



Drug and Alcohol Policy





Drug & Alcohol Policy

Name of Council	District Council of Franklin Harbour
Responsibility:	Work Health & Safety
Version:	1.1
Effective date:	14 September 2019
Last revised date:	May 2016
Minutes reference:	87/09/19
Next review date:	September 2023
Applicable Legislation:	South Australian Work Health and Safety Act, 2012 South Australian Work Health and Safety Regulations, 2012 Local Government Act, 1999
Related Policies:	Smokefree Workplace Policy Code of conduct - Council Employees

PURPOSE

The District Council of Franklin Harbour (DCFH) is committed to achieving a high level of proactive Work Health and Safety (WHS) management during the application of all its operations, by ensuring that each and every worker takes reasonable steps to ensure their own safety and that of their workmates whilst at work. All employees and contractors are legally obligated to be in a fit state for work and to work safely. The use of alcohol or drugs, which results in a person not being fit to perform their job safely, is a breach of legislative requirements.

SCOPE

This policy applies to all employees of DCFH, including those employed on a casual, part-time or fixed term basis. Prohibition of the use of drugs and alcohol while at work, or not being in a fit state for work and to work safely, also applies to contractors employed by DCFH.

This policy applies to the use of all drugs and includes prescription or other legal drugs, which have the potential to impact upon a person's ability to work safely.

For the purpose of this policy, drug and alcohol abuse is defined as a condition where consumption of these substances by an individual has an adverse effect on their ability to ensure their own safety and that of their workmates whilst at work.

OBJECTIVES

This policy specifically addresses these requirements by seeking to:

- ensure that any person working with us, or impacted by our works, does not have their health and safety compromised by another person working under the influence of drugs and/or alcohol at our workplaces.
- ensure that consumption or storage of alcohol at Council workplaces at any time without prior approval from the Chief Executive Officer will lead to disciplinary action.
- ensure that being in possession of or consuming illegal drugs in the workplace constitutes serious misconduct and will involve the Police and disciplinary action being taken.
- promote this policy to workers and contractors and advocate drug and alcohol free workplaces during work hours at all our operations.
- promote that non-compliance with requirements of this policy will be treated in the same manner as any breach of company policy.



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- increase awareness of the harmful effects of drugs and alcohol in the workplace, on the individual and to others by the inclusion of this issue into induction programs
- make available information about the availability of referral and treatment services to overcome drug and alcohol abuse;
- where appropriate, provide assistance to help reduce addiction or dependency on drugs and alcohol.
- acknowledge DCFH responsibility to workers, contractors, clients and others by intervening when drugs or alcohol have a direct impact on an individual's work performance and/or safety standards.

PROCEDURES

Screening for Drugs and Alcohol

Screening will only be initiated by an Authorised Council Officer in accordance with the following. An Authorised Council Officer may:

1. undertake screening on suspicion of an individual being affected by drugs or alcohol (suspicion may be a result of observing impaired coordination, judgement, intellectual capacity or slurred speech, headache, nausea, vomiting, loss of inhibitions or smell of alcohol).
2. undertake screening in response to any incident resulting in damage to property or injury to people, or a near miss that could have resulted in a death, permanent impairment, personal, plant or property damage.
3. undertake screening when a worker/contractor returns to work following their suspension from the workplace due to a non-negative drug or alcohol test result.
4. undertake random (individuals) or blanket (council wide) screening at the discretion of senior management. Individuals who are compliant with the requirements of this policy should not expect to be tested more than twice in any calendar year.

Equipment in the initial screening process includes a non-invasive mouth (saliva) swab, a Drug Detection System and Alcohol Breath Analysis equipment. Equipment used in the screening process (drug and alcohol) will comply with the relevant Australian Standards.

The initial oral fluids sample (mouth (saliva) swab) is called a preliminary (primary) sample and where preliminary non-negative results are detected, these will need to be confirmed in an accredited laboratory. Any preliminary non-negative results will be advised immediately to the individual providing the sample. It would normally take between 24 and 48 Hours to receive confirmation or otherwise on primary samples. Immediately following a non-negative drug screening test, the Supervisor/Manager will advise the employee that:

- This is not a disciplinary discussion.
- You have recorded a non-negative screening result. It is not recorded as a non-negative result.
- A sample has been sent for laboratory analysis.
- You will be stood down immediately on accrued sick leave until the result of the laboratory analysis is received. This will take at least 24 hours and usually no more than 48 hours. You will be contacted when the result is received.



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- You must immediately leave the workplace. That person must comply with the direction given by the Supervisor/Manager. If necessary the Supervisor/Manager shall assist with arrangements to ensure the individual arrives home safely.
- You are not permitted back into the workplace until you are deemed to be free of any influence of drugs or alcohol, and any subsequent disciplinary/regulatory matters have been dealt with.
- You may return to the worksite accompanied to pick up any personal belongings.
- If the laboratory confirmation test is negative, you will be advised and no further action will be taken.
- If the laboratory confirmation test is non-negative, you will be advised and a counselling / disciplinary discussion will take place as soon as possible.
- Any information related to your tests will be treated in a confidential manner.

