



## Drug and Alcohol Policy

**NOTE:** Council regularly reviews and updates its policies and procedures. The latest controlled version can be obtained from the Policy Register by contacting Council's Customer Service.

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<b>Policy Category</b>	Corporate Policy
<b>Policy Owner</b>	Chief Executive Officer
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### 1. INTRODUCTION

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#### 1.1 Objective

Woorabinda Aboriginal Shire Council aims to provide and maintain a workplace environment that not only protects the health and safety of all workplace participants whilst at work, but also facilitates a productive workplace. A safe and productive work environment includes the respectful treatment of others in the workplace. The consumption of drugs and/or alcohol can impair a workplace participant's ability to perform work in a safe manner and can also lead to unacceptable behaviour towards others.

The purpose of the Policy is to reduce the likelihood of injury, damage and / or other negative effects of alcohol and / or drug use.

The Policy, where appropriate, operates in conjunction with a workplace participants contract of employment.

#### 1.2 Commencement of Policy

This Policy will commence from 1 April 2022. It replaces all WASC policies relating to Drugs and Alcohol at work (whether written or not).

The Policy does not form part of any workplace participants contract of employment.

### 1.3 Application of Policy

This policy applies to employees, agents and contractors (including temporary contractors) of Woorabinda Aboriginal Shire Council

The policy outlines that a 0% alcohol level and no drugs of any kind, is appropriate for all workplace participants during normal working hours

The policy is not restricted to the workplace or work hours. The obligations contained in this Policy extend to all functions and places that are work-related. 'Work-related' functions are any functions associated or connected to the Council. For example, conferences, work lunches, meetings, etc.

## 2. POLICY

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### 2.1 Definitions

**“Alcohol”** includes beverages such as beer, wine or spirits or any substance that can cause drunkenness and changes in consciousness, mood and emotions.

**“Drugs”** includes illegal drugs and Prescriptions and Pharmacy Medications 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 Woorabinda Aboriginal Shire Council is subject or which apply to the work performance by its workplace participants. For the purposes of this Policy, marijuana, methamphetamines, ice, or the like are an illegal drug. In this Policy, “illegal drugs” include Prescription and Pharmacy Medications (as defined below) which are used without the necessary prescription or for purposes for which they were not intended.

**“Prescription and Pharmacy Medications”** – 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 and is required for the treatment of a legitimate condition.

**“WASC”** refers to Woorabinda Aboriginal Shire Council

**“Workplace Participants”** include employees, agents and contracts (including temporary contractors) of WASC and also extend to others including Councillors or Committee members who are or may be perceived to be acting on WASC's behalf.

### 2.2 Management Responsibilities

Management is responsible for implementing this Policy by ensuring that:

- all workers are made aware and understand the Policy;
- random testing is undertaken;
- workplace participants behaviours observed to ensure adherence to the Policy;
- concerns / issues are addressed proactively and expediently, and
- support is provided to workplace participants where appropriate.

## **2.3 Workplace Participants Responsibilities**

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, or
- sell, dispense or possess alcohol and / or drugs at work.

## **2.4 Prescription and Pharmacy Medications**

Where a workplace participant is taking Prescription and Pharmacy medications for a legitimate medical purpose, the workplace participant will not breach this Policy by attending work, if:

- the workplace participant takes the Prescription and Pharmacy Medications in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs;
- the workplace participant does not misuse or abuse Prescription and Pharmacy Medications;
- the workplace participant is aware of the effects (including potential effects) of consumption of alcohol or other drugs while taking Prescription and Pharmacy Medications; and
- 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 generally perform their work duties in a safe manner. If a workplace participant's ability to perform their work safely could be impaired by Prescription and Pharmacy Medications, the workplace participant should promptly obtain advice in writing from the medical practitioner or pharmacist and provide it to their manager or supervisor, before undertaking his / her work.

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

## **2.5 Vehicles and Machinery**

Workplace participants must not, in any circumstances operate machinery if they have consumed alcohol or illegal drugs or prescription and pharmacy medications which may impair their ability to drive or operate vehicles / machinery in a safe manner.

WASC does not accept liability for any damage to any machinery or vehicles, 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 own actions.

Workplace participants the personal use of vehicles as part of their employment contract (or as otherwise approved by the CEO), must ensure they operate the vehicle strictly in accordance with the alcohol limits as prescribed in clause 1.3 of this policy.

Where a workplace participant is taking Prescription and Pharmacy Medications, the workplace participant must comply with any warnings or cautions with respect to those medications. Further, if a workplace participant is taking Prescription and Pharmacy Medications and feels that their ability to safely drive a vehicle or operate machinery is impaired, the workplace participant must not drive any vehicle or operate any machinery and must promptly notify their manager or supervisor of that fact.

## **2.6 Suspicion that a Workplace Participant is Affected by Drugs or Alcohol**

If WASC suspects, on reasonable grounds and by the conduct / appearance of the workplace participant, that he / she is under the influence of drugs and / or alcohol, WASC will take steps to address the issue.

In such circumstances when WASC suspects a workplace participant to be under the influence of drugs and / or alcohol, WASC may take any or all of the following actions;

- direct the employee to undergo on site testing for drugs and alcohol; and / or
- direct the workplace participant to go home; and / 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 without risk to health and safety.

Where a workplace participant has been involved in a serious incident at the workplace, WASC may direct that the workplace participant undergo an alcohol and / or drug test.

If the workplace participant refuses to undertake an alcohol and / or drug test or 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 clause 3.2 of this Policy.

Where a workplace participant is sent home or required to attend a medical examination, the absence from the workplace is to be taken as sick leave.

## **3. PROCEDURE**

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### **3.1 Random Drug and Alcohol Testing**

WASC may introduce a system of random drug and alcohol testing as it sees fit.

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

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

Workplace participants will be required at all times to maintain a 0% blood alcohol and a negative drug reading whilst on duty.

If a positive reading is returned on either of the above (this is, greater than 0% blood alcohol reading or a positive drug reading), WASC will issue a warning to the workplace participant.

If a 2<sup>nd</sup> positive result has identified alcohol or drugs present on the workplace participant, this will result in further disciplinary action, up to and including immediate dismissal.

### **3.2 Breach of this Policy**

Workplace participants must comply with this Policy at all times. If an employee is found to have breached this Policy, they may be subjected to disciplinary action which could lead to termination of employment.

Agents or contractors (including temporary contractors) of WASC who are found to have breached this Policy may have their contracts with WASC 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 to which WASC is subject, WASC may notify the police or other relevant authority.

### **3.3 Reference Documents**

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Local Government Act 2009
- Drugs Misuse Act 1986
- Drugs Misuse Regulation 1987
- WASC Employee Code of Conduct