DISTRICT COUNCIL OF Streaky Bay
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DRUG & ALCOHOL POLICY

Policy No: **DCSB-HR-12.17**	Approved on: **September 2022**	Administered by: **Chief Executive Officer**
Last Reviewed: **NIL**	Review Date **September 2022**	Record No: **380930**
Classification: **Human Resources**		

Strategic Plan link:
Strategy 1.5.1 Develop and Implement Human Resource Strategy to address staff attraction, retention, succession planning, skills development and career progression

References and related Policies, Procedures and Forms:
Fair Work Act 1994
Fair Work Act 2009 (Cth) – relevant sections
Local Government Act 1999
South Australian Public Health Act 2011
State Records Act 1997
Work Health and Safety Act 2012
Work Health and Safety Regulations 2012
Local Government Employees Award
National Employment Standards
South Australian Municipal Salaried Officers Award
The District Council of Streaky Bay – AWU (Enterprise Bargaining) Agreement No 10 - 2020
The District Council of Streaky Bay (Enterprise Bargaining) Agreement No 9 – 2020

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1. DEFINITIONS

Alcohol	The intoxicating constituent in a beverage (e.g. beer, wine and spirits).
AOD	Alcohol and Other Drugs
Blood Alcohol Concentration (BAC)	Refers to the amount of alcohol present in the bloodstream.
Computers	A computer is a machine or device that performs processes, calculations and operations based on instructions provided by a software or hardware program. It has the ability to accept data (input), process it, and then produce outputs.
Council Vehicle	A vehicle owned or hired by Council and is used to conduct council business
Employee	All persons who work at the direction of, or on behalf of Council (for example contractors, volunteers, and work experience) are also covered by this policy.
Employee Assistance Program (EAP)	A program incorporating established procedures for the referral to specialist counselling service of Employees with personal, family, or work-related concerns problems which may impact upon work performance, health, or quality of life.
Equipment	Means any machinery, appliance, apparatus, computer, power tool, tool or installation for use at work.
Fit for Work	That the Employee is in a fit and proper condition to work safely and legally.
Incident (testing)	Following an incident or where an Employee may have breached or has breached safety precautions or procedures
Not fit for work	An individual whose physical, mental or emotional state is adversely affected and they are therefore unfit to perform their duties satisfactorily or safely.
Plant	Plant includes any machinery, equipment, appliance, container, implement and tool, and includes any component or anything fitted or connected to any of those things. This includes items as diverse as lifts, cranes, computers, machinery, conveyors, forklifts, vehicles, power tools and amusement devices.
Power tools	A power tool is a tool that is actuated by an additional power source and mechanism other than the solely manual labour used with hand tools.
Reasonable Suspicion	A supervisor has an opinion that there are reasonable grounds to believe that an individual is impaired by alcohol or drugs and is therefore not fit for work.
Under the Influence	An Employee who, due to the use of alcohol or drugs, is not acting in their full conscious state of mind and is unfit to perform their duties safely and productively. This includes impaired performance related to coming down from a drug or experiencing the effects of a hangover.
Working Hours	The time between the commencement and the conclusion of work activities on behalf of the Council on any one working day. Normal working hours shall include lunch or other meal breaks and Council business conducted away from the Council's premises, when recalled to work, and includes travel to and from work when the Employee is using a Council vehicle.
Visitor	Any person who attends any workplace of the Council who falls out the definition of “Employee”
Workplace	Means any site owned, leased, administered or controlled by Council.
Work Related Functions	A “work related” function means any function that is connected to work, including (but not limited to), conferences, work lunches, work dinners, Christmas parties, client functions, etc. Employees must comply with this policy at all work related functions.

2. PURPOSE

Council is committed to providing a safe and healthy work environment in which persons are treated fairly and with respect.

The use of drugs and alcohol may have an impact on an individual's capacity to perform work safely, efficiently and with respect, thereby posing a risk to the health and safety of the individual and others at the workplace.

