



Drug and Alcohol Management Policy

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Contact Officer	Governance Manager

PURPOSE

The purpose of this policy is to outline Diamantina Shire Council's ("Council") expectations regarding the consumption of Drugs and/or Alcohol which can impact an employee's ability to perform work in a safe manner and can also lead to unacceptable behaviour towards others.

COMMENCEMENT OF POLICY

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

SCOPE

This policy does not form part of any Employee's contract of employment. The policy is not intended to override the terms of any award, certified agreement or contract that applies to an Employee.

HUMAN RIGHTS COMMITMENT

Council has considered the human rights protected under the Human Rights Act 2019 (Qld) (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decision in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

POLICY STATEMENT

APPLICATION

This Policy applies to all Employees, volunteers, and contractors of Council ("Workers").

RESPONSIBILITIES

Workers cannot:

- Be under the influence of Drugs and/or Alcohol at work or during Work Hours;
- Sell or dispense Alcohol and/or Drugs at work or during Work Hours;
- Be in possession of Alcohol and/or Illegal Drugs at work or during Work Hours.

Where a Worker believes that another Worker is under the Influence of Drugs and/or Alcohol during Work Hours they must notify an Authorised Officer immediately. Where a Worker believes they are unfit for work due to alcohol or drugs they should not report for work.

DRUG AND ALCOHOL TESTING

Workers must be fit for work in order to perform their duties safely and diligently. Workers may be required to participate in Drug and/or Alcohol testing as outlined below:

PRE-EMPLOYMENT TESTING

Applicants for a position with Council may be required to participate in pre-employment Drug and/or Alcohol testing. Where an applicant tests positive to Drugs and/or Alcohol during the recruitment process, this will be considered in determining whether an applicant will progress further in the recruitment process. Refusal to undertake a Drug test, where required, will draw an adverse inference from Council.

REASONABLE SUSPICION OF BEING UNDER THE INFLUENCE OF DURGS AND/OR ALCOHOL

Workers, whose behaviour or actions generate a reasonable suspicion of being Under the Influence of Drugs and/or Alcohol, may be required to undergo immediate Drug and/or Alcohol testing.

What constitutes a 'reasonable suspicion' of being Under the Influence of Drugs and/or Alcohol will depend on the specific situation. However, a 'reasonable suspicion' of being Under the Influence of Drugs or Alcohol will generally mean where an Authorised Officer forms the belief that a Worker shows signs of being Under the Influence of Drugs and/or Alcohol. A non-exhaustive list of factors that may give rise to a 'reasonable suspicion' of being Under the Influence of Drugs and/or Alcohol may include:

- An admission of being Under the Influence of Drugs and/or Alcohol;
- Uncharacteristic and unexplained changes in speech, movement and appearance;
- Erratic behaviours or mannerisms;
- Alcohol smelling breath or bloodshot eyes; and/or
- Possession of Drugs and/or Alcohol

POST INCIDENT TESTING

Council may require a Worker to undergo a Drugs and/or Alcohol test following a Significant Incident.

RANDOM/BLANKET TESTING

Random/Blanket Drug and/or Alcohol testing may be undertaken by Council, without notice. A Worker or a group of select Workers may be required to undergo testing at random. Every worker is to be tested on the selected site.

POST NON-NEGATIVE RESULT TESTING / EMPLOYEE ASSISTANCE

A Worker who returns a positive laboratory confirmed result that is not consistent with prescribed medication, or if no medication is declared, may be required to undergo a regular testing regime to ensure they can safely and adequately perform their duties. The worker may also be required to undergo a Council approved drug and alcohol program. Additionally, workers will receive information to access local services for the assistance of drug and alcohol use including Council's Employee Assistance Program.

TESTING METHODS

Council will arrange for testing to be conducted by an Authorised Independent Collector. Testing methods may include breath alcohol testing using an approved testing device and drug testing based on the collection and analysis of urine samples and/or oral fluid samples. All methods of testing will be in accordance with the relevant industry Australian Standards. A Worker undergoing testing may request to be accompanied by a support person or a union representative.

REFUSAL TO UNDERTAKE

A Worker who refuses to undergo Drug and/or Alcohol testing or has been found to have tampered with a sample, will be considered in breach of this policy. To ensure the safety of others and themselves, Workers who refuse a test or tamper with a test, will be immediately stood down without pay, until they agree to undertake testing. Workers who refuse to undertake a test or tamper with a test may also be required to show cause via a disciplinary process. (Council may consider it appropriate to offer the employee access to their accrued leave entitlements).

DRUG TEST OUTCOMES

NEGATIVE RESULT

If a Worker produces a sample which records a negative result, they will be considered fit for work and will be required to return to normal duties.

NON-NEGATIVE RESULT – DECLARED MEDICATION

Workers will be given an opportunity to declare Medication prior to testing being undertaken.

