

# G.19 Drug & Alcohol Policy

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## G.19 Drug & Alcohol Policy

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CEO	Chief Executive Officer
MCCS	Manager Corporate & Community Services
MES	Manager Engineering Services
MFS	Manager Financial Services
OHSA, QA	Occupational Health and Safety / Quality Assurance Officer

## 1. OBJECTIVE

Quilpie Shire Council, (“Council”) is committed to providing and maintaining a safe, supportive and productive workplace environment to all workplace participants. In accordance with this commitment, no workplace participant can attend Council’s controlled premises and/or a work site/s whilst under the influence of illegal drugs and/or alcohol. This is to eliminate the risk of workplace participants’ work performance being adversely affected or the safety of employees or others being compromised due to the consumption of illegal drugs and/or alcohol.

The objectives of this policy are to:

- Define clear expectations in relation to the standard of behaviour at work, particularly that workplace participants are expected to not be under the influence of illegal drugs and/or alcohol whilst at a Council controlled premises and/or work sites;
- Ensure that Council meets its obligations under various legislation and its duty of care to provide a safe working environment to all workplace participants; and
- Provide managers with the necessary skills to identify and manage issues in the workplace that are related to drugs and alcohol.

## 2. SCOPE

This Policy applies to all employees, agents and contractors (including volunteers, work experience students, temporary contractors or sub-contractors) of Council, collectively referred to in this Policy as ‘workplace participants’.

The obligations contained in this Policy extend to all functions and places that are connected to work including Safety Sensitive Aviation Activities (SSAA) and workplace participants must comply with this Policy at all work-related functions. Work-related functions include, but are not limited to, conferences, work lunches or meetings, Christmas parties, client functions etc. This Policy also applies when workplace participants visit other workplaces in connection with work, for example when visiting a customer, client or supplier.

The associated document G.19-A CASA Micro-business DAMP only applies to those employees, agents and contractors undertaking Safety Sensitive Aviation Activities.

## 3. STATEMENT

### 3.1 RESPONSIBILITIES

- All workplace participants have a responsibility for maintaining a safe working environment. Under the *Work Health and Safety Act 2011*, Council has a primary duty of care towards its workplace participants and any other persons who may be present at the workplace.
- Except as set out in this Policy, workplace participants are not permitted to do the following:
  - work while under the influence of drugs and/or alcohol;
  - commence or return to work while under the influence of drugs and/or alcohol;
  - consume or use illegal drugs and/or alcohol at work or during work hours (even whilst off site);
  - bring alcohol and/or illegal drugs to work;
  - sell or dispense alcohol and/or drugs at work; or
  - possess alcohol and/or illegal drugs at work.
- All workplace participants have a responsibility to read and understand this Policy.

- Under the legislation, all workplace participants must take reasonable care of their own health and safety while at Council's controlled premises and to ensure that their actions do not cause a risk to the health and safety of others at the workplace.
- Workplace participants should be aware of their own ability to perform work related tasks. They are expected to carry out self assessment and inform the appropriate manager if they believe that they are affected by alcohol or other drugs. This applies to those who are performing work related tasks remotely or from home or tele-commuting.

Council does not accept liability for the consequences (property damage, injury etc...) of any illegal or inappropriate actions of any workplace participant whilst he/she is affected by drugs and/or alcohol. The workplace participant is responsible for the consequences of their actions.

### 3.2 COUNCIL CAMPS

Controlled consumption of alcohol is permitted at campsites outside normal working hours. However, it is not permitted, at any time, to consume alcohol when operating, sitting on, riding in or otherwise in contact with any machinery, vehicle or plant on and around the campsite.

### 3.3 PRESCRIPTION AND OVER THE COUNTER MEDICATION

Where a workplace participant is taking prescription and/or over the counter medication for a legitimate medical purpose, the workplace participant will not be in breach of this Policy, provided that the workplace participant:

- Takes the prescription and/or over the counter medication in accordance with their medical practitioner's instructions;
- Does not misuse or abuse the prescription and/or over the counter medication;
- Is aware of the effects (including potential side effects) of consumption of alcohol while taking prescription and/or over the counter medication; and
- Checks with their medical practitioner or pharmacist about the effect of the drug on their ability to drive vehicles, operate machinery and generally perform their work duties in a safe manner. If a workplace participant's ability to perform his/her work safely could be impaired by taking prescription and/or over the counter medication, the workplace participant must promptly obtain written advice from the medical practitioner or pharmacist and provide it to his/her manager or supervisor, before undertaking his/her work.

If Council suspects that a workplace participant's ability to safely perform work is impaired (or likely to be impaired), Council may take steps to address the issue in accordance with this Policy.

