



YOUNG SHIRE COUNCIL

**DRUG AND ALCOHOL
POLICY
NO 8**

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1 AIM/PURPOSE

The purpose of this Procedure is to help ensure that people are “fit for work” whilst performing duties at Young Shire Council (“the Council”) and that Council has a mechanism to appropriately manage the misuse of alcohol and other drugs in the workplace through training, education and where required, rehabilitation.

It is the goal of Council to:

- * eliminate the risks associated with the misuse of alcohol and other drugs, thereby providing a safer working environment;
- * to reduce the risks of alcohol and other drugs impairment in the workplace; and
- * to promote a supportive culture that encourages a co-operative approach between management and employees and builds on the shared interest in workplace health and safety.

2 INTRODUCTION/BACKGROUND

Safety in the workplace and fitness for work

Workers and other people at work (contractors & volunteers) are obliged to present themselves for work in a fit state so that, in carrying out normal work activities, they do not expose themselves, their co-workers or the public to unnecessary risks to health and safety.

Both the welfare of the individual and the health and safety of other people need to be considered. Although disciplinary action may be necessary, this policy also focuses on preventative measures.

3 AFFECTS OF ALCOHOL

Alcohol is a depressant drug which slows brain activity and responses. Evidence indicates that impairment of mental and motor functions occurs at a blood alcohol level of above 0.03%, which is equivalent to the consumption of two standard drinks in the first hour and one drink per hour there after.

Alcohol causes loss of balance and co-ordination and reduces ability to judge speed and distance, it impairs ability to process and respond to situations, make decisions and take actions. Alcohol increases confidence and aggression.

The other effects of alcohol are:

- Impairment of co-ordination, judgement, intellectual capacity, decreased concentration and ability to act quickly;
- Impaired eyesight;
- Slurred speech;
- Impairment of the reflex action of the automatic nervous system.

4 AFFECTS OF DRUGS AND MEDICATIONS

There are a range of drugs (e.g. cannabis, amphetamines) which can produce unfavourable work performance, e.g. confusion and impaired motor co-ordination.

There are also ranges of medication, which can affect performances as seriously as drugs or alcohol. These include pain relievers, sleeping pills, and tranquillisers, cough medicine, antihistamines and so on. Many of these commonly used medications have a potent and adverse effect on performance, particularly when mixed with alcohol.

4.1 Testing for drugs and alcohol

Workplace Testing should be undertaken where there are existing legislative provisions or where employers, health and safety representatives, workers and unions formally agree.

No worker will be victimised or discriminated against by the implementation of this policy. Any worker may appeal a decision made under this policy in accordance with the appeals mechanism set out in Clause 5.14 of the Young Shire Council Drug and Alcohol Policy.

All tests will be undertaken in accordance with National Association of Testing Authorities Australia (NATA) guidelines and requirements.

Young Shire Council will test for Alcohol and Drugs under the following circumstances:

- During pre-employment medical assessments and for change in employment status, e.g. Casual to full-time;
- Where required by a customer or regulatory authority;
- Immediately following any incident or dangerous incident;
- Random testing to be conducted by an independent organisation
- Where there is reasonable cause to believe that the person at work may be impaired by drugs/alcohol to be conducted by a suitably trained workplace representative.
- Where at work a person's impairment by drugs/alcohol poses a substantial and demonstrable safety risk to their own safety and the safety of other people; to be conducted by a suitably trained workplace representative.
- Where the type of drug test to be used can identify the presence of a drug/alcohol at concentrations, which may cause impairment.
- If a worker is involved in an accident/incident, or potentially dangerous incident or damage to plant/equipment then drug and alcohol testing procedures will be instigated and to be conducted by a suitably trained workplace representative.

If there is an indication or suspicion of Drug or Alcohol impairment and the testing is refused, such refusal shall be treated as a disciplinary matter.

5 APPLICATION/RESPONSIBILITY

This policy applies to all persons at work, including workers, contractors and volunteers.

5.1 Drugs and alcohol in the workplace

The use of drugs or alcohol in the workplace – including council premises, parks, reserves, vehicles, plant, or any council building or physical asset – is prohibited. No alcohol shall be stored in Council work places. The General Manager may waive this requirement where circumstances warrant – for example, when Council sponsors a social event, such as an official farewell or a Christmas party.

The focus of this policy is drug and alcohol dependence, which affects the work performance of the individual. This policy is directed towards maintaining a satisfactory level of health, safety and work performance at the workplace.

5.2 Prescribed drugs or medication

A person at work must advise their Supervisor if they are taking any prescribed drug or medication, which may affect their fitness for duty or work performance. Consequently, the person at work should find out from their doctor or pharmacist what the effects of a drug, prescribed for their consumption, would be on work performance.

