BARCOO SHIRE COUNCIL POLICY

DRUG AND ALCOHOL POLICY

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Classification: Administrative	Section: Project Management-WH&S
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Responsible Officer: CEO	Review: Note: This Policy is reviewed when any of the following occur: 1. The related information is amended or replaced. 2. Other circumstances as determined from time to time by the Chief Executive Officer. Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.
Legislation: Work Health Safety Act 2011; Work Health & Safety Regulation 2011; Anti-Discrimination Act 1991; Barcoo Shire Council Code of Conduct; Industrial relations Act 1999; Information Privacy	

1.0 POLICY OBJECTIVES

The objectives of this Policy are:

a) To ensure no person's health & safety is adversely affected by any Barcoo Shire Council employee working while affected by alcohol and/or other drugs; and

b) Assist Barcoo Shire Council fulfil all relevant legal obligations regarding employee safety.

2.0 PURPOSE

The purpose of this Policy is to ensure the workplace risks associated with consumption of alcohol and other drugs (AOD) are controlled and that statutory requirements are met. All workplace participants at any Council workplace are required to be in a condition to safely carry out their work and not present a risk to the safety of themselves or any other person.

Consumption of alcohol and/or other drugs can also exacerbate fatigue and reduce workplace awareness and safety performance. This Drug and Alcohol Policy has been developed to support the management of fatigue in the workplace.

Council will conduct information, awareness and monitoring programs to ensure that employees are informed about the requirements of this Policy. Contractors and visitors will be advised they are subject to this Policy whilst on any Council work site.

Council's intention is to provide a framework for management of drugs and alcohol use that is fair when applied in the workplace.

3.0 COMMENCEMENT OF POLICY

This Policy will commence on adoption. It replaces all other specific drug and alcohol policies of Council (written or not).

4.0 DEFINITIONS

To assist in interpretation, the following definitions shall apply:

Word / Term	Definition
Workplace Participants/Employees	means council staff, councillors, agents, contractors, sub-contractors, consultants, volunteers, trainees, work experience participants and job applicants.
Council	means Barcoo Shire Council.
Drugs	includes, but is not limited to, amphetamine-type substances (speed, ice, meth, ecstasy), cannabis (marijuana), opiates (opium, morphine, heroin), cocaine, phencyclidine (PCP, angel dust) and other controlled substances or medications other than those sold to the public on a non- prescription basis, or those prescribed to an employee by a doctor.
Alcohol	means liquor as defined in the Liquor Act 1992.
Authorised Officer	Qualified person authorised by Barcoo Shire Council to carry out Drug and Alcohol testing duties, including an external licensed contractor
BrAC	Breath alcohol concentration – Prescribed level = 0.000g/210L
Confirmatory Test	Subsequent testing undertaken if a drug screening test is unsatisfactory result
Reasonable Suspicion of being affected by Drugs or Alcohol	means where an authorised officer forms the belief that an employee shows signs of being affected by alcohol or other drugs
Unsatisfactory Result	means a result from a drug and alcohol testing that falls outside the levels permitted by relevant legislation or codes of practice
Work Hours	means the period of travel to and from work from the employee's residence, core working hours, during callout activities, break times and attendance at Council functions or functions where the employee has been invited as a Council representative.
Prescription Drugs	drugs prescribed by a Medical Practitioner
Roadblock Testing	blanket testing of all the individuals present at a workplace
Controlled consumption	means in accordance with Australian Standard Drinks guide
DAMP	Drug Alcohol Management Plan (Windorah Aerodrome)

5.0 SCOPE

This Policy applies to all workplace participants at all workplaces. The Council considers that all individuals contribute to health and safety in the workplace and as such have responsibilities, rights and obligations under this Drug and Alcohol Policy.

Controlled consumption of alcohol is permitted at campsites outside normal working hours. It is not permitted at any time to consume alcohol or be above the acceptable BrAC when operating, sitting on, riding in or otherwise in contact with any machinery, vehicle or plant on and around the campsite.

