

Drug and Alcohol Policy

Policy Details

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Policy Owner	Manager Human Resources
Contact Officer	Lisa Ruyg

Supporting documentation

Legislation	<ul style="list-style-type: none"> • <i>Industrial Relations Act 2016</i> • <i>Local Government Act 2009</i> • <i>Local Government Regulation 2012</i> • <i>Public Sector Ethics Act 1994</i> • <i>Work Health and safety Act 2011</i>
Policies	<ul style="list-style-type: none"> • Code of Conduct for Employees • People Management Framework • Workplace Health and safety Policy
Delegations	<ul style="list-style-type: none"> • Nil
Forms	<ul style="list-style-type: none"> • Nil
Supporting Documents	<ul style="list-style-type: none"> • AS3547 – Australian Standard for Alcohol Breath Testers • AS/NZS 4308:2008 – Urine Drug Testing Standard • AS/NZS 4760:2019 – Oral Fluid Drug Testing Standard • Specimen Collection Procedure

Version History:

Version	Adopted	Comment	eDRMS #
10	19/08/2020	Council Resolution No. 0820/017	
11	16/06/2021	Council Resolution No. 0621/011	505735
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Intent

The purpose of this policy is to ensure systems and procedures are in place to promote and maintain a worker's ability to perform their tasks safely and efficiently.

Carpentaria Shire Council (Council) acknowledges that the adverse effects of drug use and/or alcohol can be a significant factor in workplace incidents and injuries, therefore all workers must be always fit for work.

Scope

This policy applies to all workers including employees, contractors, employees of contractors, consultants, volunteers and work experience persons at all Council workplaces and work sites. This policy does not apply to elected representatives of Council.

This policy is not intended to apply to individuals consuming alcohol at authorised social events, functions and ceremonies conducted at Council workplaces.

Alcohol consumption is permitted in the accommodation blocks at Council's remote worksites. Alcohol consumption is not permitted in or around the actual worksite where machinery may be operating. Such sites are deemed high risk and have zero alcohol tolerance. Workers in high risk workplaces must always have a breath alcohol concentration level of 0.00%.

Policy Statement

Council is committed to minimising the harm to members of the Council workforce and the wider community associated with the use of alcohol and other drugs, and to provide the community with a responsible model of behaviour.

Council recognises that the inappropriate use of alcohol and other drugs can adversely affect workplace safety and performance and can significantly contribute to absenteeism and reduced morale.

Responsibilities

Council will:

Ensure this policy and the procedures contained herein meet duty of care obligations and comply with legislation and best practice;

Ensure this policy is appropriate, relevant and communicated to workers;

Provide a confidential Employee Assistance Program to help workers deal with personal or work related issues that could impair fitness for work;

Ensure any drug and alcohol testing equipment used by an authorised person is maintained in accordance with the relevant Australian Standard;

Ensure any authorised Specimen Collector is qualified to implement this policy as required in the relevant Australian Standard;

Consider refusal to undertake a Drug and Alcohol Test to be a breach of this policy and a breach of a condition of employment or contract.

Workers are responsible for:

- Reporting to work in a fit state. Where a worker feels they are not fit for duty they should immediately notify their supervisor or manager;
- Remaining in a fit state while on-call;
- Assessing their own fitness for duty prior to attending an emergency call-out;

- Consenting to drug and alcohol testing as part of a random testing program, where they have been involved in an incident or near miss in the workplace or where there is reasonable cause to believe they may not be in a fit state for work;
- Disclosing details of all medication being taken prior to undergoing drug and alcohol testing;
- Familiarising themselves with the contents of this policy and complying with the policy.

Drug and Alcohol Testing

Pre Employment Testing

A urine drug screen will be conducted prior to an individual being offered employment with Council.

Random Testing

Random drug and alcohol testing will take place on a regular basis without notice. A worker or group of workers may be requested to provide a breath sample and/or a saliva sample and/or a urine sample to an authorised person of Council at any time without notice.

Post Incident Testing

A worker will be required to provide a breath sample and/or a saliva sample and/or a urine sample to an authorised person of Council or law enforcement agency when they have been involved in any incident which causes a threat, near miss or actual harm to the health and safety of workers in the workplace.

