

Drugs and Alcohol in the Workplace

1. Purpose

The City of Greater Dandenong is committed to achieving and maintaining a productive workplace that meets the highest standards of health and safety.

This Policy recognises that the use of alcohol and drugs can adversely affect work performance and the health and safety of persons in the workplace. These effects can result in accidents and injury, increased absenteeism, decreased productivity, low morale and a reduction in client confidence in our ability to provide quality and timely services.

Accordingly we require employees, volunteers and other workplace participants to maintain a physical, emotional and mental condition, fit to perform their work activities in a safe manner and without added risk to themselves or others.

2. Scope

This policy applies to all employees and volunteers at Council. The policy also applies to all contractors, and those people employed through an agency, who work for or on behalf of Council, hereafter referred to as workplace participants.

The obligations contained in this policy apply to all workplace locations for which the person is present because of work. This includes functions, meetings or activities attended for or on behalf of Council.

3. Objectives

This Policy specifies the requirements for a safe and healthy work environment and promotes the awareness of the implications of drug and/or alcohol dependency.

The key objectives of this Policy are:

- 3.1 To provide a healthy workplace culture. Council will foster a supportive environment that aims to reduce alcohol and drug related harm to employees. Council will provide a reasonable amount of support to employees to increase knowledge and skills for responsible alcohol consumption. This will be achieved through vigilance, consultation, training education, counselling, rehabilitation and the application of relevant policies and procedures.
- 3.2 To develop a culture where presenting for or remaining at work whilst affected by drugs and/or alcohol will not be condoned.
- 3.3 To ensure Council fulfils its responsibilities under its obligations of duty of care in relation Section 21 of the OHS Act 2004, and to ensure all employees, volunteers and other workplace participants cooperate in meeting this legislative responsibility.

4. Definitions

Alcohol:

The term 'alcohol' describes a series of organic chemical compounds, but only one type, *ethyl alcohol* or *ethanol*, is found in drinks intended for human consumption, and this is the type that is the subject of these guidelines. Alcohol is a social drug that affects people in different ways and recommended alcohol consumption limits to reduce health risks from drinking vary.

Blood Alcohol Concentration (BAC):

Blood alcohol concentration is expressed as grams per 100 millilitres of blood, or as a percentage (%).

Disciplinary procedures:

Refers to any Council policy or procedure associated with the management of unacceptable performance or behaviour, including but not limited to Council's Policy and Procedure for Performance and Behavioural Issues.

Employee Assistance Program (EAP):

A program provided by the organisation specialising in counselling, education and rehabilitation. It provides confidential support and advice on personal problems including, but not limited to, drug and/or alcohol dependency. Access to support mechanisms provided under this policy are available to employees, volunteers and their immediate family members.

Fit for Work Condition is:

When a person is physically, emotionally and mentally able to perform their work responsibilities in a competent manner, which does not compromise or threaten the health and/or safety of themselves or other persons.

A drug and/or alcohol test may be required to assist in determining a person's fitness for work.

Illegal or Illicit Drug:

Illegal or illicit drugs include any substance prohibited by State, Territory or Federal Government law or regulation. This definition may also include prescription or pharmacy drugs obtained illegally or used for illegal or inappropriate purposes.

Prescription Drug:

A substance which requires written authorisation by a qualified medical practitioner to enable purchase of the substance from a pharmacy.

5. General Policy Statement

- 5.1 Council believes that drug and alcohol dependence is a treatable condition and accordingly it will provide employees and volunteers with reasonable support through specialist consultation and access to rehabilitation programs such as the Employee Assistance Program.
- 5.2 Council will take all reasonable steps to ensure a person who seeks support or treatment for drug and/or alcohol problems is not victimised or inappropriately treated as a result.
- 5.4 Council recognises its legal obligations under privacy legislation, and will ensure all information relating to a person's alleged use of drugs and/or alcohol, is treated in accordance with its privacy and confidentiality policies.
- 5.5 Employees, volunteers and other workplace participants have a responsibility for their own welfare and behaviour in the workplace. Where their behaviour gives **rise to concerns about their ability to safely perform their assigned roles** to the required level of competency, the Manager or Supervisor will implement appropriate actions in accordance with this policy.
- 5.6 **Any employees, volunteers and other workplace participants whose 'observable behaviours' lead to the reasonable belief that they are adversely impacted by alcohol and/or drugs, will be moved to a suitable safe place.**

Those employees with observable behaviours will be directed to attend a suitably qualified practitioner (eg. Doctor or suitably trained professional) for the purpose of undergoing an assessment by a medical practitioner and/or an alcohol or drug test to determine their fitness for work.

