



DRUG AND ALCOHOL POLICY

FOR

COONAMBLE SHIRE COUNCIL

Endorsed by Occupational Health and Safety Committee on 22nd July 2004.

Endorsed by Consultative Committee on 30th July 2004.

Adopted by Council on 11th August 2004
Minute No 4165

This program has been developed in consultation with employees through their Occupational Health and Safety Committee, the Consultative Committee and relevant unions of this organisation.

1.0 PURPOSE

To maintain a satisfactory level of health and safety performance in the workplace.

To ensure a working environment free from the effects of alcohol and other drug use and inform employees of the availability of referral, assessment and treatment services.

To increase awareness of the harmful effects of alcohol and other drug use and inform employees of the availability of referral, assessment and treatment services.

2.0 SCOPE

All Council employees, contractors and volunteer workers.

3.0 REFERENCES

Occupational Health and Safety Act 2000 Section 8, Section 20.

Local Government (State) Award 2001

WorkCover guide to developing a workplace drug & alcohol policy.

Road Transport (Safety & Traffic Management)

Dangerous Goods Act 1975

USU Alcohol and other Drugs

4.0 DEFINITIONS

- 4.1 **Alcohol** refers to all substances that contain alcohol (including foods and medicines)
- 4.2 **Drug** refers to all substances, (including prescription medication) that when taken into the body alter the way the body functions physically or psychologically.
- 4.3 **The Award** refers to Local Government (State) Award 2001.
- 4.4 **Supervisor** refers to any member of Council staff acting in a line management role (e.g. Team Leader or higher)
- 4.5 **Breath Analysis** refers to a test of the breath conducted using an instrument that conforms to AS3457 - 1993.

5.0 EXPECTED OUTCOME

Council will not tolerate any employee, contractor or volunteer worker:

- ❖ Consuming alcohol during work hours
- ❖ Consuming alcohol at any Council premises or work sites, excluding official Council functions and Council sanctioned social functions.
- ❖ Possessing, consuming or administering illegal drugs on Council premises or work sites at any time. Where illegal drugs are involved or suspected then police will be informed.
- ❖ Presenting for duty in a state where they are unable to perform their duties to acceptable standard due to the influence of alcohol or other drugs.

6.0 PROCEDURE

6.1 Voluntary Testing of Employees

Where an employee considers that they may be under the influence of alcohol, Council will offer the employee a voluntary Breath Analysis prior to commencement of duties. In the event that the Breath Analysis is positive (exceeding 0.02, or a lower limit if prescribed elsewhere by law), the employee will be advised to take the remainder of the day off work.

The first two occurrences of a positive voluntary test within a calendar year will be considered to be sick leave, and paid

accordingly, however each of these occurrences will be considered as sick leave in accordance with the Award, subject to adequate leave being available. For the purpose of determining payment for sick leave, the positive test will be deemed to be a medical certificate.

Subsequent occurrences of a positive voluntary test within the calendar year will be considered to be leave without pay.

6.2 Detection of Potential Breach of Policy

The Supervisor will:

- (a) Act on suspicion of an employee being affected by drugs or alcohol (suspicion may be a result of observing impaired coordination, judgement, intellectual capacity or slurred speech, headache, nausea, vomiting, loss of inhibitions or smell of alcohol.) AND/OR
- (b) Act in response to any accident resulting in damage to property or injury to people that is expected to incur an insurance claim, or a near miss that could have resulted in a death, permanent impairment or property damage.

In doing so, the Supervisor will take into account any changes in an employee's

- ❖ work performance
- ❖ safety
- ❖ general behavioural changes

And form an opinion whether or not the above could be due to alcohol/drugs

Supervisor will call the employee aside for a private discussion 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 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.”

- (b) In the case of alcohol - "You can undergo a Breath Analysis"
- (c) In the case of drug use - "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 are under the influence of alcohol and/or drugs. Following on from which you will go home for the remainder of the work day and await results of testing."

A breach of the policy will be considered where the blood alcohol level exceeding 0.02, or a lower limit if prescribed elsewhere by law, as detected by the Breath Analysis. Any Breath Analysis resulting in a positive test will be repeated 15 minutes later to confirm the result.

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. Such certification will be considered a breach of the policy.

If time is taken off awaiting a blood test, and that test proves negative, normal pay will apply.

Any test conducted under this Clause may be witnessed by a third party of the employee's choice, subject to that person being available as a witness within 15 minutes of the request for a test. Any test recorded under the provisions of this Clause will be documented and kept on the employee's personnel file.

The outcome of any test, and any subsequent disciplinary action will be kept confidential. Senior management will be informed of the outcome of any positive test and will be involved in any subsequent disciplinary action.

6.3 Disciplinary Action

If the employee refuses a test and goes home in (a) above and/or tests prove positive in (b) and/or (c) above,

disciplinary procedures will be instigated in accordance with the Award.

- 6.3.1 In the first instance of a positive test, the employee will be issued with a written warning and an offer of referral/counselling to the employee. The employee will be instructed not to return to work until fit for duties and no longer under the influence of the substance, this being a minimum of the remainder of the working day. Time off work in this instance will be paid as sick leave, subject to adequate leave being available.
- 6.3.2 In the second instance of a positive test, the employee will be issued with a second written warning and an offer of referral/counselling to the employee. The employee will be suspended without pay and instructed not to return to work until fit for duties and no longer under the influence of the substance, this being a minimum of the remainder of the working day.
- 6.3.3 In the third instance of a positive test, the employee will be issued with a third written warning. The employee will be suspended without pay and instructed that their employment will be terminated.
- 6.3.4 For the purpose of this policy, written warnings issued under Clause 6.3 will stand for a period of 3 years. After this time they are still kept on record, but no longer used in relation to further disciplinary action.

6.4 Confidential Advice for Employees

Confidential advice etc can be obtained from the following:

Alcohol & Drug Information Service
24 hour/ 7 days a week
Advice/Information/Referral
Toll free :1800 422599

Local agencies will be utilised where appropriate or where requested.

6.5 Consumption of alcohol or illegal substances during working time

Should a Supervisor be informed of or locate employees consuming alcohol or any illegal substances during working hours the matter be immediately reported to the manager.

6.6 Council to Provide Training

Council will provide drug and alcohol awareness training for all employees. This will include dissemination of information on the dangers and consequences of drug and alcohol use in the workplace.

7.0 Decline in general performance due to alcohol or drug dependence

In the event that the general performance of an employee declines for reasons that are suspected to relate to the misuse of alcohol or drugs, a disciplinary discussion will take place between the employee and supervisor in accordance with the Award. This discussion and the associated warning of poor performance will be documented and kept on the employee's personnel file. The employee may request that a union representative be present.

The supervisor must clearly state the performance related reasons for the interview and clearly define what standards of performance are expected.

Performance matters may include punctuality problems, absenteeism, and difficult interpersonal workplace relationships. The employee must have the opportunity to respond.

The supervisor will advise the employee that they are to participate in a program managed by an appropriate agency. The supervisor should not attempt to counsel the employee. The employee may give Councils Administration Officer

Safety/Insurance permission to establish contact with the provider or agency in order to monitor the employees program.

In the event that the poor performance continues, subsequent disciplinary action will conform to the requirements of the Award, but will involve a recommendation that the employee participate in a program managed by an appropriate agency.

Continued poor performance may result in termination of employment subject to the provisions of the Award.