Reasonable Cause

Where abnormal workplace behaviour has been observed, or if there is other information or circumstances which indicates that an individual may not be fit for work, the worker may be required to provide a breath sample and/or saliva sample and/or a urine sample to an authorised person of Council.

Drug and Alcohol Testing – Methodology and Results

Drug Testing

All workers at all work sites must test negative for illegal drugs. If a worker is taking or is prescribed legal drugs (prescription or over the counter medication) they must provide a letter from their doctor stating the impact on their ability to safely perform their work duties.

If the doctor concludes there is a risk the worker may be impaired by the drugs, Council will attempt to redeploy Council employees to alternative, safe duties while they are taking legal drugs. If no safe duties can be provided, the Council employee will be required to be absent from work on sick leave or other leave as agreed to with their manager or human resources. Contract workers at risk of being impaired by legal drugs will be required to remain offsite until it is safe for them to return to duty.

- Initial Testing – a saliva sample will be taken from the worker to detect the presence of an illicit drug. A Council employee producing a non-negative result will be required to take a confirmatory urine test to confirm the presence of the drug identified in the saliva sample.

A contract worker producing a non-negative result will be given the option of taking a confirmatory urine test to confirm the presence of the drug identified in the saliva sample. The contract worker, or their primary contractor, is responsible for all costs associated with the confirmatory test.

A consultant, volunteer or work experience student producing a non-negative result to the saliva test will be removed from the workplace.

- Confirmatory Testing – a confirmatory test will be taken via a urine test. If the confirmatory urine test returns a negative result for the drug identified in the saliva test, the drug screening is deemed negative.

Should the confirmatory urine test produce a non-negative result for the drug identified in the saliva test, part of the urine sample will be forwarded to a National Association of Testing Authorities accredited laboratory for further analysis and report. The worker will be given safe passage home. A Council employee will be stood down with pay until the laboratory report is received by Council. A contract worker will be removed from site until the laboratory report is received by Council.

Alcohol Testing

All workers in high risk workplaces must always have a breath alcohol concentration level of 0.00%. All workers in low risk workplaces must have a breath alcohol concentration level no more than that of being able to drive an ordinary vehicle in Queensland.

- i) Initial Testing – a breath sample will be taken from the worker to detect the presence of alcohol. Any worker producing a positive reading, above the applicable workplace requirement (Appendix A), will be required to undertake a confirmatory test. The confirmatory test will take place twenty (20) minutes after the initial test.
- ii) Confirmatory Testing – the confirmatory test will consist of a further breath sample being taken from the worker. A Council employee producing a positive confirmation reading, above the applicable workplace requirement (Appendix A), will be stood down with pay for the remainder of the day. A contract worker producing a positive confirmation reading will be stood down for the remainder of the day. Both Council employees and contract workers will be required to undergo a breath alcohol reading prior to commencing work the next day. The Council employee is now considered to be in breach of this policy and disciplinary action, as described below, will be taken against them.

Council employees located at a remote worksite will be required to remain in the accommodation blocks. Council employees located in Normanton or Karumba will be given safe passage home.

Consequences of a Breach of Policy – Discipline Process

Disciplinary action will be taken against anyone who breaches this policy. Discipline may involve counselling, formal warning, termination of engagement, termination of employment or other disciplinary action as set out in the Local Government Act 2009. Any worker found to be manufacturing, possessing, selling, or distributing illicit drugs at any Council worksite or workplace will be referred to the appropriate law enforcement or regulatory agencies for independent investigation.

Refusal, Avoidance or Falsification of Tests

- i) Any worker refusing, avoiding, or falsifying a test will be stood down immediately;
- ii) A Council employee will be requested to show cause as to why their employment should not be terminated. Termination will result in the employee being unable to work on any

- future Council projects for a period of twelve months;
- iii) A contract worker refusing, avoiding, or falsifying a test will be unable to work on any future Council projects for a period of twelve months.

