

# KATHERINE TOWN COUNCIL

## DRUG AND ALCOHOL POLICY



TITLE: DRUG & ALCOHOL POLICY  
ADOPTED BY: COUNCIL  
RESPONSIBILITY: CHIEF EXECUTIVE OFFICER  
NEXT REVIEW DATE: 01/03/2019

Version	Decision Number	Adoption Date	History
1		28/02/2017	
2			
3			
4			

## 1. DRUG & ALCOHOL POLICY

The Workplace Drug and Alcohol Policy (Policy) relates to Katherine Town Council (Council).

## 2. COMMENCEMENT OF POLICY

This Policy will commence from 01/03/2017; it replaces all other policies, if any, relating to drugs and alcohol in the workplace (whether written or not).

## 3. SCOPE

This policy relates to:

- All Council workers and any person who is engaged by, or performing work at the direction of Council, including contractors, sub-contractors, volunteers, work experience, consultants, agents and temporary staff.
- All of Council's workplaces, including vehicles, plant, machinery, and any place where workers may be representing Council, for example, when visiting a customer, client or supplier.
- All work related functions, for example work lunches, conferences, workshops, Christmas parties and client functions.

NB: This policy does not form part of any contract of employment or service with Katherine Town Council.

## 4. PURPOSE

Katherine Town Council (Council) is committed to providing a safe, healthy and secure environment for all workers and for those affected by Council's operations and activities. The quality of Katherine Town Council work will not be compromised by the presence of people under the influence of alcohol, non-prescribed drugs or over the prescribed dose of prescription medication in the workplace.

Council recognises the inherent risks associated with drug and alcohol use and abuse or misuse of other substances, therefore this policy is designed to eliminate, or as far as reasonably practicable minimise these risks from Council workplaces and surrounding environments.

## 5. DEFINITIONS

**Alcohol Abuse** is defined as a pattern of drinking that result in one or more of the following situations:

- Failure to fulfil major work, school, or home responsibilities
- Drinking in situations that are physically dangerous, such as driving or operating machinery
- Having recurring alcohol-related legal problems
- Continued drinking despite having ongoing relationship problems that are caused or

worsened by the drinking

**Drugs** are defined as any chemical substances that affect the human body or mind when it is swallowed, breathed in, or consumed in another way; these include prescription or pharmacy drugs, illegal or illicit drugs, or synthetic drugs as defined below.

**Drug Abuse** is the recurrent use of illegal drugs, or the misuse of prescription or over-the-counter drugs with negative consequences.

**Drug Addiction** is a state of physical or psychological dependence on a drug.

**Drug Misuse** refers to the use of a drug for purposes for which it was not intended or using a drug in excessive quantities.

**Illegal Drugs** - include:

- any drug prohibited by Australian law (including foreign and international laws) to which Council is subject or which apply to the work performed at or for Council;
- any synthetic drug (whether prohibited by law or not), being a psychoactive herbal and/or chemical product which, when consumed, mimics the effects of a prohibited drug, for example synthetic cannabis (aka ~~Ɨ~~ƗronicƗ).

**Illicit Drugs** are not legally permitted or authorised, are unlawful or are disapproved of, or not permitted for moral or ethical reasons.

**Management** - means Council's managers, supervisors, team leaders (whichever are relevant) and all employees with supervisory responsibilities.

**Prescription Drugs** - mean lawful drugs which are prescribed by a medical practitioner for a diagnosed medical purpose and issued by a pharmacist.

**Pharmacy Drugs** - mean drugs which are lawfully available at Australian pharmacies (without a prescription) and are required for a legitimate medical purpose.

**Under the Influence** - means that a person's faculties are impaired by the use of drugs or alcohol to the extent that the person is unfit to be entrusted with a duty they perform, or may be called on to perform, with efficiency and safety to themselves and others.

