

Document Name	Document Version Number	Review Date
Alcohol & Other Drugs Policy	1.0.3	June 2024
Date Adopted	Minute Number	Status
19 August 2020	5660	Revised

Purpose

Greater Hume Council (GHC / Council) is responsible for ensuring the health and safety of all workers carrying out work for Council and also to ensure that the health and safety of other persons is not put at risk by the work being carried out.

In the workplace, workers are responsible for their own health and safety and for that of other persons, including being fit for work and being able to safely perform the inherent requirements and demands of their position or the work they were engaged to perform.

The purpose of this policy is to ensure that all workers are fit for the work they are required to perform in order to maintain a satisfactory level of health, safety and work performance, which is not impaired by alcohol or other drugs (AOD).

It is a breach of this Policy if workers are determined to be;

- a. Impaired in the performance of their work, or
- b. Found in a drug or alcohol test to exceed the permitted concentrations of drugs or alcohol described in this Policy and its associated Procedures.

Breaches of this Policy will result in disciplinary action up to and including termination of employment.

Scope

This policy applies to all workers in GHC workplaces.

Definitions

AOD means Alcohol and Other Drugs.

Council means Greater Hume Council (GHC), ABN: 44 970 341 154.

Employee refers to an individual who works under a contract of employment with GHSC. For the purpose of this policy, this does not include: a contractor or subcontractor; an employee of a contractor or subcontractor; an employee of a labour hire company who has been assigned to work in the business or undertaking; a student gaining work experience; a volunteer; or a person involved with an employment scheme (such as work for the dole, etc).

GHC means Greater Hume Council or Council, ABN: 44 970 341 154.

Industry Parties refers to Local Government NSW (LGNSW) United Services Union (USU) Local Government Engineers Association (LGEA) and Development & Environmental Professionals Association (DEPA)

Inherent requirements and demands of the position refers to the requirements and demands of the employee's substantive position at their substantive workplace at which they are employed. This is also referred to as the employee's pre-injury duties.

Worker has the same meaning as Worker under Section 7 of the Work Health and Safety Act 2011, being: an employee; a contractor or subcontractor; an employee of a contractor or subcontractor; an employee of a labour hire company who has been assigned to work in the person's business or undertaking; an outworker; an apprentice or trainee; a student gaining work experience; a volunteer; or a person of a prescribed class.

Workplace means a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Workplace includes:

- a vehicle, vessel, aircraft or other mobile structure, and
- any waters and any installation on land, on the bed of any waters or floating on any waters, in accordance with Section 8 of the Work Health and Safety Act 2011.

Policy Content

1. Statement of Intent

Council along with relevant industry parties (the “**industry parties**”) recognise that the inappropriate use of alcohol and/or other drugs is a significant problem that can affect a worker's performance and jeopardise their health, safety and welfare as well as that of their co-worker's and other people in the workplace.

2. How This Policy Was Developed

The general content of this policy was developed by the industry parties. This cooperative approach followed a number of industrial disputes and a recognition that a policy developed cooperatively would assist the industry. Draft industry guidelines were prepared and trialled in five councils over a period of up to 6 months in 2011. For the purpose of the trial, random testing was available as an option and this option was adopted by the five councils. Whilst different conclusions may be drawn from the results of the industry trial, the industry parties nevertheless agreed to support this policy.

3. Aim

To establish clear and consistent procedures for addressing risks to health and safety in the workplace associated with the inappropriate use of alcohol and/or other drugs.

4. Issues to Consider

4.1 Safety in the workplace and fitness for work

Employers have a duty to ensure the health, safety and welfare of their workers and other people in the workplace (s19, Work Health and Safety Act 2011 (NSW)). Workers have a duty to take reasonable care for their own health and safety, as well as for the health and safety of other people in the workplace and to co-operate with their employer in providing a safe working environment (s28, Work Health and Safety Act 2011 (NSW)).

Workers are obliged to present themselves for work in a fit state so that in carrying out their work activities they do not expose themselves, their co-workers or other people in the workplace to unnecessary risks to health and safety.

The welfare of the individual and the health and safety of other people in the workplace needs to be considered.

There are penalties, under legislation for employers and the Award for workers who fail to take their Work Health and Safety responsibilities seriously.

4.2 Establishing a supportive culture

Any alcohol and other drugs procedures should promote a supportive culture in which workers are able to seek the assistance of their employer in a non-threatening environment. Councils should foster a supportive culture that encourages employees to accept individual responsibility for workplace health and safety and participation in disclosing to management the identity of workers who may be regarded as a risk to others.

Such an approach is supported by WHS legislation and the industry parties.

A supportive culture will encourage a co-operative approach between management and workers and build on the shared interest in workplace health and safety.

Council will achieve this supportive culture by: -

- Recognising that the inappropriate use of alcohol and/or other drugs can be due to illness (e.g. dependency) or symptomatic of an illness (e.g. depression); and
- Providing non-threatening assistance to workers who recognise that they have alcohol and/or other drug related problems (e.g. Council provides information and confidential access to an Employee Assistance Program); and
- Providing information and education resources to workers to improve their understanding of the risks to health and well-being of the use and misuse of alcohol, drugs and medicines.
- Ensuring that clear and consistent processes are in place for addressing risks to health and safety in the workplace; and
- Respecting the privacy of workers by ensuring that appropriate systems are in place to maintain confidentiality.

5. General Conduct Obligations

Workers are obliged to present themselves for work in a fit state so that when carrying out their work activities they do not expose themselves, their co-workers or other people in the workplace to unnecessary risks to health and safety.

Council's *Code of Conduct* establishes the minimum requirements of conduct for council officials in carrying out their functions (a council official is defined to include Councillors, members of staff, administrators, conduct reviewers and delegates of council).

It is a requirement of the Code that council officials must not conduct themselves, when carrying out their functions, in a manner that is likely to bring the council or holders of civic office into disrepute. Council officials are expected to maintain high standards of professional conduct and service to the community and must act honestly and exercise a reasonable degree of care and diligence when carrying out their functions.

By way of example, a worker may be in breach of their general conduct obligations under the Code if they: -

- Attend for work whilst under the influence of alcohol and/or other drugs; or
- Conduct them-self in an inappropriate and/or unprofessional manner whilst at work or at a work related function (which may be due to the effects of inappropriate alcohol and/or other drugs use).

6. Alcohol and Other Drugs Testing

The details of procedures for testing and results of testing are contained within “*Greater Hume Council’s Alcohol and Other Drugs Testing Procedure*”.

Workplace alcohol and other drugs testing is a complex issue. Things to consider include: -

- **When to test** – Common examples of when AOD testing is conducted include;
 - upon reasonable suspicion that a person may be impaired (reasonable suspicion testing); following a workplace
 - health and safety incident (post incident testing);
 - randomly (random testing), and
 - voluntary testing.

- **Types of tests** – Greater Hume Council will use: -
 - Breath test for alcohol testing,
 - Oral fluid (saliva) for other drugs. oral fluid testing can provide a non-negative test result immediately after use and has a range of detectability such that it is more likely to indicate recent drug use when compared to other testing procedures.
 - Urine testing for pre-employment only.

- **Note** – Onsite non-negative breath test results are confirmed 20 minutes after the original non-negative test. On-site non-negative oral fluid drug tests results must be confirmed by toxicology laboratory analysis. Workers may be stood down from duties pending confirmation test results becoming available.

- **Worker privacy** – It is imperative that a worker’s privacy be respected and that the results of AOD testing are kept confidential. All information will be kept on the workers “personnel file” access to which is controlled under the Privacy and Personal Information Protection Act (1998).

- **Who to test** – Testing will be undertaken in accordance with “When to Test” as detailed above.

When random testing is undertaken, all workers, including contractors on-site, will be considered available for selection to be tested.

Links to Policy

Work Health & Safety Policy
Risk Management Policy
Workplace Health & Injury Management Policy
Safe driving Policy
Code of Conduct for Council Staff
Code of Conduct for Councillors

Links to Procedure

Alcohol and Other Drugs Procedure
Pre-employment and Exit Medicals Procedure
Employee Assistance Program Procedure

Links to Forms

Alcohol & Other Drugs Procedure Flow Charts
Drug & Alcohol Rehabilitation Plan
Observable Indicators of Impairment Fact Sheet
Reasonable Cause Assessment Form

References

AS3547:1997 – Breath Alcohol Testing Devices for Personal Use.

AS/NZS 4760: 2019 – Procedures for Specimen Collection and the Detection and Quantitation of Drugs in Oral Fluid. (including transition from AS4760:2006 – Procedures for Specimen Collection and the Detection and Quantitation of Drugs in Oral Fluid).

AS/NZS4308:2008 - Procedures for Specimen Collection and the Detection and Quantitation of Drugs of Abuse in Urine.

Responsibility

General Manager

Document Author

Risk & Safety Coordinator

Relevant Legislation

The *Work Health and Safety Act 2011* (NSW); and associated Regulation

The *Road Transport (Safety and Traffic Management) Act 1999* (NSW); and associated Regulation

Local Government (State) Award - current edition

Associated Records

GHC Risk & WHS Management System (RWHSMS)