

## HR 014: WORKPLACE DRUG & ALCOHOL USE

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### Objective

To ensure a safe workplace free from the effects of drugs and alcohol and that people are fit for work whilst performing duties at the Shire of Esperance.

### Policy

#### Purpose

This Policy applies to all Shire employees, Councillors, contractors, employees of contractors and volunteers at all Shire of Esperance workplaces. The aim of this policy is to ensure a safe workplace free from the effects of drugs and alcohol.

The policy is directed towards the welfare of the individual and the safety and health of other people. Although disciplinary action may be necessary, the focus is on preventative measures. The use of drugs or alcohol in the workplace is forbidden. An employee being under the influence of alcohol, drugs or illegal substances is not acceptable.

The Chief Executive Officer may waive this requirement for minor consumption of alcohol where circumstances warrant e.g. during a social event.

Employees are personally responsible for any civil or criminal penalty which results from being under the influence of drugs or alcohol in the workplace.

#### Definitions

Term	Definition
Impaired Work Performance	Sudden or gradual deterioration in a person's ability to function appropriately at work.
Unfit for Work	Being impaired for work and therefore unable to perform duties in a safe manner.
Use	Eating, drinking, inhaling, injecting or dermal absorption of any substance or drug.
Misuse	Inappropriate use of a substance on the Shire of Esperance premise or property, including overdose of a drug or the failure to take a drug in accordance with medical advice.
Alcohol	Any beverage containing alcohol.
Drugs	Amphetamines, Cannabinoids THC, Opiates, Barbiturates, Cocaine, methadone, Benzodiazepines, Alcohol and other narcotics, prescription drugs and non-prescription drugs.

Term	Definition
Substance	Any drug that may have adverse effects causing impaired work performance.
Fit for Work	Not being under the influence of or affected by the adverse effects of drugs, alcohol or any other substance, or not being fatigued.
Contractor	A contractor includes any employee or subcontractor of any company who has been engaged by the Shire to perform services.
Volunteer	A Volunteer is a person who performs a service willingly and without pay.
Visitor	For the purpose of this policy any reference to a visitor will include any individual who attends the workplace and is not included in any other category.
Managers	Includes Managers as well as the Executive Management Team.
Employee	For the purpose of this policy, the term employee shall include Councillors, contractors, employees of contractors and volunteers.

### Confidentiality

All results and information in relation to drug and alcohol testing will be dealt with in the strictest confidence. The privacy and dignity of employees tested as part of this process will be protected.

### Responsibilities

The Shire of Esperance believes that the health and wellbeing of an employee is of great importance to the organisation. An employee assistance program will be offered in order to support an affected employee.

All matters pertaining to usage of alcohol and drugs will be treated with the utmost confidentiality and any employee of the Shire of Esperance who is interested in receiving counselling services should seek approval from their Manager or Human Resources.

### Managers

Managers are responsible for ensuring adoption, implementation and application of the alcohol and drug policy:

- Managers are expected to lead by example as this is essential to the Policy's success and credibility.
- Managers will provide adequate resources, education, training, counselling and other requirements for employees to comply with this Policy.
- Managers are responsible for fair and consistent application of this policy, importantly for individuals who seek assistance will not be disadvantaged and their employment rights will be safeguarded.

- Managers are responsible for the procedures and facilities so that sensitive medical and other personal information is safeguarded.
- Managers will review this Policy from time to time to determine its fairness and appropriateness for the Shire's requirements.
- Managers are responsible for the assessment of the effects of drug and alcohol on an employee with the cooperation of the supervisor/director.
- Managers are responsible to act promptly and confidentially whenever they believe that any individual is not capable of working in a safe and effective manner.
- Managers will liaise with HR for advice on the application of the policy.
- Managers will maintain strict confidentiality in relation to the application of this policy to any employee.
- Managers and/or HR to provide training to supervisors in the application of this policy.

