	Fitness for Work (Alcohol and Other Drugs) Policy and Procedure	Version No:	V1
		Issued:	31 March 2022
		Reviewed:	
		Next Review:	30 March 2025

1. Policy

This Policy describes the reasonable actions to be taken by Wudinna District Council (**Council**) to manage the risk to workers' work health and safety and productivity arising from the use of alcohol, drugs or other substance abuse.

It also provides guidance for Managers and Supervisors to reduce the health risks and other consequences of alcohol, drug or other substance abuse and use amongst Council employees.

2. Policy Scope

The Policy applies to all Council workers including temporary and casual employees, contractors and Elected Members.

3. Overview

Drugs and alcohol use or other substance abuse can affect a person's ability to work safely. It creates a risk to workers (themselves and others) and work health and safety. This Policy is termed 'fitness for work' to encompass the mental, physical and emotional aspects of alcohol and other drug use, and not just on ensuring workers don't have drugs/alcohol in their system before returning to work.


4. Definitions

Drugs	Refers to illegal drugs, prescription drugs, and over-the-counter medications.
Illegal Drugs	Refers to those substances recognised as illegal by Australian law including (but not limited to) cannabis, meth/amphetamines, cocaine, ecstasy and heroin. The use of prescription drugs without authorisation by a medical practitioner is also defined as illegal drug use for the purposes of this Policy.
Prescription Drugs	Refers to drugs which are prescribed by a medical practitioner and normally dispensed by a pharmacist.
Over the Counter Medications	Refers to drugs that can be legally purchased at a chemist or other retail outlet without a medical practitioner's authorisation.
Substance Abuse	Any substance, legal or illegal which may cause a reduction in the mental or physical capacity when inhaled or ingested intentionally (i.e. aerosols, petrol, glues / solvents etc.). For the purposes of this Policy and Procedure is included wherever Drug and Alcohol is referenced.

5. Objectives

The objectives of the policy are to:

- (a) Define the responsibilities of Council in managing the occupational health and safety and productivity risks of alcohol and drug use.
- (b) Provide guidance for the management of an employee whose work safety and/or performance may be adversely affected by alcohol or drug use or substance abuse.
- (c) Provide training/information on alcohol and drug use and the adverse effects use can have on people and performance in the workplace.
- (d) Provide guidance on the rehabilitation and management of employees adversely affected by alcohol or drug use or substance abuse including access to assessment, counselling and treatment services.

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6. Policy Principles

- 6.1. Employees must not possess, distribute, sell or consume illegal drugs in the workplace. The possession, distribution, selling, or consumption of illegal drugs on Council premises (including lunchrooms, change rooms and car parks) may result in dismissal and referral to the Police.
- 6.2. Employees must not consume alcohol while at work or on Council premises, including lunchrooms, change rooms and car parks, except when authorised to do so by the CEO for special occasions or a company event. (Refer to clause 14 of Councils *Human Resource Policy*)

NB: The CEO has provided special approval to the Works Department for consumption of alcohol to occur at the Works Depot upon completion of a workers shift. It is expected that workers do not linger at the Depot and are granted 1 hour from the completion of their shift to vacate the premises. Anyone consuming alcohol within the terms of this approval must abide by relevant licencing conditions with regards to blood alcohol level for operation of their own vehicle when leaving the Depot.


- 6.3. Employees performing the below duties must have a zero blood alcohol concentration (BAC) when:
 - 6.3.1. Operating plant or equipment assessed as high risk.
 - 6.3.2. The risk assessment or Safe Operating Procedure for an item of plant or equipment states a zero BAC is required.
 - 6.3.3. Driving heavy vehicles and / or buses (required by law).
 - 6.3.4. Perform safety sensitive aviation services at Councils aerodromes e.g. Maintenance, security, firefighting, refuelling or any task involving being airborne.

Employees having a detectable level of alcohol or drugs will be deemed as unfit for work and must cease work.


- 6.4. Employees must not be adversely affected, in their ability to perform their duties safely and competently, by alcohol or drugs. Employees observed to be adversely affected by alcohol or drugs may face disciplinary action, including dismissal.
- 6.5. Employees using prescription drugs or over-the-counter medications for medical treatment must consult with their Manager / Supervisor to ensure side effects of use do not adversely affect occupational health and safety or work performance.
- 6.6. Assistance and support will be offered to employees where there is a perceived or identified alcohol or drug use or dependency problem.
- 6.7. Workers that have a vehicle permanently allocated to them in accordance with their EBA or Contract of Employment which includes private use of that vehicle (per Clause 47 of the *Human Resource Policy*) are able to have a BAC in line with licencing conditions when outside of work hours.