Council aims to provide and maintain a healthy and productive workplace which is free from the detrimental impact of drugs and to ensure that alcohol is only consumed on Council premises at authorised Council functions.

This policy describes the responsibilities of Council's management and employees, as well as consequences of not complying with this policy.

3. SUMMARY

This policy applies to all employees, being full-time, part-time and casual employees within Council. All persons who work at the direction of, or on behalf of Council (for example contractors, volunteers, and work experience) are also covered by this policy. These persons are collectively referred to in this policy as "**Employees**".

4. OBJECTIVES

The aim of this policy is to eliminate the risks associated with the use of drugs and/or alcohol in the workplace:

- Council recognises that impairment due to the consumption of drugs and/or alcohol, may significantly impact an individual's ability to perform their work in a safe manner.
- Council values its Employees and acknowledges that early intervention in regards to the misuse of drugs and/or alcohol can achieve a resolution before harm occurs to themselves or others.

The objectives of this policy are to ensure that:

- That use of alcohol, illicit drugs or improper use of prescribed medication in the workplace does not pose a health and safety risk to employees of District Council of Streaky Bay;
- No Employee shall work or continue to work whilst they are unfit for work while employed at Council;
- No Employee shall bring illicit drugs onto the work premises;
- The accepted Blood Alcohol Content (BAC) while operating Council's plant/equipment is 0.00 g/dl;
- Unless attending an approved work-related function, the accepted Blood Alcohol Content (BAC) while in the workplace is 0.00 g/dl;
- Attendance at; or organisation of a work-related function where alcohol may be consumed must have written approval from the CEO;
- Any Employee who is using prescribed medication or over the counter medication that can result in physical or cognitive impairment will report this to their supervisor/manager prior to commencing work;
- Employees understand and comply with Council's policies and procedures in regard to drugs and alcohol throughout their employment with Council;
- Council understands that the excess consumption of alcohol, use of illicit drugs and improper use of prescribed medication can be a result of psycho/socio factors with the employee and where possible will provide assistance to the employee;
- Employees understand that they may face disciplinary action for breaches of this policy; and
- Employees understand their responsibilities in regard to the above.

5. STATEMENT

Council recognises that alcohol or other substance misuse may impair the ability to perform properly and can have serious adverse effects on the productivity of the workplace, safety of the Employee or other Employees, clients and visitors and on the reputation of the Council.

Employees must therefore not present themselves for work in a condition that is influenced by the consumption of alcohol/drugs or other substances to the extent that their judgement or work performance or behaviour is impaired. “Impaired” includes experiencing the after-effects of consuming alcohol/drugs (e.g “hung-over”).

For the purpose of this policy, other substances can be defined (but not limited to) as Amphetamine, MDMA/Methamphetamine (ecstasy), Opiates (heroin), Cocaine, Oxycodone, Tetrahydrocannabinol (THC & cannabis), Benzodiazepines and low aromatic fuel.

6. PRINCIPLES

Alcohol

Consumption of Alcohol

Unless attending an approved work-related function, the accepted Blood Alcohol Content (BAC) while in the workplace is 0.00 g/dl.

Employees must not operate Council’s plant/equipment if they are above the BAC of 0.00 g/dl. Council has a legal obligation to provide a safe and healthy working environment, therefore Council may conduct random drug and alcohol testing of Employees before or during the operation of any workplace vehicle, plant or machinery.

Council will not accept liability for any damage to vehicles/plant equipment/property, an injury to another person caused by a Employee’s use of Council vehicle while intoxicated from alcohol or illegal drugs. The Employee will be personally liable in such circumstances.

Employees are also responsible for informing themselves of the impact of consumption of alcohol on prescription drugs and ensuring they limit consumption accordingly.

Council recognises that Employees enjoy a variety of social activities and that these may include the consumption of alcohol. Those who are organising and supervising work-related functions/activities, whether on or off Council premises, are expected to do so in a safe, responsible manner that will not likely cause harm to another person or Council’s property or reputation. Any attendance at; or organisation of a “work related” function where alcohol may be consumption must have written approval from the CEO.

