

CITY OF  
CANADA BAY  
POLICY

## DRUG AND ALCOHOL FREE WORKPLACE

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## 1. Applicability

This policy applies to all employees.

## 2. Policy

Council is committed to providing a drug and alcohol free workplace in order to protect the interests of employees and the public.

All employees share responsibility for maintaining a safe alcohol and drug free work environment. Any employee who has reason to believe that a fellow employee, a contractor, a contractor's employee or a visitor to the work site is in a state of intoxication or under the influence of drugs shall immediately notify his or her supervisor. Employees must also notify their supervisor if they are aware of the possession or consumption of alcohol (which is not authorised) or illegal drugs on the work site.

Possession or consumption of illegal drugs and consumption of alcohol, which is not authorised, will not be permitted in the workplace - including Council premises, parks, reserves, vehicles, plant or any Council building or physical asset.

Employees are also not to use a Council vehicle for the purpose of purchasing alcohol unless authorised or when using the vehicle for private use outside the span of working hours. The use of a Council vehicle for the purpose of purchasing illegal drugs will not be permitted.

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 illegal drugs or alcohol during working hours.

It is a Council requirement that there be zero impairment to work performance arising from alcohol or other drug use whilst on council business, or at any Council work premises. Zero impairment to work performance means that there should be no observable change in an employee's work performance due to the use of alcohol or illegal drugs.

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.

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.

Council is opposed to the use of alcohol or other intoxicating substances directly before or during the work day, including lunch or other breaks. Consumption of such substances could present a safety hazard, inhibit the operations of Council, or affect Council's public image.

## 3. Decline in performance due to alcohol or drug dependency

Neither supervisors nor union representatives have the qualifications to diagnose an alcohol or other drug problem. Therefore, referral for diagnosis and treatment will be based on job performance only.

Supervisors will as a matter of course offer assistance to obtain professional help to any employees whom they are counselling about work performance problems, not just those cases that are suspected of being alcohol and drug related.

Referral of an employee with work performance problems could be initiated by the supervisor, Human Resources, or self referral by the employee.

Persons participating in an assistance program will be expected, within a reasonable period, to re-attain satisfactory job performance levels and adhere to established work rules. Where performance is repeatedly affected Council may initiate disciplinary action.

## 4. Variation

Council reserves the right to vary or revoke this policy practice and procedure.

## 5. Practice

Supervisor and employee obligations:

It is the responsibility of all supervisors and employees to ensure that no employee or contractor commences or continues duty if, the employee or contractor 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.

## 6. Employee obligation to present for duty in a fit state

Employees are obliged to present for 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 a poor public image of Council.

Zero impairment, in the performance of duty is considered to be a blood alcohol content of 0.02% for all staff.

At all times when driving a Council vehicle employees are required to observe the limits imposed on them according to their age or vehicle class.

It is the employee's responsibility to advise the Supervisor of alcohol consumption if called out. An employee should refuse such assignment if they determine that they do not reach the zero impairment requirement. Staff who are on call are required to observe zero impairment standards, or vehicle class limit requirements, whilst they are rostered on call.

The employee is responsible for any civil or criminal penalty resulting from being under the influence of drugs or alcohol in the workplace.

If a manager or supervisor has justifiable cause to doubt an 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. The disciplinary provisions of the Local Government (State) Award will be followed.

At any stage the employee is entitled to consult with their union delegate throughout the review process.

## 7. Confidentiality

The Council will endeavour to ensure that the highest levels of confidentiality are maintained in the application of this Policy.

The following minimum conditions will apply:

- a. Drug and alcohol testing will be conducted by a medical practitioner at a location away from the workplace.
- b. Individuals who record a positive result will be treated in a respectful and non-judgemental manner by their Supervisor.

- c. Records of test results shall be regarded as confidential information and use/access/dissemination of the results shall be restricted to those who have a genuine requirement to access the confidential results of the test.
- d. No information regarding drug and alcohol testing shall be disclosed to any person or persons other than those who have a requirement to access the information.

All employees will observe these confidentiality conditions. Employees found to have breached this obligation will be subject to disciplinary action.

## 8. Prescribed drugs or medication

Where an employee is on a course of prescribed or over the counter medication that may induce drowsiness or impaired performance they must notify the supervisor prior to commencement of duty. The employee should find out from their doctor or pharmacist what the effects of the prescribed drugs are on work performance.

Any limitation to normal duties will need to be communicated to the Supervisor and may require review by a medical practitioner.

## 9. Approved functions

In special circumstances such as retirement of employees, Christmas parties, or other similar work functions, the General Manager or relevant Director may approve the consumption of alcohol during working hours and on Council property. In all such circumstances permission is to be obtained prior to the event and employees are to ensure that they must not return to duty with a Blood Alcohol Concentration above the legal limits or be noticeably under the influence.

## 10. Employee Assistance

Council recognises that alcohol and drug dependency is a treatable condition and encourages employees with personal or other problems to seek counselling or treatment through our Employee Assistance Provider on 1300 366 789. Participation by an employee in a treatment program will be regarded as confidential.

## 11. Procedure - Employees under the influence

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 they should follow the steps outlined below.

