

POLICY No: 14
POLICY TITLE: DRUG & ALCOHOL POLICY
SECTION RESPONSIBLE: CORPORATE & COMMUNITY SERVICES (HUMAN RESOURCES)
MINUTE No: 402
REVIEW DATE: 30TH JUNE, 2006

OBJECTIVE:

Council is obliged under the Occupational Health & Safety Act to provide a safe work place and safe work practices for all employees. Staff that are under the influence of drugs and/or alcohol whilst on duty pose a risk to themselves, their fellow workers and the public. The purpose of this policy is to ensure that a satisfactory level of employee health, safety and work performance is maintained.

This policy will apply to all full-time, part-time and casual staff of Greater Hume Shire Council. The policy will also apply to all volunteers undertaking bona-fide Council activities.

POLICY STATEMENT

All employees share responsibility for maintaining a safe alcohol and drug free work environment. Any employee who has reason to believe that a fellow employee, a contractor, a contractor's employee or a visitor to the work site is in a state of intoxication or under the influence of drugs shall immediately notify his or her supervisor. Employees must also notify their supervisor if they are aware of the possession or consumption of alcohol or illegal drugs on the work site.

The consumption of alcohol or illegal drugs in any item of clothing that identifies the person as a Council employee during the span of working hours (including lunch breaks) is not permitted.

Employees are also not to use a Council badged vehicle for the purpose of purchasing alcohol unless authorised. The use of a Council vehicle for the purpose of purchasing illegal drugs will not be permitted.

DRUG & ALCOHOL POLICY

Council will not tolerate any employee:

- Consuming alcohol during paid working hours without authorisation;
- In possession of or consuming illegal drugs on Council premises or work sites at any time;
- Presenting for duty in an unfit state;
- Affected by drugs (legal or illegal) or alcohol during working hours.

Employees found to be in breach of any of the above requirements will be subject to disciplinary action in accordance with the procedures laid down in the Local Government (State) Award.

Police will be informed of all instances involving suspected illegal drugs. Staff found to be in possession of illegal drugs or substances will face disciplinary action which may lead to dismissal.

Council is opposed to the consumption of alcohol or other intoxicating substances directly before or during the work day, including lunch or other breaks. Consumption of such substances could present a safety hazard, inhibit the operations of Council, or affect Council's public image.

DECLINE IN PERFORMANCE DUE TO ALCOHOL OR DRUG DEPENDENCY

Neither the supervisors or union representatives have the qualifications to diagnose an alcohol or other drug problem. Therefore, referral for diagnosis and treatment will be based on job performance only.

Supervisors will as a matter of course offer assistance to obtain professional help to any employees whom they are counselling about work performance problems, not just those cases that are suspected of being alcohol and drug related.

Referral of an employee with work performance problems could be initiated by the Supervisor, Personnel Services, or self referral by the employee.

Persons participating in an assistance program will be expected, within a reasonable period, to re-attain satisfactory job performance levels and adhere to established work rules. Where performance is repeatedly affected Council may initiate disciplinary action.

PRACTICE

SUPERVISOR AND EMPLOYEE OBLIGATIONS

It is the responsibility of all Supervisors and employees to ensure that no employee commences or continues duty if, the employee appears to be affected by alcohol, illegal drugs, medication or other substances which may reasonably be considered to lead to a safety risk or an inability to fulfil the requirements of the position.

EMPLOYEE OBLIGATION TO PRESENT FOR DUTY IN A FIT STATE

Employees are obliged to present for work in a fit state so that in carrying out normal work activities they do not:

DRUG & ALCOHOL POLICY

- expose themselves, their co-workers or the public to unnecessary risks to health and safety or
- inhibit their ability to fulfil the requirements of the position or
- present a poor public image of Council.

The employee is responsible for any civil or criminal penalty which results from being under the influence of drugs or alcohol in the workplace.

If a Director or Supervisor has justifiable cause to doubt an employee's fitness for duty, Council reserves the right to remove the employee from the work site and where appropriate offer a medical examination and/or blood test at Council's expense to determine fitness for duty. The disciplinary provisions of the Local Government (State) Award will be followed.

PRESCRIBED DRUGS OR MEDICATION

Where an employee is on a course of prescribed or over the counter medication that may induce drowsiness or impaired performance they must notify the Supervisor prior to commencement of duty. The employee should find out from their doctor or pharmacist what the effects of the prescribed drugs are on work performance.

APPROVED FUNCTIONS

In special circumstances such as Council meetings, retirement of employees, Christmas parties, or other similar work functions, the General Manager or relevant Director may approve the consumption of alcohol during working hours and on Council property. In all such circumstances permission is to be obtained prior to the event and employees are to ensure that they return to duty in a fit state to carry out their normal duties.

EMPLOYEE ASSISTANCE

Council recognises that alcohol and drug dependency is a treatable condition and encourages employees with personal or other problems to seek counselling or treatment. Participation by an employee in a treatment program will be regarded as confidential.

DRUG & ALCOHOL POLICY

PROCEDURE

A) EMPLOYEES UNDER THE INFLUENCE

Should the Supervisor consider that an employee is affected by alcohol or drugs to the extent that safety, operational and/or public image problems may arise they should follow the steps outlined below.

Step 1 Speak to the employee, away from the hearing of others, and advise them that from their actions their work performance would be or is being noticeably affected. Advise the employee that they may request union representation at any time throughout the process.

