

## P 14 – Alcohol and Other Drugs Policy

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### 1 Objectives

The objectives of the Alcohol and Other Drugs Policy are to:

- 1.1 Ensure the health, safety, and well-being of all workers and the public.
- 1.2 Ensure compliance with local, State and Federal laws and regulations regarding the use, possession, and distribution of alcohol and other drugs.
- 1.3 Provide education and resources to prevent substance abuse and promote responsible behaviour regarding alcohol and drug use through the Employee Assistance Program.
- 1.4 Offer support services for individuals struggling with substance abuse, including counselling programs through the Employee Assistance Program.
- 1.5 Maintain a productive work and educational environment by minimising the negative impacts of alcohol and drug use on performance and productivity.
- 1.6 Clearly communicate the policy and its expectations to all members of the organisation, including the consequences of policy violations.
- 1.7 Encourage early identification and intervention for substance abuse issues to prevent escalation and reduce the impact on the individual and community.
- 1.8 Ensure respect and confidentiality in the handling of substance abuse cases, providing a supportive approach to those seeking help.

### 2 Scope

This policy applies to all employees.

### 3 Definitions

#### 3.1 Alcohol

means any substance or beverage that contains ethyl alcohol. This includes, but is not limited to wine, cider, beer, pre-mix drinks and spirits.

#### 3.2 Alcoholism

means a dependence upon alcohol to the extent of noticeable mental disturbance, interference with bodily or mental health, and effects on interpersonal relations or work performance.

#### 3.3 Councillor

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government council members, who include the Mayor or President and Councillors, do not have any authority to act or make decisions as individuals.

#### 3.4 Drug

means illegal substances or a medically prescribed substance that may affect the employee's work performance. Common drugs of abuse include (but are not limited to) benzodiazepines, cannabis, cocaine and opioids.

### 3.5 Drug Dependence

means a state, psychic and/or physical, resulting from the reaction between a living organism and a drug, characterised by behavioral and other responses that always include a compulsion to take the drug either constantly or repeatedly to experience its effect, or to avoid the discomfort of its absence.

### 3.6 Employee

means a person that's hired to provide a service to a company either on a full-time, part-time or casual basis in exchange for payment. Also known as staff.

### 3.7 Fit For Duty

means presenting for work in a state which is physically, mentally and emotionally capable of safely performing the inherent functions of a job role.

### 3.8 Serious Misconduct

means an employee deliberately behaving in a way that is inconsistent with continuing their employment. Examples include causing serious and imminent risk to the health and safety of another person or to the reputation or profits of their employer's business, theft, fraud, assault, sexual harassment or refusing to carry out a lawful and reasonable instruction that is part of the job. Another known term is misconduct.

### 3.9 Worker

means a part-time or full-time employee, casual employee, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers.

## 4 Policy

The Shire has zero tolerance for the misuse of alcohol and other drugs and will always prioritise the health and safety of workers and the public. Employees affected by alcohol or other drugs at work endanger themselves, other workers and the public.

The following work risks increase because of alcohol and other drug misuse:

- a. Prosecution under Work Health and Safety legislation
- b. Physical harm or death
- c. Mental stress or long-term harm
- d. Reduced productivity
- e. Financial damage
- f. Reputational damage

Both suspected and apparent cases of employees being affected by alcohol and/or other drugs at work must be closely managed. Certain medical conditions and prescription drugs can produce behavioral changes like the effects of consuming alcohol or illegal drugs.

### 4.1 Fitness for Work

Employees must present themselves for work in a fit state so that when undertaking normal work activities, they do not expose themselves, their co-workers or the public to unnecessary risks to health and safety.

It is the employee's responsibility to advise their supervisor if they are taking any prescribed drug or

medication that may affect their fitness for duty or work performance. The individual should also find out from their doctor or pharmacist what the effects of any prescribed drugs are on their work performance.

#### 4.2 Alcohol in the Workplace

During normal business hours, the CEO may permit the consumption of alcohol where circumstances warrant (e.g. Christmas party, staff social club, team building exercises, recognising effort etc.). Soft drink, water and substantial food will also be provided at these functions.

#### 4.3 Illegal Drugs

Any evidence of criminal activity concerning the sale, possession or distribution of illegal drugs in any Shire workplace will be reported to WA Police and will result in summary dismissal.

### 5 Procedures

Conducting alcohol and other drug testing is necessary for workplace health and safety reasons. The aim is to deter employees from entering the workplace and carrying out their duties whilst affected by alcohol and/or other drugs, thus placing themselves and others at risk of injury.

Modern breathalyzer testing is highly accurate and simple to carry out for detecting alcohol presence. Drugs are generally administered via ingestion, injection, inhalation or smoking. Upon entering the blood stream, the drugs are rapidly metabolized and are distributed via metabolic processes. Many drugs and their metabolites are detectable in urine and can be identified by drug screening procedures.

#### 5.1 Testing Procedure

Testing will be undertaken under the following circumstances:

- a. As part of an employee pre-employment medical by a medical practitioner.
- b. Where there is the suspicion of an employee being under the influence of alcohol or other drugs.
- c. When any employee suspects that another employee is under the influence of alcohol or other drugs.
- d. At random.

