
Drug and Alcohol Policy

CONTROL:

Policy Type:	Administrative
Authorised by:	Council
Head of Power:	Local Government Act 2009
Responsible Officer:	Chief Executive Officer
Adopted / Approved:	August 17 2015, Minute No. 2015.08.17-OM-15
Last Reviewed:	17 August 2015
Review:	<p>August 2017</p> <p>Note: This Policy is reviewed when any of the following occur:</p> <ol style="list-style-type: none"> 1. The related information is amended or replaced. 2. Other circumstances as determined from time to time by the Chief Executive Officer. <p>Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.</p>
Version	3

1. INTRODUCTION

1.1 PURPOSE:

The purpose of this Policy is to make workplace participants aware of their responsibilities in relation to consumption of Drugs and Alcohol.

1.2 POLICY OBJECTIVES:

The objectives of this Policy is to reduce the likelihood of injury, damage and/or other negative effects of alcohol and/or drug use.

1.3 COMMENCEMENT OF POLICY:

This Policy will commence on adoption. It replaces all other specific drug and alcohol policies of Council (whether written or not).

1.4 SCOPE:

This Policy applies to all employees, agents and contractors (including temporary contractors or subcontractors) of Council (and its related entities), collectively referred to in this Policy as 'workplace participants'.

This Policy is not restricted to the workplace or work hours. The obligations contained in this Policy extend to all functions and places that are work-related. A "work-related function" is any function that is connected to work. For example, conferences, work lunches or meetings, Christmas parties, client functions, etc. Workplace participants must comply with this Policy at all work related functions. Any reference to work in this Policy includes a work-related function. This Policy also applies when workplace participants go to other workplaces in connection with work, for example when visiting a customer, client or supplier.

2. POLICY

2.1 CONTEXT:

Council aims to provide and maintain a workplace environment that not only protects the health and safety of all workplace participants whilst at work, but also facilitates a productive workplace. A safe and productive work environment includes the respectful treatment of others in the workplace.

The consumption of drugs and/or alcohol can impair a workplace participant's ability to perform work in a safe manner and can also lead to unacceptable behaviour towards others.

2.2 POLICY STATEMENT:

Except as set out in this Policy, workplace participants are not permitted to do the following:

- (a) work while under the influence of drugs and/or alcohol;
- (b) commence or return to work while under the influence of drugs and/or alcohol;
- (c) consume or use illegal drugs and/or alcohol at work or during work hours (even whilst off site);
- (d) bring alcohol and/or illegal drugs to work;
- (e) sell or dispense alcohol and/or drugs at work; and/or
- (f) possess alcohol and/or illegal drugs at work.

Employees are expected to cooperate in being tested during working hours, if required by Council.

Council does not accept liability for the consequences (property damage, injury, etc.) of any illegal or inappropriate actions of any workplace participant whilst he/she is affected by drugs and/or alcohol. The workplace participant is responsible for the consequences of their actions.

3. STANDARDS AND PROCEDURES

3.1 SPECIFIC AND STANDARD

3.1.1 Awareness and Training

- All workplace participants will be inducted to the workplace and be made aware of the Drug and Alcohol Policy and the Code of Conduct.

3.1.2 Prescription and Pharmacy Medications

- Where a workplace participant is taking Prescription and Pharmacy medications for a legitimate medical purpose, the workplace participant will not breach this Policy by attending work, if:
 - the workplace participant takes the Prescription and Pharmacy Medications in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs; and
 - the workplace participant does not misuse or abuse Prescription and Pharmacy Medications;
 - the workplace participant is aware of the effects (including potential effects) of consumption of alcohol while taking Prescription and Pharmacy Medications; and
 - the workplace participant checks with their medical practitioner or pharmacist about the effect of the drug on their ability to drive vehicles, operate machinery and generally perform their work duties in a safe manner. If a workplace participant's ability to perform his/her work safely could be impaired by Prescription and Pharmacy Medications, the workplace participant should promptly obtain advice in writing from the medical practitioner or pharmacist and provide it to his/her manager or supervisor, before undertaking his/her work.
- If Council suspects that a workplace participant's ability to safely perform work is impaired (or likely to be impaired), Council may take steps to address the issue in accordance with this Policy.

3.1.3 Consumption of Alcohol

- Council may waive the prohibition on the consumption of alcohol in certain circumstances such as for special functions, Christmas parties, client functions etc. The decision to waive this prohibition is at the sole discretion of Council. Prior to the relevant function, workplace participants will be notified whether or not the prohibition of alcohol is waived. Unless notified otherwise, all workplace participants must assume that the prohibition applies.
- Even if Council waives the general prohibition on consumption of alcohol, the following restrictions continue to apply at all work-related functions:
 - Workplace participants must not become inebriated or drunk;
 - Workplace participants who consume alcohol should do so in a responsible manner;
 - Workplace participants must uphold an appropriate standard of behaviour at all times. Inebriation will not be accepted as an 'excuse' for misconduct; and
 - The restrictions set out below in relation to the operation of vehicles and machinery continue to apply.
- Workplace participants must not drive any vehicle if they have consumed any alcohol or drug (being any drug that could impair the ability to safely operate the vehicle). Workplace participants who do not have a means of transport should advise their supervisor or manager in order to arrange transport.