7. Responsibilities

- 7.1. The Chief Executive Officer is accountable for the overall implementation of the Policy and addressing organisational factors that may contribute to alcohol and drug use including:
 - 7.1.1. Ensuring suitable alcohol, drug and substance abuse training is provided to Managers, Supervisors, employee representatives and other employees responsible for Policy implementation.
 - 7.1.2. Ensuring suitable alcohol, drug and substance abuse information and education is provided to all employees.

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- 7.1.3. Approving reasonably practicable budgetary expenditure necessary to implement this Policy and Procedure.
- 7.1.4. Ensuring appropriate support and assistance is available to employees with alcohol and/or drug / substance abuse problems.
- 7.1.5. Ensuring approved Council events involving alcohol are conducted in line with Appendix 1: Guidelines on the Use and Management of Alcohol at Council Functions.
- 7.1.6. Monitoring the effectiveness of the policy and gaining feedback from employees to improve and amend as necessary.
- 7.2. The Senior Management Team is accountable for:
- 7.2.1. Supporting implementation of these initiatives. This includes ensuring employees are aware of the requirements of this Policy and Procedure, the support available and the consequences of non-compliance with the Policy.
- 7.3. Managers and Supervisors are accountable for:
- 7.3.1. Taking action when work performance suffers, or individuals are endangered. Action will be taken when:
- (a) Work performance is affected by the consumption of alcohol, drugs or substance abuse.
 - (b) The affected worker is in a state that endangers his or her own safety or the safety of any other person at work.
 - (c) A worker is found in possession of open alcohol on Council premises when drinking alcohol has not been sanctioned/approved by the CEO / MWIS.
 - (d) A worker is found in possession of illegal drugs on Council premises.
 - (e) A worker is found in possession of prescription drugs on Council premises without justification.
 - (f) A staff member is found to be driving a motor vehicle or operating plant or equipment under the influence of illegal drugs or alcohol during working hours and/or on Council premises in accordance with this Policy and Procedure.
 - (a) A staff member is found to be operating Council plant or equipment under the influence of illegal drugs or alcohol when utilising Council plant and equipment for private use, in accordance with Clause 5 of *Council Property and Infrastructure Management Policy* (Access to costed plant by employees will be permitted at no cost, providing it remains minor and the employee is not receiving remuneration for the work which will be at the discretion of the Works Manager).
- 7.4. Employees are accountable for:
- 7.4.1. Being fit for duty and not to be adversely affected by alcohol or drug use to the extent that it impacts on work performance or safety.
- Employees:
- (a) Must at all times carry out their duties and responsibilities in a safe manner.
 - (b) Should not be adversely affected by alcohol or drugs (including prescription or over-the-counter drugs) during working hours.
 - (c) Should not consume alcohol or drugs (other than authorised prescription drugs or over-the-counter medications) during working hours or on Council premises, including lunchrooms, change rooms or car parks, except for special occasions or a company event authorised by the CEO.

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(d) Should not be in possession of illegal drugs (or prescription drugs without justification), nor purchase, sell or store such drugs on Council premise.

(e) Adhering to the Zero BAC requirements as listed at 6.3.

7.4.2. When using prescription drugs or over-the-counter medications for medical treatment purposes, employees must establish if there are any potential side effects of use that could adversely affect their safety and inform their Manager / Supervisor of such use and potential effects.

7.4.3. Employees who have concerns about themselves or other employees due to possible alcohol or drug use (including prescription drugs) should consult with their Manager, Supervisor, WHS Coordinator or Health and Safety Representative.

7.5. There may be certain occasions where alcohol is available at Council functions. On these occasions the Guidelines for the Responsible Serving and Use of Alcohol at Council Functions (Appendix 1) will apply and employees and Elected Members who consume alcohol should do so in a safe and responsible manner.

8. Procedure

8.1. Random Testing

8.1.1. Any worker or select group of workers may be tested at a random time and location to detect the presence of alcohol or illegal drugs in their system. Managers or Supervisors have the delegation to determine when and where the testing takes place.

8.1.2. Testing will be undertaken by a trained tester and be a breath test for alcohol detection and oral fluid sample for drug detection.

8.1.3. If a worker tests positive in either of the tests, they will immediately be referred to a medical professional for a blood test for confirmatory analysis.

(a) Managers will make every effort to ensure the employee's safety, including appropriate transport to a medical professional for testing to occur.