The employee will be advised that they are suspected to be under the influence of alcohol or other drugs and screening tests will be carried out.

The employee subject to the testing may ask for an independent witness, who must be available immediately. If the witness is not immediately available, the tester will organise a witness.

#### 5.2 Random Testing

All Shire employees will be tested a minimum of two times per twelve month period. The selection process of employees to be tested will be determined by the Executive Manager or any qualified collector or the Work Health & Safety Officer. Random testing may be carried out at any working time and or any working day. Random testing will not occur during or after authorised functions where the consumption of alcohol has been approved by Council or the CEO.

#### 5.3 Testing following any Traffic Incident or Accident

Following any traffic accident, the employee driving a motor vehicle or heavy equipment vehicle, or an individual associated with the accident, may be alcohol and other drug tested.

#### 5.4 Testing following any Incident or Accident at the Shire Works Depot, Administration Office or Site Works

Following any incident/accident within the areas mentioned above, the employee, or an individual associated with the incident/accident, may be alcohol and other drug tested.

#### 5.5 Failure to Undertake Testing

All alcohol and drug testing will be undertaken during normal business hours. If an employee refuses the test, the employee will be advised that refusal supports the suspicion of the employee being under the influence of alcohol or other drugs. If refusal persists, the employee will be sent home without pay and be required to undergo testing before resuming work. Serious misconduct charges may be enforced.

#### 5.6 Authorised Testers

Consistent with the Shire's obligation to provide a safe workplace for its employees, the Fitness for Work procedure will be used with respect to the prevention of impairment because of alcohol and/or other drugs.

In the presence of the employee's witness, testing may be undertaken by:

- a. Alcohol – undertaken by a hand-held breathalyzer unit in accordance with AS3547– by a Nationally Recognised Drug and Alcohol Testing Officer or a medical practitioner appointed by the Shire.
- b. Drugs – undertaken by Oral fluid (saliva) sample in accordance with AS4760:2006 – by a Nationally Recognised Drug and Alcohol Testing Officer or a medical practitioner appointed by the Shire.

#### 5.7 Positive Results from Alcohol and Drug Testing

The test results delivered by the Testing Authority will be binding on the employee.

#### 5.8 Positive Test at Work

The Shire has a zero-tolerance policy to alcohol or other drug misuse at work. If a breathalyzer test indicates 0.005% BAC (Blood Alcohol Concentration) or more, the employee will be subject to the procedures in the P6 – Underperformance and Misconduct Policy and may be subject to termination of employment.

#### 5.9 Privacy and confidentiality

Privacy and confidentiality must be observed during the work health and safety consultation process. Information relating to the issue must only be passed on when in accordance with the *Privacy Act 1988* and where necessary to effectively deal with the issue.

## 6 Breaches

Employees breaching this policy may be performance managed up to and including termination of employment. Employees may also expose themselves to criminal or civil action. All allegations of misconduct under this policy will be investigated using the P 4 – Grievance Resolution Policy.

## 7 Accountabilities & Responsibilities

#### 7.1 Council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective

manner.

- Delegating implementation of each policy document to the CEO.

7.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accord with governing legislation and Council directives.

7.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

7.4 All employees are individually responsible for complying with this policy document.

## 8 Risk Management

If an Alcohol and Other Drugs Policy is not in place the risks include (but are not limited to):

8.1 The health, safety, and well-being of workers and the public is at risk.

8.2 Non-compliance with local, State and Federal laws and regulations regarding the use, possession, and distribution of alcohol and other drugs.

8.3 No education or resources to prevent substance abuse and promote responsible behaviour regarding alcohol and drug use.

8.4 The negative impacts of alcohol and drug use impact performance and productivity.

8.5 The policy and its expectations are not communicated clearly to all members of the organisation.

8.6 Substance abuse issues escalate the impact on the individual and community increases.

8.7 No respect or confidentiality in the handling of substance abuse cases.

## 9 Reference Documents

<b>Act</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i> s.2.7(2)(b) – The council is to determine the local government's policies</li> <li>• <i>Work Health &amp; Safety Act 2020</i></li> <li>• <i>Work Health &amp; Safety Regulation 2011</i></li> <li>• <i>Industrial Relations Act 1979</i></li> <li>• <i>Transportation Operation (Road Use Management) Act 1995</i></li> <li>• AS/NZS4760-2019 Procedures for Specimen Collection and the Detection and Quantitation of Drugs in Oral Fluid</li> </ul>
<b>Regulation</b>	n/a
<b>Local Law</b>	n/a
<b>Policy</b>	<ul style="list-style-type: none"> <li>• P 3 - Grievance Policy</li> <li>• G 15 – Work Health and Safety Policy</li> <li>• Employee Code of Conduct</li> </ul>
<b>Procedure</b>	n/a
<b>Other Documents</b>	<ul style="list-style-type: none"> <li>• Work Health and Safety Management Plan</li> </ul>

## 10 Version Control

Version	Date	Author	Amendments
V1	24 May 2024	E Browne (Manager, Culture and People).	Original Document
V2	24 May 2027		Three year review
Scheduled Reviewed Date			