### 3.4 CONSUMPTION OF ALCOHOL IN SPECIAL FUNCTIONS

Council may waive the prohibition on the consumption of alcohol in certain circumstances (in and out of work hours) such as for special functions, Christmas parties, client functions etc... The decision to waive this prohibition is at the sole discretion of the CEO or, in his absence, the Manager Engineering Services or the Manager Corporate and Community Services.

If Council waives the general prohibition on consumption of alcohol under this Policy, the following restrictions will continue to apply at all work-related functions:

- Workplace participants who consume alcohol should do so in a responsible manner;
- Workplace participants must not become inebriated or drunk;
- Workplace participants must uphold an appropriate standard of behaviour and, at all times, continue to abide by the Code of Conduct. Inebriation will not be accepted as an 'excuse' for inappropriate behaviour;
- The restrictions set out below in relation to the operation of vehicles and machinery continue to apply; and

- Workplace participants must not drive any vehicle if they have consumed any alcohol or drug (being any drug that could impair the ability to safely operate the vehicle).

### 3.5 VEHICLES AND MACHINERY

Workplace participants must not, in any circumstances, operate machinery if they have:

- Consumed alcohol and/or illegal drugs; or
- Taken prescription and/or over the counter medication which may impair their ability to drive the vehicle or operate the machinery in a safe manner.

Council does not accept liability for any damage to any machinery or vehicle, any injury to any person, or damage to any other property caused by a workplace participant's use of a vehicle or machinery while under the influence of alcohol or drugs. The workplace participant is responsible for the consequences of their actions.

### 3.6 DRUGS OR ALCOHOL ON COUNCIL CONTROLLED PREMISES

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

- Investigate the matter in order to attempt to determine who is responsible; and/or
- Require some, or all, workplace participants to undergo a medical examination in order to test for the presence of drugs and/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 may constitute a breach of this Policy and the Code of Conduct and will be dealt with under the heading 'Breach of this Policy'.

### 3.7 POSSESSION OF ILLEGAL DRUGS OR ALCOHOL AT WORK

If Council suspects, on reasonable grounds, that a workplace participant has illegal drugs or alcohol in their possession at a Council controlled premises, Council may take any or all of the following steps:

- Investigate the matter in order to determine whether the workplace participant has such illegal drugs or alcohol in their possession;
- Request the workplace participant to give access to any of Council's property such as any locker or vehicle;
- Upon the express consent of the workplace participant, inspect any personal property of the workplace participant such as any bag or vehicle or to empty their pockets or jacket.

Providing false information in an investigation may be considered as misconduct. Misconduct may result in disciplinary action being taken against the workplace participant, as set out below under the heading 'Breach of this Policy'.

### 3.8 DRUG AND ALCOHOL TESTING

Regular random testing will be undertaken by Council. An individual or a group of individuals may, at any time and without notice, be requested to undertake alcohol and drug testing. Testing will be conducted by an Authorised Officer. All methods of testing will be in accordance with the relevant Australian Standards.

Testing for drugs will be by means of oral fluid sample, where an Australian standard exists for the detection of impairment causing drugs using such means. Testing for alcohol impairment will be by means of breath analyser.

Non-negative results for drugs will be determined in accordance with the Australian standards for oral fluid testing.

Individuals who have prescription drugs and/or over the counter medication **must** disclose them to the Authorised Officer prior to the test being administered. If a non-negative result is returned, a confirmatory test result shall be required.

Workplace participants who return a non-negative result following random testing may be subject to targeted follow up testing.

### 3.9 SUSPICION A WORKPLACE PARTICIPANT IS AFFECTED BY ILLEGAL DRUGS OR ALCOHOL

If Council suspects, on reasonable grounds, that a workplace participant is under the influence of illegal drugs and/or alcohol, the workplace participant may be required to undergo immediate drug and alcohol testing.

Grounds for reasonable suspicion may include, but are not limited to, the following:

- An admission by a workplace participant of being adversely affected by drugs and/or alcohol;
- Possession of illegal drugs or alcohol by a workplace participant;
- Where a workplace participant is unable to co-ordinate their actions, has red or bloodshot eyes or dilated pupils, or smells of alcohol;
- Where the workplace participant acts contrary to their normal behaviour; or
- Where the workplace participant otherwise appears to be impaired.

Workplace participants who believe that another workplace participant is affected by illegal drugs or alcohol must notify an authorised person as soon as possible.

### 3.10 POST-INCIDENT

A workplace participant may be required to undergo drug and alcohol testing when they have been involved in an accident or incident (including a 'near miss'). Where an accident or serious incident occurs on a work site, all workplace participants at the work site at the time of the accident or incident will undertake drug and alcohol testing.

### 3.11 SELF-TESTING

Every workplace participant has the opportunity to self-test 'without prejudice'. Positive readings from self-testing will not result in disciplinary action provided a workplace participant performs a self-test prior to commencing work (except under circumstances outlined below where multiple positive self-testing results are recorded).