Drugs

Illegal Drugs

Employees must not bring any illegal drugs to work or have them in their possession at work. Employees must not sell (or make arrangements to do so outside of work whilst at work), consume or dispense illegal drugs or prescription or pharmacy drugs at work.

Such conduct constitutes serious misconduct and may also constitute a criminal offence, in which case Council may notify the police or other appropriate authority.

Prescription and Pharmacy Drugs

Council recognises that Employees may have legitimate medical reasons for taking some drugs, specifically where a medical practitioner has prescribed lawful drugs of medical purposes or where the drug is lawfully available at pharmacies (with or without prescription) and is required for medical purposes. These drugs are referred to in this policy as “prescription drugs”.

Where Employees are taking prescription drugs for medical purposes, they will not breach this policy by attending work. However, Employees must take prescription drugs in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs to ensure a safe work environment. Employees must not misuse or abuse prescription drugs or become intoxicated by prescription drugs as set out in this policy.

It is also each person’s responsibility when taking prescription drugs to check with their medical practitioner about the effect of the drug on their ability to drive vehicles, operate machinery and safely perform their normal work duties. If an Employee’s ability to perform work safely is, or may reasonably be, affected in any way, that person should consult with an appropriate medical practitioner as soon as practicable.

Council should be notified as soon as possible if a Employee’s performance is affected, in any way, by the use of prescription drugs. Failure to notify Council may result in disciplinary action, and may lead to dismissal.

If Council suspects that an individuals’ ability to efficiently and safely perform work is affected by prescription drugs, then Council may take steps to address the issue in accordance with this policy.

If a Employee knowingly misuses or abuses prescription drugs then the occurrence will be treated the same as for illegal drugs.

Smoking

Council is a smoke free work environment. No Employee is permitted to smoke within 15 metres of council buildings and council vehicles.

No litter due to smoking (e.g cigarette butts) is to be left visible. When working off-site, it is expected that smoking will be undertaken well away from buildings and well away from the thoroughfares or proximity to people.

Under The Influence

For the purpose of this policy, the term “under the influence” means that a person’s facilities are impaired by the use of drugs or alcohol to the extent that the person is unfit to be entrusted with a duty they perform, or may be called on to perform, with efficiency and safety to themselves and others.

Factors that may indicate that a person is under the influence and therefore unfit to be entrusted with the duty they perform or may be called on to perform with efficiency and safety include (but not limited to) circumstances where the person:

- Is unable to co-ordinate their actions;
- Has red or bloodshot eyes or dilated pupils;
- Smells of alcohol;
- Has slurred or impaired speech;
- Acts contrary to their normal mode of behaviour;
- Exceeds acceptable workplace alcohol concentration limits;
- Behave other than professional and competent manner in the performance of their job and in upholding the value and policies of Council; or
- Otherwise appears to be affected or impaired in any way by drugs or alcohol.

In determining whether an individual is so impaired, Council may consider, amongst other things, the Employee's particular duties and the environment in which they perform those duties. For example, it may be relevant to consider whether the relevant person:

- Is required to operate (or may be called to operate) motor vehicles or mechanised equipment or processes;
- May perform duties in an environment that especially present safety risks. For instance, a person who performs duties at height or in proximity to mechanised equipment or processes.

If an Employee's performance is considered to be so poor that they are incapable of performing their normal duties in a safe and efficient manner, the Employee will be counselled to go home. Should an Employee respond to such counselling, the appropriate leave entitlement should be taken.

If the Employee feels that they wish to remain at work despite the counselling, the manager may instruct the Employee to go home. If the Employee refuses to go home despite having being counselled to do so, the Employee will be subject to disciplinary measure, as it would be considered that the Employee has deliberately attempted to work while in an unfit state, making the Employee incapable of performing his/her duties in a safe and efficient manner and therefore breaching the conditions of this policy.

