

5.7. DRUG AND ALCOHOL POLICY

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RECOMMENDATION

That Council adopts the updated Drug and Alcohol Policy.

EXECUTIVE SUMMARY

In March 2018 Council adopted a Drug and Alcohol Policy which incorporates random testing to ensure that no one's health and safety is adversely affected by any Council employee working while affected by alcohol or a drug.

In response to feedback received during the implementation process, the Executive Leadership Team (ELT) has amended the Policy and the updated Drug and Alcohol Policy is presented to Council for review and adoption.

BACKGROUND

Following the adoption of the Policy in March, a procurement process occurred, and a supplier was selected for the provision of drug and alcohol testing services. As part of the services provided, the Supplier conducted employee education sessions. Feedback received from staff who attended the education sessions resulted in the proposed changes to the Policy. An additional round of consultation closed 25 September and the amended Policy is now put to Council for adoption.

COMMENT

Amendments to the Policy include:

- Definition of 'Prescribed Medication' added for clarification.
- 4.1 'Unsatisfactory Results' amended to ensure that staff who record an unsatisfactory result but can produce evidence of prescription medication are allowed to resume duties pending results of the secondary test.

FINANCIAL/RESOURCE IMPLICATIONS

The implementation of this policy has been outsourced to a preferred supplier, resulting in an ongoing annual operational cost.

RISK MANAGEMENT IMPLICATIONS

Implementation of this Policy will ensure that no person's health and safety is adversely affected by any "Council employee" working while affected by alcohol or a drug; and to assist Council to fulfill all relevant legal obligations in regard to employee safety.

Random alcohol and drug testing is an industry standard and by Council incorporating this testing into its operations it will enhance the organisation's reputation within the community and as an employer of choice.

SUSTAINABILITY IMPLICATIONS

Nil

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2014-2019 Initiatives:

Theme 5 – Governance

5.2.2 Implement adopted policies and guidelines to ensure consistency in administrative management which also encourages innovation in Council operations.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Regulator:- Meeting the responsibilities associated with regulating activities through legislation or local law.

CONSULTATION

Internal: Staff

External: Unions, Service Provider

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

1. Drug and Alcohol Policy Final **[5.7.1]**



DRUG & ALCOHOL POLICY

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Intent

The intent of this policy is to:

Ensure that no person's health and safety is adversely affected by any Douglas Shire Council employee working while affected by alcohol or a drug; and

Assist Douglas Shire Council to fulfil all relevant legal obligations in regard to employee safety.

Scope

This policy applies to all Council employees and visitors to Council worksites.

Reference

- Work Health & Safety Act 2011
- Work Health & Safety Regulation 2011
- Local Government Act 2009
- Industrial Relations Act 2016
- Workers' Compensation and Rehabilitation Act 2003
- Anti-Discrimination Act 1991
- Information Privacy Act 2009

Definitions

- **"Alcohol"** - means liquor as defined in the Liquor Act 1992.
- **"Authorised Officer"** - means an employee's leader, or Manager (or their delegate).
- **"Drug"** - means any illegal drug, as well as any prescription or over the counter medication that has the potential to adversely impact on safety at work.
- **"Employee"** - means Council staff, agents, contractors, sub-contractors, consultants, volunteers, trainees, work experience participants and job applicants.
- **"Prescribed Medication"** – medication prescribed to an individual by a registered medical professional
- **"Reasonable Suspicion of being affected by Drugs or Alcohol"** - means where an authorised officer forms the belief that an employee shows signs of being affected by alcohol or drugs.
- **"Unsatisfactory Result"** - means a result from drug and alcohol testing that falls outside the levels permitted by relevant legislation or codes of practice.
- **"Work Hours"** - means the period of travel to and from work from the employee's residence, core working hours, during call out activities, break times, and attendance at Council functions or functions where the employee has been invited as a Council representative.