Step 2 Seek clarification/explanation from the employee for the purpose of identifying the reason for the behaviour. The types of questions that may be asked are as follows:

- What is the reason for your behaviour?
- Are you feeling ill? If yes what are the symptoms?
- Are you under a doctor's care? If yes, what are you being treated for and when did you last visit the doctor?
- Are you taking medication? What medication and when was your last dosage?
- Do you have a medical problem that may be causing this behaviour?
- Are you using any types of drugs? If yes:

What? When? Where? How much?

- Did you drink alcohol or an alcoholic beverage today? If yes:

What did you drink? How much? When did you start? When did you stop?
Where did you drink? With whom did you drink?

Step 3 If the Supervisor is of the opinion that the employee is not in a fit state to undertake their duties then the employee should be advised that they are not to engage in any further work and where the employee is located on a work site, they should be taken to a safe area (preferably a Council facility).

Step 4 The relevant Director should then be contacted to meet with the employee and Supervisor to discuss and evaluate the situation, in order to meet Council's obligation under the O. H. & S. Act and Council's work standards and practices. The employee may have a union representative present at this meeting on request. At this stage the Director should initiate any reasonable action that is necessary.

Each case is to be treated on merit and where appropriate action may include:

DRUG & ALCOHOL POLICY

- a) Advise the employee that on the next day or as soon as possible after the event the incident will be discussed with themselves, the relevant Supervisors and the union representative if requested.
- b) Take possession of any Council vehicle or plant.
- c) Offer alternative transport and advise the employee to go home and/or offer a blood test and/or medical to arbitrate the situation. (Payment for time lost will be at the discretion of the Director and will be dependent on the merits of each individual case).
- d) If it is believed that the use of drugs or alcohol renders a risk to the health and safety of the employee, co-workers or the public, remove the employee from duty pending an urgent medical examination and/or blood test to determine fitness. An employee may elect to be tested by a doctor of their choice at their own expense. In these circumstances, employees are to be accompanied by a Supervisor or Director who should remain at the surgery for the duration of the testing. Results are to be treated in a confidential manner.
- e) If test results show evidence of use of alcohol and/or drugs offer the employee assistance to obtain counselling.
- f) As appropriate to the situation disciplinary action may be taken in accordance with the Local Government (State) Award.

If it is known that an employee is affected by prescription or over the counter medication they should be either allocated duties that will not place themselves or others at risk or, if such duties are not available, be asked to return home on sick leave and obtain a certificate from a medical practitioner declaring fitness for duty.

B) IN POSSESSION OR CONSUMING

Where an employee is found to be consuming alcohol without prior approval or in possession of or consuming illegal substances the Supervisor should:

1. Inform the employee/s they are in breach of Council Policy.
2. Stop the employee/s from working and arrange a meeting with the relevant Director immediately.
3. If the incident involves suspected illegal drugs the matter will be reported to the Police by the relevant Director.
4. If the allegation is substantiated after investigation appropriate disciplinary action will be undertaken.

DRUG & ALCOHOL POLICY

c) DECLINE IN GENERAL PERFORMANCE DUE TO ALCOHOL OR DRUG DEPENDENCE

Where employees suffer a decline in general performance due to alcohol or drug dependence they will be assessed and counselled as set out below in accordance with Clause 25. C. of the Local Government (State) Award 2004.

At any of the following stages the employee may request union representation.

Procedural fairness must be observed at each stage.

Stage 1 – Supervisor

- Discuss the performance related reasons for the interview and give the employee the opportunity to respond.
- State what standards of performance are required or expected.
- Offer assistance by referring the employee to an appropriate agency or encourage the employee to seek professional assistance. (Remember it is the employees decision whether or not to see a counsellor).
- Set a time frame for a review of performance. Inform the employee of expected changes, ongoing monitoring and the possible consequences if there is no significant improvement.
- Prepare a summary of the interview and give two copies to the employee. The employee should sign one of the copies and return it to the Supervisor together with any notations regarding the content of such record. The copy should be placed under confidential cover on file.

REVIEW

- If all aspects of work performance and related matters have met standards and expectations acknowledge this.
- If no noticeable improvement advise the employee that the matter will be referred to the second stage.
- If there is some improvement in identified areas and no decline in other performance standards set a further remedial time frame for review.
- Action and distribute a summary of the interview as above.

DRUG & ALCOHOL POLICY

Stage 2 – Supervisor and Director

- Provide details of unsatisfactory work performance and the steps that were taken to address the issues in writing. Give the employee the opportunity to respond to the issues raised.
- Restate the performance standards required or expected.
- Repeat any previous offer of assistance.
- Set a time frame for review. Inform the employee of expected changes ongoing monitoring and possible consequences if no significant improvement and that this represents a final warning.
- Action and distribute a summary of the interview to all parties present.

Review

- If all aspects of work performance and related matters have met standards and expectations acknowledge this.
- If no noticeable improvement advise the employee that the matter will be referred to the final disciplinary stage. Confirm this advice in writing.
- If there is some improvement in identified areas, no decline in other performance standards, and no identification of new areas of performance deficiency set a further remedial time frame for review.
- Action and distribute a summary of the interview as above.

Stage 3

- Restate details of unsatisfactory work performance and the steps that were taken to address the issues. Give the employee the opportunity to respond to the issues raised.
- Restate the performance standards required or expected.
- Repeat any previous offer of assistance.
- Issue a final warning in writing giving notice of disciplinary penalties should unsatisfactory work performance or conduct not cease immediately.

POLICY DOCUMENT CONTROL:

Drug and Alcohol Policy

Adopted 19Oct05 Minute 402