Should an unacceptable limit be recorded, the content limits under law (Road Safety Act 1968) shall prevail, he/she will not be permitted to resume work until such time as Council is satisfied that they are in a fit for work condition. This may include undergoing appropriate counselling and/or rehabilitation, provision of current medical evidence of their functional capacity or other medical certification that they fit for work. During this time the employee will be required to take leave to cover their absence from work.

6. Responsibilities

6.1 Drivers of Vehicles for Council business

Employees, volunteers and other workplace participants, while driving a Council vehicle or a privately owned motorised vehicle for the purpose of work activities, shall make themselves aware of the relevant State or Territory legislation (e.g. Road Safety

Acts) in regard to the prescribed levels of alcohol and drugs when driving or operating a motorised vehicle, and shall comply with these requirements. (Refer Appendix 2)

Council will not accept any liability for any damage caused to or by any vehicle or machinery, any injury to any person or damage to property caused whilst the worker is found to be affected by drugs or use of alcohol beyond the established BAC limits for the activity.

6.2 Directors:

6.2.1 Ensure that the Policy is communicated and applied within the organisation.

6.2.2 Deal with matters referred to them under this Policy, including taking the appropriate action in accordance with Council's disciplinary procedures.

6.3 Managers and Team Leaders:

6.3.1 Ensure that the Policy is effectively implemented by providing education, instruction, training and assistance in regard to the appropriate use of drugs and alcohol in the work place context.

6.3.2 In accordance with the objectives of the Policy, Management must take action when the situations below occur:

- Where an employee or workplace participant is determined to be in breach of this policy; or
- Where an employee, workplace participant or visitor is assessed as being not fit to work based on observable behaviours, medical practitioners report, or other appropriate information; or
- Where an employee, workplace participant or visitor is found to be in possession of alcohol or illicit drugs, in contravention of this policy, at any time while in the work place.

6.3.3 Take reasonable steps to ensure any person reporting an observation or suspicion of a person acting in an unsafe manner due to the possible consumption of drugs and/or alcohol is not victimised or adversely impacted as a result.

6.4. People and Procurement

6.4.1. Explain and promote the benefits of the Council's Employee Assistance Program (EAP), and maintain a high level of discretion and confidentiality at all times with regard to those persons who are participants in the program.

6.4.2. Ensure that Team Leaders and Managers are adequately trained to implement and support the Policy.

- 6.4.3. Review the Policy and compliance at regular intervals and inform the Directors/Management and employees accordingly. This will be completed through the Occupational Health and Safety Committee inclusive of consultation with the Staff Consultative Committee.

6.5. Employees, Volunteers and other workplace participants shall:

- 6.5.1 Comply with the requirements of this policy on all occasions when performing their work activities, or representing Council. This includes those persons who are assigned to be “on call” for duty as required.
- 6.5.2 Perform their work activities in a fit for work condition. If they feel they are not in a fit condition to perform their work activities they must notify their Team Leader or Manager of their absence in accordance with prescribed departmental processes.
- 6.5.3 Seek advice from a suitably qualified medical practitioner including doctor or pharmacist in regard to any drug they are consuming and its effect on their ability to perform their work activities in a fit for work condition.
- 6.5.4 While representing Council on the premises of another organisation, comply with the host organisations’ drug, alcohol and safety policy and Council’s policies, which ever imposes the higher standard of behaviour.
- 6.5.5. Report any matter of unusual behaviour which has the possibility of impacting on someone’s ability to undertake their role safely.

7. Council Events and after hours work functions

Where alcohol is offered at an activity or meeting (including social, luncheon or dinner event) employees, volunteers or other workplace participants must ensure that they do not consume quantities of alcohol which may result in them being adversely affected. This includes maintaining a state that ensures they:

- Can perform their functions and duties to the required level of competency;
- Maintain their own safety and that of others;
- Do not bring themselves or Council into disrepute; and
- Conform to statutory requirements in regard to blood alcohol concentration limits as referred to in Appendix 2.

