



# Tiwi Islands Regional Council

<b>Title:</b>	<b>Workplace Drug and Alcohol Policy</b>
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2	Resolution 29 of 29/08/18	29 August 2018	Doc ID: 219838
1	Resolution 5 of 31-8-16	31 August 2016	Doc ID: 193826

## Purpose

Tiwi Islands Regional Council (TIRC) is committed to providing a safe and healthy work environment, so far as is reasonably practicable in which all employees are treated fairly, with dignity and respect. The use of drugs and alcohol may impact on an individual's capacity to perform work safely, efficiently and with respect, thereby posing a risk to the health and safety of the individual and others at the workplace.

This policy outlines TIRC commitment to a safe workplace and is aimed at preventing, or minimising, any risk of injury or harm to the health and safety of its workers, or others at the workplace, from the use of alcohol or drugs. It describes the standards of behaviour expected in relation to the use of drugs and alcohol, the responsibilities of TIRC, works and others at the workplace, and the consequences of breaching the policy.

## Commencement of Policy

This second version policy will commence from the date approved. It replaces all other Workplace and Alcohol Policies of TIRC.

## Background

Drugs or alcohol can be a contributing factor in workplace accidents. People dangerously affected by alcohol or other drugs are a safety hazard to themselves and all others present in the workplace. There can also be legal ramifications, resulting reduced Workcover payments and even common law claims if an affected worker hurts a member of the general public.

## Scope

This Policy applies to:

- All TIRC employees (including Elected Members and Local Authority Members) and all persons performing work at the direction of, or on behalf of TIRC (for example

contractors, subcontractors, agents, consultants, and temporary staff) collectively referred to as 'workers');

- All of TIRC workplaces and to other places where workers may be working or representing TIRC for example, when visiting a customer, client or supplier (collectively referred to as 'workplace'); and
- All work-related functions, for example, work lunches, conferences, Christmas parties and client functions.
- This policy has been developed and implemented in consultation and co-operation with TIRC workers and/or the work, health and safety representatives. It does not form part of any employee's contract of service, nor does it form part of any contract for service.

## Definitions

The following are terms used in this Policy:

'Drugs' – include illegal drugs, prescription or pharmacy drugs, or synthetic drugs as defines below.

'Illegal drugs' – include:

Any drug prohibited by Australian State, Territory or Federal law or any other laws (including foreign and international laws) to which TIRC is subject or which apply to the work performed at or for TIRC;

Prescription or pharmacy drugs (as defined below) which are used without the necessary prescription, or for non-medical purposes;

'Synthetic drugs' (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 'Kronic').

'Management' – means TIRC 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.

## **Responsibilities of workers**

It is the worker's responsibility to:

- comply with this policy;
- observe all directions from TIRC in regards to this policy;
- recognise that performance of duties could be affected by alcohol or drugs ; and
- immediately notify management if they are aware of any breach of this policy by another worker. Subject to any disclosures required by law, any notifications received by management will be treated confidentially. Failure to report any breach of this policy by another worker may itself constitute a breach of this policy.

Except as set out in this Policy, worker must not:

- manufacture, possess, distribute, sell, purchase, use or consume illegal drugs in the workplace. Such conduct constitutes serious misconduct. It may also constitute a criminal offence, in which case TIRC may notify the police, or other appropriate government authority;
- work while under the influence of drugs or alcohol, particularly where the worker's judgement and performance may be impaired by the drugs or alcohol;
- attend work, commence or return to work while under the influence of alcohol and/or drugs; or
- consume alcohol and/or drugs during work, or at the workplace (note qualification for prescription and pharmacy drugs below).

## **Responsibility of management**

Management is responsible for ensuring that this policy is implemented in their business unit. This includes ensuring:

- all workers are made aware and understand this policy
- risk assessments are undertaken on work task in consultation with workers and/or work health and safety representatives;
- the behaviour of workers is observed to ensure adherence with the policy;
- any concerns or issues are addressed proactively and expediently to ensure the health and safety of all workers;
- support is provided to workers where appropriate; and
- any suspected breaches of this policy are acted on promptly and in accordance with this policy.

## **Prescription and pharmacy drugs**

Where a worker is taking prescription or pharmacy drugs for medical purposes, the worker will not breach this policy by attending work, if the worker:

- takes the prescription and pharmacy drugs in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs;
- does not misuse or abuse the use of prescription or pharmacy drugs;
- ensures they are able to perform their work effectively, competently and safely;
- informs themselves of the impact of consumption of alcohol with prescription and pharmacy drugs and they limit consumption accordingly;
- checks with their medical practitioner or pharmacist about the effect of the drug on their ability to drive vehicles operate machinery and safely perform their normal work duties.

If a worker's ability to perform work competently, efficiently and safely is affected, the worker should obtain this advice in writing from the medical practitioner, or pharmacist, and provide it to their manager or supervisor as soon as possible and before undertaking their work.

If TIRC suspects that the workers ability to safely perform work is affected, TIRC may take steps to address the issue in accordance with this policy.

## Consumption of alcohol – workers responsibilities

TIRC recognises that at some work related functions responsible consumption of alcohol is allowed, for example, at a staff function, Christmas party or customer function. Workers must not consume alcohol in the workplace or at work-related functions unless specifically authorised by Management to do so.