## 6. POLICY REQUIREMENTS

- Workers must always be in a fit state to carry out their duties safely when at work.
- Workers must not manufacture, possess, distribute, sell, purchase, use or consume illegal or illicit drugs in the workplace. Such conduct constitutes serious misconduct; it may also constitute a criminal offense, in which case Council may notify police or other appropriate government authority.
- Council has a ~~Ɨ~~zero tolerance to drugs and alcohol; workers are not permitted to work while under the influence of drugs or alcohol.
- Anyone suspected of being impaired due to alcohol or substance abuse or taking of drugs, legal or illegal, must immediately be removed from the workplace.
- Council reserves the right to carry out screening for alcohol and drugs. Testing may be carried out on a reasonable suspicion or following an accident or incident; Council will also reserve the right to introduce random testing where it is considered appropriate.

- Council will provide access to assistance through a range of preventative, educational and rehabilitative measures to overcome drug and alcohol problems that could impair a worker's ability to work safely.
- Council encourages all workers to maintain good health and wellbeing through a balanced lifestyle.
- Workers have a responsibility to take prescription and pharmacy drugs in accordance with the instructions of their medical practitioner and directions relating to use of the drugs. In the instance that prescription medication could potentially affect the ability of the worker to perform their normal work duties safely, the worker must notify their immediate supervisor so corrective control strategies can be implemented. Failure to advise may constitute misconduct.
- Council will not accept liability for the consequences (property damage, personal injury, etc.) of any illegal or inappropriate actions of any worker whilst they are affected by drugs and/or alcohol. The worker is responsible for the consequences of their actions.
- Failure to cooperate with this policy or providing false information in an investigation will be considered misconduct. Misconduct may result in action being taken against the worker, as set out below ~~Breach of this Policy~~

#### **6.1 What will Council do if it suspects a worker is affected by drugs and/or alcohol?**

Council may have grounds to suspect a worker of being under the influence of alcohol or illicit drugs if:

- The worker is unable to coordinate their actions;
- Has red, bloodshot eyes or dilated pupils;
- Smells of alcohol;
- Acts contrary to their normal behaviour;
- Not behaving in a professional and competent manner nor in accordance with Council standards; or,
- Otherwise appears to be impaired or affected by alcohol or illicit drugs.

If Council suspects, on reasonable grounds, that a worker is under the influence of alcohol or illicit drugs, Council may take the following steps to address the issue:

- Direct the worker to go home; suitable arrangements for safe transport will be made by the relevant manager;
- Direct the worker to attend a medical practitioner to determine whether the worker is fit for duties or impaired by alcohol or drugs. The medical examination may include a drug and/or alcohol test, such as breath test, blood test, urine test, hair strand test or oral swab.
- If the worker is taking prescription or pharmacy medication, they will be required to provide evidence including any side effects and instructions for proper use.

- If the worker refuses to attend a medical practitioner, they will be directed to go home. However, refusal to undertake a medical examination or go home when directed constitutes a breach of this policy and will be subject to disciplinary action.
- Where a worker is required to attend a medical practitioner or is sent home, the worker must report to Management the next day, or as soon as possible once the worker is no longer under the influence of drugs or alcohol to discuss the issue. Council will deal with this situation as set out under ~~B~~Breach of this Policyq

## 6.2 Work Related Functions

Responsible social events may be held by Council where the consumption of alcohol is allowed with the approval of the Chief Executive Officer, for example, at staff functions, Christmas parties or customer functions. Workers must not consume alcohol in the workplace or at work-related functions unless specifically authorised by Management to do so.

In these circumstances, to ensure everyone remains safe:

- alcohol must be consumed responsibly and responsible service of alcohol will be adhered to;
- food will be available during the service of alcohol;
- light alcohol and non alcoholic beverages will be available;
- workers must not become drunk; inebriation does not diminish a workers responsibilities;
- an appropriate standard of behaviour must be upheld at all times, consistent with Council's codes of conduct and workplace policies; and,
- workers must ensure a safe means of transport from such functions, driving any vehicle if they are over the legal blood alcohol limit is a criminal offence. Workers who do not have a safe means of transport should advise management so that such transport may be arranged.

If a worker is required to return to work, or continue working after the function, and the consumption of alcohol could adversely affect their ability to perform work effectively and safely, consumption of alcohol by those workers is not permitted.