A non-negative result for (Blood Alcohol Content) BAC is where the level is greater than 0.02% BAC (except when operating heavy machinery where a non-negative result will be a level greater than 0.00%). Immediately following a non-negative alcohol breathalyser reading, the Supervisor/Manager will advise the employee that:

- This is not a disciplinary discussion.
- You have recorded a non-negative alcohol breathalyser reading.
- You will be stood down immediately on accrued sick leave. .
- You must immediately leave the workplace. That person must comply with the direction given by the Supervisor/Manager. If necessary the Supervisor/Manager shall assist with arrangements to ensure the individual arrives home safely.
- You are not permitted back into the workplace until you are deemed to be free of any influence of drugs or alcohol, and any subsequent disciplinary/regulatory matters have been dealt with.
- You may return to the worksite accompanied to pick up any personal belongings.
- A counselling / disciplinary discussion will take place as soon as possible.
- Any information related to your tests will be treated in a confidential manner.

Those undertaking screening will be informed of preliminary tests immediately. The tester has no discretion to amend test results and will not enter into any discussion with individuals regarding test selection processes, results or any other matter resulting from the testing.

Where there is a dispute in respect to a non-negative result, the employee will be offered a voluntary urine and / or blood test that will be assessed by laboratory analysis. The cost of this analysis will be at the employee's expense if the result is confirmed as non-negative.

Any screening for drugs will be done so in accordance with Australian Standards AS 4760 and / or AS 4308. A non-negative result for the screening test conducted on this site is where the level is equal to or exceeds the cut off level of the relevant Australian Standards. A negative result is where the level is below the cut off level – the cut off levels are as per the relevant Australian Standards for both Urine and Oral Fluids Screening.

Note: Any negative test samples taken shall be destroyed.



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Refusal to Undertake a Test

Refusal by an individual to submit to, or cooperate fully with the administration of a drug and alcohol test will be treated in the same manner as a non-negative test result.

Should the individual decide to take the test after this has been explained to them and the test result is negative, no entry will be made in the worker's file and the worker will return to the workplace after the screening process.

First Non-negative Result

The employee will be removed from the site for the remainder of the shift. The employee will be stood down on accrued sick leave. If a laboratory test returns a false non-negative, normal remuneration will be paid and any taken leave entitlements credited back to the employee. The employee will not be permitted to return to work until they have been tested, returning a negative result. In the case of alcohol, an acceptable breathalyser reading will be required. The costs involved for additional substance screening will be at the employee's expense.

On return to work, the employee will be given a copy of this policy, and the following will be explained to the individual by the relevant Supervisor/Manager.

- That consumption of drugs and / or alcohol has contributed to behaviour that is unacceptable to the organisation.
- That consumption of drugs and / or alcohol has contributed to behaviour that jeopardises the health, safety or welfare of the individual and / or other parties.
- It is the employee's responsibility to demonstrate that the problem is being effectively addressed.
- The consequences for future breaches of the policy and procedures.
- Individuals will be offered a Drug or Alcohol Intervention Program as part of the EAP Service
- The employee will be notified that they will be monitored for 12 months and that during this time additional random screening will occur.
- The employee will receive a written warning, which shall reflect the key points covered in this process and placed on their personnel file.
- If the employee refuses to undertake a test upon returning to work, it will be deemed they have repudiated their contract of employment and their employment will be terminated.

Second Non-negative Result

The employee will be immediately stood down on accrued sick leave and removed from the site.

A second offence is considered a serious breach of an employee's employment obligations and will result in a formal investigation being conducted by persons appointed by the CEO to ascertain if any mitigating circumstances exist, and to allow the employee to show cause as to why the employment relationship should not be terminated.

If there are no mitigating reasons for the breach of Council's policy, the employee will be dismissed for serious and wilful misconduct.



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Contractors

Contractors who are working for or on behalf of DCFH will be required to comply with Council policy. Issues of employee discipline and payment would be a matter for the determination by the Contractor. Notwithstanding the above and at its absolute discretion, Council reserves the right to screen contractors.

Contractors are expected to educate their employees in the health and safety implications of drug and alcohol use and in this Policy.

Council reserves the right to deny contract employees the ability to continue with their tasks. Under no circumstances will individuals be allowed to recommence their tasks until a negative test result has been obtained.

RESPONSIBILITIES

Management

Managers and Supervisors are responsible for the effective implementation of this Policy in their workplaces. Specifically they will;

- lead by example in the implementation of the policy through demonstrated behaviour.
- reiterate the induction briefing.
- ensure the policy is applied fairly and consistently across their work group(s).
- respect the confidentiality of all employee personal issues.
- ensure that all workers and contractors are aware of, and abide by the requirements of this policy.
- ensure timely, appropriate and effective provision of assistance.

Employee/Contractor

All workers and contractors have a duty to take reasonable care so as not to expose themselves or work colleagues to unnecessary risks. They are required to:

- present themselves for work in a condition free from the effects of drugs and/or alcohol.
- notify their manager/supervisor of any concerns as to the condition of any personnel in their workplace.
- comply with this policy, including agreeing to leave the workplace if so directed by their supervisor/manager.

REVIEW

This WHS Drug and Alcohol Policy shall be reviewed by the District Council of Franklin Harbour WHS Committee at minimum within three (3) years of Issued Date (or on significant change to legislation or aspects included in this policy that could affect the health and safety of workers).

Signed:.....

Chief Executive Officer

Date: 13/09/19