If following a declaration by a Worker, a Worker produces a sample which records a Non-Negative Result for a substance known to be contained in the declared Medication, the Worker will be considered fit for work and will return to normal duties provided they have medical evidence from a medical practitioner stating they are able to work safely (considering the Worker's position requirements) whilst taking the declared Medication. The Worker must also declare that they are not taking any substance other than the declared Medication as intended.

If a Worker has declared the use of Medication prior to testing, however, is unable to produce clearance from a medical practitioner stating that they are able to safely work whilst taking the Medication, they will have 48 hours to provide the medical evidence. The Worker will be stood down from work duties without pay until the medical evidence is provided.

The initial Non-Negative Result will be sent to an Accredited Laboratory to confirm solely the presence of the declared Medication. If a result is returned not consistent with the declared Medication, the Worker may be immediately suspended from duties on full pay and will be required to show cause as to why disciplinary action, which may include termination of employment, should not be taken.

Where relevant and appropriate, the Worker may be required to undertake a regular testing regime to ensure that they can safely and adequately perform their duties. The Worker may also be required to undergo a Council approved drug and alcohol program, as well as provided with assistance of drug and alcohol use, including Council's Employee Assistance Program.

NON-NEGATIVE RESULT – NO MEDICATION DECLARED

If a Worker produces a sample which returns a Non-Negative test result for a substance not contained in the declared Medication or the Worker has not declared Medication, they will be immediately stood down from work without pay until confirmation testing by an Accredited Laboratory is undertaken.

Arrangements will be made for the Worker to return home safely, as they will not be permitted to drive a Council or personal vehicle.

The Worker will remain stood down without pay and will not be eligible to recommence work until they have achieved a Negative Result.

If the confirmation test provided to Council confirms a Negative Result, the Worker will be able to return to work immediately and no loss of pay will apply for the period of the stand down.

Notwithstanding the above, if confirmation testing returns a Confirmed Positive Result, the Worker may be immediately suspended from duties on full pay and be required to show cause as to why disciplinary action, which may include termination of employment, should not be taken.

Where relevant and appropriate, the Worker may be required to undertake a regular testing

regime to ensure that they can safely and adequately perform their duties. The Worker may also be required to undergo a Council approved drug and alcohol program, as well as provided with assistance of drug and alcohol use, including Council's Employee Assistance Program.

DRUG TEST OUTCOMES

UNDER THE LIMIT

If a Worker produces a sample which indicates a 0.00 that is considered Under the Limit, the Worker will be considered fit for work and will return to normal duties.

OVER THE LIMIT

If the Worker produces an initial sample which indicates a BAC over 0.00 that is considered Over the Limit, they are to remain in the testing facility and will not be permitted to recommence work or any other activity until a second test is completed. A second test will be conducted after 20 minutes.

If the Worker's second test indicates a BAC over 0.00 that is still Over the Limit, they will be immediately stood down from work without pay. (Council may consider it appropriate to offer the employee access to their accrued leave entitlements).

If the Worker's BAC is over 0.00 it indicates they are not able to drive a Council or personal vehicle, arrangements will be made for the Worker to return home safely.

RETURN TO WORK

The Worker may return to the workplace on the next ordinary working day, however they will be required to provide a sample demonstrating they are Under the Limit prior to recommencement of work duties.

The Worker may be required to show cause via a disciplinary process.

PRESCRIPTION OR OVER THE COUNTER MEDICATIONS

If a Worker is using Medications, they must:

- Seek advice and direction from their medical practitioner;
- Inform their manager or supervisor prior to undertaking work if the Medication has the potential to adversely influence their capacity to work safely and efficiently; and
- Produce a certificate from their medical practitioner certifying that they can work safely (considering the Worker's position requirements).

Workers are not required to disclose the nature of the condition being treated, for the purpose of notification under this policy.

If the Medication is determined by a medical practitioner to place the Worker or others at risk, the Worker may be stood down from work and required to use accrued leave entitlements until the risk is no longer present. If applicable, Council will consider if there are any suitable

alternative duties for the Worker to undertake, provided the risk from using Medications is not present whilst performing the alternative duties. Alternative duties are not guaranteed and will be considered based on the Worker's skill set, ability, capacity, availability within Council, and in line with the directions of the medical practitioner.

Where a Worker has been advised that the Medication will not adversely influence their capacity to work safely and efficiently, however it may return a Non-Negative Result through Drug and/or Alcohol testing, the Worker must still provide medical evidence from their medical practitioner stating the dosage prescribed and certifying that they are able to work safely (considering the Worker's position requirements) if requested. Medical evidence and confirmed positive results may be reviewed by a Medical Review Officer for the purposes of confirming the declared medication and fitness for work considering the Worker's position requirements.

BREACH OF POLICY

Further to the consequences for breach of this policy already outlined, where it is confirmed that a Worker is, or where there is a reasonable suspicion that a Worker may be, in possession, selling or dispensing Illegal Drugs at work, Council maintains its right to report the matter to the police.

