

On 16 October 2015, the [Building Code \(Fitness for Work / Alcohol and Other Drugs in the Workplace\) Amendment Instrument 2015](#) (the amendment) will come into effect. The amendment requires 'code compliant' contractors to implement drug and alcohol testing procedures on most code compliant sites.

The requirement to implement onsite testing procedure will apply to any site where the Commonwealth government directly or indirectly contributes at least \$5m, where that is at least 50% of the value of the project, or \$10m, irrespective of the proportion of the value of the project. Because this is an amendment to the existing *Building Code 2013* (the Code), it is not related to, or dependent on, legislative change, and it will apply to projects that are already underway. As such, clients who wish to be Code compliant should ensure that they review and understand these changes.

What has changed?

The amendment requires head contractors implement a broad ranging on-site drug and alcohol testing regime, at the head contractor's expense, along with fitness for work policies and procedures designed to introduce a "zero tolerance" approach to drugs and alcohol. The amendment sets minimum monthly testing quotas based on the number of workers at the site (approximately 5-10% of the workforce).

What do I need to do?

If you are a head contractor and wish to remain Code compliant, you will need to:

- Review and update your current workplace health and safety management plan
- Identify affected sites (if any)
- Check and update employment arrangements, contractual conditions and other arrangements
- Implement a compliant testing policy
- Roll out the policy on applicable sites before 16 October 2015.

If you are a subcontractor and wish to remain Code compliant, you will need to:

- Check your employment agreements and other arrangements, and
- If required, implement a policy that permits site testing consistent with the Code.

Need more information

If you would like to discuss implementing a testing regime or any aspect of Code compliance, please contact the team at Fair Work Lawyers.



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The information contained in this publication is general in nature and does not constitute legal advice. Contractors and subcontractors should seek legal advice in relation to their own specific circumstances and generally in relation to Code compliance.

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