8. Education, Training and Awareness

All employees will attend drug and alcohol education and awareness sessions. The education and awareness program will cover the implications of drug and/or alcohol consumption, how drugs and alcohol contribute to accidents, injury and resultant trauma.

Council will provide relevant information and training to Managers and Supervisors on dealing with drugs and alcohol in the workplace.

Council Induction Programs will include reference to:

- An explanation of the Drug and Alcohol Policy
- Education awareness – drugs and alcohol
- The employee assistance program (EAP)

Volunteers will be provided with information regarding Council's policies and procedures relevant and applicable to their role. This information must include the consequences of non-compliance.

9. Counselling

Council recognises that drug and/or alcohol dependency is a treatable condition. Councillors, employees and volunteers dealing with such problems are encouraged to seek assistance through Council's Employee Assistance Program (EAP) and their own doctor, government or private health programs for treatment.

Council recognises its legal obligations under privacy legislation, and will ensure all information relating to a person's use of drugs and/or alcohol, is treated in accordance with its privacy and confidentiality policies. Non-confidential information for statistical purposes, for confirmation of attendance at an EAP or for any health and safety improvement actions, may be provided to the appropriate Team Leader or Manager.

Information that is needed to seek legal advice or if required by law will be handled in a confidential manner by a Director, Manager or their nominee.

Employees or their immediate family and volunteers who believe they have a drug or alcohol problem, are encouraged to seek help through the Council's Employee Assistance Program (EAP). Access to the program will be at the expense of Council for an agreed number of sessions, or as otherwise approved by Organisational Development. It is not intended that this level of support is provided on an ongoing basis and the EAP service will assist in referring the person to appropriate services as required.

10. Use of Prescription and Over the Counter Medication

In some cases an employee may need to take prescription or over the counter pharmaceuticals that have the potential to impact on their ability to undertake their duties safely or to the required level of competency.

Council will work with an employee to endeavour to make where possible or practicable, reasonable adjustments to enable the person to undertake their role safely and to the required level.

It is the duty of all employees to:

- 10.1 Disclose the fact they are taking medication which may impair their ability to undertake their role safely and to the required level.
- 10.2 Seek advice from their medical practitioner or pharmacist in regard to the effects a drug may have on their ability to perform their work activities. When that advice indicates that their work performance or safety may be affected, they must advise their Supervisor or Manager of this risk in a timely manner.
- 10.3. Not drive or operate machinery or equipment when they are adversely affected by the medication.
- 10.4 Check for warning messages or information on or in the drug packaging that indicates a restriction should be observed.

11. Circumstances under which an employee or volunteer may be asked to undertake a drug and/or alcohol test.

In the event that Council believes that an employee or volunteer may be under the influence of Drugs/Alcohol in accordance with Council's definitions for Fit for Work Council may request that the employee undertake a saliva drug or breath test, the test will be undertaken by a registered provider in accordance with Australian Standards.

For Cause Testing

Testing may be carried out when an employee presents in an impaired state based on 'observable behaviours' or where Council is made aware of information which gives reasonable cause for Council to form a view that the person may be unfit.

Any testing will be undertaken by a trained assessment consultant in instances such as:

- An employee is involved in a vehicle accident at work.
- An employee displays any unsafe behaviour, causes injury to any other person, commits an act of negligence or carelessness or shows disregard for safety.
- There is a valid reason to believe that an employee is adversely affected by drugs or alcohol.

Employees have a right to be represented by a support person. A support person may include a colleague, friend, relative or a union representative, EEO or OHS representative.

The employee can only return to work at Council's discretion where:

- a) The employee takes a period of leave/ or a break after which time they present back at the work place in a state where observable behaviours indicate they are fit for work; or
- b) They provide documentation from a suitably qualified medical practitioner that they are fit for work; or

- c) It is practicable to relocate the person to short-term alternate duties or location until such time as their observable behaviours indicate they are fit for work.

