

TENTERFIELD SHIRE COUNCIL

POLICY STATEMENT

HEADING:

Drugs, Alcohol and Medication in the Workplace

MEETING ADOPTED AND RESOLUTION NO.:

**23 August 2017
168/17**

HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:

26 March 2008	163/08
23 July 2014	258/14
24 September 2014	355/14
24 June 2015	198/15

1. INTRODUCTION

Tenterfield Shire Council (TSC) has a legal responsibility under the Workplace Health and Safety Act and regulations 2011, for the safety of all persons at Council work sites including staff, contractors, visitors and members of the public. Council staff also have a responsibility under this legislation to ensure their own safety and the safety of their work mates and to cooperate with Council to meet its obligations.

The use of drugs and /or alcohol by staff within the workplace is a threat to the well being of all persons at that workplace and may result in injury or even death to the individual or their colleagues.

2. GENERAL

Council will NOT permit:

1. Alcohol to be brought onto or consumed at the workplace;
2. Illegal drugs to be brought onto, consumed, or used at the workplace.

This policy applies to all Council staff, Council volunteers, contractors and their agents required to work at Council worksites, buildings and facilities.

3. ALCOHOL

3.1 Alcohol Free Zones

Subject to the Exceptions outlined in 3.2 and 3.3 below alcohol must not be consumed on any Council site during work times, before or after normal work times and during any breaks. All vehicles, plant, work sites, depots and Council buildings and facilities shall be alcohol free zones whilst work is being undertaken. Persons found selling, providing or consuming alcohol at a worksite, during, before or after their normal working hours will be subject to disciplinary action, for serious misconduct, which include dismissal.

3.2 Consumption of Alcohol

Consumption of alcohol may be permitted by this policy:

- Where staff are representing Council and it is appropriate to consume alcohol; and
- Approved social functions.

Consumption of alcohol when permitted by this policy must always be within legal limits and appropriate standards of behaviour must be maintained at all times. Where work-related social or business functions involve the consumption of alcohol, appropriate management of the situation must take place. This will include observing of the following minimum requirements:

- the provision of low-alcohol and non-alcohol alternatives to full-strength alcoholic drinks;
- the provision of appropriate food to reduce the effects of alcohol;
- adequate monitoring by an RSA certificated person of the alcohol intake of individuals at any functions;
- implementation of management strategies including refusing further alcohol to persons adversely affected by alcohol, arranging for alternate transportation (such as fellow workers, family members, buses or taxis) when leaving the location; and
- Such strategies must be clearly communicated to, and understood by, all staff prior to the commencement of the event.

3.3 Transportation of Alcohol

As specified above all Council vehicles and plant are alcohol free zones, while work is being undertaken. No alcohol is to be transported or stored in any operational plant or vehicle engaged in road works, construction or maintenance activities at any Council location, including parks, gardens, buildings and facilities.

However alcohol may be transported, in vehicles, whose primary purpose is passenger transport, to approved social functions as specified in 3.2 above. Transportation may also occur, in passenger vehicles including utilities, after working hours, en-route to an employee's place of residence, in personal/family consumption, as opposed to commercial, quantities only.

4. DRUGS

Illegal drugs (including, but not restricted to, marijuana, amphetamines, cocaine, hallucinogens and heroin) must not be brought on to or consumed at a Council site under any circumstances. The sale, transfer or manufacture of illicit drugs by an employee or contractor must not occur at any Council site. Breaches of this policy will result in disciplinary action being taken which may include termination and will include notification to police.

Legal drugs (including prescribed medications and over the counter drugs) reasonably required by a person for medicinal purposes may be brought on to and consumed at a Council site. Any consumption of legal drugs must be in accordance with any instructions given by the manufacturer and/or that person's doctor.

5. PERFORMANCE OF DUTIES

5.1 General

Staff have a responsibility to be fit for duty and to perform their work in a safe and responsible manner. They must ensure that their work performance is not affected (to the extent that the risk of injury to themselves or others is increased) as a result of the consumption of alcohol or drugs, whether consumed at a Council site or elsewhere.

5.2 Alcohol Impairment

Staff will be considered to have zero impairment where their blood alcohol level, whilst on Council business, at a Council work premises or when called into work for reasons of an emergency or an un-rostered short notice nature, is:

- Below .02 where staff are required to operate plant or equipment which requires a licence greater than Class C; or
- below .05 in any other circumstances.

The blood alcohol level is measured in grams per decilitre (gm/dl).

Staff will be considered in breach of this policy where their blood alcohol level is above the zero impairment level. It is the staff member's responsibility to advise their supervisor of alcohol consumption if called out. Staff should decline such work if they believe that they do not meet the zero impairment requirements. Staff in receipt of the "On Call" allowance are required to observe the zero impairment standard.

