

HEAD OF POWER

- *Work Health and Safety Act 2011*

INTENT

The purpose of this policy is to provide a commitment to a safe, healthy and productive workplace that is focused on eliminating risks associated with the adverse effects of alcohol and other drugs in the workplace.

SCOPE

This policy applies to all employees, Councillors and Councillor Advisor (Mayor's Chief of Staff).

Council's Drug and Alcohol Management Plan (DAMP), and employees covered by the scope of the DAMP, are excluded from this policy.

DEFINITIONS

Approved provider means a supplier who has been assessed by Council as having the technical, financial and managerial capability necessary to perform contracts and in accordance with agreed requirements.

Blood Alcohol Content (BAC) means the levels of alcohol in the bloodstream.

Earthmoving equipment means items of plant which Council has to verify the employee is competent to operate.

Employee for the purposes of this policy means all employees and includes Councillors; work experience and vacation students; labour hire, contractors and their employees, and consultants.

High risk work licences means those descriptions identified in Schedule 3 of the *Work Health and Safety Regulation 2011* including:

- Crane and hoist operation;
- Dogging and rigging;
- Forklift operation;
- Pressure equipment operation;
- Reach stackers;
- Scaffolding.

Illegal drugs means drugs prohibited by federal or Queensland law.

Prescribed medication means drugs prescribed by a medical practitioner which will or may cause impairment or may result in a positive drug test.

On-call employees means those who are rostered to be available to attend work or work remotely outside normal working hours and are paid an on-call allowance.

Random testing means ad-hoc testing of 10% of employees over a 12 month period.

Random timing testing means testing of 100% of employees who undertake high risk work, as defined by this policy, over a 12 month period.

Traffic Controller means employees issued with a traffic controller licence by Department of Transport and Main Roads.

Work hours means any time where an employee is undertaking work for work purposes and claiming remuneration, including time where the on-call allowance is being received, or where the Council employee is representing or acting on behalf of Council, including conferences and/or training.

Workplace means all locations where work is performed by employees.

POLICY STATEMENT

This policy establishes standards for all employees which:

- ensure employees experiencing difficulties with prescribed medication, alcohol or drugs have access to external services and support.
- protect employees and the public from injury caused by a Council employee who is at risk of impairment from prescribed medication, illicit drugs and/or alcohol during work hours.
- maintain all employees right to privacy, confidentiality and dignity in respect to any aspect of this policy and associated procedures.
- protect Council assets and equipment from damage or misuse caused by a Council employee who is at risk of impairment from prescribed medication, illicit drugs and/or alcohol during work hours.
- ensure employees representing Council at external functions demonstrate behaviour in order to protect the reputation of Council.

1. Prescribed medication

Council recognises that from time to time employees may need to take prescription medication in order to treat an illness or injury. Prescribed medication may have side effects that reduce an individual's ability to perform their duties safely and these side effects are usually listed on the medication packet.

Employees should ask their medical practitioner if the medication will affect their ability to do their job safely and must inform their immediate Manager/Supervisor as soon as possible of any side effects which may impact on their ability to undertake their job safely.

2. Alcohol limits

The maximum limits for alcohol levels for employees whilst on duty are:

- 0.00g/100mls BAC for employees engaged in classes of high risk work and plant operations, including:
 - a) Truck/bus/tractor drivers operating a vehicle that requires a light rigid, medium rigid, heavy rigid, heavy combination and multi-combination licence.
 - b) Plant operators operating any high risk plant that requires a certificate/licence issued by Workplace Health & Safety Queensland.
 - c) Plant operators operating earthmoving equipment which are front end loaders, backhoes, skid steer loaders, excavators, dozers, road rollers, scrapers and graders regardless of engine capacity.
 - d) Traffic controllers.
 - e) Local Laws and Land Protection employees.
 - f) Employees who may be required to use firearms whilst undertaking their work.
 - g) Theatre Technicians at Council's Moncrieff Entertainment Centre.
- Less than 0.05g/100mls BAC for all other employees including employees who are rostered on-call (unless they may be required to undertake high risk work in responding to a call-out), regardless of whether they are re-called to work or need to work remotely.