12. Consultation

This policy is to be applied fairly, objectively and equitably. It is important to act in an ethical and professional manner and with consistency on each occasion as it applies to all employees, volunteers and other workplace participants. The provisions of the Policy must be adhered to. Managers or Supervisors are to request a discussion with the person in a private location away from other workers, where possible. The privacy and safety of the person and others is to be prioritised at all times. The person will have access to a support person who may include a colleague, friend, relative or a union representative, EEO or OHS representative.

13. Suspected Breach of Policy

All suspected breaches of the Drugs and Alcohol Policy will be dealt with under the provisions of Council's disciplinary procedures.

14. Process for Workplace Participants

Where 'observable behaviours' reasonably indicate that a person may be in breach of Council's policy (as outlined above in this policy), a Contractor or other workplace participant may be asked to leave the workplace and will be referred to their employer to activate their relevant policies and procedures to address the matters of concern.

Such a person will not be permitted to return to a workplace under Council's control or direction, without Council approval. Prior to returning, the person or their employer may be required to produce written evidence from a suitably qualified practitioner that certifies them as being fit to undertake the duties for which he/she is engaged by Council, in a safe and competent manner.

Council may also take action to terminate engagement in accordance with the terms and conditions of the contract.

15. Return to Duty

- 15.1. An employee, volunteer or other workplace participant, who has been found to be in breach of Council's Drug & Alcohol Policy will not be permitted to return to a workplace under Council's control or direction until they provide documentation from a suitably qualified medical practitioner that they are fit for work.

- 15.2 A Return to Work or Care Plan may be developed to assist a person to return to their substantive role following an absence.

16. Support offered by Council

Council will take all reasonable steps to assist staff to comply with this policy. This may include but is not limited to:

- Education and training of employee and volunteers in the safe consumption of alcohol and use of drugs.
- Provide alternate non alcoholic drinks at Council functions
- Comply with requirements of responsible service of alcohol
- Provide alternative transport options such as public transport or taxi voucher from Council endorsed functions where alcohol is served.

17. Confidentiality

Confidentiality of an employee, contractor, representative or visitor's personal details, or their drug or alcohol result, will be treated in accordance with Council's privacy and confidentiality policies and the provisions outlined in the Privacy Act and the Medical Records Act. A failure to maintain confidentiality may result in action in accordance with Council's disciplinary procedures.

18. Council Functions or Catered Activities

- 18.1. A function organised by or for Council that takes place on Council premises or at any other location, and involves the responsible serving and consumption of alcohol, must also provide food and non-alcoholic beverages e.g. soft drinks, water, tea or coffee at such functions.
- 18.2. Alcohol shall not be consumed by a person at any Council function, when that person intends to or is required to return to work, which requires them to have a zero alcohol level, in accordance with requirements of appendix 2.
- 18.3 Employees, contractors, volunteers and workplace representatives are expected to self manage themselves in regard to the amount of alcoholic drinks they consume. A person whom the nominated supervisor considers to be affected by alcohol, shall not be served any more alcohol.

If the nominated supervisor deems necessary, they will arrange for that affected person to be transported by taxi or a responsible driver, to their home or a suitable location.

Where a person refuses or ignores the nominated supervisor's reasonable directive to take alternative transport, they will be considered to be in breach of the Policy.

19. Disputes and Resolutions

Disputes arising as a result of the application of this policy may be addressed in accordance with Council's Staff Grievance Resolution policy.

