



## 42. DRUG AND ALCOHOL FREE WORKPLACE POLICY

### APPLICABILITY

This policy applies to all employees and has been created in consultation with the workforce.

### POLICY

Council is committed to providing a drug and alcohol free workplace in order to protect the interests of employees and the public.

All employees share responsibility for maintaining a safe alcohol and drug free work environment. Any employee who has reason to believe that a fellow employee, a contractor, a contractors employee or a visitor to the work site is in a state of intoxication or under the influence of drugs shall immediately notify his or her manager/supervisor. Employees should also notify their manager/supervisor if they are aware of the unauthorised possession or consumption of alcohol or any illegal drugs on the work site.

Possession, consumption or being under the influence of any illegal drugs will not be permitted in the workplace, including Council premises, parks, reserves, vehicles, plant or any Council building or physical asset.

Possession, consumption or being under the influence of alcohol at the workplace will not be permitted during working hours, this includes overtime and while on actual call out.

The consumption of alcohol or any illegal drugs whilst wearing or displaying any item of clothing that identifies the person as a Council employee during the span of working hours (including lunch breaks) is not permitted.

Employees are not to use a Council vehicle for the purpose of purchasing alcohol unless they have entered into a private use agreement. Employees may be given verbal authorization to purchase alcohol for authorized Council civic functions. The use of a Council vehicle for the purpose of purchasing illegal drugs will not be permitted.

Council will not tolerate any employee:

- ❖ Consuming alcohol during paid working hours.
- ❖ Being in possession of or consuming illegal drugs on Council premises or work sites at any time;
- ❖ Presenting for duty in an unfit state;

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- ❖ Being affected by illegal drugs or alcohol during working hours.

Employees found to be in breach of any of the above requirements will be subject to disciplinary action in accordance with the procedures laid down in the Local Government (State) Award.

Police may be informed of instances involving suspected illegal drugs. Staff found to be in possession of illegal drugs or substances will face disciplinary action which may lead to dismissal.

Council is opposed to the use of alcohol or other intoxicating substances directly before or during the workday, including lunch or other breaks. Consumption of such substances could present a safety hazard, inhibit the operations of Council, or affect Council's public image.

Neither the managers/supervisors nor union representatives have the qualifications to diagnose an alcohol or other drug problem. Therefore, referral for diagnosis and treatment will be based on job performance only.

Managers/supervisors will, as a matter of course, offer assistance to obtain professional help to any employees whom they are counselling about work performance problems, not just those cases that are suspected of being alcohol and drug related.

Referral of an employee with work performance problems could be initiated by the manager/supervisor, Human Resources or self-referral by the employee.

Persons participating in an assistance program will be expected, within a reasonable period, to re-attain satisfactory job performance levels and adhere to established work rules. Where performance is repeatedly affected Council may initiate disciplinary action.

### **VARIATION**

Council reserves the right to vary or revoke this policy after consultation with the Consultative Committee.

### **PRACTICE**

#### Manager/Supervisor and Employee Obligations

It is the responsibility of all managers/supervisors and employees to ensure that no employee commences or continues duty if, the employee appears to be affected by alcohol, illegal drugs, medication or other substances which may reasonably be considered to lead to a safety risk or an inability to fulfil the requirements of the position.



### **Employee Obligation to Present for Duty in a Fit State**

Employees are obliged to present for work in a fit state so that in carrying out normal work activities they do not:

1. expose themselves, their co-workers or the public to unnecessary risks to health and safety or
2. inhibit their ability to fulfil the requirements of the position or
3. present a poor public image of Council.

The employee is responsible for any civil or criminal penalty which results from being under the influence of drugs or alcohol in the workplace.

If a manager/supervisor has justifiable cause to doubt an employee's fitness for duty, Council reserves the right to remove the employee from the work site and where appropriate offer a medical examination and/or blood test at Council's expense to determine fitness for duty. The disciplinary provisions of the Local Government (State) Award will be followed.

### **Prescribed Drugs or Medication**

Where an employee is on a course of prescribed or over the counter medication that may induce drowsiness or impaired performance they must notify the manager/supervisor prior to commencement of duty. The employee should find out from their doctor or pharmacist what the effects of the prescribed drugs are on work performance.

### **Approved Functions**

In special circumstances the Council may permit the consumption of alcohol at functions provided that alternative drinks, i.e. low alcohol and soft drinks etc and food are provided. Where such events are permitted by the Council, service of alcohol shall be by a 'responsible service of alcohol' qualified person or persons.

### **Employee Assistance**

Council recognises that alcohol and drug dependency is a treatable condition and encourages employees with personal or other problems to seek counselling or

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treatment. Participation by an employee in a treatment program will be regarded as confidential.

