



FIT FOR WORK (DRUG & ALCOHOL) POLICY 5.29

FIT FOR WORK (DRUG & ALCOHOL POLICY)

DIVISION: GOVERNANCE

PILLAR: GOVERNANCE

FILE / BINDER:

OBJECTIVE:

The Fit for Work (drug & alcohol) policy is to ensure that Council fulfils its obligations under the NSW Occupational Health and Safety Act, 2000, to ensure the health, safety and welfare of employees and others.

This will be achieved through:

- Prescribing a set of conditions of employment that will ensure that no employee or person is put at risk by an employee under the influence of alcohol or other drug/s which may affect the employee's judgement or performance.
- Assistance and support through Council's Employee Assistance Program, workplace education and peer support for rehabilitation from alcohol or drug related issues.
- Ensuring that people who are dependent on alcohol and/or other drug/s are not discriminated against for seeking assistance to overcome the dependency and that any requests for assistance or subsequent support be provided in confidence.

BACKGROUND:

Camden Council is committed to ensuring all employees are provided with a safe, healthy and productive workplace free from the hazard of poor behaviour and/or poor decision making caused by the effect of drugs and/or alcohol.

Providing a safe workplace is both a legal and moral obligation of all employers. Consequently, Camden Council will ensure compliance with the *Occupational Health and Safety Act 2000*.

Camden Council has introduced a range of integrated strategies to ensure that all persons associated with the operation of Camden Council are in a fit condition to safely perform their work.

The integrated strategies include:

- The clear expectation that all employees will arrive for, and return to, work in a competent state and are not affected by drugs and/or alcohol when working.
- Drug and/or alcohol testing may be required of those employees who are suspected of being affected by the use of drugs and/or alcohol during working hours.

- The provision of an Employee Assistance Program (EAP) to assist with counselling employees in relation to the use of drugs and/or alcohol.

POLICY STATEMENT:

Camden Council recognises its responsibility to ensure the health, safety and welfare at work of employees (including Contractors/Sub-Contractors, Consultants, volunteers) and visitors and is committed to providing a safe, healthy and productive workplace that is free from hazards relating to drug and alcohol use.

Being affected by alcohol or drugs at work, particularly in an at-risk environment, can seriously compromise the health, safety and welfare of employees, volunteers, contractors and visitors. Impairment by drugs and/or alcohol can reduce an individual's ability to perform their work safely, competently and professionally.

Unlawful conduct arising from alcohol or drug use will be referred to the Police.

All legal limits for the operation of plant, equipment will be adhered to.

All employees are required to report to work in a fit state at all times, unimpaired by any substance.

Camden Council will not tolerate employees:

- Consuming alcohol while at work;
- Possessing, selling, distributing or consuming prohibited drugs in the workplace;
- Being affected by alcohol or drugs, including medically prescribed or over-the-counter drugs, such that they are unable to work safely, competently and professionally and in accordance with Council's Code of Conduct.

Failure to comply with this policy will result in disciplinary action, which may lead to the termination of employment.

DEFINITIONS:

Employee	Any person who is engaged either for wages, salary, contract or other reward or is acting as an agent on behalf of Council, including, but not limited to, the following: Councillors Employees directly employed by Council Contractors/sub-contractors and any of their employees whilst engaged on work for Council; People on work experience Volunteers; Council's consultants or their employees whilst on Council work.
Fit state	Competent physical and mental state; Capable of performing duties to an acceptable standard.
Medically prescribed drugs	Drugs which are prescribed by a medical practitioner and issued by a pharmacist.

Over the counter drugs	Drugs which can be purchased legally e.g. from a chemist store.
Prohibited drugs	Those drugs which are prohibited according to schedule 1 of the Drug Misuse and Trafficking Act 1985. Examples include cocaine, heroin, ecstasy, cannabis
At-risk environment	A work task, role or location that may pose a risk of harm.
Employee Assistance Program (EAP)	A programme incorporating established procedures for the referral to specialist counselling service of employees with personal problems which may impact upon job performance. The EAP is provided via an independent organisation in order to ensure confidentiality.

SCOPE:

This policy applies to all Council employees, volunteers and contractors within any Council facility, including buildings; parks; reserves, or operating vehicles; plant; or any physical asset, owned or controlled by Council. Additionally, this policy applies to council staff working at external locations to those owned and operated by Council.

RESPONSIBILITIES:

The General Manager will:

- a) Ensure the implementation and adherence of the Fit for Work Policy and Procedure throughout Council workplaces and operations.

The Senior Management Team will:

- a) Ensure the provisions of this Policy are implemented and functioning throughout their Division/Branches, including adequate resource allocation;
- b) Ensure employees are aware of their responsibilities and are provided with adequate information, instruction and training;
- c) Ensure compliance with the requirements of this procedure;
- d) Ensure the provisions of confidentiality are adhered to;
- e) Ensure any suspected breaches of this Policy are reported to the Manager Employee and Community Relations and seek advice on management of that specific case; and
- f) Treat all breaches of this Policy seriously and support the Supervisor in resolving the breach.