This Policy is not intended to apply to individuals providing or consuming alcohol at authorised social events, functions and ceremonies conducted at Council workplaces or other venues.

6.0 CONTEXT

Council aims to provide and maintain a workplace environment that not only protects the health and safety of all workplace participants whilst at work, but also facilitates a productive workplace. A safe and productive work environment includes the respectful treatment of others in the workplace.

The consumption of drugs and/or alcohol can impair a workplace participant's ability to perform work in a safe manner and can also lead to unacceptable behavior towards others.

7.0 POLICY STATEMENT

Except as set out in this Policy, workplace participants are not permitted to do the following:

- Work while under the influence of alcohol and/or other drugs;

- Commence or return to work while under the influence of alcohol and/or other drugs;
- Work, commence or return to work with a level of alcohol in breath or drug in tested fluid (urine or oral fluid) at or exceeding the acceptable concentration;
- Consume or use illicit drugs and/or alcohol at work or during work hours (even whilst off site);
- Bring alcohol and/or illicit drugs to work;
- Sell or dispense alcohol and/or illicit drugs at work; and/or
- Possess alcohol and/or illicit drugs at work;
- Keep illicit drugs on any council premises or equipment.

Council does not accept liability for the consequences (property damage, injury, etc.) of any illegal or inappropriate actions of any workplace participant whilst he/she is affected by drugs and/or alcohol. The workplace participant is responsible for the consequences of their actions.

8.0 SPECIFIC AND STANDARD

8.1 Drug & Alcohol Testing

Council workplace participants must have the capacity to perform their duties safely. Therefore, council intends to conduct drug and alcohol testing in the situations outlined below.

8.2 Pre-Employment

All applicants for employment with council may be required to participate in pre-employment drug & alcohol testing. An unsatisfactory testing result will result in the rejection of an applicant's employment application.

8.3 Reasonable Suspicion of being affected by Drugs or Alcohol

Workplace participants whose behavior or actions generate a reasonable suspicion of being affected by alcohol and/or other drugs may be required to undergo immediate drug & alcohol testing.

Workplace participants who believe that another workplace participant is affected by alcohol and/or other drugs must notify an authorised person as soon as possible.

What amounts to a reasonable suspicion of someone being affected will depend on the specific situation; it is important to exclude other factors such as stress, fatigue or another medical condition. However some examples of factors that may lead to reasonable suspicion are:

- An admission of being adversely affected by alcohol and/or other drugs;
- Uncharacteristic and unexplained changes in speech, movement or appearance;
- Erratic behaviour or manner; and Possession of drugs and/or alcohol.

8.4 Post Incident

An employee may be required to undergo drug & alcohol testing following and incident or near miss.

8.5 Random and Roadblock Testing

An individual or a group of individuals may, at any time and without notice, be requested to provide a breath sample or oral fluid sample to an Authorised Officer of Council.

There shall be regular random testing without notice.

Roadblock testing (blanket testing of everyone present in the workplace) shall be randomly undertaken without notice.

9.0 TYPES OF TESTING

9.1 Drug

Council does not condone the use of illicit drugs or the misuse of prescription or over the counter medication.

Workplace participants who are found to:

a) be affected by any such drug during work hours; or
b) provide a specimen exceeding the confirmatory cut-off concentrations described in the relevant Standard

will be subject to appropriate disciplinary measures determined by Chief Executive Officer and/or in line with the Councils Code of Conduct.

9.2 Alcohol

In relation to permitted breath alcohol concentrations, employees and visitors to Council owned or operated facilities and work sites must comply with all laws, road rules, plant and equipment regulations, liquor licensing requirements, Council Code of Conduct for employees and any other relevant standard.

Workplace participants who are found to exceed such permitted breath alcohol concentrations during work hours will be subject to appropriate disciplinary measures determined by Chief Executive Officer and/or in line with the Councils Code of Conduct.

