



Alcohol & Other Drugs Policy

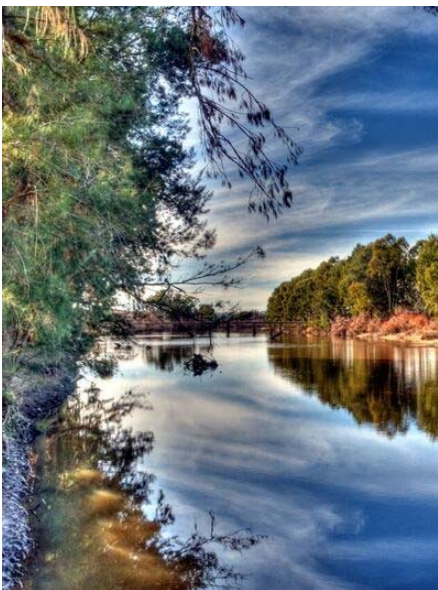




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Document Control

Policy	Alcohol & Other Drugs Policy	File Number	AODPOL-R1 B5.3.2.66
Author/Reviewer	Peter Hearne	Review Period and Date	As required

This policy shall be reviewed: -

- As directed by Industry Parties, Council; or
- Immediately if there is a significant change in the level or availability of technology associated with the testing for inappropriate alcohol and/or other drugs use; or
- Immediately if any provision is contrary to law.

Document History

Date	Status	Version	Resolution	Description
September 2016	Draft	0.1		Version for review by Consultative Committee and Safety Committees
28 October 2016	Draft	0.2	Removed 'draft' status Sec 2.1 added file number	Revisions requested by Consultative Committee incorporated
28 October 2016	Draft	0.3	Received confirmation no changes were required	Version for review by USU, DEPA & LGEA
15 December 2016	Draft	0.4	Updated History and Approval details to reflect Union approvals	Confirmation received from USU, DEPA & LGEA
22 December 2016	Draft	0.5		Final review and approval by Consultative Committee - 22 December 2016
26 April 2017	Draft	0.6		Presented to Council for adoption
26 April 2017	Final	1.0	17/77	Adopted - content placed in new format



1. Summary

Provides an agreed industry resource for Hilltops Council to assist in the development and implementation of alcohol and other drugs procedures in the workplace, in a consistent manner.

2. Statement of Intent

LGNSW, USU, LGEA and Depa (the “industry parties”) recognised that inappropriate use of alcohol and/or other drugs is a significant problem that can affect a worker’s performance and jeopardise their health, safety and welfare as well as that of their co-workers and other people in the workplace.

3. How This Policy was Developed

The original policy was prepared by the Local Government and Shires Associations of New South Wales (LGNSW); Clerical, Administrative, Energy, Airlines and Utilities Union (USU); the Local Government Engineers Association (LGEA); and the Development and Environmental Professionals’ Association (Depa).

This cooperative approach followed a number of industrial disputes and a recognition that a policy developed cooperatively would assist the industry. Draft industry guidelines were prepared and trialed in five councils over a period of up to 6 months in 2011. For the purpose of the trial, random testing was available as an option and this option was adopted by the five councils.

Whilst different conclusions may be drawn from the results of the industry trial, the industry parties nevertheless agreed to support this policy. This policy is based on that policy developed by the industry parties.

4. Aim

The aim of this policy is to assist and encourage clear and consistent procedures for addressing risks to health and safety in the workplace associated with the inappropriate use of alcohol and/or other drugs.

5. Issues to Consider

5.1 Safety in the Workplace and Fitness-for-Work

Employers have a duty to ensure the health, safety and welfare of their workers and other people in the workplace (s19, Work Health and Safety Act 2011 (NSW)). Workers have a duty to take reasonable care for their own health and safety, as well as for the health and safety of other people in the workplace and to co-operate with their employer in providing a safe working environment (s28, Work Health and Safety Act 2011 (NSW)).

Workers are obliged to present themselves for work in a fit state so that in carrying out their work activities they do not expose themselves, their co-workers or other people in the workplace to unnecessary risks to health and safety.

The welfare of the individual and the health and safety of other people in the workplace needs to be considered.

There are penalties, under legislation for employers and the Local Government (State) Award, for workers who fail to take their health and safety responsibilities seriously.



5.2 Establishing a Supportive Culture

Council aims to promote a supportive culture in which workers are able to seek the assistance of their employer in a non-threatening environment.

Council encourages workers to accept individual responsibility for workplace health and safety and participation in disclosing to management the identity of workers who may be regarded as a risk to others. Such an approach is supported by WHS legislation and the industry parties.

A supportive culture will encourage a co-operative approach between management and workers and build on the shared interest in workplace health and safety.