Where a Worker, other than an employee, breaches this policy, the responsible person for the Worker will be contacted by Council immediately and provided with all relevant information to address the breach appropriately. Where the Worker, other than an employee, is directly engaged via Council, Council may decide to cease or suspend the contract arrangement with the Worker, as appropriate.

DEFINITIONS

To assist in interpretation, the following definitions shall apply:

Term	Definition
CEO	Chief Executive Officer
Council	Diamantina Shire Council
Council Business or Business Purposes	<p>Council Business is defined as activities conducted on behalf of, and/or approved by, Council where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business objectives for the Council. Council Business should result in a benefit being achieved either for the local government and/or the local community. This includes, but is not limited to:</p> <ul style="list-style-type: none"> • Preparing for, attending and participating in Council meetings, committee meetings, workshops, deputations and inspections • Preparing for and attending meetings of associated bodies (i.e. LGAQ, RAPAD etc) • Attending civic ceremonies and community events such as representing Council at Anzac Day ceremonies, or

Term	Definition
	<p>opening a school fete, where they have been formally invited in their capacity as Councillor to undertake the official duty</p> <ul style="list-style-type: none"> • Attending public meetings, annual meetings or presentation dinners where invited as a Councillor • Attending meetings of community groups where invited to speak about Council programs or initiatives. • Private meetings with constituents (residents, ratepayers, community groups, developers etc), where arranged through official Council channels and details of discussions are documented in official records or diaries.
Accredited Laboratory	Means a testing facility accredited by the National Association of Testing Authorities to conduct testing under AS/NZS 4308:2008 and AS 4760:2006.
Alcohol	Means liquor as defined in the Liquor Act 1992
Authorised Officer	Means a Worker's manager, or the Manager Human Resources (or his/her delegate).
0.00	Means Breath Alcohol Concentration
Confirmed Positive Result	Means the result from an Accredited Laboratory confirming that the presence of a substance being tested for exceeds the target concentration specified in AS/NZS 4308:2008 (or any of its successors).
Drugs	Means any Illegal Drug or Medication as defined below.
Employee	Means all employees of Council, whether employed on a permanent, temporary, casual, or parttime basis and includes volunteers, Councillors, job applicants and employees of businesses and entities contracted to provide services to, or on behalf of Council.
Illegal Drug	Means any drug prohibited by any State, Territory or Federal law in Australia or any other laws (including foreign and international laws) to which Council is subject to or which apply to the work performed by Workers and includes prescription or over the counter medications which are used without the necessary prescription or for purposes which they are not intended.
Medication	Means a prescription or over the counter medication which may impact upon a Worker's ability to perform their role safely or efficiently or may return a Non-Negative Result if subjected to a Drug test. In this policy, Medication does not include prescription or over the counter medications which are used without the necessary prescription or for purposes for which they are not intended.
Negative Result	Means the result from the first test of a Drug test sample that indicates no presence of a substance being tested for.

Term	Definition
Non-Negative Result	Means the result from the first or secondary test of a Drug test sample that indicates that there may be a presence of a substance being tested for.
Over the Limit	Means the result from a breath sample which indicates a 0.00 correlated with being Under the Influence of Drugs and/or Alcohol.
Authorised Tester	Means a person from the Accredited Laboratory who has been trained and assessed as competent in the use of Drug and/or Alcohol testing equipment in accordance with the Australian Quality Training Framework (AQTF) requirements.
Significant Incident	Means an incident that did or could have resulted in serious injury or illness to people, danger to health, and/or damage to property or the environment.
Under the Influence of Drugs and/or Alcohol	Means for all Workers a Confirmed Positive Result of greater than 0.00.
Under the Limit	Means the result from a breath sample which indicates a 0.00 correlated with not being Under the Influence of Drugs and/or Alcohol.
Work Hours	Means core working hours, during call out activities, break times, the period of travel to and from work from the Employee's residence, and attendance at Council functions or functions where the Employee has been invited as a Council representative.
Worker	Means all Employees, volunteers, visitors and contractors of Council.
Under the Influence of Drugs and/or Alcohol	Means for all Workers a Confirmed Positive Result of greater than 0.00.

SUPPORTING DOCUMENTATION

Legislation	<ul style="list-style-type: none"> Local Government Act 2009 Local Government Regulation 2012
Council Policies	<ul style="list-style-type: none"> Code of Conduct Legal Assistance for Councillors and Employees Policy
Council Delegations	<ul style="list-style-type: none"> N/A
Council Forms	<ul style="list-style-type: none"> N/A
Supporting Documents	<ul style="list-style-type: none"> Corporate Plan 2022 - 2027

VERSION CONTROL

Version	Adopted	Comment	eDRMS #
1	19/08/2024	Resolution: 2024.08.19-OM-14	
2	19/05/2025	Resolution: CNL/25/104	324534