## PROCEDURE

### a) Employees Under The Influence

Should the manager/supervisor consider that an employee is affected by alcohol or drugs to the extent that safety, operational and/or public image problems may arise they should follow the steps outlined below.

1. Speak to the employee, away from the hearing of others, and advise them that from their actions their work performance would be or is being noticeably affected. Advise the employee that they may request union representation at any time throughout the process.
2. Seek clarification/explanation from the employee for the purpose of identifying the reason for the behaviour.
3. If the manager/supervisor is of the opinion that the employee is affected by alcohol or other substance, then the employee should be advised that they are not to engage in any further work and where the employee is located on a work site, they should be taken to a safe area (preferably a Council facility).
4. The relevant manager/supervisor should then be contacted to meet with the employee and manager/supervisor to discuss and evaluate the situation, in order to meet Council's obligation under the O. H. & S. Act and Council's work standards and practices. The employee may have a union representative present at this meeting on request. At this stage the Manager should initiate any reasonable action that is necessary.

Each case is to be treated on merit and where appropriate action may include:

- a) Advise the employee that on the next day or as soon as possible after the event the incident will be discussed with themselves, the relevant manager/supervisors and the union representative if requested.



- b) Take possession of any Council vehicle or plant.
  - c) Offer alternative transport and advise the employee to go home and/or offer a blood test and/or medical to arbitrate the situation. (Payment for time lost will be at the discretion of the Manager and will be dependent on the merits of each individual case).
  - d) As appropriate to the situation, disciplinary action may be taken in accordance with the Local Government (State) Award.
5. If it is known that an employee is affected by prescription or over the counter medication they should be either allocated duties that will not place themselves or others at risk or, if such duties are not available, be asked to return home on sick leave and obtain a certificate from a medical practitioner declaring fitness for duty.

b) In Possession or Consuming

Where an employee is found to be consuming alcohol or in possession of or consuming illegal substances the manager/supervisor should:

1. Inform the employee/s they are in breach of Council Policy.
2. Stop the employee/s from working and arrange a meeting with the relevant Manager immediately.
3. If the incident involves suspected illegal drugs, the relevant senior manager may report the matter to the police.
4. As appropriate to the situation, disciplinary action may be taken in accordance with the Local Government (State) Award.

c) Decline In General Performance Due To Alcohol Or Drug Dependence

Where employees suffer a decline in general performance due to alcohol or drug dependence they will be assessed and counselled as set out below in accordance with Clause 25. C. of the Local Government (State) Award 1997.



At any of the following stages the employee may request union representation.

Procedural fairness must be observed at each stage.

### **Stage 1 - Direct Supervisor**

- Discuss the performance related reasons for the interview and give the employee the opportunity to respond.
- State what standards of performance are required or expected.
- Offer assistance by referring the employee to an appropriate agency or encourage the employee to seek professional assistance. (Remember it is the employees decision whether or not to see a counsellor).
- Set a time frame for a review of performance. Inform the employee of expected changes, ongoing monitoring and the possible consequences if there is no significant improvement.
- Prepare a summary of the interview and give two copies to the employee. The employee should sign one of the copies and return it to the manager/supervisor together with any notations regarding the content of such record. The copy should be placed under confidential cover on file.

### **Review**

- If all aspects of work performance and related matters have met standards and expectations acknowledge this.
- If no noticeable improvement advise the employee that the matter will be referred to the second stage.
- If there is some improvement in identified areas and no declines in other performance standards set a further remedial time frame for review.
- Action and distribute a summary of the interview as above.

### **Stage 2 – Direct Supervisor and Manager**

- Provide details of unsatisfactory work performance and the steps that were taken to address the issues. Give the employee the opportunity to respond to the issues raised.
- Restate the performance standards required or expected.



- Repeat any previous offer of assistance.
- Set a time frame for review. Inform the employee of expected changes ongoing monitoring and possible consequences if no significant improvement and that this represents a final warning.
- Action and distribute a summary of the interview to all parties present.

### **Review**

- If all aspects of work performance and related matters have met standards and expectations acknowledge this.
- If no noticeable improvement advise the employee that the matter will be referred to the final disciplinary stage. Confirm this advice in writing.
- If there is some improvement in identified areas, no decline in other performance standards, and no identification of new areas of performance deficiency set a further remedial time frame for review.
- Action and distribute a summary of the interview as above.

### **Stage 3**

- Restate details of unsatisfactory work performance and the steps that were taken to address the issues. Give the employee the opportunity to respond to the issues raised.
- Restate the performance standards required or expected.
- Repeat any previous offer of assistance.
- Issue a final warning in writing giving notice of disciplinary penalties should unsatisfactory work performance or conduct not cease immediately.

(Adopted by Council 21/10/09)