5.3 Work Performance

If an individual's work performance is affecting their own safety or the safety of others in the workplace, then Council will remove that individual from any position until such time as their behaviour/performance is considered satisfactory. Whether or not an individual's work performance is satisfactory will be determined solely by Council.

5.4 Incidents resulting from Alcohol or Drug Use

Being under the influence of alcohol or drugs when a workplace incident occurs, means staff have not shown due diligence. Staff are responsible for any civil or criminal penalty which results from being under the influence of alcohol or drugs in the workplace.

5.5 Prescription Drugs and Medication

The use of prescription drugs or over the counter medications may impair an employee's ability to perform their duties safely or efficiently. If an individual is required to consume legal drugs for medicinal purposes then it is the individual's responsibility to ensure that these drugs do not affect their work performance.

6. ASSISTANCE TO STAFF

6.1 Education & Awareness

Council will provide Drug and Alcohol awareness and education programs on a regular basis.

6.2 Drug or Alcohol Dependency

Council will provide confidential assistance to any staff who has disclosed a dependency on drugs (including, over the counter or prescription) and/or alcohol. Council has in place an Employee Assistance Program for staff seeking a confidential support service if drug or alcohol dependency is impacting on their professional and/or personal lives.

6.3 Loss of Motor Vehicle Drivers Licence

The loss of a Motor Vehicle Drivers Licence as a result of a breach of the prescribed alcohol level or returning a positive drug test represents a breach of this policy and a breach of their terms of employment with Council. Staff must inform their supervisor immediately of any change in their licence conditions, ie loss of licence, restriction on use, etc.

Staff who have had their licence suspended may be stood down from duty without pay or may elect to take paid leave until the matter is determined by a Court. A determination on the appropriate course of action (ie whether work is available) will be based on:

- The critical nature of the licence to the performance of duties;
- The availability of alternative duties;
- The length of time involved until the Court Hearing.

When the Court has determined the suspension from driving, the employment options available to Council will be considered on its merits and circumstances. Employment options will include, but not be limited to:

- Alternative duties for the duration of the suspension at the pay rate applicable to the alternative duties;
- Use of available leave entitlements;
- Leave without pay;
- Termination

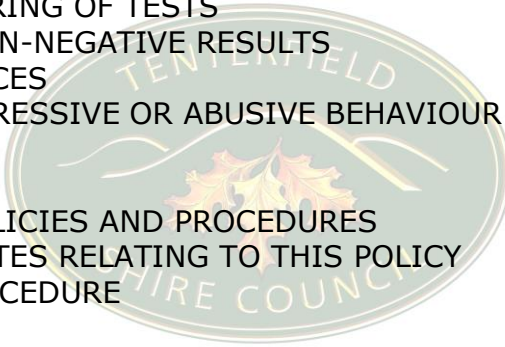
7. TESTING FOR ALCOHOL AND OTHER DRUGS

7.1 Testing

Tenterfield Shire Council has implemented a Alcohol and Other Drugs testing Procedure in coordination with Local Government New South Wales; the New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Union (USU); the Local Government Engineers Association (LGEA); and the Development and Environmental Professionals' Association (DEPA); Drug and alcohol testing will only be carried out in line with Tenterfield Shire Council's Alcohol and Other Drugs Procedure that outlines the following:

- OBJECTIVE
- DEFINITIONS
- CONFIDENTIALITY
- DUTY OF CARE, RESPONSIBILITIES AND OBLIGATIONS
- CONSULTATION, COMMUNICATION AND INFORMATION
- EDUCATION AND TRAINING
- EMPLOYEE ASSISTANCE AND INFORMATION
- ALCOHOL AND OTHER DRUGS TESTING PROGRAM
- REASONABLE SUSPICION PROCEDURE
- TESTING PROCEDURE – ALCOHOL

- TESTING PROCEDURE – OTHER DRUGS
- REFUSAL OR TAMPERING OF TESTS
- PROCEDURE FOR NON-NEGATIVE RESULTS
- REPORTABLE OFFENCES
- DEALING WITH AGGRESSIVE OR ABUSIVE BEHAVIOUR
- REHABILITATION
- REVIEW AND AUDIT
- OTHER COUNCIL POLICIES AND PROCEDURES
- GRIEVANCES/DISPUTES RELATING TO THIS POLICY
- REVIEW OF THE PROCEDURE



8. IMPLEMENTATION

This policy will be implemented in accordance with the Document WHS-24 Alcohol and Other Drugs Procedure.