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 representation at any time throughout the process.
2. Seek clarification/explanation from the employee for the purpose of identifying the reason for the behaviour. The types of questions that may be asked are as follows:
  - What is the reason for your behaviour?
  - Are you feeling ill? If yes what are the symptoms?
  - Are you under a doctor's care? If yes, what are you being treated for and when did you last visit the doctor?
  - Are you taking medication? What medication and when was your last dosage?
  - Do you have a medical problem that may be causing this behaviour?
  - Are you using any types of drugs? If yes:
    - What? When? Where? How much?
  - Did you drink alcohol or an alcoholic beverage today? If yes:
  - What did you drink? How much? When did you start? When did you stop?
  - Where did you drink? With whom did you drink?
3. If the supervisor is of the opinion that the employee is affected by alcohol or other substances 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). If it appears that the employee is medically distressed the supervisor should consider immediate transfer to a medical facility.

4. The relevant Manager should then be contacted to meet with the employee and supervisor to discuss and evaluate the situation, in order to meet Council's obligation under the OH&S Act and Council's work standards and practices. The employee should be advised that they may have a union representative present at this meeting on request. At this stage the Manager should initiate any reasonable action that is necessary.
5. If it is known that an employee is affected by prescription or over the counter medication they should be either allocated duties that will not place themselves or others at risk or, if such duties are not available, be asked to return home on sick leave and obtain a certificate from a medical practitioner declaring fitness for duty.

## 12. Testing for Drugs and Alcohol

As drug and alcohol testing in the workplace raises issues of privacy, it will only be carried out if an identified risk is perceived to exist for the employee, co-workers or the public. Drug and alcohol testing shall be carried out in limited, justifiable circumstances including:

- Where an employee's apparent impairment by drugs and alcohol poses a substantial and demonstrable safety risk to the employee or to other people.
- Where there is reasonable cause to believe that the employee to be tested may be impaired by drugs.
- Where the type of drug test to be used can identify the presence of a drug at concentrations which may cause impairment.

An employee will be suspended while undertaking testing to determine alcohol or drug use. If test results indicate no breach of this policy, the employee will be reinstated without loss of pay.

## 13. Testing process

If an employees performance is found to be unsatisfactory and the supervisor believes that the employee will require testing then the supervisor will provide appropriate transport to receive testing. Under no circumstances should the employee be allowed to transport themselves.

Employees cannot be forced to take testing or be searched. However, Council's policies and procedures form part of an employee's contract of employment and employees have a responsibility and duty of care to their employer.

Therefore, where refusal to participate arises the following will apply:

- a. Refusal by an employee to submit to, or co-operate fully with the administration of a drug and alcohol test will result in that person's supervisor being called upon to counsel and encourage them to take the test.
- b. Where an employee refuses to see Council's Doctor then the employee must provide a medical certificate from their own treating Doctor (on the same day at the employees expense) to provide evidence that there are no medical or drug and alcohol issues which are preventing them from undertaking their normal duties.

Continued refusal to submit to, or co-operate will be treated in the same manner as any other refusal to comply with policy and may lead to termination of employment.

## 14. In possession or consuming

Where an employee is found to be consuming alcohol without prior approval or in possession of or consuming illegal substances the supervisor should:

- a. Inform the employee/s they are in breach of Council Policy.
- b. Stop the employee/s from working and arrange a meeting with the relevant manager immediately.
- c. If the incident involves suspected illegal drugs the matter will be reported to the Police by the relevant Manager.
- d. If the allegation is substantiated after investigation appropriate counselling and disciplinary action will be undertaken.

## 15. Decline in general performance due to alcohol or drug dependence

At any of the following stages the employee may request union representation. Procedural fairness must be observed at each stage.

### 15.1 Stage 1 - Supervisor

- Discuss the performance related reasons for the interview and give the employee the opportunity to respond.
- State what standards of performance are required or expected.
- Offer assistance by referring the employee to an appropriate agency or encourage the employee to seek professional assistance. (Remember it is the employee's decision whether or not to see a counsellor).
- Set a time frame for a review of performance. Inform the employee of expected changes, ongoing monitoring and the possible consequences if there is no significant improvement.
- Prepare a summary of the interview and give two copies to the employee. The employee should sign one of the copies and return it to the supervisor together with any notations regarding the content of such record. The copy should be placed under confidential cover on file.

#### Review

- If all aspects of work performance and related matters have met standards and expectations acknowledge this.
- If no noticeable improvement advise the employee that the matter will be referred to the second stage.
- If there is some improvement in identified areas and no decline in other performance standards set a further remedial time frame for review.
- Action and distribute a summary of the interview as above.

### 15.2 Stage 2 - Supervisor and Manager

- Provide details of unsatisfactory work performance and the steps that were taken to address the issues. Give the employee the opportunity to respond to the issues raised.
- Restate the performance standards required or expected.
- Repeat any previous offer of assistance.
- Set a time frame for review. Inform the employee of expected changes ongoing monitoring and possible consequences if no significant improvement and that this represents a final warning.
- Action and distribute a summary of the interview to all parties present.

#### Review

- If all aspects of work performance and related matters have met standards and expectations acknowledge this.
- If no noticeable improvement advise the employee that the matter will be referred to the final disciplinary stage. Confirm this advice in writing.
- If there is some improvement in identified areas, no decline in other performance standards, and no identification of new areas of performance deficiency set a further remedial time frame for review.
- Action and distribute a summary of the interview as above.

### 15.3 Stage 3

- Restate details of unsatisfactory work performance and the steps that were taken to address the issues. Give the employee the opportunity to respond to the issues raised.
- Restate the performance standards required or expected.
- Repeat any previous offer of assistance.
- Issue a final warning in writing giving notice of disciplinary penalties should unsatisfactory work performance or conduct not cease immediately.