8.1.4. Any positive result after this analysis will result in a formal disciplinary meeting being arranged with disciplinary actions to be determined as detailed in Appendix 2.

(a) Managers will make every effort to ensure the employee's safety, including appropriate transport home.

8.1.5. Should a worker refuse to participate in a random test procedure, the Manager or Supervisor will treat this as a positive test and disciplinary action will take place which may include dismissal. Should the employee decide to take the test after this is explained and it is a negative test, the worker will resume normal duties after the testing procedure.


8.2. Immediate Situations

8.2.1. Where, in the opinion of a Manager or Supervisor, an employee is unfit to safely perform their duties, possibly because of the effects of alcohol or drugs (including prescription drugs and over-the-counter medications), or any other cause, they will be quickly and safely removed from the work area.

8.2.2. The employee may be required to undertake a medically supervised drug/alcohol test to assess fitness for work per the Testing Procedure at Appendix 2.

8.2.3. A brief interview with the employee will, where practicable, be conducted to give the employee an opportunity to explain his/her actions.

If the Manager remains of the view that the employee cannot safely perform their work, they will:

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- (b) Explain this to the employee.
- (c) Advise them that they cannot remain at the workplace and their absence for the balance of the day/shift will be treated as paid leave.
- (d) Make every effort to ensure the employee's safety, including appropriate transport home.
- (e) Instruct the employee to attend a meeting the following working day/shift prior to commencing work.

8.2.4. At the meeting on the following workday, the employee will be interviewed by their Manager. The Manager will outline the concerns about work performance and safety as a result of the incident on the previous working day and indicate that this is the employee's opportunity to offer an explanation for the behaviour described. The employee will also be made aware of support services available.

8.2.5. Depending on the outcome of the interview and the investigation of the incident, the employee may be subject to Council's disciplinary procedures, which, depending on the circumstances and/or any future incidents, may ultimately lead to termination of employment.

8.3. Long Term Situations

8.3.1. Where a Manager or supervisor becomes aware of a decline in an individual's work performance, possibly because of the effects of alcohol, drugs or any other cause, they should manage the situation according to Council Policy.

8.3.2. An interview will be arranged with the employee to discuss their performance and offer assistance. At this meeting a performance management plan may be put in place. Should the employee identify alcohol or drugs as a potential concern, the employee will be offered assistance consistent with the Council's Employee Assistance Program (EAP).

8.3.3. If the poor work performance continues the employee will be subject to the performance management process as outlined in the Code of Conduct for Council Employees.

8.3.4. Employees who participate in a program of rehabilitation may be able to access their existing sick leave or other leave accruals.

8.3.5. All information will be treated in strict confidence.

8.4. Prescription and/or over-the-counter drug use


8.4.1. Where an employee is taking prescription drugs or over-the-counter medications for medical treatment and is unable to safely perform their required duties due to potential side effects of use, the Manager or Supervisor, in consultation with the employee, may make adjustments to the work requirements where reasonably practical.

8.4.2. If this is not possible and the situation is temporary the employee should be sent home on sick leave and suitable transport should be arranged. If the situation is not temporary, further consultation and consideration of appropriate alternative duties may be required.

9. Training

9.1. Councils Training Needs Analysis (TNA) will identify alcohol and drug information and education for all employees.

9.2. Council's TNA will identify the training needs for Managers and Supervisors responsible for Policy and Procedure implementation.

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- 9.3. The level of training provided to Managers and Supervisors should provide the skills and knowledge to enable the effective implementation of this Policy and Procedure.
- 9.4. The Fitness for Work (Alcohol and Other Drugs) Policy and Procedure (incorporating Guidelines for the Responsible Serving and Use of Alcohol at Council Functions and Testing Procedures) will be explained to Employees during the induction process and a copy of the Policy and Procedure provided.

10. Records

All records will be managed in line with the current version of General Disposal Schedule for Local Government.

11. Review

- 11.1. The Fitness for Work (Alcohol and Other Drugs) Policy and Procedure will be reviewed by the HSC in consultation with the Senior Management Team, workers or their representatives and Elected Members, every thirty-six (36) months or more frequently if legislation or organisational needs change. This will include a review of:
- 11.1.1. Feedback from Managers, Supervisors, workers, HSRs, or other relevant stakeholders.
 - 11.1.2. Legislative compliance.
 - 11.1.3. Performance Standards for Self-Insurers.
 - 11.1.4. LGAWCS guidance.
 - 11.1.5. Internal or external audit findings.
 - 11.1.6. Incident and hazard reports, claims costs and trends; and
 - 11.1.7. Any other relevant information.
- 11.2. Results of reviews may result in preventative and/or corrective actions being implemented or revision of this document.