3.1.4 Vehicles and Machinery

- Workplace participants must not, in any circumstances, operate machinery if they have consumed alcohol, illegal drugs, or Prescription and Pharmacy Medications which may impair their ability to drive the vehicle or operate the machinery in a safe manner. A 'no alcohol' limit and zero tolerance for drugs will apply to workplace participants operating machinery or vehicles.
- Council does not accept liability for any damage to any machinery or vehicle, any injury to any person, or damage to any other property caused by a workplace participant's use of a vehicle or machinery while under the influence of alcohol or drugs. The workplace participant is responsible for the consequences of their actions; and
- Where a workplace participant is taking Prescription and Pharmacy Medications, the workplace participant must comply with any warnings or cautions with respect to those medications.

Further, if a workplace participant is taking Prescription and Pharmacy Medications and feels that their ability to safely drive a vehicle or operate machinery is impaired (regardless of whether or not the drug contains a relevant warning), the workplace participant must not drive any vehicle or operate any machinery and must promptly notify their manager or supervisor of this fact.

3.1.5 What will Council do if it suspects a workplace participant is affected by drugs or alcohol?

- If Council suspects on reasonable grounds that a workplace participant is under the influence of drugs and/or alcohol, Council will take steps to address the issue;
- Council may have that suspicion in any circumstance where the workplace participant: is unable to co-ordinate their actions; has red or bloodshot eyes or dilated pupils; smells of alcohol; acts contrary to their normal behaviour; or otherwise appears to be impaired;
- In circumstances when Council suspects a workplace participant to be under the influence of drugs and/or alcohol Council may take any or all of the following actions:
 - Direct the workplace participant to go home; or
 - Direct or give the workplace participant the opportunity to take a drug or alcohol test.
 - Direct the workplace participant to attend a medical practitioner and submit to a medical examination to determine whether the workplace participant is fit to safely perform their duties without risk to health or safety. The medical examination may include a drug and/or alcohol test, (such as a blood, saliva, hair or urine test, etc). Further, in relation to Prescription and Pharmacy Medications, Council may require evidence as part of the medical examination about the effects and proper usage of the drug. The workplace participant may be directed to go home following the medical examination.
- If the workplace participant refuses to attend a medical examination, the workplace participant will be directed to go home. Refusal to attend a medical examination or refusal to go home constitutes a breach of this Policy and may result in action being taken against the workplace participant, as set out below under 'Breach of this Policy; and
- Where a workplace participant is sent home or required to attend a medical examination, the workplace participant must report to their manager or supervisor to discuss the incident the following working day, or when the workplace participant is no longer under the influence of drugs and alcohol. Council may deal with the issue as set out below under the heading 'Breach of this Policy.

3.1.6 What will Council do if a workplace participant refuses to be tested or tampers with samples?

- If a workplace participant refuses to undertake a test they will immediately be placed on suspension. If the workplace participant refuses a second request they will be required to show cause why their contract or employment should not be terminated. The workplace participant will remain on suspension until the discipline process is finalised.
- If there is conclusive evidence that a workplace participant has tampered with a sample they will immediately be placed on suspension and required to show cause why their contract or employment should not be terminated. The workplace participant will remain on suspension until the discipline process is finalised.

3.1.7 Assessing & Testing Procedures

3.1.7.1 Procedure

- Detailed responsibilities and procedures are contained in the Drug and Alcohol Procedure.

3.1.7.2 Testers

- Testers will complete the required training and be authorised by the CEO to conduct drug and alcohol tests for all workplace participants.

3.1.7.3 Testing Methods

- For alcohol testing a standard breathalyzer kit will be used for the initial test. Where a positive reading is indicated by the testing device, a confirmation blood test will be conducted by a registered nurse.
- For drug testing a standard saliva testing device will be used for the initial test. Where a positive reading is indicated by the testing device, a confirmation urine test will be conducted by a registered nurse.

3.1.7.4 Testing of Employees

- Alcohol and Drug testing will be carried out on a random basis or at the request of a supervisor who suspects an employee is affected by drugs or alcohol.
 - Given the non-invasive testing methods used by Council, employees are expected to cooperate in testing procedures. Employees will be given reasonable notice of proposed random testing measures. Any doubt about an employee's ability to conduct their duties, or impairment may be resolved by independent medical advice.

3.1.7.5 Post Incident Testing

- Testing of employees may be conducted following an accident or incident for any worker who is involved in or may have contributed to an incident which:
 - Results in the death or serious injury of any person;
 - Involves significant damage to property;
 - Involves the overturning of any plant or motor vehicle;
 - Had the potential to cause death, significant damage or serious injury to any person.

