

OCCUPATIONAL SAFETY AND HEALTH, TETRAHYDROCANNABINOL IMPAIRMENT

1645. Hon. C.L. Edwardes to the Minister for Consumer and Employment Protection

I refer the Minister to the WorkSafe Western Australia Commission's 'Guidance Note' on Alcohol and Other Drugs at the Workplace and ask -

- (a) does this Guidance Note recognise that the use of alcohol and drugs in the workplace is an occupational safety and health (OS&H) issue, if a person's coordination, motor control, concentration, alertness or their ability to exercise judgment is affected;
- (b) does this translate into a 'duty of care' under the *Occupational Safety and Health Act 1984* to ensure that employees are not under the influence of alcohol and/or drugs and as such, put themselves and other employees at the risk of harm;
- (c) is there an Australian Standard, defining a level for Tetrahydrocannabinol (THC) as an acceptable level of impairment;
- (d) what is this level of THC impairment and how is it measured;
- (e) does the OS&H regulations prescribe a level of THC and an acceptable level of impairment;
- (f) if yes, what is this level;
- (g) does the OS&H regulations prescribe appropriate testing equipment and methods for testing for THC impairment, if so, what is it;
- (h) if there is no defining level of impairment or appropriate testing equipment, how will an employer, or supervisor, determine if an employee, suspected of THC impairment, is fit for work;
- (i) if no to (e) and (g), will the Minister introduce such a regulation and if not, why not; and
- (j) if no to (g), will the Minister refer THC impairment to the WorkSafe Commission for advice, given the State Labor Government's proposed changes to cannabis Laws?

Mr J.C. KOBELKE replied:

- (a) Yes.
- (b) Under 'duty of care' provisions, persons in the workplace are expected to be able to carry out their work without risking the safety and health of themselves or others. This includes an employer assessing an employee's ability to work safely if their co-ordination, motor control, concentration, alertness or ability to exercise judgement is impaired by the consumption of alcohol or other drugs.
- (c)-(d) No. The relevant Australian Standard focuses on the recommended practice for the collection, detection and quantification of drugs of abuse in urine. "Detection" is a screening device only and does not measure "impairment". There has been no accepted research, which establishes a correlation between a level of THC and impairment, and the issue is complicated by the length of time THC can remain in urine.
- (e) No.
- (f) N/A.
- (g) No.
- (h) The WorkSafe Western Australia Commission's Guidance Note on Alcohol and Other Drugs at the Workplace reflects current research and literature on the approach to identifying and managing "impairment". The Guidance Note provides advice on steps that can be followed in a workplace, including: having a policy and clear procedures; formulating criteria in consultation with employees and safety and health representatives; making it clear who in the organisation has responsibility for identifying an impaired employee; provision of training to designated persons in substance abuse identification and the use of the most effective style of approach to employees.
- (i) No. The issue of THC and the ability to correlate a level of impairment are extremely complicated issues which go far beyond occupational safety and health. Any approach to this issue needs to be based on the conduct of reliable research and involve a broad range of sectors.
- (j) Not at this stage. Refer to answer to previous question (i).