12. References

[Work Health and Safety Act 2012](#)


[Work Health and Safety Regulations 2012](#)

[Local Government Act 1999](#)

AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine

AS/NZS 4760: 2019 Amd 1:2020 Procedure for specimen collection and the detection and quantification of drugs in oral fluid

[General Disposal Schedule 40 for Local Government](#)

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13. Related documents

Code of Conduct for Council Employees

Human Resource Policy

Risk Management Policy

Records Management Policy

Council Property and Infrastructure Management Policy

Hazard Management Procedure (*Document # 12.3.7.3*)

Incident Reporting and Investigation Procedure (*Document # 12.3.7.1*)

WHS Hazard Management Procedure (*Document # 12.3.7.3*)

Corrective and Preventative Action Procedure (*Document # 12.3.16.5*)

SIGNED:

Chief Executive Officer

Date: ____/____/____


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Chairperson, Health and Safety Committee

Date: ____/____/____

14. Document Review History

Version No:	Issue Date:	Description of Change:
1.0	2006	Original Drug and Alcohol Policy included in Section 12 of the OHS Manual
2.0	October 2008	Update of template for Drug and Alcohol Policy
3.0	January 2022	<ul style="list-style-type: none"> • Reinstatement of Drug and Alcohol Policy as a stand-alone Policy and Procedure, with a change in name to reflect the relevance of the updated content of the Policy and Procedure in line with SafeWorkSA recommended Policy and Procedures. • Inclusion of Appendix 1: Guidelines on the Use and Management of Alcohol at Council Functions, and • Appendix 2: Drug and Alcohol Testing Flowchart

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Appendix 1: GUIDELINES ON THE USE AND MANAGEMENT OF ALCOHOL AT COUNCIL FUNCTIONS

Wudinna District Council (Council) is committed to the responsible serving and use of alcohol at Council functions.

This commitment is founded on:


- (a) The safety needs of individuals attending the function and those of the general public.
- (b) Consideration for those who choose not to use alcohol, as well as those whose lives are affected by the misuse of alcohol and those who experience difficulty in their personal use of alcohol.

To meet this commitment Council has established Guidelines on the Use and Management of Alcohol at Functions, which apply to all Council functions where alcohol is served. Council will assume responsibility for such functions and take steps to ensure the guidelines are observed.

For any Council function where alcohol is to be served, the person responsible for that function will be responsible for supporting implementation of the guidelines. This will include communicating the guideline requirements to those attending or involved in the function, including staff members, caterers and those responsible for logistics at hotels, conference centres etc.

1. Guidelines for the responsible use of alcohol

- 1.1. These guidelines are to assist in planning and hosting Council functions when alcoholic beverages are served.
- 1.2. Council supports the philosophy that the use of alcohol is a personal choice. No one should feel pressured to either drink or not drink and must not be made to feel uneasy or embarrassed as a result of their choice.
- 1.3. Council's Fitness For Work Policy shall be observed at all times (i.e., no return to work if under the influence of alcohol or other drugs).
- 1.4. Council encourages those who intend to consume alcohol at functions to arrange alternative transport and not 'drink and drive'.
- 1.5. The person responsible for organising any event where alcoholic beverages are provided, is accountable for ensuring that alcohol is served in a manner which considers its potential to affect both health and safety. This includes ensuring that:
 - (a) An adequate variety and supply of non-alcoholic beverages will always be visibly available.
 - (b) Food such as non-salty snacks should be provided if alcoholic beverages are served.
 - (c) Strict serving guidelines - measure correct amounts of liquor in drinks (no doubles), not serve individuals who appear to be either intoxicated or impaired, not serve minors and also offer non-alcoholic beverages.
 - (d) Council will specify how long liquor will be served or what time the function will cease. The provision of alcohol should stop promptly at the end of the specified period.
- 1.6. If anyone is aware that an employee has had too much to drink he/she should contact the nominated person responsible for overseeing the function. The nominated person should attempt to provide supervised transportation home for that person. If in doubt about an employee's condition that person will be discouraged from driving. If the nominated person is not available then individuals should attempt to provide supervised transportation.
- 1.7. Employees who choose to drink alcohol at Council functions should be encouraged to do so in a safe and responsible manner.
- 1.8. Employees should be reminded that professional, responsible behaviour and good judgement is expected when representatives of Council are present at functions sponsored by another organisation where alcohol is available.

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Appendix 2: DRUG AND ALCOHOL TESTING PROCESS FLOWCHART