5.3 Supervisor and Worker Obligations

It is the responsibility of all Supervisors and workers to ensure that no worker commences and continues duty if the worker appears to be affected by alcohol, illegal drugs, medication or other substances which may reasonably be considered to lead to a safety risk or an inability to fulfil the requirements of the position.

5.4 Worker, Contractors & Volunteers Obligation to Present for Duty in a Fit State

Worker's contractors and volunteers are obliged to present to work in a fit state so that in carrying out normal work activities they do not:

1. Expose themselves, their co-workers or the public to unnecessary risks to health and safety or;
2. Inhibit their ability to fulfil the requirements of the position or ;
3. Present poor public image of Council.
4. Cause any damage to property and/or equipment.

Each worker is responsible for any civil or criminal penalty which results from their being under the influence of drugs or alcohol.

Volunteers must refer to and comply with Council's Volunteer Policy

5.5 Drug and Alcohol Program of Testing

Young Shire Council has established a program of testing that includes; pre-employment, voluntary or self testing, post incident, fitness for work (impairment) and limited Random Testing.

This will:

- Provide people information about the effects of alcohol and other drugs
- Discourage people from coming to work where they may be unfit for work because of alcohol or other drugs; and
- Assist in identifying people who may be unfit for work.

5.6 Voluntary Testing

Voluntary testing allows staff who disclose to Human Resources, or their Director/Supervisor that they may have a drug and/or alcohol problem, the ability to volunteer to be tested either for drugs and /or alcohol.

Staff will however be expected to actively participate in a structured rehabilitation program with the aim of continuous improved test results reducing the reported positive test level over an agreed predetermined timeframe.

Voluntary testing returning a positive test result will be managed on a case by case basis.

These Workers should request a voluntary test if in doubt, prior to the commencing duties. If they are found to be above the BCA limit for alcohol or positive for drugs following an oral swab, they are to report this immediately.

5.7 Council's rights when drug or alcohol use is suspected

When the Supervisor or any worker suspects the worker is affected by alcohol, illegal drugs, medication or other substances, Council reserves the right to remove the worker from the work site and require a medical examination or drug test at Council's expense, to determine fitness for duty.

Reasonable suspicion means a suspicion is reasonably held (using the observer's indicators of impairment) by two responsible persons.

Assessment of a person's impairment is to be made in accordance with the list of observer's indicators (Appendix 1). This assessment is not to be made on assumptions based on a staff member's previous behaviour or work record.

At least one (1) of the physical indicators in Appendix 1 must be satisfied and agreed between the responsible persons for reasonable suspicion to be established.

5.8 Post Incident Testing

After any accident/incident , or potentially dangerous incident or damage to property and/or equipment, the Supervisor in consultation with the relevant Director , should require an worker, contractor, volunteer, or work experience person (above the age of 18yrs) in the workplace to undergo an initial alcohol or drug test (obtained by saliva).

This test should be undertaken as soon as possible after the incident has occurred.

In the absence of the relevant Director the Supervisor must consult with HR as to whether a test is not required.

An injured person who requires immediate medical attention may only be tested when it is appropriate. In such cases, testing procedures other than breath or saliva may be used in accordance with the appropriate Australian Standards.

5.9 Random Testing

Alcohol - Where Council makes available alcohol breath testing devices on site and where they are accessible to workers on site, it shall be the initial responsibility of workers to ensure that they do not exceed the legal blood alcohol levels whilst at work during working hours, utilising these devices.

Where these devices are readily available on the worksite, those workers at that worksite can be subject to random testing by breath analysis at any time during working hours.

Testing – will be undertaken by an independent organisation with the minimum testing being at least four (4) times a year selected at random by the company employed to provided the service .

Drugs- Tests will be undertaken by an independent organisation with the minimum testing being at least four (4) times a year selected at random by the company employed to provided the service .

Individuals who have either failed a drug test or who refused unreasonably a drug test resulting from a reportable incident or damage to property / equipment and/or a determination of impairment shall in the first instance, will be placed upon a random testing list for a period of up to 12months.

5.10 Worker assistance referral scheme

The General Manager may consider referral to a counselling service, which, among other things, assists Workers who voluntarily seek help for alcohol or drug dependence problems. Participation by any Worker in the Worker assistance referral scheme will be regarded as confidential. Workers who suspect that they may be dependent on alcohol or drugs are encouraged to seek external clinical assistance or to seek counselling.

5.11 Drug and alcohol awareness program

Council will support a drug and alcohol awareness program designed to inform Workers and other people at work of the dangers and consequences of drug and alcohol use in the workplace and the availability of Worker assistance.