#### Supervisors

Supervisors are responsible for leading the effectiveness of this Policy:

- Supervisors are expected to lead by example as this is essential to the Policy's success and credibility.
- Supervisors are responsible for fostering active cooperation with Managers, employees, contractors and other individuals under this policy.
- Supervisors should manage this Policy in a way which encourages employees and individuals to raise concerns about their own or other individuals' fitness for work.
- Supervisors are responsible for the assessment of drug and alcohol with the cooperation of the manager/director.
- Supervisors are responsible to act promptly and confidentially whenever they believe that any individual is not capable of working in a safe and effective manner.

#### Employee, Individuals and Contractors

Each individual is responsible for their own health and safety at work and must avoid affecting the safety and health of any other individual.

- Employees and individuals must be fit for work when they present for work and must be able to carry out their duties without risk to themselves or others.
- Employees and individuals must be able to satisfactorily demonstrate fitness for work if requested by a Supervisor or Manager.
- Employees and individuals must immediately notify their Supervisor of any actual or potential impairment of fitness for work, or if they have a medical condition that could affect their fitness for work.
- Employees and individuals must provide a medical certificate when appropriate, or as requested.
- Employees and individuals must immediately notify their Supervisor of any situation in which may breach this Policy, including:
  - Any situation in which other individuals may be unfit for work;

- The unauthorised possession or consumption of drugs or alcohol on site or during working hours by another individual;
- Any loss or suspension of drivers licenses, or legal licenses/certificates required to carry out their duties;
- Any other apparent breach of this Policy.

### Application

#### *Alcohol*

Being under the influence of alcohol will not be permitted whilst working on the premise or property of the Shire of Esperance. Employees who commence work whilst under the influence of alcohol including, working under the adverse effects of alcohol, will be stood down from their duties. If a blood alcohol level is deemed to be over 0.02 or over the legal limit for operating the particular plant (ie where the legal blood alcohol level for operation of the plant is lower than 0.02), employees will be sent home without pay for the remainder of the day. As the employee will be over the legal limit to drive, alternative transport will be required.

There may be occasions when alcohol may be included as part of a work function or other recognised work event. Where the CEO has properly approved the consumption of alcohol, employees must continue to behave in a sensible and responsible manner with due care for their own and other people's safety and wellbeing. Failure to behave in a sensible and responsible manner with due care, or any failure to follow any directions given by management with regard to the consumption of alcohol may result in disciplinary action. It is a condition of the Shire of Esperance that employees make alternative arrangements to get home. The Shire of Esperance accepts no responsibility for employees during travel to and from the function.

#### *Drugs and Prescription Medication - Illicit Drugs and Other Substances*

Being under the influence of, suffering adverse effects of, in possession of, or found to be cultivating, selling or supplying drugs or other substances whilst on the Shire of Esperance property or premise or whilst in the employment of the Shire of Esperance is strictly prohibited and will result in disciplinary action and potentially instant dismissal.

Synthetic drugs such as Cannabinoids are not intended for human consumption as they can produce elevated heart rate, elevated blood pressure, anxiety and hallucinations. It is highly likely that these products will impair an individual's capacity to present themselves fit for work, and therefore put themselves and or others at risk.

Synthetic Cannabinoids, which have been reported to be five (5) to ten (10) times more potent than THC (the active component of Marijuana) can, and will, directly compromise your fitness for duty and dramatically impair your ability to operate machinery. As these products adversely affect an individual's fitness for work, a sample of urine may be taken and sent for analysis. If the returned results are confirmed as being positive they will be treated in the same way as illicit drugs tested for under the Shire of Esperance Fitness for Work Policy. If suspected of the above, an employee must undergo a drug screen (paid by the Shire of Esperance.) Refusal to a drug screen may result in instant dismissal.

If the drug screen provides a positive result on the first offence, the employee will receive a written warning as per the disciplinary action section of this policy. If an employee is found to give a positive result on the second offence, they will receive a second written warning. On the second offence, the employee must agree to submit for consequent drug testing for a period as determined by the Shire. The employee will be instantly dismissed if a subsequent test is undertaken with a positive result.

