

ADMINISTRATION POLICIES



ALCOHOL AND OTHER DRUGS POLICY

Objective

The purpose of this policy is to:

- Ensure compliance with the required employer duties under the *Work Health and Safety Act 2011* regarding the provision of a safe workplace; and
- Maintain a work environment that is free from the effects of alcohol and drugs; and
- Educate workers on the affects of the misuse of alcohol and/or other drugs within the workplace.

Council aims to ensure all persons conducting work for or on behalf of Council are free from the effects of alcohol and drugs by:

- Providing assistance through a range of educational, preventative and rehabilitative measures to overcome alcohol and drug problems that affect a person's fitness for work;
- As far as practicable, eliminating the hazards associated with the misuse of alcohol and drugs;
- Ensuring that people who are deemed unfit for work as a result of alcohol or drug use, are managed in a fair and constructive manner.

Scope

This policy applies to all employees, labour hire personnel, work experience students, volunteers, and contractors of Council.

This policy is not limited to the workplace or work hours. This policy extends to all functions and places that are work related. For example, work lunches, conferences, Christmas parties etc.

Definitions

The following are terms used in this policy:

“*Drugs*” includes illegal drugs, prescription or pharmacy drugs, or synthetic drugs as defined below.

“*Prohibited drugs*” includes:

- any drug prohibited by Australian State, Territory or Federal Law.
- any synthetic drug (whether prohibited by law or not), being a psychoactive herbal and/or chemical product which, when consumed, mimics the effects of a prohibited drug, for example synthetic cannabis (aka ‘Chronic’).

“*under the influence*” – means that person's faculties are impaired by the use of drugs or alcohol to the extent that the person is unfit to be entrusted with a duty they perform, or may be called on to perform, with efficiency and safety to themselves and others.

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The health, well being, and safety of its employees are of paramount importance to Walcha Council.

This policy is supported by a detailed Alcohol and Other Drugs Procedure that was developed by “industry parties” (the USU, LGEA, DEPA and LGNSW).

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Council is committed to providing a safe and healthy workplace for all employees. Inappropriate use of alcohol and any form of drugs in the workplace by employees is a critically important Work Health and Safety issue.

1. Scope of Testing

Council will conduct Drug and Alcohol testing upon reasonable suspicion when a person(s) may be impaired (reasonable suspicion testing), following a workplace health and safety incident (post incident testing), randomly (random testing) and voluntary testing.

2. Types of Tests

Council in conjunction with Local Government NSW (LGNSW), United Services Union (USU), Local Government Engineers Association (LGEA) and the Development and Environmental Professional's Association (DEPA) support the use of breath analysis for alcohol testing and saliva for other drugs.

Saliva testing can provide a positive result immediately after use and whose range of detectability is such that it is more likely to indicate potential and/or actual impairment when compared to other testing procedures which can provide a positive result to substances days, weeks or months after last use/exposure, at which time the worker may not be impaired at work.

- **Workers Privacy** – It is imperative that a worker's privacy be respected and that the results of Drug and Alcohol testing will be kept confidential.
- **Who can be tested** – All 'workers' as defined under the Work Health and Safety (WHS) legislation are eligible to be tested.

3. Promotion and Establishment of a Supportive Culture

Council's Alcohol and Other Drugs Procedure promotes a supportive culture in which workers are able to seek the assistance of Council in a non-threatening environment.

Council will provide a supportive environment that encourages employees to accept individual responsibility for workplace health and safety. Council encourage employees to participate in disclosing to management the identity of employees who may be regarded as a risk to others or themselves. Such an approach is supported by WHS legislation.

A supportive environment will be achieved by:

- recognising that the inappropriate use of alcohol and/or other drugs can be due to illness (e.g. dependency) or symptomatic of an illness (e.g. depression); and
- ensuring that clear and consistent processes are in place for addressing risks to health and safety in the workplace; and
- providing non-threatening assistance to workers who recognise that they have alcohol and/or other drug related problems (e.g. employee will be informed of the availability of Council's Employee Assistance Program); and
- respecting the privacy of workers by ensuring that appropriate systems are in place to maintain confidentiality.