5.12 Confidentiality

At all times in the application of this policy confidentiality will be maintained by all parties.

5.13 Breaches

In relation to alcohol, a breach of the policy is considered where a confirmatory test of blood alcohol result is 0.02% or more.

In relation to illegal drugs, a breach of this policy is considered where a confirmatory test for any illicit drug is recorded.

In relation to other drugs, if prescribed substances are detected the treating medical officer will be contacted and further pathology testing undertaken to certify that the detected level could be expected to breach the worker's obligation to present for duty in a fit state.

- **Workers**

In relation to workers the procedure for dealing with breaches shall follow the Procedure for Dealing with Drug or Alcohol Abuse which is attached to this policy.

- **Contractors & Volunteers**

In the case of a Contractor, Volunteer or other person at work, their services may be terminated.

5.14 Appeals

A worker's right to appeal will be in accordance with the Grievance and Dispute Procedure set out in the Local Government (State) Award 2010.

5.15 Variation

Council reserves the right to review, vary or revoke this policy.

6 APPENDIX –PROCEDURE FOR DEALING WITH DRUG/ALCOHOL ABUSE

The procedure for dealing with worker drug and alcohol abuse is divided into four stages:

Stage 1 – Initial Warning and Counselling

Stage 2 – Formal Warning and Counselling

Stage 3 – Final Warning

Stage 4 - termination

6.1 Stage 1 Initial Warning and Counselling

The immediate Supervisor should conduct Stage1. The worker may request a union representative to be present. Procedural fairness must be observed as follows:

- 5.8.1 The Supervisor must clearly state the performance-related reasons for the interview e.g. 'I am of the opinion, after observing your behaviour or work performance and general behaviour, (loss of coordination, neglect of duties, punctuality problems, absenteeism, difficulty with workplace relationships or non-compliance with safety standards) that it is possible that you are under the influence of drugs or alcohol'. Reason should be restricted to performance-related matters.
- 5.8.2 The Supervisor must clearly state the standards of performance required or expected and the ramifications of the worker's actions i.e. threat to safety. Such standards shall be made available in writing at the request of the worker.
- 5.8.3 The worker should be given an opportunity to respond to the issues raised. Such response may be made either verbally or in writing.
- 6.1.1 If in the opinion of the Supervisor there is justifiable cause that an worker is affected by the use of drugs or alcohol that will render a risk to health or safety, the following choices shall be given to the worker:
 - a) We can arrange for you to go home for the rest of the day. However, in doing so you indicate that in fact you are under the influence of alcohol/drugs.
 - b) You can accompany me to the Pathologist and/or a doctor nominated by Council where tests will be run to determine whether or not you have been consuming alcohol and/or drugs.

Following on from which you will go home for the remainder of the workday and await results of testing.

- c) If the Worker does go home in (a) above and/or tests prove positive in (b) above, the remainder of the Stage 1 procedure will be instigated.
- d) Leave will be taken for the time away from work. If tests prove negative, normal pay will apply.

- 6.1.2 The Supervisor will refer the worker to the Human Resources Officer who will offer assistance by referring the worker to seek medical advice, or seek referral to a drug/alcohol rehabilitation agency.
- 6.1.3 A time frame for review of the situation will be established and agreed upon. The worker shall be informed of expected changes and the consequences should there be no significant improvement i.e. referral to Stage 2 – Formal Warning.
- 6.1.4 The Supervisor will prepare a brief summary of the interview and gives two (2) copies to the worker. After reading the summary, the worker should be given the opportunity to make notations on the summary and sign one of the copies and return it to the Supervisor. Should the worker refuse to sign the summary this should be noted. The copy should be placed under confidential cover of file.
- 6.1.5 The review interview shall be conducted at the pre-arranged time. The points raised shall correspond to those raised at the first interview, improvements will be acknowledged and any new issues identified and discussed. A brief summary of the review interview is to be prepared and two copies given to the worker. After reading the summary, the worker will be given the opportunity to make notations on the summary and sign one of the copies and return it to the Supervisor to be placed under confidential cover of file.
- 6.1.6 If there has been no noticeable improvement or a repeat occurrence, the Supervisor must advise the worker that the matter will be referred to Stage 2 – Formal Warning.

6.2 Stage 2 Formal Warning

The participants at Stage 2 should be the worker, immediate supervisor, Director or appropriate senior officer. The Worker may request their own representative to be present. Procedural fairness must be observed. Where appropriate, the Supervisor will ask the worker's permission will be sought to obtain a report from the medical, counselling or rehabilitation service.