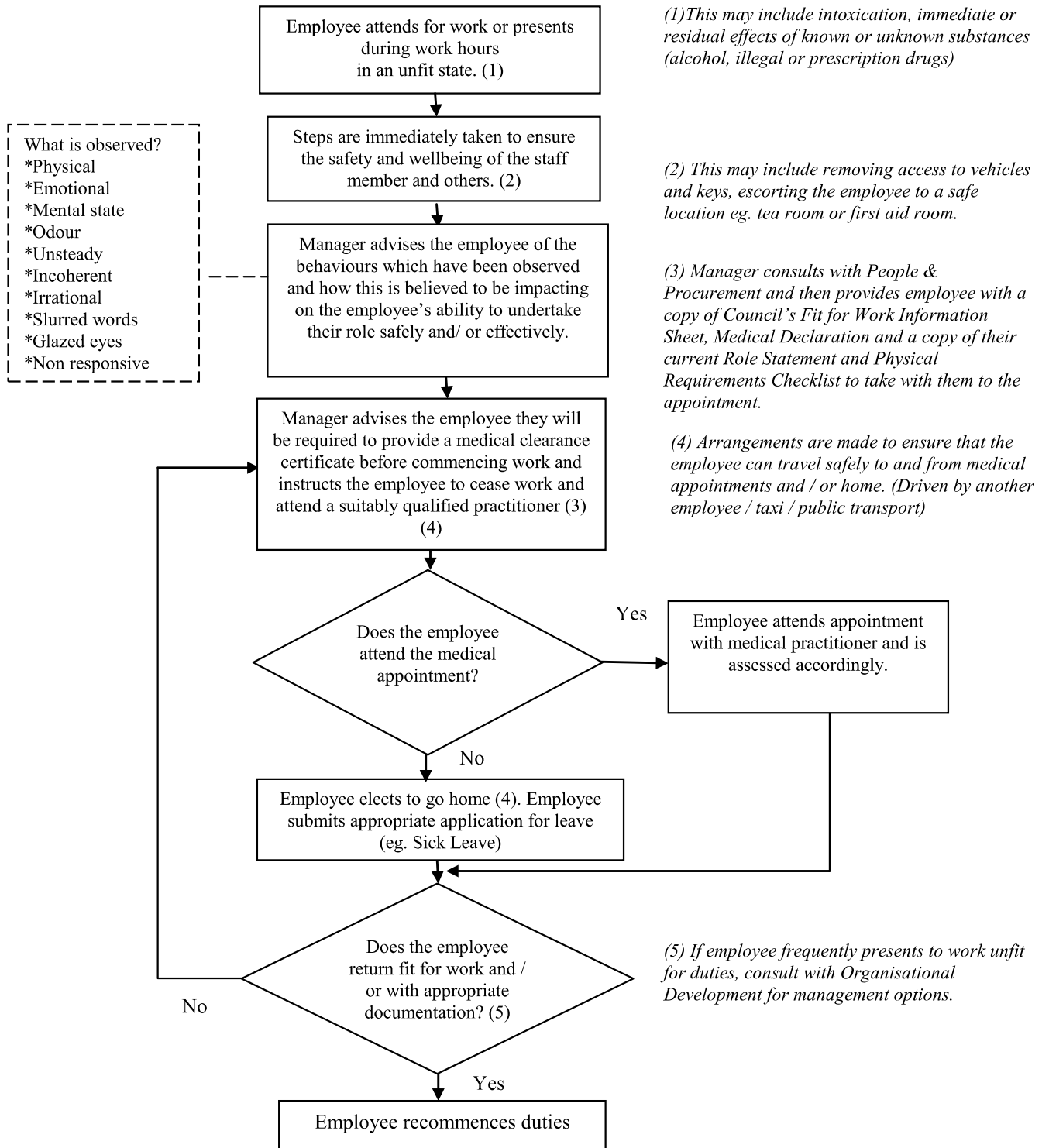
Any dispute in regard to the meaning or interpretation of the policy shall be referred to the Manager People and Procurement for review and resolution. When an immediate resolution is not possible, they shall make such decisions to ensure that the spirit and intention of the policy, that is a safe and healthy work environment, is maintained at all times.

20. References:

AS 4760:2006:

Australian Standard "Procedures for the collection, detection and confirmation of drugs in oral fluid".

- Policy & Procedure for Performance & Behavioural Issues
- Staff Grievance Resolution policy
- Road Safety Act 1986
- Occupational Health & Safety Act 2004
- Employee Assistance Program
- Council's Code of Conduct
- Reasonable Adjustment Guidelines
- Privacy Act 1988
- Health Records Act 2001



Appendix 2 Tasks and Activities which require zero blood alcohol limits

A number of Council tasks and activities are required by laws to have a zero BAC. This includes but is not limited to:

- Drivers on a probationary licence (P plates) or learner permit (L plates)
- Bus drivers must not have drugs or alcohol present in his or her blood or breath immediately before or while driving a bus
- Drivers of heavy vehicles with a Gross Vehicle Mass (GMV) in excess of 15 tonnes will be required to have a zero BAC level in accordance with section 52 of the Road Safety Act
- Employees with a zero BAC conditional licence