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TO: ALAEA QANTAS AND FORSTAFF MEMBERS

RE: AIRC BANS URINE TESTING FOR DRUGS

A significant victory has taken place concerning an AIRC decision that workers at Shell's Clyde Refinery and Gore Bay Terminal, should not be forced to give urine samples as part of random drug testing but oral fluids can be taken. A full bench handed down the decision on 15 May 2009.

A review panel headed by AIRC pres Justice Geoffrey Giudice upheld an earlier decision in which SDP Jonathan Hamberger found urine testing would be "unjust and unreasonable in the circumstances". The original decision said urine testing could detect the use of drugs "days, rather than hours" beforehand.

Oral fluid testing detected only recent use and was "less likely to detect drug use in an employee's own time", he said. He concluded that neither test measured impairment but an oral fluid test "is far more likely to indicate actual impairment" than a positive urine test. Shell unsuccessfully argued urine testing was more likely to detect chronic users.

The case in the AIRC conducted by the CFMEU represents a significant victory for all workers' and the Australian Trade Union Movement. The ALAEA in conjunction with the ACTU has consistently argued against random urine testing in aviation maintenance and engineering on the following grounds;

- Urine testing does not necessarily detect impairment
- Is an embarrassing and humiliating process for employees to undertake
- Is invasive and potentially violates your privacy
- Is unnecessary as saliva testing is more accurate
- Detects over the counter and prescription medicine prescribed by your Doctor. This is private business between you, your family and your Doctor not your employer.
- Security issues concerning storage of data from tested workers'

The ALAEA vehemently opposes random urine testing for the above reasons. The Association does not oppose saliva testing which is more likely to detect impairment and not pick up weekend recreational habits, that have very little to do with impairment on the job at work.

"To undertake supervise and certify for the safety of all who fly."

Random urine testing is more about increasing managerial control than improving OH&S matters in the workplace. The union continually raises OHS issues such as;

- Fatigue
- Work overload
- Hours of work and
- Proper consultation concerning all OHS matters

The ALAEA supports measures for sound OHS in the workplace and will continue to do so. Members are not encouraged to participate in random urine testing and should notify the Health & Safety and/or your workplace union representatives should management seek to pursue this mater.

The Association was involved in a series of mass meetings around the country earlier this year, where union members employed by Qantas overwhelming rejected the approach of random urine testing.

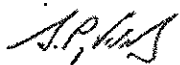
Despite requests by unions Qantas proceeded to ask workers to participate in training to enable employees to engage in random urine testing. The Association believes that the AIRC case has now set a strong precedence in stopping random urine testing in all workplaces within Australian aviation and maintenance & engineering.

Now that the decision has been handed down by the full bench the ALAEA will implement measures to ensure that companies adhere to this decision.

Case matter number for those interested is as follows;

AIRCFB428

http://www.cfmeu.com.au/storage/documents/ReviewDecision15_05_09.pdf



STEVE PURVINAS
Federal Secretary