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4. Expectation on Employees to Present Fit for Work

Employees when presenting themselves for duties will ensure they are physically and psychologically capable of safely performing the requirements of their position so they do not expose themselves, their co-workers or other people in the workplace to unnecessary risks to health and safety.

They shall report to their supervisor/coordinator or manager:

- Any condition which may impact on their mental or physical ability to safely perform tasks associated with their employment;
- If they suspect or have reason to believe they have a Breath Alcohol Content above that prescribed for their work;
- That they are or have reason to believe they may be, under the influence of a prohibited drug;
- If on prescribed or over the counter medication that has the potential to impact on their judgement or performance at work. Supporting medical documentation which includes the medication, dose and potential affects shall be produced on request;
- A person shall consent to a fit for work alcohol, or other drug test, as and when directed to do so by an authorised company representative identified in this procedure.

Employees shall report to their supervisor, co-ordinator/manager a reasonable belief if a person is displaying any loss or abnormality of psychological, physiological, or anatomical function or of any loss of function that maybe directly attributed from the consumption or use of any drug or alcohol. Or where significant evidence suggests there has been the consumption or use of any drug or alcohol that may be in breach of this policy.

In such a situation, management will make a determination concerning testing of any reported person.

The assessment of a person is to be made in accordance with a list of observable indicators in the context of changes to a person's behaviour. At least two responsible persons will participate in the assessment, wherever possible, the Human Resources Manager will be one of those persons. A Union Representative is allowed to be present, at the employee's request, during the assessment of said employee.

A responsible person for the purpose of this policy is persons at a managerial level, which includes Outdoor Supervisors.

5. Breach of this Policy

Any deliberate breaches of this Policy may result in disciplinary action being taken. Disciplinary Action will be in accordance with Council's Performance and Misconduct Policy which has been derived from the process set out under the Local Government (State) Award 2017.

Council will aim to provide support and referral to rehabilitative services but there will be occasions when disciplinary action is appropriate. This will be dependant on many factors including but not limited to whether or not an alcohol or drug issue had been

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disclosed to Council confidentially; whether or not an incident occurred under the influence of drugs or alcohol; whether the individual cooperated with Council in the process of ascertaining whether alcohol or drugs were present in their system; whether this was a first occurrence or a reoccurring pattern etc.

6. Legislative Requirements

General employer/worker obligations in relation to workplace work health and safety exist under:

- The *Work Health and Safety Act 2011 (NSW)*, and
- The *Work Health and Safety Regulations 2017 (NSW)*.

Workers who drive motor vehicles for work (including when travelling to and/or from work) must obey applicable road safety laws, including those relating to prescribed concentration levels for alcohol and other drugs. For further information in relation to prescribed concentration levels refer to:

- The *Road Transport (Safety and Traffic Management) Act 1999 (NSW)*, and
- The *Road Transport (safety and Traffic Management Regulation 1999 (NSW)*

7. Other References

Australian Standards:

- AS3547:1997 – Breath alcohol testing devices for personal use
- AS4760:2006 – Procedures for specimen collection and the detection and quantitation of drugs in oral fluid

8. Associated Documents

This policy is supported by a detailed Alcohol and Other Drugs Procedure that was developed by “industry parties” (the USU, LGEA, DEPA and LGNSW).

Other relevant documents include:

- Performance and Misconduct Policy
- Council’s Code of Conduct
- Alcohol and Other Drugs Procedure

POLICY ADMINISTRATION

This policy is administered by the Human Resources Manager and will be reviewed every two years and updated where applicable. Council reserves the right to vary or revoke this policy from time to time.

POLICY VERSION AND REVISION INFORMATION

Policy Authorised by Council.

Current Version: 1

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