Any third offence will also result in instant dismissal as per the disciplinary action section of this policy.

### *Threshold Levels*

A cut-off Level is the value at or above which the drug or alcohol is deemed to be 'detected' and below which the drug is deemed to be 'not detected'. All testing for drugs and alcohol will be according to the levels indicated below adapted from the Australian Standards

Class of Substance	Cut-off-level
Alcohol	0.02 mg/ml
Opiates	300 ug/L
Cannabis	50 ug/L
Cocaine	300 ug/L
Benzodiazepines	200 ug/L
Sympathomimetic Amines by Screening test	
Amphetamine	300 ug/L
Methamphetamine	300 ug/l

### *Prescription and Other Medication*

It is an employee's responsibility to inform their supervisor of any medication they are taking. It is also a requirement of employees to advise their supervisor of any adverse effects that may occur whilst taking such medication, including the amount of times that the medication is taken per day. This information is to be recorded on their personnel file for reference in the event of an emergency.

Any prescription and other medication must be used in accordance with medical advice. Any non-prescription or other medication must be used in accordance with the manufacturer's recommendations.

Failure to follow these requirements will result in disciplinary action, or instant dismissal.

### Drug & Alcohol Testing

In the interests of workplace safety, the Shire believes that the following measures are appropriate for the Esperance Shire workplace.

The Shire of Esperance may undertake regular random testing, without notice of all employees for alcohol and other drugs that could affect workplace safety. The Shire, will administer at its cost (through such a provider nominated by the Shire from time to time) on site random testing of personnel for drugs and alcohol.

Testing may be carried out due to:

1. Random drug and alcohol testing. An employee or group of employees may at any time and without notice be requested to undergo a random drug and alcohol test.
2. Cause Testing.
3. Employee involved in a significant accident/Incident or a near miss whilst at work shall be, where practical tested.

4. Where persons behaviour raises concern that he or she maybe influenced by alcohol and or other drugs upon the request of any other person in the workplace, with support from the supervisor/manager.
5. If evidence is found of possible drug or alcohol use (e.g drug paraphernalia or alcohol containers)
6. Pre-Employment Testing – all persons appointed to the Shire will be required to undergo drug and alcohol testing prior to commencing duties with the Shire. Individuals who refuse to undertake the test or who do not satisfy the requirements of the test will not be offered employment.

Testing may be undertaken by an external party or Shire employee, trained and certified in the use of a breathalyser or a Drug Detection System. Refusal to test – Refusal to undertake and fully co-operate with the administration of a drug / alcohol test will be deemed as a positive result. Continued refusal may result in further disciplinary action and instant dismissal.

The testing will be carried out in compliance with the Australian Standard AS/NZS 4308: 'Procedures for Specimen Collection, and the Detection and Quantitation of Drugs of Abuse in Urine', or Australian Standard AS 4760-2006 'Procedures for Specimen Collection and Detection and Quantitation of Drugs in Oral Fluid including full GC-MS (Gas Chromatography – Mass Spectrometry) confirmation testing facilities available in a secure, dedicated laboratory. This service will be used to confirm all positive screen results to ensure maximum legal protection for both employee and employer.

#### DISCIPLINARY ACTION

If this procedure is in anyway contravened by an employee the following will result.

##### General Guidelines

Any employee who tests positive to an alcohol screening or positive confirmation results are received following a drug screening, will be stood down from their work without pay for a minimum of one day and will not be permitted to resume work until such time as they have proven they are fit for work. It should be noted that the Shire will pay for the original drug and alcohol test as well as one test for clearance to return to work. If the test for clearance returns a positive reading greater than the permitted levels, the employee will be required to pay for any subsequent tests required to obtain clearance to return to work.