Workplace and Work-Related Functions

This policy applies at all Council workplaces and other workplaces or situations where Employees may be working or representing the Council.

This policy is not restricted to the workplace or work hours. The obligations contained in this policy, regardless of the location, extend to all functions and places that are work related.

A "work related" function means any function that is connected to work, including (but not limited to), conferences, work lunches, work dinners, Christmas parties, client functions, etc. Employees must comply with this policy at all work related functions.

Any attendance at; or organisation of a "work related" function whereby alcohol may be consumed must have written approval from the CEO.

Council's Responsibility

When Council provides alcohol at a work-related function, it will do so responsibly ensuring that:

- Employees will be reminded of this policy prior to the work-related function, where appropriate and practical;
- Light and non-alcoholic drinks will be available at all times;
- Alcohol will not be served to anyone under the age of 18 years;
- Alcohol will not be provided to anyone who is drinking excessively, or is (or appears to be) intoxicated;
- Employees who drink excessively and display other forms of inappropriate behaviour are advised their behaviour is not acceptable and a reasonable finishing time will be set to avoid excessive drinking;
- All Employees will be reminded of the dangers of driving under the influence of alcohol and the use of alternative transport will be promoted.

Testing

Council will conduct Drug and/or Alcohol testing on employees in the workplace for the following reasons:

- The improvement of workplace productivity;
- Health concerns;

- Workplace safety;
- Maintaining employee integrity; and
- Investigating a grievance.

Council will also conduct 'For-Cause' testing on the following occasions:

- Following accidents or incidents where alcohol and/or drugs may have been a contributing factor;
- Where an individual's behaviour raises concern that they may be influenced by alcohol or drugs;
- Where any evidence is found of possible alcohol or other drug use at work, and where Council can identify (with reasonable confidence) those who may have been involved.

Where the police attend as a result of an accident/incident, if applicable their testing procedures will have precedence over Council's testing procedures. However where only limited testing is conducted, Council procedures may supplement the police testing procedure.

Testing Methods

The testing of employees for drugs and alcohol will be conducted by the following methods:

- Alcohol – testing for alcohol will be conducted on site using an Australian Standards compliant Alcometer.
- Drugs – an oral fluid test will be conducted on site for any initial testing for drugs and, will be conducted in accordance with Australian Standard AS4760 Procedures for Specimen, Collection, and the Detection and Quantitation of Drugs in Oral Fluid.

Random Testing

It is Council's intention that employees be tested a minimum of three (3) times in any twelve (12) month period. Council may conduct "random" alcohol and/or drug tests upon any Employee (including contractors, volunteers and visitors) from time to time without notice. The selection process will be determined by the Work Health Safety Coordinator, and approved by the CEO.

For the purpose of confidentiality the CEO, Work Health Safety Coordinator and the qualified collectors will be the only employees with the knowledge of the employees selected for testing. The Work Health Safety Coordinator will then schedule the days and times for the testing of the selected employees.

Random testing of workplaces may be carried out at any working time(s) and on any working day(s). Random testing will not occur during authorised work-related functions, where the consumption of alcohol has been approved by the CEO.

Employees who are selected for testing will be treated in a professional manner. Sampling will take place in a private area and the employee will be treated with dignity and respect at all times.

Repeat testing (test for concern) may be conducted in workplaces where a trend of positive results have occurred. This will not mean that other workplaces are left untested. Repeat testing will only be carried out with the approval of the CEO. These tests will be in addition to the random selection of staff.

Results of tests

Alcohol:
In the case of alcohol, a confirmatory test will be carried out approximately twenty minutes after the first test. If the results after this test exceed Council's acceptable alcohol parameters the test will be deemed to be a positive test for alcohol.
Drugs:

Where a drug test returns a non-negative result (indicates the presence of drugs) confirmatory testing will be carried out. A saliva sample will be taken and then be sent to a laboratory for analysis to confirm the sample results.

