



## Policy No 2013 - 16

### Drug and Alcohol Policy

Responsible Officers: All Managers

For Review By: General Manager

Review Date: 31/12/2018

Signed By: .....

..... 27/1/16

Mayor Date

..... 27/1/16

General Manager Date

Adopted at Council Meeting 19/11/2013

Reviewed & Adopted at Meeting 19/01/2016

## **PURPOSE OF POLICY**

Central Highlands Council (the "Council") has legal obligations in relation to the health and safety of employees and to others when they are on council premises. The Council is committed to providing and maintaining a safe work environment, one that ensures the health and safety of employees and others at work. A safe and productive work environment includes the respectful treatment of others in the workplace.

The use of drugs or alcohol in the workplace may impair an employee's ability to perform their work safely, efficiently and with respect for colleagues, community members and others.

The purpose of this Policy is to reduce and eliminate the likelihood of possible injury and/or potential negative effects resulting from alcohol and drug use and/or abuse in the work environment.

## **SCOPE**

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

The obligations in this Policy also extend to work-related functions and places that may not be Council premises but at which Council work is performed. A "work-related function" is any function that is directly connected to work, for example, conferences, work lunches or meetings, Christmas parties, client functions etc. Workplace participants are required to comply with this Policy at all work-related functions. This Policy also applies when workplace participants go to other workplaces in connection with work, for example when visiting a community member, client or supplier.

It should be noted that in circumstances where a workplace participant's behaviour or conduct may involve a breach of any Australian law, the Council may notify the police or other relevant government authority.

## DEFINITIONS

**"BAC"** means Blood Alcohol Content. The prescribed limit for blood alcohol content in this Policy is **Zero (0.00)** grams of alcohol in 100 millilitres of blood.

**"Drugs"** includes illegal drugs and prescription or pharmacy drugs, as defined below.

**"Illegal drugs"** includes any drug prohibited by State or Federal law. For the purposes of this Policy, marijuana is considered to be an illegal drug. "Illegal drugs" also includes prescription or pharmacy drugs (as defined below) which are used without the necessary prescription or for non-medical purposes.

**"Positive Result for Alcohol"** means a blood alcohol concentration of **greater than zero (0.00)**, or the refusal to undergo a test.

**"Positive Result for Drugs"** means detection of a drug of the cut-off level or higher as referred to in the relevant standard, which for Australia is currently: 'Australian Standard 4308/2001: Recommended Practise for the Collection, Detection and Quantification of Drugs of Abuse in Urine'.

**"Prescription and Pharmacy drugs"**: The Council recognises that workplace participants may have legitimate medical reasons for taking some medications, prescribed for them by a medical practitioner. Employees may also have legitimate reason to use some non-prescription medications which are lawfully available at Australian pharmacies. These drugs are referred to in this policy as "prescription and pharmacy drugs".

## POLICY

***Alcohol and drugs are prohibited in any Central Highlands Council workplace or worksite except where exempted in this policy.***

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

- (a) work while under the influence of drugs or alcohol;
- (b) commence or return to work while under the influence of drugs or alcohol;
- (c) consume drugs or alcohol during work or at the workplace; or
- (d) possess illegal drugs in the work environment.

### ***Illegal Drugs***

Workplace participants must not be in possession of illegal drugs at work, or bring them into the workplace. Workplace participants must not sell or provide illegal drugs or prescription or pharmacy drugs at work. Such conduct constitutes serious misconduct and may also constitute a criminal offence, in which case the Council may notify the police.

### ***Prescription and Pharmacy Drugs***

Where a workplace participant is taking prescription or pharmacy drugs for medical purposes, the workplace participant will not breach this Policy by attending work, if:

- (a) The workplace participant takes the prescription and pharmacy drugs in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs;
- (b) The workplace participants does not misuse or abuse prescription or pharmacy drugs;
- (c) The workplace participant informs him/herself of the impact of consumption alcohol on prescription and pharmacy drugs and they limit consumption accordingly;
- (d) 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 safely perform their normal work duties. If a workplace participant's ability to perform work safely is affected, or could be affected, the workplace participant should obtain this advice in writing from the medical practitioner or pharmacist and provide it to the General Manager before undertaking their work after taking prescription and pharmacy drugs;
- (e) Where a workplace participant is taking prescription or pharmacy drugs that contain a warning that the person should not drive a vehicle or operate machinery, the workplace participant must not drive a Council vehicle or operate machinery; and
- (f) Further, if a workplace participant is taking prescription or pharmacy drugs and feels that their ability to safely drive a vehicle or operate machinery is affected, the workplace participant must not drive a Council vehicle or operate machinery and must notify their supervisor of this fact.

If the Council suspects that the workplace participant's ability to safely perform work is affected, the Council may take steps to address the issue in accordance with this Policy.

The prohibition relating to drugs will not be waived in any circumstances, except as set out above in relation to prescription and pharmacy drugs.

### ***Consumption of Alcohol***

The General Manager may waive the prohibition on the consumption of alcohol in certain circumstances for special functions, for example, at a staff function, Christmas party or client functions. This waiver should be provided in writing.

