
OPERATIONAL POLICIES

Alcohol & Other Drugs



Policy Number:	O4
Relevant Delegation:	Not Applicable
Adoption Details:	18 September 2017
Last Review Details:	27 April 2021

POLICY OBJECTIVE:

To ensure a safe workplace free from the effects of alcohol and other drugs.

POLICY SCOPE:

This policy applies to all employees, contractors and visitors (herein referred to as workers), irrespective of their position within the Shire, carrying out work for or on behalf of the Shire.

POLICY STATEMENT:

The Shire of York is committed to maintaining a safe and healthy work environment. A worker's ability to work safely and productively may be impaired by the use or abuse of alcohol and other drugs in the workplace. The Shire has a zero tolerance for impairment of performance through the use of alcohol or other drugs.

PRINCIPLES

RESPONSIBILITIES:

The Shire

The Shire has a legislative responsibility to provide and maintain a work environment that does not expose workers and others to hazards, as far as reasonably practicable.

Workers

It is the responsibility of all workers to present themselves for work in a fit state so that in the course of carrying out their normal work activities, they do not expose themselves or others to unnecessary risks to safety and health.

It is the responsibility of all workers to ascertain what effects all prescribed or non-prescribed medication may have on work performance ie the ability to drive, operate equipment be alert, concentrate etc. The worker has a legislative responsibility to advise their Supervisor if they are taking any prescribed or non-prescribed drug(s) which may affect their fitness for work or work performance.

The worker also has a legislative duty to advise their Supervisor if they are affected by alcohol which may affect their fitness for work or work performance.

Supervisors

Supervisors must monitor the performance of workers they supervise and identify those who *may* not be fit to perform their work duties safely. Once identified the Supervisor should;

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- take appropriate action to remove the risk to the worker and others.
 - review the situation ensuring that the worker is treated with fairness and respectfully.
 - maintain confidentiality wherever possible.
 - arrange for the worker to undergo 'for-cause' testing with a medical practitioner selected and provided by the Shire.

The Chief Executive Officer

The CEO is responsible for compliance with this policy and for developing and implementing documented procedures to support the application of the policy.

POLICY APPLICATION:

Alcohol and Other Drugs in the Workplace

The use of alcohol or other drugs in the workplace – including Council premises, parks, reserves, vehicles, plant or any other Local Government building or physical asset, is prohibited.

The Chief Executive Officer may waive this requirement regarding the use of alcohol, where circumstances warrant - for example, when Council sponsors a social event, such as an official farewell, staff social club meetings or a Christmas Party.

Alcohol and Drug Testing

The Shire reserves the right to conduct pre-employment, random, blanket and suspicion alcohol and drug testing throughout the whole organisation.

A qualified Testing Service Provider will perform those tests. The outcome may or may not affect the perception of an employee's fitness for duty on that day and may entail disciplinary action.

Suspicion testing shall only be carried out if a supervisor/manager suspects or determines that a substantial risk exists for the employee, co-workers or the public. A Testing Service Provider will conduct this form of testing by breathalysing/oral testing the employee first. A urine test may be ordered as a result of the first tests to determine the presence of a serious misconduct, such as a criminal offence or a serious breach of Council's policy providing reasonable grounds for terminating employment (in accordance with the Local Government Act and/or relevant Awards).

All testing results will be kept private and confidential wherever possible.

The Shire's Rights when Alcohol or Other Drug Use is Suspected

If a Manager or Supervisor has justifiable cause to doubt an employee's fitness for duty, they may have the employee removed from the workplace and may initiate any reasonable action considered necessary. If it is believed that the use of drugs or alcohol renders risk to the safety or health of the employee, co-workers or the public, the Shire reserves the right to remove the employee from duty pending an urgent medical examination to determine fitness for duty.

The subject employee will be entitled to full payment of entitlements until such time as the medical examination determines that the employee is unfit for work.

If the employee is deemed fit for work, the employee will be returned to work immediately.

If the employee is deemed unfit for work, the employee will be placed on leave without entitlements until such time as a medical examination determines fitness for duty.

Detection

Where an employee is declared impaired by alcohol or other drugs following medical testing, the following procedure will apply:

First breach – the Executive Manager will arrange a performance management meeting no more than a week after the employee has returned to work. The employee may request a support person to be present. The employee’s performance will be discussed with regards to the impairment evidenced, non-compliance with this policy and the employee will be encouraged to seek professional help if required. The Executive Manager will clearly state the expected standards of performance required. A file note will be placed on the employees Personnel file.

Second Breach – the CEO reserves the right to take immediate disciplinary action which may include suspension where the employee will be required to take personal leave or leave without pay, or in the event of serious misconduct, dismissal in accordance with the *Local Government Act 1995* and the Shire’s Enterprise Bargaining Agreements.

PENALTIES:

Not applicable.

KEY TERMS/DEFINITIONS:

Approved Medication – a medication that has been declared by the worker prior to testing, which is not deemed to breach this policy. Toxicology advice may be sought to assist in this determination.

Blanket Test – a test carried out that involves at least 50% of the workforce.

BAC – (Breath Alcohol Content) – the concentration of alcohol in the breath.

Contractor – an individual or company and its personnel carrying out work for the Shire (referred to as a ‘worker’ of the Shire for the purposes of this policy).

Drug – any substance which when taken into the body, alters the body’s function physically and/or psychologically. This includes legal or illegal substances, non-prescribed or prescribed by a medical practitioner.

Employee – any person employed to work for or on behalf of the Shire and includes volunteers (referred to as a ‘worker’ of the Shire for the purposes of this policy).

Executive or Executive Management – the CEO and Executive Managers of the Shire of York

Fit for Work – an individual who is able to perform their duties without risk of harm or injury to themselves, their co-workers or the public, and damage to Shire or other property.

Medication – a prescribed or over the counter medication that is approved for sale and/or possession within Australia.

Prohibited Substance – a substance such as a drug etc that is banned or forbidden by law or other authority.

Random Testing – a test carried out involving less than 50% of the workforce or an individual, work area/crew or department and includes Shire workers.

Supervisor – any person appointed to supervise/manage a group of workers on behalf of the Shire.

Suspicion Testing – a test carried out on an individual where there is reasonable grounds to suspect impairment by alcohol or other drugs.

Testing Service Provider – a qualified supplier/persons authorised by the Chief Executive Officer to conduct drug and alcohol testing in compliance with the relevant Australian Standards.

Worker - any employee, contractor, volunteer engaged to undertake work for the Shire

Workplace – A place, vehicle, building, or other structure, where workers work or are likely to be in the course of their work for the Shire.

Responsible Officer: Chief Executive Officer
Contact Officer: Chief Executive Officer
Relevant Legislation: Occupational Health & Safety Act 2004
Equal Opportunity Act 1985
Privacy Act 1998
Local Government Act 1995

Review History:

Date Review Adopted:	Resolution Number
Adopted – 18 September 2017	
Reviewed – 25 November 2019	291119
Reviewed – 27 April 2021	050421
Former Policy No:	N/A