Counselling, Education and Training

All instances of poor performance impacting from the usage of Drugs and/or Alcohol should be followed up by Counselling, Education and Training to the Employee, to:

- Clarify that the behaviour is unsatisfactory, and explain why and what is normal, acceptable behaviour;
- Establish whether the behaviour was due to intoxication or other factors in the person's life (in which case, confidence must be observed if requested); and
- Recommend assistance.

Council will inform and conduct training or information sessions for all Employees, relating to:

- This policy, including but not limited to the consequences of breaching this policy;
- The effects of alcohol and drug use (including prescription drugs);
- The risks to the health and safety of Employees and others by the use of alcohol and drugs in the workplace; and
- The EAP and any other referral sources for counselling, treatment or rehabilitation, which are available to Employees.

External Organisations

Employee Assistance Program (EAP)
EASA – free, confidential counselling
Ph: 1300 66 77 00 or (08) 8215 6799

Alcohol and Drug Information Service
Ph: (07) 3236 2414

Australian Council of Alcohol and other Drugs Association
Ph: (02) 6281 1002

Narcotics Anonymous
(program based on abstinence from drugs, regular support groups conducted)
www.na.org.au

Alcoholics Anonymous
(self-help, information):
www.aa.org.au

Lifeline
(24-hr face to face counselling service)
Ph: 13 11 14

7. BREACH OF THIS POLICY

Employees are required to comply with this policy at all times. If an employee is found to have breached this policy, they will be subjected to disciplinary action. The type and severity of the disciplinary action will depend upon the circumstances of the case and the seriousness of the breach. In serious cases, this may include termination of employment.

Examples of disciplinary action that may be taken include (but are not limited to):

- Performance counselling
- A formal warning
- Suspension
- Termination of employment

- Referral to an Employee Assistance Program ("EAP") and/or some other referral source, for counselling, treatment or rehabilitation for drug or alcohol dependency.

Agents, contractors or sub-contractors (including temporary contractors or sub-contractors) of the company who are found to have breached this policy may have their contracts with the company terminated or not renewed.

8. RESPONSIBILITY & DELEGATION

CEO:

Approve any attendance at; or organisation of a "work related" function where alcohol may be consumed by an Employee

Management:

Management is responsible for ensuring that this policy is implemented in the workplace area. This includes ensuring that:

- all Employees are aware and understand this policy;
- in consultation with Employees, risk assessments are undertaken on work tasks relating to the influence of alcohol and drugs;
- the behaviour of Employees is observed to ensure adherence with the policy;
- any concerns or issues are addressed proactively and expediently to ensure the health and safety of all Employees;
- support is provided to Employees where appropriate; and
- any suspected breaches of this policy are acted on promptly and in accordance with this policy.

Employees:

All Employees must:

- comply with this policy;
- observe all directions from Council in regards to this policy;
- recognise that performance of duties could be affected by drugs or alcohol;
- immediately notify management if they are aware of any breach of this policy by another Employee;
- not attend work, commence work, continue to work or return to work having consumed alcohol and/or drugs, unless they are at an approved "work related" function where alcohol may be consumed by an Employee;
- not consume drugs and/or alcohol at the workplace; and
- not work while under the influence of drugs or alcohol.

9. REFERENCES

- Code of Conduct – Employees Policy
- Occupational Health and Safety Policy
- Vehicle Use Policy (In development)
- Workplace Health and Safety Act
- Australian Standard AS4760 Procedures for Specimen, Collection, and the Detection and Quantitation of Drugs in Oral Fluid

10. RECORDS MANAGEMENT

Records in relation to this document will be recorded as per the current General Disposal Schedule.

11. REVIEW

This Policy is to be reviewed at least every three (3) years or as requested from the Chief Executive Officer.

12. HISTORY

Document History:	Version No:	Issue Date	Description of Change
New	1.0	14/08/2022	New Policy

Acknowledgement

I, _____ *(Print full name)* have read and understood the District Council of Streaky Bay Drug & Alcohol Policy and I agree to abide by this Policy which is outlined above.

Employee signature: _____ Date signed: _____