***Any alcohol kept on Council premises for any function must be kept in a locked cupboard and the key be held by the officer/person responsible for the depot or office site.***

Even when the General Manager waives the general prohibition on consumption of alcohol, the following restrictions continue to apply at all work-related functions:

- Workplace participants must consume alcohol responsibly;

- Workplace participants must not become inebriated or drunk. As set out above, it is a condition of waiving the prohibition on alcohol that workplace participants consume alcohol responsibly;
- Workplace participants must uphold an appropriate standard of behaviour at all times;
- The restrictions set out below in relation to Council vehicles and machinery continue to apply; and
- Workplace participants must ensure a safe means of transport from such functions. Workplace participants must not drive any vehicle if they are *assumed* over the legal blood alcohol limit. Workplace participants who do not have a means of transport should advise their supervisor or manager in order to arrange transport.

### *Alcohol and Illegal drugs*

Workplace participants must not, in any circumstance, drive a Council vehicle or operate machinery if they are under the influence of alcohol or illegal drugs.

The Council will not accept liability for any damage to a Council vehicle or equipment, an injury to another person, or damage to property caused by a workplace participant's use of a Council vehicle or its equipment while under the influence of alcohol or illegal drugs.

The workplace participant will be personally liable in such circumstances.

### ***Duty of Care - Central Highlands Council Employees (including Contractors)***

***It is every employee's duty of care to notify their immediate supervisor if they believe another Central Highlands Council employee or Contractor is affected by drugs or alcohol at any Council worksite.***

### **WHAT WILL THE COUNCIL DO IF IT SUSPECTS A WORKPLACE PARTICIPANT IS AFFECTED BY DRUGS OR ALCOHOL?**

If the Council suspects on reasonable grounds that a workplace participant is under the influence of drugs or alcohol at the workplace, the Council will take the necessary steps to address the issue. Such grounds include (but are not limited to) 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 affected by drugs or alcohol.

In circumstances when the Council suspects a workplace participant to be under the influence of drugs or alcohol the Council may take any or all of the following actions:

- Direct the workplace participant to go home; or

- 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. The medical examination may include a drug and/or alcohol test, such as a blood test or urine test. Further in relation to prescription or pharmacy drugs, the 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'.

Where a workplace participant is sent home or required to attend a medical examination, the workplace participant must report to the General Manager to discuss the incident the following working day. The Council will deal with the issue as set out below under 'Breach of this Policy'.

It should be noted that information obtained through a medical examination will not be used by the Council other than for the purposes for which it is collected. The purposes of such testing are to ensure the health and safety of workplace participants, to apply this Policy, and for disciplinary purposes.

### **WHAT WILL THE COUNCIL DO IF IT FINDS DRUGS OR ALCOHOL ON COUNCIL PREMISES?**

If the Council finds drugs or alcohol on Council premises in breach of this Policy, the Council may take any or all of the following steps:

- Investigate the matter in order to determine who is responsible, including by conducting searches;
- Require some, or all, workplace participants to undergo a medical examination in order to test for the presence of drugs 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 may result in action against the workplace participant, as set out below under 'Breach of this Policy'.

### **WHAT WILL THE COUNCIL DO IF IT SUSPECTS A WORKPLACE PARTICIPANT HAS DRUGS OR ALCOHOL IN THEIR POSSESSION AT WORK?**

If the Council suspects that a workplace participant has drugs or alcohol in their possession at work, the 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;
- Request the workplace participant to open their locker, bag, or vehicle or to empty their pockets or jacket for the purpose of locating any drugs or alcohol. Workplace participants are expected to permit such inspection and co-operate with Council officials investigating such matters.

Workplace participants are required to co-operate in any investigation of such matters. Failure to co-operate or providing false information in an investigation may result in action being taken against the workplace participant, as set out below under 'Breach of this Policy'.

### **BREACH OF THIS POLICY**

If an employee is found to have breached this Policy, they will 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.

Examples of disciplinary action that may be taken include (but are not limited to):

- counselling;
- a formal warning;
- demotion;
- transfer to another area;
- suspension; and
- termination of employment.

Agents or contractors (including temporary contractors) of the Council who are found to have breached this Policy may have their contracts with the Council terminated or not renewed.

In circumstances where a workplace participant's behaviour or conduct may involve a breach of any Australian law, the Council may notify the police.

### **ACCESS TO POLICY**

The contents of this Policy are an accurate reflection of the conditions applying to drugs and alcohol at work. This Policy does not form part of any contract between you and the Council.

If a workplace participant is unsure about any matter covered by this Policy, they should seek the assistance of the General Manager.

Please complete the Workplace Participant Acknowledgement. Once signed, the page should be returned to the General Manager.

**WORKPLACE PARTICIPANT ACKNOWLEDGEMENT**

Central Highlands Council Drug and Alcohol Policy

I acknowledge receiving the Central Highlands Council Drug and Alcohol Policy. I confirm that I understand the information contained in the Policy and agree to comply with the terms of the Policy.

Your name:

Signed:

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Date:

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