## S 2.3 Draft - Drug and Alcohol Policy

 **OBJECTIVE**

The objectives of this policy are to:

* To ensure the primary duty of the employer under the Workplace Health and Safety Act (WHS Act)is met, so far as is reasonably practicable, to ensure a safe workplace.. This includes contractors and or volunteers who may work under the Shires management, control, or direction.
* However, if the employer knowingly allows or permits individuals to work while under the influence, and an incident occurs where an employee is exposed to the risk of death, injury, or harm (without having undertaken any medical assessment of the risk), the employer could be committing a Category 2 offence under the WHS Act, resulting in a maximum penalty of $1.8 million. Additionally, breaches of the WHS Act may arise if any relevant authority deems that the Shire should have known an employee was affected or did not have appropriate protections in place
* Clarify expectations and obligations related to drugs and alcohol in the workplace by personnel engaged in Shire controlled activities.
* Ensure that Workers and contractors who are adversely affected by drugs or alcohol are not allowed to work.
* Assist in the creation of a safe and healthy workplace for Workers and contractors which is free of the hazards that may be associated with the use of drugs and/or alcohol in the workplace.
* Foster and promote an attitude that it is not acceptable to come to, or be at, work under the adverse influence of drugs or alcohol.
* Ensure that managers, supervisors and employee representatives are provided with guidelines to assist them to make informed decisions, and to take a consultative approach, when confronted with issues contained in the policy guidelines.
* Ensure that the Shire meets all legislative obligations with regards to providing a safe working environment for all personnel engaged in Shire controlled activities.
* Ensure that an organisation wide approach to action is adopted in relation to any breaches of this policy.
* Ensure that alcohol is used responsibly at approved Shire functions.

**STATEMENT**

The Shire and its Workers must take all reasonable care not to endanger the safety of themselves or others (including customers) in the workplace. Alcohol and drug use become an occupational safety and health issue, if a worker's ability to exercise judgement, coordination, motor control, concentration and alertness at the workplace is impaired. For the purposes of this policy, the term “employee/s” extends to cover contractors, volunteers and any person performing work for or with Shire in any capacity.

The Shire is committed to providing a safe workplace for its Workers and to achieve the high standards of safety and health, all Workers are encouraged and expected to be free of alcohol and/or drugs in excess of specified standards whilst at work. The underlying principles of the Shire are fairness, transparency, and providing a safe workplace that promotes and protects the well-being of all Workers and members of the public.

The Shire does not condone the use of illegal substances.

**Definitions**

**Code of Conduct** means the Shire of Williams Code of Conduct

**Drugs** means any illicit or illegal drugs including amphetamines, benzodiazepines, cocaine, methamphetamines, opiates and cannabinoids including THC (Tetrahydrocannabinol).

**EAP** means Employee Assistance Provider or Program.

**Medicinal Cannabis** means cannabis usage (including all cannabinoids) that occurs solely at the direction of a registered medical practitioner who has prescribed a form of medical cannabinoid to treat a diagnosed medical condition, including by alleviating its symptoms. The prescribing medical practitioner must be registered under the HPRNL (e.g. a General Practitioner or medical specialist).

**Premises** means any Shire owner or managed property include public open space and road corridors.

**Prescribed Medication** means medication prescribed by a health practitioner registered under the HPRNL and includes over-the-counter pharmacy medication and Medicinal Cannabis.

**WHS Act** means the Work Health and Safety Act 2020 (WA)

**Worker** means an employee, contractor, volunteer or any other person engaged or appointed to perform work in any capacity by the Shire of Williams**.**



This policy applies to all Workers and contracted service providers engaged in any Shire controlled or authorised activities. Contractors are required to implement the intent of this policy and comply with this policy when attending Shire controlled worksites or functions.

## The Workers Responsibility

Under the West Australian, *Work, Health and Safety Act 2020*, workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace. The consumption of alcohol or drugs at work is unacceptable), except in relation to

* any authorised and responsible use of alcohol at workplace social functions.
* Any Prescribed Medication that has been declared by the Worker to the Shire of Williams.

Workers are required to present themselves for work and remain, whilst at work, capable of performing their work duties safely. An employee who is under the influence of alcohol and/or drugs at the workplace, or is impaired, may face disciplinary action including possible termination of employment. All Workers are expected to always comply with any Code of Conduct. They should carry out their duties in a professional, responsible, and conscientious manner and refrain from any conduct (including alcohol abuse and/or substance misuse) which could adversely affect their work performance or the safety and well-being of others.

## Reporting Requirements

Under the West Australian*, Work, Health and Safety Act 2020,* Workers must report to their employer any situation where they genuinely believe that an employee may be affected by alcohol and/or drugs, as this presents a hazard in the workplace.