If a positive result is recorded, it is the workplace participant's responsibility to contact their supervisor immediately, and advise that they cannot commence work. In such circumstances the workplace participant will be required to take leave.

Where a positive result is recorded it is recommended that the workplace participant return home via alternative transport.

Workplace participants who self-test positive after commencing work may be subject to disciplinary action.

Workplace participants who record multiple positive self-testing results may face disciplinary action and may be required to attend rehabilitation.

### 3.12 REFUSAL TO UNDERTAKE DRUG AND ALCOHOL TESTING

If a workplace participant refuses to undertake a drug and/or alcohol test they will be requested to attend a medical examination with an Authorised Officer or be directed to go home. If the workplace participant refuses to attend a medical examination, they will be stood down immediately and directed to leave the work site. Refusal to attend a medical examination or refusal to leave the work site 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 their manager or supervisor to discuss the incident the following working day, or when the workplace participant is no longer under the influence of drugs and/or alcohol. Council may deal with the issue as set out below under the heading 'Breach of this Policy'.

### 3.13 TEST RESULTS

If a workplace participant produces an unsatisfactory result to a drug and/or alcohol test, they will be immediately suspended from work. The workplace participant may then be subject to appropriate disciplinary measures as outlined in this Policy, or as determined by the Chief Executive Officer where no specific disciplinary measure has been included.

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

### 3.14 RETURN TO WORK

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

### 3.15 BREACH OF THIS POLICY

Workplace participants must comply with this Policy at all times. If a workplace participant is found to have breached this Policy, they may be subjected to disciplinary action in accordance with the Performance and Misconduct Policy, and Council's Code of Conduct. 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.

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

In circumstances where a workplace participant's behaviour or conduct may involve a breach of any Australian laws, or any other laws (including foreign and international laws) to which Council is subject to or which apply to the work performed by a workplace participant for Council, Council may notify the police or any other relevant authority.

### 3.16 EMPLOYEE ASSISTANCE PROGRAM

Council provides access to an Employee Assistance Program ("EAP") for employees with alcohol and drug dependency problems. For details about the EAP, please contact Council's Human Resources Officer.

## 4. DEFINITIONS

**"Drugs"** includes illegal drugs and prescription and/or over the counter medication as defined below.

**"Illegal drugs"** includes 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, or which apply to the work performed by workplace participants for Council. For the purposes of this Policy, marijuana is an illegal drug. In this Policy, "illegal drugs" includes prescription and/or over the counter medication (as defined below) which are used without the necessary prescription or for purposes for which they were not intended.

**"Prescription and/or over the counter medication"**: Council recognises that workplace participants may have legitimate medical reasons for taking some medications. This includes where a medical practitioner

has properly prescribed lawful medications for a diagnosed medical purpose or where the medication is lawfully available at Australian pharmacies (without a prescription) and is required for the treatment of a legitimate condition. These medications are referred to in this Policy as “prescription and/or over the counter medication”.

**“Non-Negative Result” –**

- For an initial drug test - a test result above zero;
- The term non-negative is used to account for situations that carry the same consequences as a positive result, even if a positive result was not received.

**“Positive Result” -**

- for a confirmatory drug test - a test result above zero, verified by a Medical Review Officer (MRO) as a verified positive result
- for an initial alcohol test - a test result above zero
- for a confirmatory alcohol test - a test result above zero

**Safety Sensitive Aviation Activities (SSAA) -**

- any actions taken by a person in an aerodrome testing area (including the persons presence in the area) other than as a passenger
- any of the following activities, wherever they occur:
  - calculation of the position of freight, baggage, passengers and fuel on aircraft
  - the maintenance, certification of maintenance or manufacture of aircraft, aeronautical products, ground based navigation aids or radar
  - the fuelling and maintenance of vehicles that will be used to fuel aircraft on aerodrome testing areas
  - activities undertaken by an airport security guard or screening person in the course of their duties as a guard or person
  - activities undertaken by a member of the operating crew of an aircraft in the course of that persons duties as a crew member
  - the loading and unloading of trolleys containing baggage for loading onto aircraft or unloading from aircraft and the driving of such trolleys
  - activities undertaken by an air traffic controller in the course of the controller's duties as a controller, or the supervisor of such a person
  - providing flight information and search and rescue alert services:
    - to a pilot or operator of an aircraft immediately before the flight of the aircraft; or
    - to a pilot or operator of an aircraft, during the flight of the aircraft; or
    - as an intermediary for communications between a pilot or operator of the aircraft and an air traffic controller; and
    - the provision of aviation fire fighting services.

## 5. RELATED POLICIES | LEGISLATION | OTHER DOCUMENTS

*Work Health and Safety Act 2011*

IX #	Details
94362	Code of Conduct for Employees
91102	G.107 Performance and Misconduct Policy