3.1.7.6 Self testing

- Council may make available devices for use by staff to carryout self-testing to assist in ensuring that they maintain compliance with this policy.

3.1.7.7 Pre-employment testing

- Positive result of alcohol or any prohibited drug may result in withdrawal of offer of employment.

3.1.8 What will Council do if it finds drugs or alcohol on Council premises?

- If Council finds drugs and/or alcohol on any work premises in breach of this Policy, Council may take any or all of the following steps:
 - investigate the matter in order to attempt to determine who is responsible. For this purpose searches may be conducted, as set out in this Policy; and
 - require some, or all, workplace participants to undergo a medical examination in order to test for the presence of drugs and/or alcohol.
- Workplace participants are required to co-operate in any investigation of such matters. Failure to co-operate or providing false information in an investigation constitutes a breach of this Policy and will be considered to be misconduct and will be dealt with under the heading 'Breach of this Policy'.

3.1.9 What will Council do if it suspects a workplace participant possesses drugs or alcohol at work?

- If Council suspects that a workplace participant has drugs or alcohol in their possession at work, Council may take any or all of the following steps:
 - Investigate the matter to attempt to determine whether the workplace participant does have such drugs or alcohol in their possession;

- Require the workplace participant to give access to any of Council's property such as any locker or vehicle; and/or
- Request the workplace participant to allow inspection of any personal property of the workplace participant such as any bag, or vehicle or to empty their pockets or jacket. Workplace participants are expected to permit such inspection and co-operate with the investigation.
- Failure to co-operate or providing false information in an investigation will be considered to be misconduct. Misconduct may result in action being taken against the workplace participant, as set out below under the heading 'Breach of this Policy'.

3.1.10 Breach of this Policy

- A positive alcohol or drug test will be deemed to be a breach of this policy.
- Refusal to take a drug or alcohol test when directed will be deemed to be a breach of this policy.
- Possession of drugs or alcohol at work will be deemed to be a breach of this policy.
- Workplace participants must comply with this Policy at all times. If an employee is found to have breached this Policy, they may be subjected to disciplinary action. The type and severity of the disciplinary action will depend upon the circumstances of the case and the seriousness of the breach. In serious cases, this may include termination of employment. [The Queensland Government rules on Drink and Drug Driving](#) will be consulted in the process of determining the severity of the case.
 - Examples of disciplinary action that may be taken include (but are not limited to):
 - (a) Counselling;
 - (b) A formal warning;
 - (c) Demotion;
 - (d) Transfer to another area;
 - (e) Suspension; or
 - (f) Termination of employment.
- Agents or contractors (including temporary contractors) of Council who are found to have breached this Policy may have their contracts with Council terminated or not renewed; and
- In circumstances where a workplace participant's behaviour or conduct may involve a breach of any Australian laws, (or any other laws (including foreign and international laws) to which Council is subject or which apply to the work performed by workplace participants for Council), Council may notify the police or other relevant authority.

3.1.11 More Information

- This Policy does not form part of any contract between any workplace participant and Council; and
- If a workplace participant is unsure about any matter covered by this Policy, they should seek the assistance of the Workplace Safety Officer.

4. REFERENCE AND SUPPORTING INFORMATION

4.1 DEFINITIONS:

To assist in interpretation, the following definitions shall apply:

Word / Term	Definition
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Council	Means Diamantina Shire Council.
Drugs	Includes Illegal drugs and Prescription and Pharmacy Medications as defined
Illegal drugs	Includes any drug prohibited by any State, Territory or Federal law in Australia or any other laws (including foreign and international laws) to which DSC is subject or which apply to the work performed by workplace participants for DSC. For the purposes of this Policy, marijuana is an Illegal drug. In this Policy, "Illegal drugs" includes Prescription and Pharmacy Medications (as defined below) which are used without the necessary prescription or for purposes for which they were not intended.
Prescription and Pharmacy Medications	DSC recognises that workplace participants may have legitimate medical reasons for taking some Medications. This includes where a medical practitioner has properly prescribed lawful Medications for a diagnosed medical purpose or where the Medication is lawfully available at Australian pharmacies (without a prescription) and is required for the treatment of a legitimate condition. These Medications are referred to in this Policy as "Prescription and Pharmacy Medications".

4.2 RELATED POLICIES, LEGISLATION AND DOCUMENTS:

Links to supporting documentation
Work Health and Safety Policy
Code of Conduct
Human Resources Policy
Drug and Alcohol Procedure

4.3 VERSION CONTROL:

Previous Version Number	Adopted/Approved Date
Version 1 - Original	October 20 2014, Minute No. 2014.10.20-OM-15
Version 2	June 22 2015, Minute No. 2015.06.22-OM-15