## Drug Use on the Premises

Workers who buy, take, or sell illicit drugs on Shirepremises may be found to have engaged in serious misconduct. If substantiated to the CEO satisfaction ,then such behaviour may result in disciplinary action up to and including dismissal and will be referred to the relevant authorities.

## Drug and Alcohol Testing

The Shire will perform Drug and alcohol testing (including for substances that may be components of Prescribed Medication) in the following circumstances:

(a) Pre-employment medical test – as part of the recruitment selection criteria, preferred candidates for employment positions may be required to attend a medical assessment which includes Drug and alcohol testing.

(b) Random testing – may be performed on any Worker or group of Workers on a random day.

(c) Upon reasonable belief or ‘for cause’ – testing may be conducted where a Worker shows signs of being affected or impaired by Drugs and/or alcohol and/or impaired by Prescribed Medication.

(d) After a workplace health and safety incident – Drug and alcohol testing may be conducted immediately after a workplace health and safety incident.

Testing will be administered by a suitably qualified individual appointed by the Local Government and shall be conducted in accordance with the:

(a) Australian Standard AS/NZS 3547:1997 – Breath alcohol testing devices for personal use;

(b) Australian Standard AS/NZS 4308:2008 – Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine; and/or

(c) Australian Standard AS/NZS 4760:2019 – Procedures for specimen collection and the detection and quantification of drugs in oral fluid.

* Workers who refuse to be tested will be suspended from work for the day without pay, and until they agree to be tested or produce an independent test result, done at their own expense. If an employee refuses to attend a medical examination or refuses to submit to an alcohol and/or drug test, the employee will be immediately directed to go home. Refusal to attend a medical assessment or refusal to go home constitutes a breach of this policy and may result in disciplinary action being taken against the employee up to and including the termination of employment.
* Workers whose test result is unconfirmed (not negative) will be taken home if there are signs of impaired judgement or performance ability, unless there are declared and plausible reasons as to why their test result is unconfirmed (e.g. prescribed medication or other plausible reasons) and will be on leave with pay until a laboratory confirmed test results is available.
* Workers who test positive on their first occasion will be suspended from work without pay for 2 days and be issued with a letter encouraging them to alter their behaviour in the interest of ensuring a safer workplace. They cannot re commence work until they supply evidence of clean drug test done at their own expense by a recognised testing company or Doctor, or produce a Docter Certificate that they are fit for work
* Workers who test positive on the second occasion will be suspended from work without pay for 5 days and will be issued with a letter advising that if they test positive on a third occasion that their employment may be terminated, and that they cannot re commenced work until they supply evidence of clean drug test done at their own expense by a recognised testing company or Doctor, or produce a Docter Certificate that they are fit for work.
* Workers who test positive on a third occasion will either have their employment terminated, or be suspended from work for two weeks without pay and if they are to return to return to work they must supply evidence of a clean drug test done at their own expense by a recognised testing company or Doctor and produce a Docter Certificate that they are fit for work.

**Identifying Impairment**

(a) If the Shire has reasonable grounds to believe that a Worker is affected by Drugs and/or alcohol, or impaired by Prescribed Medication, it will take the appropriate and necessary steps to address the issue.

(b) Reasonable grounds may include, but are not limited to, where a Worker:

(i) appears to have affected or impaired coordination;

(ii) has red or bloodshot eyes or dilated pupils,

(iii) smells of alcohol,

(iv) acts contrary to their normal behaviour, or

(v) otherwise appears to be affected or impaired by Drugs and/or alcohol, or impaired by Prescribed Medication.

(c) If the Shire suspects that a Worker is under the influence of Drugs and/or alcohol, or impaired by Prescribed Medication, it may pursue any or all of the following actions:

(i) The consequences of a positive test result for a substance contained within Prescribed Medication will be determined in accordance with all applicable legislation, including the WHS Act.

Direct an employee to attend a medical practitioner and submit a medical assessment to determine whether the employee is fit to safely perform their duties;

Require the employee undergo alcohol and/or drug testing administered by a qualified representative of the Shire.

Direct an employee to be stood down from work and to go home, to await the confirmation of drug test results from an Accredited laboratory or Doctor.

 (ii) Disciplinary action may take place in accordance with the disciplinary policies and procedures of the Shire of Williams.

Prescribed Medication Use

(a) Workers who use Prescribed Medication that could interfere with their ability to lawfully and safely carry out their role must immediately inform their line manager or Human Resources and disclose any actual or potential effects or side effects that the Prescribed Medication may cause.

(b) If a Worker changes their dosage and/or begins to take additional or different Prescribed Medication, they must also immediately inform their line manager or Human Resources of the change.