3. Drugs

The use, possession, distribution, purchase or sale of illegal drugs, during work or on Council premises, is prohibited. This conduct is grounds for disciplinary action and referral to the Queensland Police Service (QPS).

The use, possession, distribution, purchase or sale of prescription medication, in a way which is inconsistent with the authorised usage and causes or may cause impairment, during work or on Council premises, is prohibited. This conduct is grounds for disciplinary action and referral to QPS. Employees will be asked to identify any prescription medications which may be detected or affect the results of a drug test prior to testing.

Should employees be convicted for the use, possession, distribution, purchase or sale of illegal or controlled drugs, Council reserves the right to review their suitability for ongoing employment and will consider the matter on a case by case basis.

4. External support for coping with alcohol and drug use

If employees would like professional assistance in dealing with alcohol and/or drug use, they can contact a member of the Human Resources team to arrange a referral to the Employee Assistance Program.

Employees can receive up to five sessions with a qualified counsellor. The cost is met by Council. Details of the counselling sessions and the content of the discussions remain confidential between the counsellor and the employee.

A Manager/Supervisor may wish to offer the Employee Assistance Program to an employee to provide external, professional support. The Manager/Supervisor can contact a member of the Human Resources team to arrange for the referral.

5. Testing Triggers

Council may direct employees or potential employees to participate in testing for alcohol and drug use in the following situations:

- a) Pre-employment.
- b) Post-accident/incident.
- c) Reasonable concern.
- d) Random testing.
- e) Random timing testing.

A number of testing methods will be used including breath and oral/saliva testing.

5.1 Refusal to test

Refusal to provide a sample for either an alcohol or drug test is grounds for disciplinary action.

5.2 Adulteration, contamination and/or substitution of specimens

Employees who alter, deliberately contaminate, or substitute, or attempt to alter, deliberately contaminate or substitute specimens will be subject to disciplinary action.

Applicants for employment with Council who alter, deliberately contaminate, or substitute or attempt to alter, deliberately contaminate, or substitute specimens will not be offered employment.

6. Education

Training is available to all employees to explain this policy and raise awareness about the external support available to them to deal with alcohol or drug use.

7. Confidentiality

In all cases, Council will respect the individuals' privacy especially where matters regarding medical and personal information are involved. Information provided to Council by any employee regarding their prescription medication will be safeguarded to protect the privacy of the individual.

An employee's medical and personal information is confidential and will generally not be disclosed to another party except where a disclosure is:

- a) necessary in the course of official duties as per Council's Employee Code of Conduct;
or
- b) made with the consent of the individual to whom the information relates; or
- c) otherwise permitted or required under relevant legislation.

8. Policy Breaches

Council approaches any matters concerning alcohol and/or drugs with compassion and understanding, however there is no acceptance of placing others safety at risk. Breaches of this policy through actions such as, but not limited to:

- a) Positive results from an alcohol and/or drug test;
 - b) Deliberate actions to contaminate or attempt to contaminate or substitute specimens;
 - c) Deliberately providing false information on medication or falsifying medical advice; and/or
 - d) Refusing to comply with any requirements of this policy or associated procedures;
- may result in disciplinary action being taken, up to and including termination of employment.

Breaches of this policy by a Councillor will be dealt with under the provisions of the Code of Conduct for Councillors in Queensland.

ASSOCIATED DOCUMENTS

- Alcohol and Drug Procedure
- Recruitment and Selection Procedure
- AS4760:2006 Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.
- AS3547-1997 Breath Alcohol Testing Devices for Personal Use
- Code of Conduct for Councillors in Queensland
- Employee Assistance Policy
- Employee Code of Conduct Policy
- Entertainment and Hospitality Policy
- *Industrial Relations Act 2016*
- *Information Privacy Act 2009*
- *Local Government Act 2009*
- *Transport Operations (Road Use Management) Act 1995*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Policy Statement*

DOCUMENTS CONTROLS

Council will review this policy biennially or in response to changes in law or best practice.

POLICY OWNER

Manager People, Safety and Culture.