
OPERATIONAL POLICIES

Alcohol & Other Drugs



Policy Number:	O4
Relevant Delegation:	Not Applicable
Adoption Details:	18 September 2017
Last Review Details:	3 April 2025

POLICY OBJECTIVE

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

POLICY SCOPE

This policy applies to all employees, contractors, volunteers and visitors (herein referred to as workers), irrespective of their position within the Shire, carrying out work for or on behalf of the Shire. The workplace includes all premises, vehicles, and sites where work is performed under the direction of the Shire.

POLICY STATEMENT

INTRODUCTION

The Shire of York is committed to ensuring the health, safety and wellbeing of all workers and others in the workplace by preventing the risks associated with alcohol and other drugs. The Shire has a zero tolerance for the use of alcohol or other drugs that exceed the confirmatory cut off levels as defined in the Australian/New Zealand Standards (AS/NZS4308:2023).

PRINCIPLES

The *Work Health and Safety Act 2020* (WHS Act) provides a framework to protect the health, safety and welfare of workers in Western Australian workplaces, and for others who might be affected by the work (visitors).

The aims of the WHS Act that are relevant to this policy include:

- protect the health and safety of workers and others by eliminating or minimising risks that arise from work or workplaces;
- ensure fair and effective representation, consultation and cooperation to address and resolve health and safety issues in the workplace;
- assist businesses and workers to achieve a healthier and safer working environment;
- provide effective compliance and enforcement measures;
- deliver continuous improvement and progressively higher standards of WHS.

In furthering these aims, regard must be had to the principle that workers and other persons should be given the highest level of protection against harm to their health, safety and welfare from hazards and risks arising from work as is reasonably practicable.

*Overview of Western Australia's Work Health and Safety Act 2020,
by the Department of Mines, Industry Regulation and Safety WA.*

PROVISIONS

RESPONSIBILITIES

The Shire

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

The Executive Management

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

Workers

Under the WHS Act, it is the duty of all workers to take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace.

In accordance with Section 28 of the WHS Act, workers have a duty to take reasonable care for the worker's own health and safety and take reasonable care that the worker's acts or omissions do not adversely affect the health and safety of other persons.

The consumption of alcohol and/or other drugs while at work is not tolerated. Permitted and responsible use of alcohol at a workplace social occasion may be approved by the Chief Executive Officer.

Workers who buy, take, or sell drugs during agreed hours of work, may be found to have engaged in serious misconduct. Such behaviour may result in disciplinary action up to and including dismissal.

Employees who have been prescribed medication by a medical practitioner that could interfere with their ability to safely carry out their role must inform their line manager and Human Resources and disclose any side effects that these medication/drugs may cause.

TESTING IN THE WORKPLACE

Alcohol and Drug Testing

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

Refusal to undertake a test will be considered a breach of this policy.

A qualified Testing Service Provider will perform these tests. The outcome may entail disciplinary action.

Suspicion testing shall only be carried out if a supervisor/manager suspects or determines that a breach of policy has occurred. The Shire reserves the right to remove the employee from duty pending an urgent medical examination.

It is important that at all times the worker is treated with fairness and respect. It should not be assumed that any observed impairment is caused by alcohol and/or other drug use. Other impairment factors may include fatigue, medical conditions, chemicals, heat, noise and symptoms of work-related stress.

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

Detection

Screening Test

A worker who returns a negative screening test result will be permitted to return to the workplace with no further action.

Where a worker returns a non-negative screening test result a confirmatory test will be conducted. A person who returns a non-negative screening test (except where consistent with declared approved medications) will not be permitted to remain in or return to the workplace until:

- ☐ The confirmatory test result is negative
- ☐ A test result shows that the employee now falls below the levels set in the Australian Standards; or
- ☐ The employee provides an explanation that is satisfactory to the CEO.

A worker who provides an invalid sample will be required to provide a valid sample for testing within 24 hours at an authorised testing centre. In the absence of a medical explanation acceptable to the Shire for the provision of an invalid sample, the provision of a second consecutive invalid sample will be treated as a positive result and therefore, a breach of this policy.

Confirmatory Test

A positive confirmatory test result will be assessed in line with the confirmatory cut-off testing levels of the relevant Australian Standard.

POLICY BREACHES

Where a worker returns a Blood Alcohol Content greater than 0.00% and/or a positive confirmatory test with levels of drug on or above the Australian Standard confirmatory cut-off levels, the worker will be deemed in breach of this policy and a disciplinary procedure commenced.

The CEO reserves the right to take immediate disciplinary action which may include suspension, or in the event of serious misconduct, dismissal in accordance with the *Local Government Act 1995* and the Shire's Enterprise Agreements.

Prior to any return-to-work process, the employee will be retested and must record a test result below the Australian Standard confirmatory testing cut off level before being allowed to start work.

PENALTIES:

Not applicable.

KEY TERMS/DEFINITIONS:

Approved Medication – a medication that has been declared by the worker prior to testing, is a prescribed or over the counter medication that is approved for sale and/or possession within Australia. Where prescribed, is being taken in accordance with a valid prescription. 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 – (Blood Alcohol Concentration) – is the amount of alcohol in the bloodstream or on one's breath. BAC can be measured by breath, blood, or urine tests.

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.

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:	Manager Governance & People
Relevant Legislation:	<i>Work Health and Safety Act 2020</i> <i>Local Government Act 1995</i> <i>Equal Opportunity Act 1984</i> <i>Privacy Act 1998 (cth)</i>

Review History:

Review History				
Former Policy No.: N/A				
Council Adoption	Date	18 September 2017	Resolution No.	050917
Reviewed	Date	25 November 2019	Resolution No.	291119
Reviewed	Date	27 April 2021	Resolution No.	050421
Reviewed	Date	3 April 2025	Resolution No.	ELT