Policy Statement

Douglas Shire Council (Council) recognises its obligation to provide a safe and healthy working environment for all employees through the provision of safe systems of work. Council's safety management system is

implemented throughout Council with a risk management focus and aim of eliminating hazards associated with unsafe work practices as a result of inappropriate alcohol and/or drug use.

Council considers that employees who are affected by drugs or alcohol during work hours present a potential risk to their own safety, as well as to other employees, especially considering Council's broad range of activities and significant number of employees. Therefore, all employees have a responsibility not to be adversely affected by alcohol or drugs during work hours.

Council has an Employee Assistance Program (EAP), which provides employees on Council's payroll with access to professional counselling in relation to drugs and alcohol. Details regarding Council's EAP are available from Council's Human Resources Officer.

Whilst Council is committed to supporting employees through its EAP, Council recognises the need for appropriate and consistent action where an employee is found to have used alcohol or drugs in a way that adversely affects their safety or productivity, or the safety, productivity or morale of other Council employees during work hours.

Accordingly, as set out in this policy, Council intends to introduce a process for conducting drug and alcohol testing of employees to ensure that the objectives of this policy are met.

1. Drug and Alcohol Testing

Council employees must have the capacity to perform their duties safely. Therefore, Council intends to conduct drug and alcohol testing in the situations outlined below.

1.1. Pre-employment

Applicants for employment with Council may be required to participate in pre-employment drug and alcohol testing. An unsatisfactory drug and alcohol testing outcome will result in the rejection of an applicant's employment application.

1.2. Reasonable Suspicion of being affected by Drugs or Alcohol

Employees whose behaviour or actions generate a reasonable suspicion of being affected by a drug or by alcohol may be required to undergo immediate drug and alcohol testing.

Employees who believe that another employee is affected by drugs or alcohol during work hours must notify an authorised officer as soon as practicable.

What amounts to a reasonable suspicion of someone being affected will depend on the specific situation, and it will be important to exclude other factors such as stress or fatigue or another medical condition.

However, a non-exhaustive list of factors that may give rise to a reasonable suspicion of being affected in relation to an employee may include:

- an admission of being adversely affected by drugs or alcohol;
- uncharacteristic and unexplained changes in speech, movement or appearance;
- erratic behaviour or manner; and
- possession of illegal drugs.

1.3. Post Incident

An employee may be required to undergo drug and alcohol testing following an incident or near miss.

1.4. Random

Any employee, or select group of employees, may be required to undergo drug and alcohol testing on a random day.

2. Types of Testing

2.1. Drug

Council does not condone the use of illegal drugs or the misuse of prescription or over the counter medication.

Employees who are found to be affected by any such drug during work hours will be subject to appropriate disciplinary measures as determined by the Chief Executive Officer (CEO).

2.2 Alcohol

In relation to permitted blood alcohol levels, employees working within Council owned or operated facilities and work sites must comply with all laws, road rules, plant and equipment regulations, liquor licensing requirements, Council Code of Conduct for Employees and any other relevant standard.

Employees who are found to exceed such permitted blood alcohol levels during work hours will be subject to appropriate disciplinary measures as determined by the CEO.

3 Testing Methods and Procedures

Council will arrange for testing to be conducted by an external service provider. All methods of testing will be in accordance with the relevant Australian Standards. The employee undergoing testing may choose to be accompanied by a support person or a union representative.

4 Test Results

4.1 Unsatisfactory Result

As the initial test is a saliva test, there are certain instances where individuals on prescribed medication may record an unsatisfactory result.

In these instances where:

- a) Staff record an unsatisfactory result but can produce evidence of prescription medication which is consistent with the drug identified and agree to a secondary urine test, they will be allowed to resume duties pending results of the secondary test.
- b) Staff record an unsatisfactory result, can produce evidence of prescription medication but refuse to the secondary urine test, refer to 4.1.1.
- c) Staff record an unsatisfactory result and can't produce evidence of prescribed medication, refer to 4.1.1.
- d) Staff record an unsatisfactory result and refuse a secondary urine test, refer to 4.1.1.
- e) Staff refuse to undertake test in first instance.