9.3 Testing Methods and Procedures

Council will arrange for testing to be conducted by an Authorised Officer or Appropriate Contractor. All methods of testing will be in accordance with the relevant Australian Standards. The Workplace Participant undergoing testing may choose to be accompanied by a support person or union representative.

Individuals must disclose all medication to the Authorised Officer prior to the test being administered. Advising the Authorised Officer of the use of over-the-counter medication after a test has been administered and the presence of prohibited drugs has been provisionally detected, shall be considered a breach of this Policy and may not be accepted. A confirmatory test result shall be required to determine whether a provisional unsatisfactory test result is associated with drug use or medicine misuse.

10.0 TEST RESULTS

10.1 Unsatisfactory Result

If an employee produces an unsatisfactory result (a provisional non-negative outcome) to a drug test, they will be immediately suspended from work with pay, pending laboratory confirmation. The employee will be escorted to their residence by an authorised officer (or their delegate) or the employee's support person. The employee will be responsible for collection of their personal vehicle if applicable.

If the laboratory confirms a negative result, the worker may return to duties. If the laboratory confirms an illicit drug test result, the employee will then be subject to appropriate disciplinary measures as determined by the Chief Executive Officer and/or in line with Councils Code of Conduct. If the laboratory confirms a positive test result for prescription medication, then the employee must provide a valid prescription and the test result will be assessed by an appropriate expert to advise whether the concentration of medication is consistent with the prescription. If there is a discrepancy, the employee may then be subject to appropriate disciplinary measures as determined by the Chief Executive Officer and/or in line with Councils Code of Conduct.

If an employee produces an unsatisfactory result (a provisional non-negative outcome) to a breath alcohol test, they will be required to submit to a confirmatory breath test 20 minutes after the initial breath test. If the confirmatory test result is negative, the employee shall return to duties without penalty. If the confirmatory test result is positive the employee shall be immediately suspended from work with pay pending further investigation. The employee will be escorted to their residence by an authorised officer (or their delegate) or the employee's support person. The employee will be responsible for collection of their personal vehicle if applicable. The employee will then be subject to appropriate disciplinary measures as determined by the Chief Executive Officer and/or in line with Councils Code of Conduct.

10.2 Return to Work

Where an employee has been absent from work due to an unsatisfactory result, the employee may be required to undergo drug and alcohol testing prior to returning to work at their own expense. The employee will not be eligible to recommence work until they achieve a satisfactory result to the testing in the agreed timeframe.

10.3 Refusal to Undergo Testing

A refusal to undergo a drug and alcohol test will be taken as an unsatisfactory result.

10.4 Confidentiality of Test Results

Employee test results constitute personal information under relevant legislation. As such, test results will be dealt with according to the principles contained in the relevant legislation. The Council will otherwise maintain the confidentiality of the test results by securely storing them on the employee's personnel file

10.5 Prescription and Over the Counter Medications

Employees using prescription or over the counter medications during work hours must comply with all directions provided by their medical practitioner and / or pharmacist. Employees must ensure they:

- Inform their authorised officer immediately upon arriving at work if they are taking prescription or over the counter medication which has potential to adversely influence their capacity to work safely and efficiently; and
- Can produce a certificate from their medical practitioner certifying that they are able to work safely (considering the employee's position requirements) if taking prescription medication.

Employees are not required to reveal the nature of the condition being treated or the type of medication, only that they are taking medication which has the potential to adversely influence their capacity to work safely and efficiently.

Upon being notified, an authorised officer is to ensure tasks allocated to the employee for the duration of the effect of their medication are suitable and are not going to jeopardise the employee or others safety. The authorised officer is to maintain communication with the employee to monitor their performance and return to normal duties.

If prescription or over the counter medication is determined by a medical practitioner or pharmacist to place the individual or other employees at risk, the individual may be stood down and required to use sick leave until the risk has passed. The employee's manager may offer the employee the opportunity to transfer to an alternative position should one be available, having regard to the employee's skill set, ability and capacity, as well as the directions of the medical practitioner or pharmacist.

