

HR24. Drug and Alcohol-Free Environment Policy

Policy Objective

To provide all employees, elected members, volunteers, contractors and visitors with a safe and healthy working environment by ensuring a drug and alcohol free workplace.

Policy Statement

This policy shall apply to all Shire of Dundas employees and Elected Members.

For the purposes of this policy, the term “employee/s” shall extend to cover contractors, volunteers and any person performing work for or with the Shire of Dundas in any capacity.

The Shire of Dundas and its employees must take all reasonable care not to endanger the safety of themselves or others (including customers) in the workplace.

Alcohol and other drug usage become an occupational safety and health issue if a worker's ability to exercise judgment, coordination, motor control, concentration and alertness at the workplace is impaired.

The Individual's Responsibility

Under the Occupational Safety and Health Act 1984 (the OSH Act), workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace. The consumption of alcohol and/or drugs while at work is unacceptable, except in relation to any authorised and responsible use of alcohol at workplace social functions. Employees are required to present themselves for work and remain, while at work, capable of performing their work duties safely. An employee who is under the influence of alcohol and/or drugs at the workplace, or is impaired, may face disciplinary action including possible termination of employment.

Reporting Requirements

Employees must report to their employer any situation where they genuinely believe that an employee may be affected by alcohol and/or other drugs.

Drug Use on the Premises

Employees who buy, take, or sell drugs on Shire of Dundas premises, may be found to have engaged in serious misconduct. Such behaviour may result in disciplinary action up to and including dismissal.

Employees who have been prescribed medication/drugs by a medical practitioner that could interfere with their ability to safely carry out their role must inform their line manager and disclose any side effects that these medication/drugs may cause by completing the Shire of Dundas Fit for Work Declaration.

HR24. Drug and Alcohol-Free Environment Policy

Consumption of Alcohol on the Premises

Except in situations where the Shire of Dundas holds a function on the premises and alcohol is provided, employees must not bring in and/or consume alcohol in the workplace.

Drug/Alcohol Treatment Programs

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the Shire of Dundas will provide assistance to the employee:

- The Local Government will allow an employee to access any accrued personal or annual leave they are undergoing treatment. And;
- The Local Government will take steps to return an employee to their employment position after completion of the treatment program, if practicable in the circumstances.
- A medical clearance certificate from qualified medical doctor (i.e. general practitioner) may be required to prove that the employee is fit, healthy and safe to work for the Shire.

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the line manager or members of senior management, will review the full circumstances and agree on a course of action to be taken. This may include redeployment to suitable alternative employment, or possible termination from employment if the employee is unable to safely carry out the requirements of their role.

Managers' Responsibilities - Consumption of Alcohol at Work Sponsored Functions

Team managers shall:

- encourage their people to make alternative arrangements for transport to and from work prior to the function.
- ensure that the following is made available:
 - low alcohol beer, soft drinks and water;
 - other beverages such as tea & coffees; and
 - food;
- if the manager believes a person may be over the BAC 0.05 limit, assist the person with safe transport home (including contacting a family member or arranging alternative transport); and
- if the manager has to leave the function early, appoint a delegate to oversee the rest of the function.

Drug & Alcohol Testing

The Shire of Dundas may undertake regular random or blanket testing, without notice, of all employees for alcohol and other drugs that could affect workplace safety. Testing will be undertaken by a suitably qualified practitioner.

HR24. Drug and Alcohol-Free Environment Policy

If the Shire of Dundas suspects that an employee is under the influence of drugs and/or alcohol it may pursue any or all of the following actions:

1. Issue a directive that the employee will not be able to continue work.
2. Request that the employee attend a medical facility and submit to a medical assessment and/or drug and alcohol test, to determine whether the employee is fit to safely perform their duties;
3. Ensure that the employee is offered safe passage to the medical facility. Under no circumstance should the employee be encouraged to drive a vehicle if they are suspected of being under the influence.
4. Issue a directive that the employee goes home. Ensure that the employee is offered safe passage to their place of residence. Under no circumstance should the employee be encouraged to drive a vehicle if they are suspected of being under the influence.

Testing may be carried out due to:

1. Pre-Employment Testing: As part of the recruitment selection criteria (refer to Policy HR.15), preferred candidates for employment positions are required to attend a medical assessment which may include drug and alcohol testing. Should an individual refuse a test, or a positive test be returned, appointment may not proceed.
2. Random drug and alcohol testing: An employee or group of employees may at any time and without notice be requested to undergo a random drug and alcohol test.
3. An employee involved in a significant accident/incident or a near miss whilst at work shall, where practical, be tested.
4. The Shire of Dundas, including Management or any other person within the workplace with the support of Management, having reasonable grounds to believe that an employee may be influenced by alcohol and/or other drugs. Reasonable grounds may include (but are not limited to), where an employee's coordination appears affected, has red or bloodshot eyes or dilated pupils, smells of alcohol, acts contrary to their normal behaviour, or otherwise appears to be affected by drugs and/or alcohol.
5. If evidence is found of possible drug or alcohol use (e.g drug paraphernalia or alcohol containers).

The testing will be carried out in compliance with the Australian Standard AS/NZS 4308: 'Procedures for the Collection, Detection and Quantification of Drugs of Abuse in Urine', or Australian Standard AS 4760-2006 'Procedures for Specimen Collection and Detection and Quantization of Drugs in Oral Fluid including full GC-MS (Gas Chromatography – Mass 200 Spectrometry) confirmation testing facilities available in a secure, dedicated laboratory. This service will be used to confirm all positive screen results to ensure maximum legal protection for both employee and employer.

In circumstances where an employee indicates the consumption of prescription or pharmacy drugs, the Shire of Dundas may request further information from the medical practitioner conducting the assessment about the effects and proper usage of the prescription or pharmacy drugs being taken. The Shire of Dundas may direct the employee to go home following the medical assessment until it can be established that they are fit to undertake their duties.

HR24. Drug and Alcohol-Free Environment Policy

Refusal to test – If an employee refuses to attend a medical examination or refuses to submit to an alcohol or drug test, the employee will be immediately directed to go home. Refusal to attend a medical assessment or refusal to go home constitutes a breach of this policy and may result in disciplinary action being taken against the employee up to and including the termination of employment.

The following steps are to be taken where an employee who has submitted to a medical assessment returns a positive test result for alcohol and/or drugs:

1. The employee tested and the supervisor, or manager, will be informed of the result;
2. A disciplinary discussion will take place in accordance with the disciplinary policies and procedures of the Shire of Dundas.

An employee who returns a positive test will be in breach of this policy. A breach of this policy may result in disciplinary action being taken against the employee up to and including the termination of employment.

Education, Training & Awareness

Employees who recognise that they have an alcohol or drug problem, or that they are at risk of developing one, are encouraged to come forward so that they can be assisted to get the appropriate help. The Shire of Dundas will assist the employee in engaging the services of suitable health professional/s to ensure appropriate help is sought and received.

Consequences of Breaching this Policy

An employee engaged by the Shire of Dundas who breaches the provisions of this policy could face disciplinary action including possible termination of employment.

Policy Reviewed October 2020