If a worker breaches this Policy at a work related function and acts inappropriately, the worker may be subject to disciplinary action, and may not be permitted to consume any alcohol at future work related functions.

The prohibition relating to drugs will not be waived in any circumstances, except in relation to prescription and pharmacy drugs as set out in this Policy.

## 7. EDUCATION, TRAINING & SUPPORT

Council is committed to the concepts of prevention, counselling and rehabilitation, therefore Council will provide training, information and support relating to this policy which will include:

- A Safety Induction for all new workers, including contactors, with annual refresher training for existing workers. The Safety Induction sessions will cover:
  - Details of this Policy

- The effects of alcohol and drug use (including prescription and pharmacy drugs) in the workplace
- The risks to the health and safety of workers by the use of alcohol and drugs in the workplace.
- Council provides access to an Employee Assistance Program (EAP) for all workers. This counselling service is completely confidential and provides workers an opportunity to address any issues they may be having, both professionally and personally, in a safe and confidential environment.
- EAP also provides support for prevention of alcohol and drug abuse.
- If a worker acknowledges they have a dependency problem and want assistance from Council, they should approach their manager or supervisor.
  - Any approaches made by a worker will be kept strictly confidential and treated on its merits.
  - Job security and promotional opportunities will not be affected by a decision to seek assistance.

## 8. MANAGER AND SUPERVISOR COMMITMENT

Managers and supervisors are responsible, within the scope of their authority, for ensuring:

- The objectives of this policy are integrated into work practices;
- Effective action is taken to prevent accidents, incidents or injuries, which could result from the use of drugs and/or alcohol in the workplace;
- That risks arising from drug or alcohol use in the workplace are identified, assessed and controlled.
- Assessments are undertaken of the work environment to identify conditions which may contribute to drug and alcohol problems.
- Maintaining privacy and confidentiality of workers at all times.

## 9. CONFIDENTIALITY

Subject to the requirements of this procedure, Council will ensure that workers, contractor and visitor information is kept confidential and secure.

All documentation and requests for disclosure will be handled according to relevant legislation. Information will only be used for the purpose of determining fitness for duty, assignment of appropriate duties or rehabilitation purposes.

Council will only release information to a third party as required by law, and with the written permission of the manager after the individual concerned has been advised.

Council will take all reasonable steps to respect the privacy and confidentiality of individuals participating in testing. The behaviour and actions of all parties involved will be under close scrutiny with regards to maintaining the privacy and confidentiality of individuals being tested.

Concerns about privacy and confidentiality should be reported to the relevant Manager, Supervisor or Health and Safety Representative. Breaches of confidentiality are considered a serious matter and will be treated in accordance with the Council's performance management processes.

Where relevant to an accident or incident investigation, the records will only be referenced in the investigation, and flagged with the appropriate cross-referencing. These records will be kept in accordance with the regulatory requirements.

## 10. BREACH OF THIS POLICY

Workers must comply with this policy at all times. If a worker is found to be in breach of this policy they may be subject to disciplinary action; the type and severity of disciplinary action will depend on the circumstances of the case and seriousness of the breach.

Disciplinary action may include, but is not limited to:

- Performance counselling
- Formal written warning
- Suspension
- Demotion
- Termination of employment
- Summary dismissal
- Referral to Council's Employee Assistance Program (EAP) for counselling, treatment and/or rehabilitation for drug and alcohol misuse, abuse or dependency.

Workers who require time off work due to breaching this policy will be required to take leave without pay.

Agents, contractors or subcontractors of Council who are found to be in breach of this policy may have their contracts terminated or not renewed.

In circumstances where a worker's behaviour or conduct may involve a breach of any Australian law, Council may notify the police or other relevant government authority.

## 11. ACKNOWLEDGEMENT

*I acknowledge:*

- *receiving the Policy;*
- *that I will comply with the Policy; and*
- *that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.*

Name:

Signed:

Date:

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## 12. RELATED DOCUMENTS

Drug and Alcohol Testing Procedure