The draft CSIRO AOD policy while referring to the Privacy Act, offers no details as to how CSIRO intends to comply with APPs in undertaking drug and alcohol testing of its employees. With respect to random testing, CSIRO has not provided a satisfactory reason as to why information about drug and alcohol use would need to be obtained in circumstances where there is no evidence of impairment (i.e., no apparent risk to health or safety).

With respect to testing of employees who appear impaired by alcohol or drugs, CSIRO has to be mindful of its obligations under both the Fair Work Act (Cth) and the Disability Discrimination Act 1992 (Cth) not to discriminate against employees with a disability. Behaviors and symptoms characteristic of intoxication (such as impaired speech, motor skills, or concentration) may also be characteristic of certain physical or psychological disabilities. Requiring persons with these characteristics to undergo an intrusive and potentially upsetting drug and alcohol testing processes may impinge upon their right not be subjected to discrimination on the grounds of their disability. Requiring these employees to undertake a drug or alcohol test will call for the disclosure of their medications, which will in turn involve disclosure of the medical information which they would otherwise keep private and confidential. There is no justification for subjecting people to these requirements in the absence of any clear risk to health and safety. CSIRO’s draft AOD policy does not engage with these issues.

It is entirely reasonable for workers to expect that CSIRO has done its due diligence when proposing to impinge on their right to privacy. The Staff Association is not satisfied that the CSIRO has established that the random drug and alcohol testing of workers will improve their safety; nor do we believe that random testing is the only or most effective control measure to prevent alcohol or drug related WHS incidents, particularly when the CSIRO has been unable to point to an actual WHS incident involving CSIRO employees under the influence of drug & alcohol, or even been able to identify specific risks to health and safety. In fact, the current draft AOD policy if implemented, would create other problems that we believe the CSIRO has inadequately assessed.

The Staff Association asks that any proposed WHS control measure be proportionate to the identified risks to worker’s safety, rather than finding a problem to fit the preferred solution. This can only be done through

proper risk identification and assessment in collaboration with elected Health and Safety Representatives (HSR's) on site. In the development of the draft AOD policy The Staff Association has not been made aware that CSIRO has applied any evaluations processes which included HSR's.

In line with our discussion recently at the meeting held on 2.2.23 the Staff Association requested representation of a minimum of 2 Staff Association representatives on AOD Policy workgroup/s to ensure this feedback is presented as part of a genuine ongoing consultation process.

The Staff Association requests no further consultation takes place without Staff Association delegates participation in AOD workgroup/s.

Please also see attached to this letter a list of key issues outlined by members and staff (although not limited to) that the Staff Association would like to see addressed at the next workgroup meeting.

If you require any clarification about this matter, please don't hesitate to contact me directly.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Susan Tonks', followed by a small dot.

Susan Tonks

Secretary, CSIRO Staff Association

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