
DRUG AND ALCOHOL POLICY

Version 9 Adopted 18 July 2018 by Council Resolution 0718/029

1. PURPOSE

The purpose of this policy is to ensure systems and procedures are in place to promote and maintain a worker's ability to perform their tasks safely and efficiently. Carpentaria Shire Council (Council) acknowledges that the adverse effects of illicit drug use and/or alcohol can be a significant factor in workplace incidents and injuries, therefore all workers must be fit for work at all times.

2. SCOPE

This policy applies to all workers including employees, contractors, employees of contractors, consultants, volunteers and work experience persons at all Council workplaces and work sites. This policy does not apply to elected representatives of Council.

This policy is not intended to apply to individuals consuming alcohol at authorised social events, functions and ceremonies conducted at Council workplaces.

Alcohol consumption is permitted in the accommodation blocks at Council's remote worksites. Alcohol consumption is not permitted in or around the actual worksite where machinery may be operating. Such sites are deemed high risk and have zero alcohol tolerance. Workers in high risk workplaces must have a breath alcohol concentration level of 0.00% at all times.

3. RESPONSIBILITIES

Council will:

- Ensure this policy and the procedures contained herein meet duty of care obligations and comply with legislation and best practice;
- Ensure this policy is appropriate, relevant and communicated to workers;
- Provide a confidential Employee Assistance Program to help workers deal with personal or work related issues that could impair fitness for work;
- Ensure any drug and alcohol testing equipment used by an authorised person is maintained in accordance with the relevant Australian Standard;
- Consider refusal to undertake a Drug and Alcohol Test to be a breach of this policy and a breach of a condition of employment or contract.

Workers are responsible for:

- Reporting to work in a fit state. Where a worker feels they are not fit for duty they should immediately notify their supervisor or manager;
- Remaining in a fit state while on-call;
- Assessing their own fitness for duty prior to attending an emergency call-out;

- Consenting to drug and alcohol testing as part of a random testing program, where they have been involved in an incident or near miss in the workplace or where there is reasonable cause to believe they may not be in a fit state for work;
- Disclosing details of all medication being taken prior to undergoing drug and alcohol testing;
- Familiarising themselves with the contents of this policy and complying with the policy.

4. POLICY DEFINITIONS

- **illicit drugs:** includes, but is not limited to, heroin, cocaine, barbiturates, cannabis, amphetamines, methylenedioxy methamphetamine (MDMA, Ecstasy), non-prescribed pharmaceutical drugs including painkillers such as codeine, amphetamines, methadone, other opiates and steroids and the inappropriate use of volatile substances and other substances like ketamine or inhalants.
- **abnormal workplace behaviour:** in the context of this policy, means when other people notice that a person displays unusual workplace behaviour that is not the norm for that particular person.
- **high risk workplace means:** a workplace where activities in the opinion of Council are recognised to pose a high level of risk to the health and safety of workers and other people. High risk workplaces are zero drug and alcohol tolerance sites. Refer Appendix A.
- **low risk workplace means:** a workplace where activities in the opinion of Council do not pose a high level of risk to the health and safety of workers and other people. Low risk workplaces have an alcohol tolerance equivalent to being fit to drive an ordinary vehicle in Queensland. Low risk workplaces are zero drug tolerance sites. Refer Appendix A.
- **authorised person:** in the context of this policy, means a person authorised by the Chief Executive Officer or delegate to conduct a drug and alcohol test on Council's behalf. An authorised person may be a Council employee, a drug and alcohol testing provider or a health practitioner.
- **Employee Assistance Programme (EAP) is a:** work-based early intervention programme aimed at the early identification and/or resolution of both work and personal issues that may adversely affect performance.

5. POLICY

PART 1 – DRUG AND ALCOHOL TESTING

1. (a) Pre Employment Testing

A urine drug screen will be conducted prior to an individual being offered employment with Council.

1. (b) Random Testing

Random drug and alcohol testing will take place on a regular basis without notice. A worker or group of workers may be requested to provide a breath sample and/or a saliva sample to an authorised person of Council at any time without notice.

1. (c) Post Incident Testing

A worker will be required to provide a breath sample and/or a saliva sample to an authorised person of Council or law enforcement agency when they have been involved in any incident which causes a threat, near miss or actual harm to the health and safety of workers in the workplace.

1. (d) Reasonable Cause

Where abnormal workplace behaviour has been observed, or if there is other information or circumstances which indicates that an individual may not be fit for work, the worker may be required to provide a breath sample and/or saliva sample to an authorised person of Council.

PART 2 – DRUG AND ALCOHOL TESTING METHODOLOGY AND RESULTS

2. (a) Drug Testing

All workers at all work sites must test negative for illicit drugs and within prescribed levels for prescription and over the counter drugs.

- **Initial Testing** – a saliva sample will be taken from the worker to detect the presence of drugs. A Council employee producing a non-negative result will be required to take a confirmatory test.

A contract worker producing a non-negative result will be given the option of taking a confirmatory test. The contract worker, or their primary contractor, is responsible for all costs associated with the confirmatory test.

A consultant, volunteer or work experience student producing a non-negative result to the saliva test will be removed from the workplace.