Team Leaders and Supervisors will:

- a) Support Management in their efforts to make all employees aware of, and understand, the Fit for Work Policy, the Fit for Work Procedure and the provisions therein;
- b) Ensure the provisions of confidentiality in this procedure are adhered to;
- c) Assess the performance of all team members as part of their usual performance management activity.
- d) Address concerns or issues relating to the Fit for Work (Drug & Alcohol) policy and procedure, promptly and proactively to ensure the health and safety of all employees;

- e) Ensure support is provided to employees who request/require assistance with issues around substance abuse as appropriate;
- f) Discreetly report suspected breaches of this Policy to their Manager/Director and seek advice on management of that specific case; and
- g) Assess the risk of an intoxicated person remaining in the workplace and act according to Policy and Procedure.

Employees (including contractors, sub-contractors, consultants, volunteers) will:

- a) Report to work in a fit state, unimpaired by any substance, including when they return to work following scheduled breaks;
- b) Ensure the law is adhered to in relation to the possession and consumption of substances including alcohol;
- c) Ensure the provisions of confidentiality in this procedure are adhered to;
- d) Advise their supervisor or manager if they, or any other employee, is known to be, or suspected of being, unable to perform their duties due to the effects of drugs and/or alcohol;
- e) Question their doctor or pharmacist in regard to the effect, or side-effect, if any, their medications may have on work and/or safety performance;
- f) Recognise that performance of their duties could be affected by alcohol or drugs and instigate appropriate risk control measures if required;
- g) Not undertake duties if their ability to perform their duties safely, competently and professionally is affected by alcohol or drugs;
- h) Observe all directions from their supervisor in regards to this policy;
- i) Not possess, distribute or otherwise consume any prohibited substance, or deliberately misuse substances, while on duty or on Council's premises.

TRAINING

Camden Council will educate and provide awareness training to all employees on the dangers associated with drug and/or alcohol use in the workplace.

Council will provide training to all Supervisors and Managers for counselling, testing, risk assessment and disciplinary procedures.

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RELEVANT LEGISLATION:

NSW OHS Act, 2000
NSW Drug misuse and trafficking Act, 1985

RELATED POLICIES AND PROCEDURES:

5.30 Code of Conduct
5.24 Disciplinary Procedure
5.55 Dignity and Respect in the Workplace
5.23 Grievance Procedure
5.30 Performance Appraisal and Salary System
Contractor Management
Occupational Health and safety
Risk Management

DELEGATIONS: N
SUSTAINABILITY ELEMENT: N
STAFF TRAINING REQUIRED? Y

NEXT REVIEW DATE: August 2010

PREVIOUS POLICY

ADOPTED: General Manager's
Delegations, 12 July
2001

ANNEXURE 1 - PROCEDURE FOR MANAGING SUSPECTED BREACHES OF THE FIT FOR WORK (DRUG & ALCOHOL) POLICY

GENERAL REQUIREMENTS

At all times all employees will present themselves for work, or resume duties, in a 'fit-for-work' condition, that is; not under the influence of alcohol or other drugs except where the drug is legally prescribed by a doctor for the purposes of treating a medical condition and their work is not likely to be affected by the drug.

Where an employee is taking prescribed medication which has the potential to impact on their judgement or performance, they must notify their Supervisor and provide supporting medical documentation including any potential effects. The Supervisor may elect to provide suitable duties or to provide leave.

All legal limits for the operation of plant and equipment will be adhered to.

No employee will ingest, inhale or inject any drug at work except where the drug is legally prescribed by a Doctor.

No employee will consume any alcohol during work hours. Where an employee ceases work for lunch, meal breaks or a work function, they must return to work in a fit state.

- a) The General Manager or relevant Director may grant permission for the consumption of alcohol at social events or functions. Employees will demonstrate moderation, maintain professional conduct at all times and ensure they, and other employees, are not adversely affected by alcohol.
- b) In the event that the General Manager or relevant Director permits alcohol to be consumed at a Council-owned facility, the function must be held away from the immediate place of work, away from any machinery or vehicles that are being, or may be, operated.

Employees attending a Council approved function or representing Council at conferences, training courses or seminars, must ensure they act in a reasonable and responsible manner when consuming alcohol.

Council will provide appropriate education, information, instruction and counselling necessary for employees to understand the risks associated with the use and abuse of alcohol or other drugs at work. Council will support employees seeking assistance with counselling in relation to the use of drugs and/or alcohol through the Employee Assistance Program.

Regular contractors engaged by Council are required to maintain records of instructions/training given to their employees regarding this policy and provide records of this information (if requested) to Council.

- a) Infrequent contractors must comply with the conditions of the OHS site induction

All employees will refer any alcohol and/or drug related safety and/or welfare concerns likely to pose a safety hazard to any persons or property, to their immediate Supervisor and/or Manager. If the issue is not resolved, it should be referred to the Manager Employee and Community Relations.