##### *First Offence:*

- (i) The employee will be immediately suspended from duty without pay, for a minimum of one day, if found unfit to work.
- (ii) The employee will not be permitted to return to work until they have been tested again and returns a result below the limits for all prescribed substances.
- (iii) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- (iv) The employee will be counselled by their supervisor/Manager/HR staff that will focus on;
  - a) the unacceptability of the employee's behaviour
  - b) the risk that such behaviour creates for the safety of the individual and other employees or members of the public
  - c) the employee's responsibility to demonstrate that the problem is being effectively addressed;

- d) that any future breach of the policy will result in second offence or instant dismissal.
- e) A first written warning will be given.
- (v) The employee will be formally offered counselling through the Shire's Employee Assistance Program. The decision to undertake counselling or other treatment for alcohol or other drug or substance problem is the responsibility of the employee and cannot be made mandatory. However, if the employee refuses the offer of counselling for a second offence, instant dismissal will result. The Shire of Esperance will insist that the employee provide satisfactory evidence that the effect of work performance and/or safety has been addressed before they are permitted to return to work.

*Second Offence:*

- (i) The employee will be immediately suspended from duty without pay if found unfit for work.
- (ii) The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- (iii) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- (iv) The employee will be counselled by their supervisor/Manager/HR staff that will focus on;
  - a) the unacceptability of the employee's behaviour
  - b) the risk that such behaviour creates for the safety of the individual and other employees or members of the public
  - c) the employee's responsibility to demonstrate that the problem is being effectively addressed;
  - d) that any future breach of the policy will result in instant dismissal.
- (v) Counselling will be offered, refer to First Offence (v), if counselling was not used in the first offence.
- (vi) The employee will be instantly dismissed without notice if offer of counselling is refused on second offence.
- (vii) The employee will be submitted [fortnightly or randomly] for alcohol and / or drug screening for a period as determined by the Shire and paid for by the Shire of Esperance. If tests confirm positive, instant dismissal will follow. If the employee refuses to comply, instant dismissal will follow.

*Third Offence:*

- (i) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- (ii) The employee will be immediately dismissed from duty without notice.

*Instant Dismissal:*

The following are guidelines to circumstances that will result in dismissal without notice:

- (i) Any attempt to falsify the drug and alcohol screen

- (ii) Unauthorised consumption of illicit drugs or alcohol whilst on the work site or during the working period.
- (iii) Unlawful behaviour.

#### Contractors

- (i) Contractors found with levels exceeding permissible levels for drugs and/or alcohol will be removed from the worksite immediately. The Shire of Esperance will insist that the contractor provide satisfactory evidence that the effect of work performance and/or safety has been addressed before they are permitted to return to the worksite.
- (ii) Three offences for levels exceeding permissible levels for drugs and/or alcohol will result in the termination of the Contract in accordance with Contract conditions.

#### Other

If an employee is found to be heavily intoxicated, above the legal limit to drive, or extremely fatigued and they are to be sent home without pay, it is a requirement of the supervisors to contact the employee's next of kin to arrange pick up. If no contact is made then arrangements are to be made for the employee to be transported home.

#### Employee Assistance Program (EAP)

The Shire of Esperance understands employees may be experiencing difficulties external to work that may influence their behaviour and health whilst at work. To assist with the recovery of the employee, the Shire of Esperance has in place a confidential employee assistance program. For the purpose of this procedure, this program may be offered to first offence employees. Otherwise this program will be offered on the second affirmed screening. The Shire of Esperance will offer a total of 3 counselling sessions.

If an EAP is offered as a result of a first offence and the employee declines the offer, they risk the consequence of instant dismissal on second offence.

#### Pre-Employment Testing

A job applicant for a position will be required to undergo drug and alcohol testing prior to being offered employment with the Shire which may involve analysis of a urine sample by a medical practitioner.

Individuals who refuse to undertake the test or who do not satisfy the requirements of the test will not be offered employment.

#### Reference

- *Occupational Safety and Health Act 1984;*
- Occupational Safety and Health Regulations 1996, and amendments.

..... Policy Ends .....