- **Confirmatory Testing** – a confirmatory test will be taken via a second saliva test. If the second saliva test returns a negative result, the drug screening is deemed negative.

Should the confirmatory saliva test produce a non-negative result, the saliva sample will be forwarded to a National Association of Testing Authorities accredited laboratory for further analysis and report. The worker will be given safe passage home. A Council employee will be stood down with pay until the laboratory report is received by Council. A contract worker will be removed from site until the laboratory report is received by Council.

2. (b) Alcohol Testing

All workers in high risk workplaces must have a breath alcohol concentration level of 0.00% at all times. All workers in low risk workplaces must have a breath alcohol concentration level no more than that of being able to drive an ordinary vehicle in Queensland.

- i) **Initial Testing** – a breath sample will be taken from the worker to detect the presence of alcohol. Any worker producing a positive reading will be required to undertake a confirmatory test. The confirmatory test will take place twenty (20) minutes after the initial test.

- ii) **Confirmatory Testing** – the confirmatory test will consist of a further breath sample being taken from the worker. A Council employee producing a positive confirmation reading will be stood down with pay for the remainder of the day. A contract worker producing a positive confirmation reading will be stood down for the remainder of the day. Both Council employees and contract workers will be required to undergo a breath alcohol reading prior to commencing work the next day. The Council employee is now considered to be in breach of this policy and disciplinary action, as described below, will be taken against them.

Council employees located at a remote worksite will be required to remain in the accommodation blocks. Council employees located in Normanton or Karumba will be given safe passage home.

PART 3 CONSEQUENCES OF A BREACH OF POLICY – DISCIPLINE PROCESS

Disciplinary action will be taken against anyone who breaches this policy. Discipline may involve counselling, formal warning, termination of engagement, termination of employment or other disciplinary action as set out in the *Local Government Act 2009*. Any worker found to be manufacturing, possessing, selling or distributing illicit drugs at any Council worksite or workplace will be referred to the appropriate law enforcement or regulatory agencies for independent investigation.

3. (a) Refusal, Avoidance or Falsification of Tests

- i) Any worker refusing, avoiding or falsifying a test will be stood down immediately;
- ii) A Council employee will be requested to show cause as to why their employment should not be terminated. Termination may result in the employee being unable to work on any future Council projects for a period of up to two years;
- iii) A contract worker refusing, avoiding or falsifying a test may be unable to work on any future Council projects for a period of up to two years.

3. (b) Over Prescribed Alcohol Limit

- i) First Offence – Council Employees and Contract Workers
 - A Council employee will be issued with a formal warning;
 - A Council employee will be reminded of the availability of, and given access to, Council's Employee Assistance Program;
 - A contract worker, or their primary contractor, will be issued with a breach of policy notice.

- ii) Second Offence – Council Employees
 - The Council employee will be issued with a final warning;
 - The Council employee will be strongly encouraged to access counselling and rehabilitation support services;
 - A contract worker will be removed from site and may be unable to work on any Council projects for a period of up to two years.

- iii) Third Offence – Council Employees

- The Council employee will be requested to show cause as to why their employment should not be terminated. Termination may result in the employee being unable to work for Council or on any Council projects for a period up to two years.

3. (c) Confirmed Positive Drug Test

- i) A Council employee will be requested to show cause as to why their employment should not be terminated. Termination may result in the employee being unable to work for Council or on any Council projects for a period of up to two years.
- ii) A contract worker will be removed from site and may be unable to work on any Council projects for a period of up to two years.

6. REFERENCES

- Office of the Federal Safety Commissioner – Department of Employment
- Australian Drug Foundation
- *Work Health and Safety Act 2011*
- AS3547 – Australian Standard for Alcohol Breath Testers

7. ASSOCIATED DOCUMENTS

- Carpentaria Shire Council's Code of Conduct
- Disciplinary Policy

8. NEXT REVIEW

2020 or as determined by Council.

9. RESOLUTION

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Chief Executive Officer

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Date

APPENDIX A

HIGH RISK WORKPLACES <ul style="list-style-type: none"> • Zero Drug Tolerance • Zero Alcohol Tolerance. 	LOW RISK WORKPLACES <ul style="list-style-type: none"> • Zero Drug Tolerance • Alcohol Tolerance Equivalent to Driving an Ordinary Car in Queensland.
Road Work Sites – construction, maintenance, traffic control. All plant and equipment used in roads construction and maintenance.	Normanton Council Administration Offices.
Water and Waste Water Facilities – including all buildings and reservoirs. Any worksite where plumbing, trench work, confined spaces work or chemical usage is undertaken.	Karumba Customer Service Centre.
Aquatic Facilities.	Library and Visitor Information Centres Normanton and Karumba.
Works Depots Normanton and Karumba – any area within the Depot fence line.	
Airports Normanton and Karumba.	
Child Care Centre or any location where child care activities are being undertaken.	
Barramundi Discovery Centre and Hatchery.	
Worksites and activities associated with Local Laws, Environmental Health, Building Surveying and Compliance functions.	
Waste Transfer Stations Normanton and Karumba.	