



Energy News

Ergon Adds Drug and Alcohol Testing to its EBA Wish List

As delegates would be able to confirm, negotiations for a new Certified Agreement with Ergon Energy have been testing to say the least. Without going into the detail of every company claim, suffice it to say that Ergon is attempting to achieve changes to many of the fundamental conditions that we have collectively secured over many years. For example, Ergon wants to deny the nine day fortnight to anyone working for Retail, deny EBA increases to employees on alternate employment arrangements and in depth changes to the redundancy conditions.

The QSU and all other industry unions have, not unexpectedly, steadfastly refused to entertain changes to any of the above entitlements and our resolve on these issues will most certainly be maintained when we meet with Ergon next week.

However and while we thought we had seen the worst of what Ergon Energy had up their sleeve, in the dying moments of last Friday afternoon, Ergon Energy provided the unions with the alleged 'fitness for work' arrangement Ergon wants to introduce.

While the document includes the usual 'motherhood' statements like how *Ergon Energy is committed to ensuring the safety and health of all individuals associated with its operations*, the policy makes absolutely no attempt to address the effects of fatigue caused by the systematic overtime currently being worked in many areas. Instead, the document relies on half baked, contradictory and poorly researched data in its attempt to justify compulsory drug and alcohol testing in the workplace.

The QSU has no problem supporting any genuine attempt to enhance workplace health and safety of employees, in fact we are signatories to agreements which do incorporate genuine 'fitness for work' programs. However it is clear that the proposal developed by Ergon has more to do with Ergon gaining entry to coal mining sites and or higher Quality Assurance credos, than it does with anything to do with a genuine commitment to fitness for work.

Under Ergon's proposal, and with the exception of sales representatives who are apparently unaffected by the evils of alcohol, and who apparently cannot be expected to perform their task without periodically putting their own safety at risk by consuming alcohol, all other Ergon employees, will be expected to return a 0.00% blood alcohol concentration (BAC) whenever they are randomly checked by management.

For the noble purposes of entertaining customers off site, sales representatives are to be permitted to have a 0.05% BAC. While sales representatives are provided with this exception, they must not return to the workplace unless they have a 0% BAC. Leaving aside the clear contradiction, what is not clear is whether or not the sales representative is to be paid for the intervening period between when they have so gallantly put their own safety on the line by drinking with customers and the time it takes to achieve the required 0% BAC to enable a return to the workplace.

The QSU would be the first to accept that there is merit in the suggestion that employees impaired by drugs or alcohol should most certainly not be working anywhere near live electricity, however as is made clear by the latest *Electricity Safety Act*, not even our elected Government could see fit to prescribe or impose an acceptable BAC limit for field electrical workers let alone the office bound and other non field staff.

Except for those professions bound by prescribed legislative limits, such as bus, taxi, train and heavy vehicle drivers, it is not unlawful for an employee to consume an alcoholic beverage during their lunch period. The only clear and reasonable provisos would be that the employee's BAC does not exceed the legal limit of 0.05% and that the alcohol has not been consumed on site.

Elected Governments determine the appropriate social standards, not employers.

If Ergon Energy was truly concerned by the effects alcohol may have on the safety of employees, one would have expected Ergon to be just as concerned with the effects of anything else that gave the same result, fatigue for instance. According to documented research, someone who has been awake for 17 hours has the same reaction time of a person who has consumed sufficient alcohol to produce a BAC reading of 0.05%.

Accordingly if Ergon is of the view that employees should maintain the awareness of someone with a BAC of 0%, why hasn't Ergon made any move to outlaw employees from working 10, 12 and up to 16 hours in any one day? Ergon's alleged concerns are nothing but smoke and mirrors

As we said earlier, the QSU will work with any company which is genuinely seeking to enhance the workplace health and safety of employees, however what we will not support is *boardroom fad surfing* which encroaches on the basic liberties of employees generally.

Members should be clear, drink a six pack and roll the company car, or in any other way impose a threat to yourself or your fellow workers as result of being impaired by drugs and or alcohol and you are, with very limited exceptions, on your "Pat Malone".

By the same token we are not about to sit idly by and allow Ergon or any other GOC to take disciplinary action against you because you have taken cough mixture which could reasonably give you a BAC reading higher than the 0% being dictated by Ergon, or because 6 weeks ago last Saturday, you indulged in a substance which could in no way have impaired your performance yesterday.

The testing regime being proposed by Ergon does not detect whether or not an employee is impaired by drugs, it merely indicates whether or not that particular drug has been taken within the last six weeks. While the union would not encourage any practice that breaches the law, we do not believe that it is any of Ergon's business to know that six weeks ago, and in your own time, you smoked a substance that contained Cannabinoids (THC).

Indeed it has been clinically proven that someone who, for the first time in their life, experimented with such a substance a few hours before being tested, would in fact pass the proposed test because the THC will not have had sufficient time to enter the urinary system which is being tested.

The QSU remains committed to addressing genuine 'fitness for work' issues, however the ill informed drivel contained in Ergon's proposal is simply unacceptable.