- 6.2.1 The Supervisor shall clearly restate the steps that were taken to address the issues at Stage 1 and the improvement in performance standards and outcomes that were expected.
- 6.2.2 The Supervisor shall repeat any previous offers of assistance which may not have been accepted.
- 6.2.3 The worker shall be given an opportunity to respond to the issues raised.
- 6.2.4 The severity of the situation shall be impressed on the worker.
- 6.2.5 A time frame for review of the situation shall be established and agreed upon.
- 6.2.6 The Supervisor will prepare a brief summary of the interview and gives two (2) copies to the Worker. After reading the summary, the worker shall be given the opportunity to make notations on the summary and sign one of the copies and return it to the Supervisor. Should the worker refuse to sign the summary this should be noted. The copy should be placed under confidential cover of file.
- 6.2.7 The worker shall be warned formally in writing and advised of expected changes and the consequences should there be no significant improvement i.e. Referral to Stage 3 – Final Warning.
- 6.2.8 The review interview should be conducted at the pre-arranged time. The points raised shall correspond to those raised at the Stage 2 interview. A brief summary of the review interview is to be prepared and two copies given to the worker. After reading the summary, the worker shall be given the opportunity to make notation on the summary and sign one of the copies and return it to the supervisor to be placed under confidential cover of file.
- 6.2.9 If there has been no noticeable improvement or a repeat occurrence, the supervisor must advise the worker that the matter has proceeded to Stage 3 – Final Warning

6.3 Stage 3 Final Warning

The participants at Stage 3 should be the worker, immediate supervisor, Director and or General Manager. The worker has the right to have their own representative to be present. Procedural fairness must be observed.

- 6.3.1 Describe the situation and review previous discussions.
- 6.3.2 Ask for reasons why the situation has not improved.
- 6.3.3 Indicate that Council has given the worker every opportunity to improve and that the situation cannot continue.
- 6.3.4 The worker is to be advised that the worker has left Council with no alternative but to take further disciplinary action. Such disciplinary must be clearly outlined to the worker.

OR

- 6.3.5 Advise that action to Terminate Employment will commence
- 6.3.6 The Supervisor will prepare a brief summary of the interview and gives two (2) copies to the worker. After reading the summary, the worker should sign one of the copies and return it to the supervisor. The copy should be placed under confidential cover of file.

6.4 Termination Interview

The participants at the termination interview should be the worker, Director, Supervisor and the Human Resources Officer. The worker has a right to have a representative present.

At the termination interview the following must be put to the worker:-

- 6.4.1 What it is that he/she has done or failed to do.
- 6.4.2 Advise when their employment will be terminated.
- 6.4.3 Refer to the Human Resource Officer for preparation of termination.

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APPENDIX 1
Observable Indicators of Impairment

Assessment of a person is to be made in accordance with this list of observable indicators in the context of changes to a person's behaviour.

At least one (1) of the physical indicators must be satisfied and agreed between the responsible persons for reasonable suspicion to be established.

Emotional effects (the second part of the table) should not be used as indicators of reasonable suspicion but may be recorded as additional information.

Physical Indicator	Observed
Strong smell of alcohol on breath	
Slurred, incoherent or disjointed speech (losing track)	
Unsteadiness on the feet	
Poor coordination / muscle control	
Drowsiness or sleeping on the job or during work breaks	
Inability to follow simple instructions	
Nausea / vomiting	
Reddened or bloodshot eyes	
Jaw clenching	
Sweating / hot and cold flushes	
Emotional Effect (Not a basis for reasonable suspicion)	
Loss of inhibitions	
Irrational	
Intense moods (sad, happy, angry)	
Quiet and reflective	
Talkative	
Increased confidence	
Appearance or behaviour is „out of character“	

APPENDIX 2
Indicators of Impairment by Drug (for information only)

Indicator (Physical)	Alcohol	Cannabis	Amphetamines
Smell on the breath	x		
Slurred speech/speech disjointed (lose track)	x	x	
Unsteadiness	x	x	x (dizziness)
Poor coordination/muscle control	x	x	
Drowsiness / sleepy	x	x	
Can't follow instructions	x	x	
Blurred vision	x	x	
Lack of judgement	x	x	
Confused	x	x	x
Nausea/vomiting	x		x
Reddened eyes		x	
More awake and alert			x
Jaw clenching			x
Sweating/hot and cold flushes			x
Effect (Emotional)	Alcohol	Cannabis	Amphetamines
Loss of inhibitions	x	x	
Aggressive or argumentative	x		x
Irrational	x	x	x
Intense moods (sad, happy, angry)	x	x	x
Quiet and reflective		x	
Talkative			x
Increased confidence	x		x
Appearance or behaviour is "out of character"	x	x	x