

## 1. Overview

The District Council of Mount Remarkable ("the Council") is committed to the promotion of work health safety and well-being of, and the provision of a safe work place for, all employees.

## 2. Policy

This Policy applies to all Council employees in the course of their employment with Council and should be read in conjunction with any individual or collective workplace agreements or contracts in so far that they relate to Work Health Safety

## 3. Policy Position

Council is committed to providing a safe and healthy work environment at each Council site. This is consistent with Council's responsibilities under relevant Work Healthy Safety legislation.

Council is to ensure any employee whose performance may be impaired as a result of drug or alcohol use does not endanger their own safety or the safety of any other person in the workplace.

## 4. Objectives of the Policy

The purpose of this policy is to set out the limits that apply in relation to:

1. the consumption of alcohol at any Council site;
2. the possession and consumption of drugs at any Council site; and
3. workers whose performance is affected as a result of consuming drugs or alcohol.

This policy applies to all employees and any other person present at a Council work site (including visitors, contractors, agents, sub-contractors and their employees).

## 5. Definitions

**Alcohol:** any beverage containing an alcoholic content that temporarily impairs a person's physical or mental capacity.

**Drugs:** chemical substance(s) whether legal or illegal, which may have the ability to impair a person's physical or mental capacity. These can include prescribed drugs issued by a medical practitioner, or non-prescribed drugs, for example, but not limited to, speed, heroin, amphetamines, LSD, crack, cocaine, ecstasy, marijuana, etc. Cigarettes are not included within this definition and are dealt with in a separate Policy Document.

***Zero Tolerance: using equipment at work with a blood alcohol / illicit drug reading of 0.00***

## 6. Responsibilities

### 6.1 Managers / Supervisors

Managers / Supervisors are responsible for:

- a. Ensuring that employees are not exposed to risks;
- a. Implementing and monitoring this Policy;
- b. Providing adequate supervision;
- c. Monitoring workloads;

## 6. Responsibilities

### 6.1 Managers / Supervisors continued

- d. Monitoring and managing changes in work performance and conduct;
- e. Ensuring that employees are satisfactory to work safely;
- f. Making appropriate workplace adjustments to support the rehabilitation of employees; and
- g. Providing information about counseling, treatment and rehabilitation services where considered appropriate.

### 6.2 Employees

Employees are responsible for:

- a. Taking responsible care for the health and safety of themselves and their co-workers in the workplace and cooperating with the employer to enable compliance with the Act and Regulations;
- b. Reporting for duty, free from the influence of drugs and alcohol;
- c. Checking with their doctor that they are safe to work in their current job while taking prescription medicine;
- d. Advising their supervisor / manager of any possible impairment from prescribed medications; and
- e. Talking to their manager / supervisor if they are concerned about working with other employees because of a perceived safety risk due to drug / alcohol use or abuse.

## 7.0 Policy

### 7.1 Consumption of Alcohol and / or Drugs

It is acknowledged that an individual has the right to consume alcohol socially and drugs when properly prescribed, however it is inappropriate to do so in the workplace. Employees are prohibited from arriving at work or returning to work from any break under the influence of alcohol or other drugs.

It is well known that the consumption of drugs or abuse of alcohol can affect an individual's ability to perform tasks safely and productivity. The effects of intoxication and the regular use or dependence on alcohol or other drugs are associated with impaired judgment and skills, reduced concentration, absenteeism and increased accidents. These behaviours and activities may seriously affect employee safety and standards of practice within Council.

Therefore, the right is reserved to take action if an employee is:

- a. Affected by alcohol or other drugs, so as to endanger their own safety or the safety of any other person in the workplace;
- b. Found in the possession of alcohol, drugs or drug use equipment on Council premises / plant / vehicles; or
- c. Affected by alcohol or other drugs, so that the employee's work performance is affected.

All employees of the District Council of Mount Remarkable are expressly prohibited from selling, distributing, manufacturing, possessing or consuming alcohol or other drugs during working hours, when on Council premises or utilising Council property.

An employee found possessing, consuming, distributing, selling or manufacturing alcohol or other drugs or under the influence of alcohol or other drugs, on Council premises, in Council plant / vehicles or work sites will be subject to disciplinary action which, depending on the nature of the incident, may result in the employee being:

- a. Counseled;
- b. Immediately suspended on full pay, pending the outcome of an investigation into the incident; or
- c. Dismissed for misconduct, provided the manager / supervisor has actual proof.

## 7.0 Policy continued

### 7.2 Council functions

There may be certain occasions where alcohol may be available at Council functions, though generally, these functions will not take place during an employee's ordinary working hours. In these specified situations, Council accepts that alcohol may be consumed within the appropriate guidelines and with the permission of management.

In instances where employees attend either workplace functions or functions on behalf of Council, management and employees will be expected to behave in a professional and responsible manner, ensuring that duty of care is provided to both themselves and others.