REASONABLE SUSPICION

Upon receiving information or observing inappropriate behaviours, the Supervisor or Manager will seek clarification from the employee alleged to be affected to determine whether they could be affected by alcohol or drugs.

The supervisor will carry out and record a risk assessment for the likelihood of harm that may result from the affected employee performing normal duties.

If, in the opinion of the supervisor or manager, the employee poses a risk, the employee is to be stood down for the remainder of the day on full pay and is expected to return to duties on the next scheduled working day.

Sick leave will not be granted if it is considered that leave is being used to avoid a breach of the Policy being recorded against the employee.

In the event that the employee is scheduled to work overtime, no further entitlement to that overtime will be recognised.

DISAGREEMENT REGARDING INTOXICATION

If an employee is suspected of being affected by drugs or alcohol and disagrees with the supervisor's or manager's assessment, the employee may request a drug and/or alcohol test.

If the employee does not wish to have the drug and/or alcohol test, the supervisor or manager must stand-down the employee, for the remainder of the working day.

THE ALCOHOL TEST

All alcohol testing will be in accordance with AS/NZ 3547 Breath alcohol testing devices for personal use.

If an alcohol test is to be conducted by the supervisor or manager, it must be conducted at a suitable private location in the workplace. The employee has the right to have a nominated representative present during the test and the right to change their mind and refuse the alcohol test. A witness will also be provided for the Supervisor or Manager.

If the employee does not wish to have the drug and/or alcohol test, the supervisor or manager must stand-down the employee, for the remainder of the working day.

RETURN TO WORK – ALCOHOL

Before starting the next shift, the employee who tested positive for alcohol must report to their supervisor, who will assess the employee, before the commencement of work. This may include the offer of another test. A second positive test will be considered a second breach (see section 8).

THE DRUG TEST

If a drug test is to be conducted by the supervisor or manager, it must be conducted at a suitable private location in the workplace. The employee has the right to have a nominated representative present during the test and the right to change their mind and refuse the test. A witness will also be provided for the Supervisor or Manager.

If the employee does not wish to have the drug and/or alcohol test, the supervisor or manager must stand-down the employee, for the remainder of the working day.

RETURN TO WORK – OTHER DRUGS

Before starting the next shift, the employee who tested positive for other drugs must report to their supervisor, who will assess the employee, before the commencement of work. This may include the offer of another test. A second positive test will be considered a second breach (see section 8).

NEGATIVE TEST

If the employee is found through testing not to be affected by drugs and/or alcohol, but is acting inappropriately, Camden Council will:

Negotiate suitable duties; or
Stand down the employee, with pay, and request they provide medical clearance stating the employee is fit for normal duties;
The staff member will be referred to the EAP, as appropriate.

FIRST BREACH OF THE POLICY

The individual will be stood down;
The staff member will be counselled; and
The staff member will be referred to the EAP.

SUBSEQUENT BREACH OF THIS POLICY

If second incident of being under the influence of drugs or alcohol occurs within a 12 month period, the same process will apply, however there will be no entitlement to pay, and:

The employee will be referred to Council's EAP again; and;

The employee will be performance managed until such time as there is appropriate evidence of commitment to a change in workplace behaviour;

Council's disciplinary procedure will be applied and a written warning will apply.

A THIRD BREACH

In the event of a third breach of the Fit for Work (Drug & Alcohol) Policy, Council's disciplinary process will apply, which may lead to termination of employment.

RECORDS

The supervisor or manager is to keep written records of any discussions relating to drug and/or alcohol use in the workplace, performance standards, review periods, ongoing performance monitoring and meeting(s).

ASSISTANCE FOR AFFECTED EMPLOYEES

The supervisor or manager is to reinforce with the employee that counselling is available through Camden Council's EAP. The details will be provided to the employee for self-referral.

CONFIDENTIALITY

Confidentiality is fundamental to dealing with problems in the workplace that are related to the misuse or abuse of alcohol and other drugs.

All information regarding counselling or treatment will be treated confidentially.

Employees must give their permission in writing for information to be disclosed by their counsellor. Only work-related information may be disclosed and will be used to support the most effective management of work performance and the reintegration of the employee into the workplace.

In most cases, no information is to be released to a third party, without the written consent of the employee unless it is considered that the matter, if neglected, could endanger persons or property.

In the event of a conflict between the maintenance of confidentiality and duty of care, the Manager of Employee and Community Relations has the authority to determine the most appropriate course of action.

REVIEW AND EVALUATION

The Drug and Alcohol Policy is to be reviewed and evaluated every two (2) years to ensure practices are in accordance with legislative requirements.

RELATED PROCEDURES

- 5.30 Code of Conduct
- 5.24 Disciplinary Procedure
- 5.55 Dignity and Respect in the Workplace
- 5.23 Grievance Procedure
- 5.30 Performance Appraisal and Salary System
- 5.25 Protected Disclosures Act Internal Procedure Policy
- Contractor Management
- Occupational Health and safety
- Risk Management