



Drugs and Alcohol

1. Intent of Policy

To enable Council to fulfil its obligations under the Occupational Health and Safety Act 2000, to ensure the health and safety of employees, it is Council's policy that the use of drugs and alcohol in the workplace during working hours and/or while attending to duties is prohibited.

2. Scope of Policy

This policy applies to all Council employees, volunteers, contractors and subcontractors.

Other relative Council Policies and Documents

OHS Policy

Smoke free Workplace Policy

The Model Code of Conduct for Local Councils in NSW

Relative Legislation

Occupational Health and Safety Act 2000 and any subsequent Acts

Occupational Health and Safety Regulation 2001

3. Policy

3a. Employees are obliged to present 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
- Inhibit their ability to fulfil the requirements of the position
- Present a poor public image of Council.

3b. When an employee is on a course of prescribed or over the counter medication that may induce drowsiness or impaired performance, he/she must notify the supervisor prior to commencement of duty. The employee should find out from a doctor or pharmacist what effects the drugs may have on work performance.

3c. Council will not tolerate any employee:

- Consuming alcohol during paid working hours without authorisation
- In possession of or consuming illegal drugs on Council premises or work sites at any time
- Presenting for duty in an unfit state
- Affected by drugs (legal or illegal) or alcohol during working hours
- Using a Council vehicle for the purpose of purchasing and/or selling illegal drugs

- Using a Council vehicle for the purchase of alcohol unless authorised.
- 3d. Employees found to be in breach of any of the above requirements will be subject to disciplinary action in accordance with the procedures laid down in the Local Government (State) Award ~~2007~~2010.
- 3e. the employee is responsible for any civil or criminal penalty which results from being under the influence of drugs or alcohol in the workplace.

4. Procedures

- 4.1 Any employee who has reason to believe that a fellow employee, a contractor, a contractor's employee or a visitor to a work site is in a state of intoxication or under the influence of drugs, shall immediately notify his or her supervisor.
- 4.2 Should the supervisor consider that an employee is affected by alcohol or drugs to the extent that safety, operational and/or public image problems may arise then they should follow the steps outlined below:
- Step 1 Speak to the employee, away from the hearing of others, and advise them that from their actions their work performance would be or is being noticeably affected. Advise the employee that they may request union or other representation at any time throughout the process.
 - Step 2 Seek clarification/explanation from the employee for the purpose of identifying the reason for the behaviour.
 - Step 3 If the supervisor is of the opinion that the employee is not in a fit state to undertake their duties then the employee should be advised that they are not to engage in any further work and where the employee is located on a work site, they should be taken to a safe area (preferably a Council facility).
 - Step 4 The relevant director should be contacted to meet with the employee and supervisor to discuss and evaluate the situation, in order to meet Council's obligation under the O. H. & S. Act and Council's work standards and practices. The employee may have a union or other representative present at this meeting on request.
 - Step 5 If the director or supervisor has justifiable cause to doubt the employee's fitness for duty, Council reserves the right to remove the employee from the work site and where appropriate offer a medical examination and/or blood test at Council's expense to determine fitness for duty.
 - Step 6 If test results show evidence of use of alcohol and/or drugs the employee will be offered assistance to obtain counselling through Council's Employee Assistance Program.
- 4.3 When an employee chooses and continues to actively and genuinely participate in a rehabilitation program, the disciplinary procedures specified in this policy shall not be applied.
- Employees choosing to participate in rehabilitation will not be permitted to work when unfit for duty due to the consumption of alcohol and/or other drugs. The employee will have access to sick leave, subject to accrual being available, up to a period of 3 months.
- The offer of sick leave beyond 3 months will be dependant upon the employee's progress.

Should the employee choose not to undertake counselling he/she will be informed that should a similar incident occur again disciplinary action will be continued.

4.4 Chronic alcohol and/or other drug problems can contribute to or cause work performance problems.

Either the employee, co-worker and/or supervisor can initiate assistance through appropriate rehabilitation.

Chronic alcohol and other drug problems for this policy is determined as a formal warning plus two stages of disciplinary action for this type of behaviour as well as refusal to seek rehabilitation.

4.5 If an employee is involved in a serious incident, drug and alcohol testing procedures will be instigated.

4.6 Police will be informed of all instances involving suspected illegal drugs. Staff found to be in possession of illegal drugs or substances will face disciplinary action which may lead to dismissal.

5. Procedural Guidelines

5.1 The supervisor or manager shall

- a) Take into account any changes in an employee's
 - o Work performance
 - o Safety
 - o General behavioural changes

and form an opinion as to whether or not the above could be due to alcohol/drugs, and/or

b) Act on suspicion of an employee being affected by drugs or alcohol (suspicion may be the result of observing impaired co-ordination, judgement, intellectual capacity and ability to act, slurred speech, headache, nausea, vomiting, loss of inhibitions or smell of alcohol).

5.2 The supervisor or manager will approach the employee and state that in his/her opinion-

"I am of the opinion after observing your work performance and general behaviour, neglect of safety rules/procedures, that it is possible that you are under the influence of alcohol/drugs".

"Accordingly you have a choice –

- (a) You can be breath tested at Council's depot **or at the administration office.**
- (b) You can 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;
- (c) You can accompany me to the district hospital and/or doctor nominated by Council where tests (blood, urine) 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".

***Note:** In relation to alcohol, a breach of the policy will be considered where the blood alcohol level is 0.02%. Should the blood alcohol level be .05% or over, the employee's services will be terminated.*

In relation to other drugs, if substances are detected, the medical practitioner undertaking testing will certify that in their opinion, such detected level constitutes a risk to the health and safety of the employee or others at Council or could be expected to have impaired safe and efficient performance at work.

Note: An employee may elect to be tested by a doctor of their choice at their own expense. In these circumstances, the employee is to be accompanied by a supervisor, OH&S /risk manager ~~coordinator~~ or director who should remain at the surgery for the duration of the testing. Results are to be treated in a confidential manner.

(d) You have the right to ask a union representative to attend and advise you”.

5.3 If the employee does go home in 5.2(b) and/or tests prove positive in 5.2(c), disciplinary procedures will be instigated.

(a) Disciplinary procedures will involve the offer of referral/counselling to the employee.

(b) Sick leave will be taken for the time away from work (If tests prove negative, normal pay will apply).

5.4 Should a supervisor be informed of or locate employees consuming alcohol or any illegal substances during working hours the matter will be immediately reported to the department director.

6. Voluntary Self-testing

Where a positive result is returned the employee will be required to take leave for the remainder of the day. In this situation, Council will provide transport home for the employee.

Immunity from disclosure from disciplinary action will be provided to the staff member requesting voluntary self-testing up to twice within any twelve month period.

Breathalysers will be available at Council's administration office and OHS office at the depot.

6. 7. Permissions

It is accepted that alcohol and non-alcohol beverages are served at some official Council functions and staff organised functions (such as social club events). It is required that staff at such functions, behave in a responsible manner and do not consume alcoholic drinks if they have to operate plant or return to any Council duties at the conclusion of such function. They must also make appropriate arrangements to safely return home on conclusion of the function.

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