Over Prescribed Alcohol Limit

The following actions are a guide and the actual action taken when an “over prescribed alcohol reading” is recorded will depend on the individual circumstances, the risk posed to other workers and the public and the reading level.

- i) First Offence – Council Employees and Contract Workers
- A Council employee will be issued with a formal warning;
 - A Council employee will be reminded of the availability of, and given access to, Council’s Employee Assistance Program;
 - A contract worker, or their primary contractor, will be issued with a breach of policy notice.
- ii) Second Offence – Council Employees and Contract Workers
- The Council employee will be issued with a final warning;
 - The Council employee will be strongly encouraged to access counselling and rehabilitation support services;
 - A contract worker will be removed from site and will be unable to work on any Council projects for a period of twelve months.
- iii) Third Offence – Council Employees
- The Council employee will be requested to show cause as to why their employment should not be terminated. Termination will result in the employee being unable to work for Council or on any Council projects for a period of twelve months.

Confirmed Positive Drug Test

- i) A Council employee will be requested to show cause as to why their employment should not be terminated. Termination will result in the employee being unable to work for Council or on any Council projects for a period of twelve months.
- ii) A contract worker will be removed from site and will be unable to work on any Council projects for a period of twelve months.
- iii) Second or third offences by either a Council employee or contract worker will result in the individual being disqualified to work on any Council projects indefinitely.

Definitions

TERM	DEFINITION
Abnormal Workplace Behaviour	In the context of this policy, means when other people notice that a person displays unusual workplace behaviour that is not the norm for that person.
Authorised Person	In the context of this policy, means a person authorised by the Chief Executive Officer or delegate to conduct a drug and alcohol test on Council’s behalf. An authorised person may be a Council employee, who

TERM	DEFINITION
	is qualified as a specimen collector, a drug and alcohol testing provider or a health practitioner.
Employee Assistance Program (EAP)	Work-based early intervention programme aimed at the early identification and/or resolution of both work and personal issues that may adversely affect performance.
High Risk Workplace	A workplace where activities in the opinion of Council are recognised to pose a high level of risk to the health and safety of workers and other people. High risk workplaces are zero drug and alcohol tolerance sites. Refer Appendix A.
Illicit Drugs	Includes, but is not limited to, heroin, cocaine, barbiturates, cannabis, amphetamines, methylenedioxy methamphetamine (MDMA, Ecstasy), non-prescribed pharmaceutical drugs including painkillers such as codeine, amphetamines, methadone, other opiates and steroids and the inappropriate use of volatile substances and other substances like ketamine or inhalants.
Legal Drugs	Prescribed or over the counter drugs.
Low Risk Workplace	A workplace where activities in the opinion of Council do not pose a high level of risk to the health and safety of workers and other people. Low risk workplaces have an alcohol tolerance equivalent to being fit to drive an ordinary vehicle in Queensland. Low risk workplaces are zero drug tolerance sites. Refer Appendix A.

Adopted by Council by resolution No.0723/015

Mark Crawley
Chief Executive Officer

APPENDIX A

<u>HIGH RISK WORKPLACES</u> <ul style="list-style-type: none"> • Zero Drug Tolerance • Zero Alcohol Tolerance. 	<u>LOW RISK WORKPLACES</u> <ul style="list-style-type: none"> • Zero Drug Tolerance • Alcohol Tolerance Equivalent to Driving an Ordinary Car in Queensland.
Road Work Sites – construction, maintenance, traffic control. All plant and equipment used in roads construction and maintenance.	Normanton Council Administration Offices.
Water and Waste Water Facilities – including all buildings and reservoirs. Any worksite where plumbing, trench work, confined spaces work or chemical usage is undertaken.	Karumba Customer Service Centre and Library.
Aquatic Facilities.	Normanton Library and Visitor Information Centre.
Works Depots Normanton and Karumba – any area within the Depot fence line.	
Airports Normanton and Karumba.	
Child Care Centre, Sports Centre or any location where childcare activities are being undertaken.	
Barramundi Discovery Centre and Hatchery.	
Worksites and activities associated with Local Laws, Environmental Health, Building Surveying and Compliance functions.	
Waste Stations Normanton and Karumba.	