(c) In addition to (a) and (b) above, any Worker who has been prescribed Medicinal Cannabis must immediately inform their line manager or Human Resources, and provide any further information that is requested, such as:

(i) The composition of the Medicinal Cannabis;

(ii) Its dosage;

(iii) Effects and potential side effects (including actual or potential impairments); and

(iv) The intended duration and times of useThe categories of drugs and substances prohibited by *the Shire**a*re outlined as per the Australian Standard AS/NZS 4760:2019 for drugs of abuse.

In circumstances where an employee indicates the consumption of prescription or pharmacy type medication or drugs, the Shire may request further information from the medical practitioner conducting the assessment about the effects and proper usage of the prescription or pharmacy drugs being taken. The Shire may direct the employee to go home following the medical assessment, until it can be established that they are fit to undertake their duties.

## Consumption of Alcohol on the Premises

Except in situations where the Shire holds a function on the premises and alcohol is provided, Workers must not bring in and/or consume, or sell alcohol in the workplace.

The Shirehas the following rules in relation to alcohol consumption when on site:

1. Consumption is permitted only during an occasion or event supported by the Shire.
2. ShireWorkers and contractors must be responsible during social occasions and events and take steps such as getting an arranged lift home.
3. The consumption of alcohol in the workplace or at a work-related occasion or event is not to be abused.
4. If you are seen to be posing a risk to yourself or others, you will be sent home via a lift at your own expense.

All abovementioned rules are guided by the Shire trusting that Workers understand the shared duty of care and therefore will not abuse them.

Below is an example of what a ‘Standard Drink’ equates to:

    

## Managers’ Responsibilities - Consumption of Alcohol at Work Sponsored Functions

Team managers / supervisors shall:

* Encourage their staff to make alternative arrangements for transport to and from work prior to the function.
* Ensure that low alcohol beer, soft drinks, water, tea, coffee and food is made available.
* If the manager believes a person may be over the BrAC 0.05 limit, assist the person with safe transport home (including contacting a family member or arranging a lift); and
* If the manager must leave the function early, appoint a delegate to oversee the rest of the function.

## Drug/Alcohol Treatment Programs

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment,the Shirewill provide assistance to the employee.

The Shirewill allow an employee to access any accrued personal or annual leave whilst they are undergoing treatment.

The Shirewill take steps to return an employee to their employment position after completion of the treatment program, if practicable in the circumstances.

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the line manager or members of senior management, will review the full circumstances and agree on a course of action to be taken. This may include redeployment to suitable alternative employment, or possible termination from employment if the employee is unable to safely carry out the requirements of their role.

## Responsibilities

The Shireconsiders that the use of alcohol and/or drugs is primarily a health issue for individual Workers, however, where an employee’s performance or conduct affects his/her health and safety, and/or others in the workplace,the Shire is committed to appropriately managing the issue.

A potential outcome of any breach of this policy will be disciplinary action (up to and including termination of employment), however the Shiremay also manage the issue by:

* Providing appropriate education and training to Workers;
* Providing professional counselling and support where needed.

## Education, Training & Awareness

Workers who recognise that they have an alcohol or drug problem, or that they are at risk of developing one, are encouraged to come forward so that they can be assisted to the get the appropriate help.

The Shire may engage the services of an external Employee Assistance Provider who can provide the organisation’s people with free and confidential counselling.

## Consequences of Breaching this Policy

Any employee or contractor, engaged by the Shire who breaches the provisions of this policy may face disciplinary action including possible termination of employment.

Consultation between the employee in question and the Shire will be conducted. A final decision in relation to any, or all actions taken will be at the discretion of the management of the Shire.

##  Variation to this Policy

This policy may be cancelled or varied from time to time. All the organisation’s Workers will be notified of any variation to this policy by the normal correspondence method.

Responsibilities

* Chief Executive Officer to authorise the Policy Guidelines and any future amendments.
* Managers/Supervisors to ensure all staff within their area of responsibility are aware of, understand and implement the Policy Guidelines.
* Workers to cooperate with management by complying with this policy.

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| **Responsible Officer** | Chief Executive Officer |
| **History** | Adopted April 2011 (Resolution 215/11)Review and Updated July 2018 (Resolution 5/19)Minor update – revised language and removal of procedure 21 April 2021 (Resolution 97/21)Reviewed October 2024 (Council Forum) |
| **Delegation** |  Chief Executive Officer, Works Supervisor. |
| **Relevant Legislation** | *Work, Health and Safety Act 2020* |
| **Related Documentation** | Shire of Williams Code of ConductPolicy: S2.6 Occupational Health and Safety |