4.1.1 Where b), c), d) or e) applies staff will be escorted from the workplace and must use available leave (excluding sick leave) during the period of absence. The matter will be investigated in accordance with Council's adopted policies and procedures.

On receipt of an unsatisfactory result (in accordance with relevant standards), the employee will be escorted to their residence by an authorised officer (or their delegate) or the employee's support person. The employee will be responsible for collection of their personal vehicle if applicable.

The employee will then be subject to appropriate disciplinary measures as determined by the CEO and employees on Council's payroll will be offered access to the Employee Assistance Program (EAP).

The employee may elect to undergo further confirmation testing at their own expense within a reasonable period following the initial or secondary test. Council will take the advice of the external service provider as to the period of time within which the relevant drug or alcohol is likely to remain in the employee's system in excess of the relevant standards.

4.2 Return to Work

Where an employee has been absent from work due to receiving an unsatisfactory result, the employee may be required to undergo drug and alcohol testing prior to returning to work at their own expense. The employee will not be eligible to recommence work until they achieve a satisfactory result to the testing within an agreed timeframe.

4.3 Satisfactory Result

If an employee produces a satisfactory result to an initial drug or alcohol test, or confirmation test as provided for in clause 4.1 of this policy, they will be eligible to return to work immediately and no loss of pay or leave entitlements will apply. In the event of a satisfactory result, consideration will be given to the reimbursement of the cost of additional testing

5 Refusal to Undergo Testing

A refusal to undergo a drug and alcohol test will be taken as an unsatisfactory result, and the procedure outlined in clause 4.1 of this policy will apply.

6 Confidentiality of Test Results

Employee test results constitute personal information under the relevant legislation. As such, test results will be dealt with according to the principles contained in the relevant legislation.

Council will otherwise maintain the confidentiality of the test results by securely storing them on the employee's personnel file.

7 Prescription and Over the Counter Medications

Employees using prescription or over the counter medications during work hours must comply with all directions provided by their medical practitioner and/or pharmacist. Employees must ensure they:

inform their authorised officer immediately upon arriving at work if they are taking prescription or over the counter medication which has the potential to adversely impact their capacity work safely and efficiently; and- can produce a certificate from their medical practitioner certifying that they are able to work safely (considering the employee's position requirements) if taking prescription medication. Employees are not required to reveal the nature of the condition being treated or the type of medication, only that they are taking medication which has the potential to adversely impact their capacity to work safely and efficiently. Upon being notified, an authorised officer is to ensure tasks allocated to the employee for the duration of the effect of their medication are suitable and are not going to jeopardise the employee or others safety.

The authorised officer is to maintain communication with the employee to monitor their performance and return to normal duties.

If prescription or over the counter medication is determined by a medical practitioner or pharmacist to place the individual or other employees at risk, the individual may be required to utilise sick leave until the risk has passed. The employee's manager may offer the employee the opportunity to transfer to an alternative position should one be available, having regard to the employee's skill set, ability and capacity, as well as the directions of the medical practitioner or pharmacist.

8 Complaints and Grievance Procedure

If an employee is aggrieved as a result of procedures initiated as a result of alcohol or drug related matters, they may arrange an interview with an appropriate delegate of Council and be accompanied by their union representative or other support person, if desired.

9 Policy Dissemination

Implementation of this policy is to be preceded by a program of training involving Council employees and leaders. Thereafter, the subject matter is to be included in work health and safety induction training and information for all new employees as well as refresher training. Availability of EAP and other general information is to be widely distributed via noticeboards, Council's intranet and employee newsletters as necessary.

This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review: Manager Governance

ORIGINALLY ADOPTED: 13 March 2018

CURRENT ADOPTION: 23 October 2018

DUE FOR REVISION: October 2021

REVOKED/SUPERSEDED: