



DRUG & ALCOHOL POLICY

POLICY OUTLINE

1. PURPOSE

Etheridge Shire Council is committed to providing a safe, healthy and productive working environment for all Council employees. Council is committed to minimizing harm to staff and members of the wider community that can be associated with use of alcohol and other drugs. Further, Council recognises that the inappropriate use of alcohol and other drugs can hinder workplace safety and performance and can significantly contribute to absenteeism and reduced morale.

2. SCOPE

This Drug and Alcohol Policy applies to all employees of Council and any person who performs work for Council, including trainees, labour hire, volunteer staff, consultants and contractors & their employees.

3. AIM

The aim of the Policy is to minimise the risk of drug and/or alcohol consumption that might affect the health, safety, productivity or efficiency of individuals present at any Workplace. The Policy is aimed at preventing individuals who may be impaired by drugs or alcohol from undertaking work, the consequences of which may result in detrimental effect on health, safety, productivity, efficiency or other significant aspects of the work environment. The Policy also seeks to ensure that the Council and its employees comply with the legislation of the Federal and States/Territory Governments regarding drugs and alcohol where appropriate.

4. POLICY

Possession, distribution and use of illegal drugs while at work is strictly prohibited.

When presenting to work, all staff must be fit for work and free from impairment from alcohol and other drugs, that is, to be below the **acceptable levels** (refer to section **13 Acceptable Levels**) for alcohol or drugs when at work.

Employees taking over the counter or prescribed medication that may result in some level of impairment must notify their supervisor upon commencement of the course of medication so that alternate work arrangements can be implemented to ensure the employee's safety and the safety of those around the employee.

To remove doubt, the primary consideration of this Policy is whether an employee is fit or **unfit for work** (that is free from impairment from alcohol or drugs) than having a lawful authority to be under the influence of alcohol or drugs. To illustrate: -

Example 1

*Alcohol: It is lawful to consume alcohol. It is lawful to operate a motor vehicle (excl. trucks and plant) with a **BAC** <0.05, the point at which Parliament has determined a person is impaired. However, Council has set the acceptable limit for BAC at 0.00, recognizing the high-risk environment within which our employees work and Council's duty of care to provide a safe workplace. Therefore, an employee will be in breach of this policy if they record a **BAC** >0.00.*

Example 2

*Prescription Drugs (Opioids & Cannabis): Employees may be prescribed opioids or cannabis for pain relief or for other therapeutic reasons, meaning it is lawful to possess and consume what would otherwise be an illegal drug. Consuming opioids and / or cannabis will impair a person. The Australian Standards have defined the cut-off levels for certain drugs at which point the drug is deemed to have an impairing affect. Therefore, an employee taking opioids and / or cannabis under the authority of a personal, medical prescription issued by a health care professional is **unfit for work** if they test in excess of the cut-off level defined by the*

relevant Australian Standard. In other words, regardless of having a prescription for medicinal cannabis, an employee will be **unfit for work** and in breach of this Policy if they test in excess of the cut-off level for cannabinoids as defined in the Australian Standard.

POLICY GUIDELINES

5. DEFINITIONS

- **Acceptable Level** (for alcohol or drugs) means the concentration of alcohol or drugs permitted under this policy before being in breach of the Policy. Refer to section 13.
- **Authorising Officer** means the **Chief Executive Officer** (CEO), Director or a Senior Manager
- **BAC** means Blood Alcohol Concentration
- **Chief Executive Officer (CEO)** means the **Chief Executive Officer** of the Council including any person acting in the role of CEO.
- **Council** means Etheridge Shire Council
- **Delegated Person** means a person authorised by the **Chief Executive Officer** to assist, using delegated authority, with the application of this Policy and Guidelines. Delegated Persons are listed in Appendix A.
- **Drug** includes any illegal, medically prescribed or over the counter substance that may cause an employee to not be fit for work.
- **Employee** means any person who performs work for Council, including trainees, labour hire, volunteer staff, consultants and contractors and their employees. Where this Drug and Alcohol Policy refers specifically to an employee of Council rather than, for example, contractors and their employees, the expression "Council employee" is used
- **Executive Management Team** comprises the **Chief Executive Officer** and Directors.
- **Illicit Drug** refers to the Drugs listed at 13.1.
- **Laboratory** means a laboratory which tests in accordance with AS/NZS 4308 and as chosen from time to time by Council as its preferred provider.
- **Misconduct** means improper conduct which may be grounds for disciplinary action against employees and which is less serious than serious misconduct.
Examples may include but are not limited to
 - A worker who fails to notify their supervisor that they have consumed drugs and/or alcohol which may then hinder their work performance or conduct
 - Failing to abide by the reporting obligations/responsibilities of this policy
- **Nominated Tester** means a person trained and competent in the use of the selected equipment and the relevant requirements for the collection and testing of samples for drugs and alcohol.
- **Returned laboratory result** means a result returned to Council from a laboratory which tests in accordance with AS/NZS 4308 and as chosen from by Council as its preferred provider
- **Serious Event** means a medical injury (i.e. an incident resulting in injury which requires immediate medical treatment by a health professional e.g. a doctor or nurse), property damage or environmental damage, an incident which requires reporting to Council's insurance officer, or an incident that requires reporting to the Environmental Protection Agency
- **Serious Misconduct** means the improper conduct of an employee that, if proved, could be
 - A criminal offence
 - A serious breach of Council policy providing reasonable grounds for terminating employment (in accordance with the *Local Government Act 2009* or as amended).Examples may include but are not limited to
 - A worker who consumes drugs or alcohol and in doing so poses significant safety risks to themselves and/or others, while acting in the course or scope of their employment.
 - A worker, acting in the course or scope of their employment, who supplies illegal drugs to others

- Tampering with the results of a drug or alcohol test
- *Testing* means drug and alcohol testing as described in this Drug and Alcohol Policy
- **Unfit for work** means, for the purposes of this Policy:
 - An employee who tests positive to having a blood alcohol level over 0.00
 - An employee who tests positive to a drug-screening sample
- *Worker* has the same meaning as Worker as defined in the *Work Health & Safety Act 2011*
- *Workplace* means all those areas (including Council vehicles and equipment) where an employee works or is likely to be working in the course of carrying out their duties.

6. OVERVIEW

Consistent with Council's obligation and commitment to ensuring a safe workplace, employees will be required to undergo drug and alcohol testing in the following circumstances (see Section 8 for further details):

- As a part of an employee's Pre-Employment Medical Assessment
- As part of a Random Testing Program
- In a Case of Concern or Suspicion Testing
- Following an Incident
- Follow up testing after a Positive Test Result or Target Testing
- Return To Work Test

Two types of testing will be conducted:

6.1 For Alcohol: use of a Breathalyser

Breathalyser testing is a highly accurate and effective way of detecting alcohol levels for the purpose of determining fitness for work.

6.2 For Drugs:

Oral Fluid Sampling is a simple, non-intrusive and accurate way to test for recent and current drug use for the purpose of determining fitness for work. Urine testing is a far more accurate testing technique than oral fluid testing and may also be used for testing a second sample should the initial oral fluid sample produced a 'non-negative' result. An employee may request their initial test be a urine test in lieu of an oral fluid test.

7. KEY ROLES AND RESPONSIBILITIES

7.1 Employees

All employees have a role in and a responsibility to:

- Present as fit for work at all times including meal and rest breaks
- Cooperate in the implementation of this Drug and Alcohol Policy and in particular:
 - Be available and participate in testing procedures
 - Attend the follow-up interview(s) if a positive test result is recorded, with a support person of their choice
 - Cooperate in the process of determining fitness for work while using prescription or over the counter medications in consultation with the treating medical practitioner.

7.2 Supervisors / Coordinators

All Council Supervisors and Coordinators have a role in and a responsibility to:

- Assist WH&S and / or Human Resources staff as requested in organising randomly selected employees for drug and alcohol testing
- Request an employee(s) be tested upon reasonable concern a subordinate is under the influence of alcohol or drugs and / or following an incident at their work site.
- Not allow employees to undertake work when an employee appears to be **unfit for work** especially due to the consumption of drugs or alcohol.
- Attend First Positive Test interviews

7.3 Managers / Directors

All Council Managers and Directors have a role in and a responsibility to:

- Request an employee(s) be tested upon reasonable concern a subordinate is under the influence of alcohol or drugs and / or following an incident at their work site.
- Liaise with WH&S and / or Human Resources staff regarding testing when authorising a test

7.4 Directors

All Council Directors have a role in and a responsibility to:

- Request an employee(s) be tested upon reasonable concern a subordinate is under the influence of alcohol or drugs and / or following an incident at their work site.

7.5 Chief Executive Officer

Council's **Chief Executive Officer** has a role in and a responsibility to:

- Oversee the regular and ad hoc testing of the workforce as a means of ensuring, as far as practicable a safe workplace.
- Commence disciplinary action against employees in breach of the policy, and to see such disciplinary process through to its conclusion.

7.6 Workplace Health and Safety Advisor

Council's Workplace Health and Safety Advisor has a role in and a responsibility to:

- Implement and review this Policy.
- Induct **workers** on the operation and application of this Policy prior to commencement.
- Conduct drug and alcohol testing in accordance with this policy on a frequency agreed upon with the **Chief Executive Officer** and within budgetary constraints.
- Coordinate external random drug and alcohol testing with service providers.
- Review requests for drug and alcohol test (due to Concern or Following an Incident) made by supervisory staff and conduct / coordinate tests as required.
- Schedule all external medical testing bookings.
- Facilitate after-hours testing as required
- Liaise with pre-employment medical attendees (preferred applicants) and advise Supervisor / Director and / or **Chief executive Officer** if reasonable adjustments need to be made in the workplace.
- Liaise with treating medical practitioners to determine 'fitness for work' in the case of a prescribed or over the counter medication.

7.7 Human Resources

Council's HR function has a role and responsibility under this Policy to:

- Provide new hires with pre-employment medical assessment forms and review results when received.
- Prepare letters to employees (following positive test results) for signature by the **Chief Executive Officer**
- Assist supervisory staff with HR / IR assistance on the implementation and application of this policy.

POLICY PROCEDURES - OVERVIEW

8. TESTING PROCEDURE – DRUGS AND ALCOHOL

There are six (6) types of testing:

8.1 Pre- Employment Medical

A pre-employment medical, including testing, is required for all potential new employees (i.e. permanent full-time, fixed term, part-time and casual employees) at the final stage of the recruitment process.

8.2 Random Testing

Random drug and alcohol testing will be undertaken by Council, without notice. A worker, group of selected workers or all workers at a worksite may be required to undergo testing at random. Random testing may be a neutral selection process carried out at any working time/s and on any work day/s.

8.3 Test for Concern or Suspicion Testing

An employee who is concerned that another employee may not be fit for work due to the presence of drugs or alcohol should report their concerns to his/her Supervisor, Manager or Director or the WH&SA.

An employee will be required to undergo testing if their Supervisor, Manager, Workplace Health and Safety Adviser, Director or **Chief Executive Officer** has reasonable grounds for concern that the employee may be not fit for work due to the presence of drugs or alcohol.

A Test for Concern or Suspicion Testing must be approved by a Director or the **Chief Executive Officer** before it is conducted.

Any Nominated Tester may carry out a Test for Concern.

8.4 Testing Following an Incident

An employee will be required to undergo testing if they are involved in an incident which in the opinion of the Supervisor, Manager, Director, CEO or WH&SA:

- is a Serious Event (see Definitions in Section 4) or
- had the potential to result in a Serious Event

Any Nominated Tester may carry out Testing Following an Incident.

Reporting Serious Events

Employees must, as soon as practicable, report (by telephone and before an incident report form is completed) a Serious Event to their Supervisor, Manager and/or Workplace Health and Safety Advisor as soon as practicable after the incident.

Remaining at the Accident/Incident Site

Except for reasonable cause (e.g. for medical attention) an employee must remain at the scene of a Serious Event until instructed otherwise by their Supervisor, Manager or Workplace Health & Safety Advisor.

8.5 Follow up Testing after a Positive Test Result or Target Testing

An employee who has returned a Positive Test Result in the preceding 12 months will be tested: -

- in-house testing: up to four (4) random times within the following 12 months from the date of the positive test
- external testing: during the next two (2) consecutive visits by the external testing agency.

8.6 Return to Work Testing

Employees who initially test positive or refuse a test must produce a negative Return to Work test before being allowed onsite. Employees may also need to attend Counselling as directed by Council.

Any Nominated Tester may carry out Testing Following an Incident.

9. FAILURE TO TAKE A DRUG OR ALCOHOL TEST

9.1 First Refusal

In the first instance, refusal by an employee to submit to, or co-operate fully with, the administration of a drug and/or alcohol test will result in that employee's Supervisor being called upon to counsel the employee and encourage the employee to take the test.

9.2 Continued Refusal

Continued failure to take a test, for example by refusal or by non-attendance at a notified testing time, without reasonable excuse, will be dealt with in accordance with Council's Discipline Policy, unless the employee gives medical evidence (to Council's reasonable satisfaction) of inability to undertake testing.

Furthermore, the following actions will be taken:

- He/she will be returned to his/her usual place of residence
- He/she will be placed on personal leave for that day, or if the employee has no accumulated personal leave, he/she can elect to use either annual leave, RDO or TOIL or otherwise will be placed on leave without pay
- Another test will be conducted before the employee returns to work and he/she must test negative.

9.3 Consulting own Doctor after Refusal

If the employee or contractor who refused to submit to a drug or alcohol test subsequently consults their own doctor who administers a test and they are then found to have a negative result for either drugs or alcohol, no reimbursement of their wages will occur.

10. TAMPERING WITH SAMPLES

Any attempt to:

- tamper with any in-house or external samples
- falsify any drug and/or alcohol test
- alter the concentration of drugs or alcohol in their own or another's sample before or after providing a breath, oral fluid or urine sample

will constitute serious misconduct and will be dealt with in accordance with Council's Discipline Policy.

11. EMPLOYEES ON-CALL OR RESPONDING TO AFTER- HOURS EMERGENCIES

Employees who are rostered according to Council's on-call arrangements are required to be fit for work: that is, having a blood alcohol concentration of zero and be free of impairment from **drugs**.

In cases where an employee is requested to respond to an after hours call, the employee is required to immediately notify their on-call Supervisor if he/she is **unfit for work**, in which case the Supervisor will make alternate arrangements.

Employees rostered to be on-call that report being **unfit for work** will forego the on-call allowance for the day(s) they are **unfit for work** and may be subject to disciplinary action under Council's Discipline Policy.

12. SCREENING / TESTING PROCEDURES

Alcohol

Screening for alcohol will be conducted using a relevant breathalyser unit that meets the current Australian Standard.

Drugs

Preliminary analytical testing for **illicit drugs** will be conducted using a relevant Drug Detection System that meets the current Australian Standard.

Where an employee provides a positive oral screening sample using the unit, confirmatory testing will occur by laboratory analysis. Where the screening is being performed by an external agent, the external agent will obtain a second sample (whether oral fluid or urine) and arrange for laboratory testing in accordance with their protocols. In the instance of a detection through in-house testing, Council shall arrange a sample for laboratory testing through the Georgetown Primary Health.

13. ACCEPTABLE LEVELS AND TESTING TIMEFRAMES

Below are the **acceptable levels** for the purposes of determining whether a person is hindered for work due to drugs and/or alcohol as defined in this Policy.

13.1 Illicit Drugs

All employees at a Council workplace are to produce a confirmed laboratory result of 'negative' for drugs in oral fluid for the five (5) drug classes, namely:

- Cannabinoids
- Sympathomimetic Amines
- Opiates (incl. Oxycodone)
- Cocaine
- Benzodiazepine

Employee's will be deemed 'negative' when they return a sample less than the respective cut-off level for the testing device used as defined by the relevant Australian Standard.

A confirmed laboratory result of 'positive' that exceeds the respective cut-off level specified in the relevant Australian Standard will be considered a breach of this policy and may result in an employee being subjected to disciplinary action.

13.2 Alcohol

All employees must have a blood alcohol concentration (**BAC**) of 0.00.

A confirmed test indicating a **BAC** in excess of 0.00 is considered a breach of this policy and may result in an employee being subjected to disciplinary action.

13.3 Testing Timeframes (following an Incident or Cause for Concern)

While every attempt will be made to test as soon as possible following an incident or for a **Test for Concern**, in-house drug and alcohol testing will usually be undertaken within three (3) hours of the incident being reported to the WH&SA, HRO or a senior manager (CEO, Director or Infrastructure Services Operations Manager)

14. SELF-TESTING ARRANGEMENTS

14.1 Self-Test Breathalyser

Self-Test breathalyser units, identical to the testing breathalyser, will be located in high staff volume areas (i.e. the Mary Street Depot, work camps and Administration Office).

Any employee that considers they may not be fit for work as a result of alcohol consumption is expected to utilise the self-test arrangement prior to placing themselves on duty.

Should an employee self-test higher than the **acceptable levels** of 0.00 **prior to placing themselves on duty**, the employee may elect to remain off duty and self-test again up to 30 minutes after the normal starting time for that day.

In this case, the employee must inform their immediate Supervisor and remain within the immediate area. If the employee can provide a self-test within the **acceptable levels** within the first 30 minutes after the normal starting time for that day, the employee may then place themselves on duty, but will not be paid for the time they are not on duty.

If the employee remains **unfit for work** after the first 30 minutes following the normal starting time for the day, the employee may elect to access leave entitlements to take the remainder of the day off-work or return later in the day for a 'return to work' test. The employee may only return to work after returning a 0.00 **BAC** sample.

14.2 Self-test for Drugs (Oral Fluid sampling)

Self-Testing for prescription and over the counter drugs will be available, using the Drug Detection System. An employee will need to contact a nominated tester to arrange self testing prior to placing themselves on duty.

Any employee that considers they may not be fit for work due to prescription and/or over the counter drugs is expected to utilise the self-test arrangement prior to placing themselves on duty.

Should an employee provide a positive result, he/she will be deemed not fit for work and not be permitted to work until providing medical evidence that they are fit for work while taking that prescribed or over-the counter medication or providing a negative 'return to work' test.

15. EMPLOYEE CONSULTATION, COMMUNICATION AND INFORMATION

Council will ensure that the implementation and continual improvement of this Drug and Alcohol Policy occurs in consultation with all stakeholders including employees, management and Workplace Health and Safety (WH&S) representatives.

Employees will be informed of their responsibility in relation to the consumption of drugs and alcohol, and their role in maintaining a safe workplace.

Council will communicate this Policy and Guidelines to all new employees through Inductions and will also ensure that contractors, labour hire companies / employees, volunteers and work experience persons are informed of Council's Drug and Alcohol Testing guideline.

16. EDUCATION AND TRAINING

16.1 Education of Employees

Council recognises that it is important to develop a workplace culture through education where employees are prepared to encourage each other to be safe and fit for work.

16.2 Education of Testers, Custodians and Delegated Persons

All Nominated Testers and Delegated persons will receive training for the correct use and care of Drug and Alcohol Testing equipment in accordance with the manufacturer's requirements.

Nominated Testers and Delegated persons must also successfully complete a course of instruction in compliance to AS 4760-2006 (Procedures for Specimen Collection and the Detection and Quantitation of Drugs in Oral Fluid) and receive a statement of attainment in accordance with the Australian Quality Training Framework.

17. RIGHT OF APPEAL

If at any time an employee disputes the results of testing, the employee has the right to a second test. This may mean a second breathalyser test for alcohol testing or transportation to a medical facility for more extensive testing. When confidential results are returned to the Director of Corporate Services and / or the Human Resource Officer, results may require initiation of an interview. This should occur as soon as possible.

18. APPENDIX

Appendix A

DELEGATED PERSONS

Title	Department
Chief Executive Officer	Office of the CEO
Director Corporate Services	Corporate & Community Services
Director Engineering Services	Engineering Services
Human Resource Officer	Corporate & Community Services
Workplace Health & Safety Adviser	Engineering Services /Office of the CEO
Infrastructure Services Operations Manager	Engineering Services
Works Manager	Engineering Services
Construction Supervisors	Engineering Services
Town Overseer	Engineering Services
Parks & Gardens Supervisor	Engineering Services
Childcare Director	Corporate & Community Services
Terrestrial Manager	Corporate & Community Services

19. RELEVANT LEGISLATION

Legislation applicable to this Policy includes, but is not limited to:

- *Work, Health and Safety Act 2011*
- *Work, Health and Safety Regulation 2011*
- *Queensland Traffic Act 1949*
- *Transport Operations (Road Use Management) Act 1995*• *Drugs Misuse Act 1986*
- *Drugs Misuse Regulations 1987*
- *Crimes and Corruption Act 2001*
- *Local Government Act 2009*
- *Local Government Regulation 2012*

20. ASSOCIATED DOCUMENTS

- ESC Discipline Policy

21. CONCLUSION

The co-operation and support of all individuals in the implementation of this Policy & Procedure is essential to ensure that the operations of the Etheridge Shire Council workplaces and the environment in which the individuals are required to work, are free from the deleterious and unwelcome effects of drug or alcohol consumption. The intention is to ensure a safer and more productive workplace. If you believe that you are hindered by alcohol or drugs of any kind, do not come to work and endanger both your safety and that of your workmates.

If you think you may have a problem or consider that you may have a drug or alcohol dependence, Council encourages you to raise your concerns with your Manager, WH&SA and / or the Human Resources team for assistance.

Further information and assistance may also be obtained from: -

- Alcohol, Tobacco and other Drugs Service (ATODS) <https://www.health.qld.gov.au/public-health/topics/atod/>,
- QLD Alcohol and Drug Info Service (ADIS) 1800 177 833 or
- Access EAP (Employee Assistance Program) 1800 818 728.

22. AUTHORISATION

Approved by Council	Meeting number and date	
	18 th January 2023	
	Resolution number	
	23.01.10DCS	
Approval by CEO		
Effective date	Review date	
	31/12/2028	
Policy Author		
Director Corporate Services		
Current incumbent		
Andrew McKenzie		
Implementation Officer		
Workplace Health & Safety Advisor		
Current incumbent	Contact number	Official file no.
	4079 9017	