Where work-related social or business functions involve the consumption of alcohol, appropriate management of the situation must take place. This will include observation of the following minimum requirements:

- a. the provision of low-alcohol and non-alcohol alternatives to full-strength alcoholic drinks;
- b. the provision of appropriate food to reduce the effects of alcohol;
- c. Adequate monitoring by management of the alcohol intake of individuals at any functions; and
- d. Implementation of a strategy to manage individuals who appear to be affected adversely by the consumption of alcohol. This strategy may include refusing supply of further alcohol to such persons, arranging for alternate transportation (such as fellow employees, family members, buses or taxis) when leaving the function and counseling. Such a strategy must be clearly communicated to, and understood by, all employees.

### 7.3 Vehicle / Machinery operation

There is 'Zero tolerance' of employees being under the influence of alcohol or illicit drugs whilst driving Council vehicles or working with Plant and Machinery.

### 7.4 Identifying Possible Indicators of an Employee Who May Be Under the Influence of a Substance

The misuse of alcohol or other drugs may result in an observable decline in work performance. While it is not the responsibility of supervisors / managers to diagnose personal or health problems, they should be aware of the common indicators that suggest that an alcohol or other drug problem may exist. Reference should be made to the following list, which includes but is not limited to:

- a. Habitual lateness or excessive absenteeism;
- b. Extended lunch breaks;
- c. Aggressive outbursts;
- d. Problems with coordination, forgetfulness, 'near miss' incidents;
- e. Time management issues; and
- f. Clear intoxication at work or signs of drinking prior to commencement of work., which may include:
  - Strong smell of alcohol on the breath;
  - Slurred or incoherent speech;
  - Unsteadiness on their feet;
  - Red, bloodshot or watery eyes;
  - Flushed or ruddy face;
  - Noticeably smaller or larger pupils;
  - Lack of (or poor) muscle coordination;
  - Person may be aggressive or argumentative;

## 7.0 Policy continued

- Person may be overexcited or agitated;
- Simple instructions may not be followed;

### 7.5 Identifying Possible Indicators of an Employee Who May Be Under the Influence of a Substance

- a. Drowsiness or asleep on the job or on work breaks;
- b. Difficulty in concentrating on a task or a conversation;
- c. Poor balance and coordination; or
- d. Loss of inhibitions.

**Managers and Supervisors must take into account the possibility that a decline in work performance could be the result of illness, disability or other personal factors not related to drug and alcohol use. In such cases, the above list is not necessarily applicable.**

## 8. Alcohol and Other Drugs Procedure

To ensure a healthy and safe workplace environment for all of its employees, Managers / Supervisors will undertake the following approach if any employee is found possessing, distributing, selling or manufacturing alcohol or other drugs on work premises, work sites or in Council vehicles or plant, or are believed to be under the influence of alcohol or other drugs during work hours.

### 8.1 If the employee is considered to be incapable of performing their duties:

When a Manager or Supervisor observes, or is advised of, a health or safety risk as a result of possible intoxication, they should observe the following:

- a. When approaching an affected employee it can be more constructive and less confronting to talk in terms of their approach to safety and general work performance rather than their perceived alcohol or other drug use;
- b. Complete an 'Impairment Checklist for Drug and Alcohol' (see Appendix 1);
- c. The affected employee must cease working;
- d. Arrange safe transport for the employee (at Council's expense) to their home;
- e. If the individual is an employee of Council, then the time not worked will be recorded as sick leave (if the employee is not entitled to take sick leave then the matter will be discussed amongst the employee, his / her supervisor and the Chief Executive Officer);
- f. If the individual is not an employee of Council, then no payment will be made for the time not worked;
- g. Prior to going home, an interview time will be arranged with the employee for the following day to discuss the events. It is recommended that a Counsellor be present and therefore, permission (to have a Counsellor present) must be sought from the individual prior to making this arrangement;
- h. Advise the employee that they have the right to have a general support person of their choice present at the interview – this could be a Union representative or Health & Safety Representative;
- i. Contact a Counsellor – available through Local Government Association;
- j. Document the incident;
- k. Interview the employee with their representative as arranged and ask them to provide an explanation of the incident;
- l. The employee should be asked if there are any workplace factors contributing to poor work performance;
- m. Attempt to determine, with the employee, an agreed course of remedial action;

## 8. Alcohol and Other Drugs Procedure continued

- n. Without breaching confidentiality, implement any other procedures to ensure that ongoing safety risks are eliminated e.g. relating to dealing with machinery, access to vehicles, etc;
- o. Record all details of this interview; and
- p. Retain the 'Impairment Checklist' in the Employee's confidential personnel file.

### 8.2 Possession and / or Consumption of Alcohol or Other Drugs

If a Manager / Supervisor suspects, on rational grounds, that an employee is in the possession of, or has been consuming alcohol or other drugs on Council premises work site or in Council vehicles or plant, the employee will accompany the Manager / Supervisor and a witness whilst a search of their bag(s), locker or other possessions is undertaken. The employee also has the right to have their own witness present during such search. However, if it is not appropriate for the employee to accompany the Manager / Supervisor, then the employee will be taken to a room and instructed to remain there whilst the search is conducted. In this situation, the employee must have a witness present at the search.

If the employee has been found consuming alcohol or other drugs, the Manager / Supervisor will confiscate the substance in question as evidence.