Council will achieve this supportive culture by: -

- Recognising that the inappropriate use of alcohol and/or other drugs can be due to illness (e.g. dependency) or symptomatic of an illness (e.g. depression); and
- Providing non-threatening assistance to workers who recognise that they have alcohol and/or other drug related problems (e.g. Council provides information and confidential access to an Employee Assistance Program); and
- Ensuring that clear and consistent processes are in place for addressing risks to health and safety in the workplace; and
- Respecting the privacy of workers by ensuring that appropriate systems are in place to maintain confidentiality.

6. General Conduct Obligations

Workers are obliged to present themselves for work in a fit state so that when carrying out their work activities they do not expose themselves, their co-workers or other people in the workplace to unnecessary risks to health and safety.

Council's *Code of Conduct* establishes the minimum requirements of conduct for council officials in carrying out their functions (a council official is defined to include Councillors, members of staff, administrators, conduct reviewers and delegates of council).

It is a requirement of the Code that council officials must not conduct themselves, when carrying out their functions, in a manner that is likely to bring the council or holders of civic office into disrepute.

Council officials are expected to maintain high standards of professional conduct and service to the community and must act honestly and exercise a reasonable degree of care and diligence when carrying out their functions.

By way of example, a worker may be in breach of their general conduct obligations under the Code if they: -

- Attend for work whilst under the influence of alcohol and/or other drugs; or
- Conduct them-self in an inappropriate and/or unprofessional manner whilst at work or at a work-related function (which may be due to the effects of inappropriate alcohol and/or other drugs use).



7. When is Disciplinary Action Appropriate?

Council is supportive and rehabilitative but there will be occasions when disciplinary action is appropriate.

Procedures for managing workplace risks associated with the use of alcohol and/or other drugs should balance: -

1. The employer's obligation to ensure the health, safety and welfare of workers and other people in the workplace; and
2. Promoting a supportive culture in which workers feel able to seek the assistance of their employer in a non-threatening environment.

The focus of Council's workplace alcohol and/or other drugs procedures will initially be on education and correcting inappropriate worker behaviour. Although disciplinary action may be necessary, it is viewed as a measure of last resort that is reserved for serious breaches of the Council's *Code of Conduct* or where a worker has repeatedly failed to respond to warnings about their work performance or work conduct.

Where appropriate, disciplinary actions are complimented by offers of support to the worker, through Council's Employee Assistance Program or other external agencies such as specialist units at public hospitals.

8. Alcohol and Other Drugs Testing

The details of procedures for testing and results of testing are contained within "*Hilltops Council's Alcohol and Other Drugs Testing Procedure*".

Workplace alcohol and other drugs testing is a complex issue. Things to consider include: -

- **When to test** – Common examples of when D&A testing is conducted include; upon reasonable suspicion that a person may be impaired (reasonable suspicion testing); following a workplace health and safety incident (post incident testing); randomly (random testing) and voluntary testing.
- **Types of tests** – Hilltops Council will use: -
 - Breath test for alcohol testing,
 - Saliva for other drugs. Saliva testing can provide a positive result immediately after use and whose range of detectability is such that it is more likely to indicate potential and or actual impairment when compared to other testing procedures which can provide a positive result to substances days, weeks or months after last use/exposure, at which time the worker may not be impaired at work.
 - Urine testing for pre-employment only.
- **Worker privacy** – It is imperative that a worker's privacy be respected and that the results of D&A testing are kept confidential. All information will be kept on the workers "personnel file" access to which is controlled under the Privacy and Personal Information Protection Act (1998).
- **Who to test** – Testing will be undertaken in accordance with "When to Test" as detailed above. When random testing is undertaken, all workers including contractors on-site will be included.



9. Legislative Requirements

General employer/worker obligations in relation to workplace occupational health and safety laws exist under:

- The *Work Health and Safety Act 2011* (NSW); and
- The *Work Health and Safety Regulations 2011* (NSW).

Workers who drive motor vehicles for work (including when travelling to or from work) must obey applicable road safety laws, including those relating to prescribed concentration levels for alcohol and other drugs. For further information in relation to prescribed concentration levels refer to: -

- The *Road Transport (Safety and Traffic Management) Act 1999* (NSW); and
- The *Road Transport (Safety and Traffic Management Regulation 1999* (NSW).

Depending on the work environment, employers may have a positive legal obligation to conduct alcohol and other drugs testing in the workplace. Workplace procedures for managing risks in relation to alcohol and other drugs use must reflect these obligations if they apply. Examples include: -

- **Rail Safety Act 2008* (NSW); and
- **Rail Safety (Drug and Alcohol Testing) Regulation 2008* (NSW).
- *Civil Aviation Act 1988; and
- *Civil Aviation Safety Regulations 1998.

* As revised.

10. Other References

Australian Standards: -

- *AS3547:1997 – Breath Alcohol Testing Devices for Personal Use.
- *AS4760:2006 – Procedures for Specimen Collection and the Detection and Quantitation of Drugs in Oral Fluid.