10.6 On Call or Call out

Individuals may be expected to return to work on an on-call or call-out basis. This includes Contractors; the Management Team; Emergency Response Personnel; Safety Personnel; Supervisors and those who are required to attend emergency callouts.

Individuals who are on-call and paid an on-call allowance shall remain drug and alcohol free.

Individuals, who are not on-call and have been requested to attend a call-out or emergency situation, shall assess their fitness for duty and discuss with their Supervisor before attending for duty.

If in any doubt the individual shall assess their fitness for duty and discuss with their Supervisor before attending for duty.

11.0 CONSEQUENCES FOR BREACH OF THIS POLICY

If Council conducts a drug or alcohol test and an individual who has presented for work, tests an unsatisfactory result to drugs or has a breath test reading indicating that BrAC is above the prescribed concentration, then the individual shall be in breach of this Policy.

The consequences for a breach of this Policy are set out below:

11.1 Alcohol first offence
Council shall issue the individual with a written warning. In the case of a contractor the Primary Contractor shall also be issued with a written warning.

The individual may be required to either wait until their BrAC is acceptable or stood down with pay.

Council employees shall be offered appropriate outside support should they wish to participate in a structured rehabilitation program such as Alcoholics Anonymous or similar.

11.2 Alcohol second or subsequent offence occurring within 12months of first alcohol offence Every case shall be examined and dealt with on its' merits. Workplace participants who produce an unsatisfactory result on a second or subsequent occasion shall be subject to disciplinary procedures which may (subject to any mitigating circumstances) result in termination of employment or termination of an individual's engagement.

Council may also determine to terminate the remainder of a Primary Contractor's contract.
Termination under these circumstances may include that the individual or contractor record is marked "not to be re-employed in any capacity, including as a contractor."

11.3 Drugs
Every case shall be examined and dealt with on its merits. Where the confirmatory test returns an unsatisfactory result, workplace participants may be subject to disciplinary procedures which may result in the termination of employment or engagement (subject to any mitigating circumstances).

Any workplace participant returning an unsatisfactory result after a confirmatory test shall be offered appropriate outside support should the workplace participant wish to participate in a structured rehabilitation program

12.0 COUNSELLING
Council has contacts such as the Employee Assistance Program (Doctor Lisa Patterson Kane: 0427 260 580) to assist employees and volunteers with counselling, advice and rehabilitation for drug and alcohol related difficulties.

Any employee or volunteer may seek assistance by self-referral or referral through their Supervisor or Manager.

Employees and volunteers who have entered a rehabilitation program shall be encouraged and assisted to take responsibility for the management of their own recovery program.

Free confidential advice, assistance and information is also available from the Alcohol and Drug Foundation (Australia-wide) on 1800 422 599 (24 hours a day).

Employees and volunteers who are found to be in breach of this Policy shall be encouraged to attend relevant counselling.

13.0 COMPLAINTS AND GRIEVANCE PROCEDURE
If an employee is aggrieved as a result of procedures initiated as a result of alcohol and drug related matters, they may arrange an interview with an appropriate delegate of the Council and be accompanied by their representative if desired. If they wish to dispute the confirmed drug test result, they must initiate a dispute within 2 weeks of receiving notice of the positive test result. A disputed specimen may be retested at the original or another NATA-accredited confirmation laboratory at the employees expense. If the dispute is upheld, then the worker shall be reinstated, benefits and payments shall be reinstated, and the employee reimbursed for the cost of the disputed test analysis.
If the disputed specimen is again confirmed positive, then disciplinary action shall be initiated.

14.0 POLICY DISSEMINATION

Implementation of this policy is to be preceded by a program of training involving Council managers, supervisors and other employees. Thereafter, the subject matter is to be included in work health and safety induction training and information for all new employees as well as refresher training.

15.0 ASSOCIATED DOCUMENTS AND POLICIES

Work Health Safety Policy
Drug and Alcohol Management Plan (DAMP) – Windorah Aerodrome