If the employee is believed to be in the possession of alcohol or other drugs, the search may be performed by either a senior management representative of Council, or in the case of drugs, by the police.

An interview will be conducted between the employee concerned and management in accordance with Council's disciplinary procedures on dealing with misconduct at work.

The employee will be offered the opportunity of having a person of their choice attend the interview as their representative or as their witness. The employee will be offered the opportunity of explaining and responding to the allegations put to them.

A full investigation of the incident will be undertaken and if the Manager / Supervisor has sufficient evidence that the employee was either possessing, distributing, selling or consuming alcohol or other drugs on Council's premises, work site or in Council vehicles or plant, the employee will be subject to disciplinary action, which may include dismissal for misconduct.

### 8.3 Consumption of Legal Drugs

If an individual is required to consume legal drugs (including prescribed medication) for medicinal purposes, then the following will apply:

- a. that person must notify their immediate supervisor of any warnings attached to the drugs which may impact on the person's ability to work safely;
- b. if it is the opinion of the Manager / Supervisor that the person's performance is likely to be affected as a result of consuming the legal drugs to the extent that the risk to the individual or others is increased then the Manager / Supervisor will consult with that individual to make adjustments to the work requirements, where practicable;
- c. if it is not practicable to make adjustments to the work requirements, the individual will be sent home (suitable transport will be arranged at Council's expense);
- d. if the individual is an employee of Council, then the time not worked will be recorded as sick leave (if the employee is not entitled to take sick leave or is required to take legal drugs for medicinal purposes for an extended period, then the matter will be discussed between the employee, his / her supervisor and the Chief Executive Officer); and
- e. If the individual is not an employee of Council, then no payment will be made for the time not worked.

## 8. Alcohol and Other Drugs Procedure continued

### 8.4 Drug or Alcohol Dependency

A drug and alcohol program will be made available to employees who consider that they may have a dependency on drugs or alcohol. Details about this program can be obtained through the Chief Executive Officer. All inquiries will be treated in the strictest of confidence.

### 8.5 Enforcement

A breach of this Policy by an employee of Council may result in disciplinary action being taken by Council. Any disciplinary action will be in accordance with Council's Discipline / Dismissal Procedure. Employees should also be aware of other Council policies which may refer to the consumption of alcohol.

When illicit drugs are involved, the police will also be included.

A breach of this Policy by other workers (including contractors, agents, sub-contractors and their employees) may result in the termination of any contract.

All queries regarding this Policy should be directed to the Chief Executive Officer in the first instance.

## 9. Grievances and Disputes

Any disputation or grievance arising in respect of this Policy should be forwarded to Management through the WHS representative for that work area.

Any such issues will be dealt with in confidence and in an appropriate manner.

The outcomes of such issues or grievances may be decided by an independent suitably qualified and / or experienced arbitrator if required.

SIGNED:

.....

Chief Executive Officer

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

.....

Chairperson, HS Committee

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Appendix 1:**

## Impairment Checklist for Drug & Alcohol

*(Manager to complete)*

**Employee Name:** ..... **Date:** .....

**Department:** .....

**Manager completing checklist:** .....

**Signature of Manager:** .....

**INDICATORS TO LOOK FOR:** *(please tick appropriate boxes and complete where necessary)*

**BREATH:** Smell of intoxicating liquor –  Nil  Slight  Strong

Other: .....

.....

**Colour Of Face:**  Flushed  Pale Other: .....

**Skin:**  Pale  Needle Marks  Ulcers  Abscesses

Excessive Perspiration Other: .....

**Clothing:**  Orderly  Soiled  Disarranged

Other: .....

**Attitude:**  Co-Operative  Talkative  Anxious  Excited  Dreamy

Relaxed  Indifferent  Hallucinating  Sedated  Hostile

Irritable  Cocky  Depressed  Antagonistic

Unable To Follow Instructions

Other: .....

**Actions:**  Swearing  Belching  Vomiting  Fighting  Drooling

Hiccapping  Restless  Runny Nose  Itching

Constant Scratching  Loss Of Emotional Control

Other: .....

**Eyes:**  Bloodshot  Watery  Glazed  Eyelids Drooping

Pupils Enlarged  Pinpoint

**Breathing:**  Normal  Short  Jerky  Rapid  Shallow  Slow

Other: .....

## Impairment Checklist for Drug & Alcohol

*(Manager to complete)*

**Speech:**             Incoherent     Slurred     Confused     Fast     Slow

Other: .....

**Balance:**             Unsteady     Swaying     Sagging     Falling     Staggering

Other: .....

**Movements:**        Manner of Walking –  Need For Support  
Overall Performance of Actions –  Clumsy     Jerky     Sluggish     Tremor

Other: .....

.....

**OPINION:**            (Based on observations as to sobriety)  
 Slightly             Moderately             Well Affected

Due to     Drug    and / or     Liquor  
*(Tick all appropriate)*

**ADDITIONAL NOTES AND INFORMATION:** List type and quantity of drugs consumed by subject:

.....

.....

.....

.....

At what time were these drugs consumed? .....

List type and quantity of drugs located on subject or in workplace:

.....

.....

.....

.....

.....