The following restrictions apply at all work-related functions:

- workers must consume alcohol responsibly;
- workers must not become drunk. As set out above, it is a condition of waiving the prohibition on alcohol that workers consume alcohol responsibly. Inebriation does not diminish a worker's responsibility for misconduct;
- workers must uphold an appropriate standard of behaviour at all times, consistent with TIRC's codes of conduct and workplace policies;
- the restrictions set out below in relation to TIRC vehicles and machinery continue to apply; and
- ~~if a worker is required to return to work, or continue 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.~~
- a worker is not permitted to consume alcohol at a function if they are expected to return to the workplace at its conclusion.

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.



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## **Driving TIRC vehicles and machinery**

### Alcohol and Illegal Drugs

TIRC has a legal obligation to provide a safe and healthy working environment for its workers and others in the workplace as far as is reasonably practicable. To ensure a safe environment, no machinery or vehicles are to be operated or used by anyone who is under the influence of alcohol, or used or consumed illegal drugs. In reference to alcohol, TIRC defines under the influence as an employee records a blood alcohol content (BAC) in excess of 0.00.

TIRC will not accept liability for any damage to a TIRC vehicle, an injury to another person, or damage to other property caused by a worker's use of a TIRC vehicle while intoxicated from alcohol or illegal drugs. The worker will be personally liable in such circumstances.

### Prescription and pharmacy drugs

Where a worker is taking prescription or pharmacy drugs that contain a warning that the person should not drive a vehicle or operate machinery, then that worker must not drive a TIRC vehicle or any vehicle, or operate machinery unless contrary specific medical advice is obtained and confirmed in writing, from the worker's medical practitioner.

If a worker is taking prescription or pharmacy drugs and feels that their ability to safely drive a vehicle or operate machinery is affected, the worker must not drive a TIRC vehicle, or any vehicle, or operate machinery and must notify their manager or supervisor immediately.

### Smoking

Smoking is not permitted at any of TIRC's workplaces, except in specifically designated areas.

## **What will TIRC do if it suspects a worker is affected by drugs or alcohol?**

If TIRC suspects, on reasonable grounds, that a worker is under the influence of drugs or alcohol in breach of this policy, TIRC will take steps to address the issue.

Reasonable grounds may include (but are not limited to) where the worker:

- is unable to coordinate their actions;
- has red or bloodshot eyes, or dilated pupils;
- smells of alcohol;
- acts contrary to their normal behaviour;
- exceeds alcohol concentration limits applicable to the task they perform or may be called on to perform;
- is not behaving in a professional and competent manner and in accordance with TIRC standards; and/or
- otherwise appears to be impaired or affected by drugs or alcohol.

In such circumstances, TIRC may take (but is not limited to the following actions:

- 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 examination to determine whether the worker is fit to perform their duties effectively and safely. The medical examination may include a drug and/or alcohol test, such as a breath test, blood test, urine test or oral swab. In relation to prescription or pharmacy drugs, TIRC may require evidence as part of the medical examination about the effects and proper use of the drug. The worker may be directed to go home following the medical examination;
- If the worker refuses to attend a medical examination, they will be directed to go home;
- Refusal to attend a medical examination, refusal to go home, or providing false information constitutes a breach of this policy and may result in disciplinary action being taken against the worker, including action as set out below under 'Breach of policy';
- Where a worker is sent home, or required to attend a medical examination, the worker must report to Management (or as directed) on the next working day, or as soon as possible once the worker is no longer under the influence of drugs or alcohol. TIRC will deal with the issue as set out below under 'Breach of policy'. Failure to report constitutes a breach of this policy.

## **What will TIRC do if finds drug or alcohol at the TIRC workplace?**

If TIRC finds drugs or alcohol at the workplace in breach of this policy, TIRC may take, but is not limited to, the following actions:

- Investigate the matter in order to attempt to determine who is responsible, including by conducting searches, as set out in this policy;
- Require some or all workers, to undergo a medical examination in order to test for the presence of drugs or alcohol in their system.

Workers are required to co-operate in any investigation. Failure to co-operate, or providing false information in an investigation, constitutes a breach of this policy and may result in action as set out below under 'Breach of this policy'.

## **What will TIRC do if it suspects a worker has drugs or alcohol in their possession at work?**

If TIRC reasonably suspects that a worker has drugs or alcohol in their possession at work, TIRC may take, but is not limited to, the following actions:

- Investigate the matter to attempt to determine whether the worker does have drugs or alcohol in their possession;
- Request the worker to open their locker, bag, or vehicle or to empty their pockets or jacket for the purpose of locating any drugs or alcohol.
- Workers are expected to permit such inspection and co-operate with TIRC's investigation.
- Failure to co-operate, or providing false information in an investigation, may result in action being taken against the worker, as set out below under 'Breach of this policy'.
- At all times TIRC will operate within the confines of the Law and will report all matters (suspected or determined) related to illegal drugs to the Police.



## **When will TIRC conduct drug and alcohol testing?**

### Dictionary

The following definitions will apply to this part:

‘Alcohol screen test’ – means any analytical procedure or test which is carried out on a worker to determine the presence and/or the concentration alcohol (including but not limited to a breath test, urine sample, oral swab and blood test). These procedures are not limited to those which presently exist. As new technology is developed these may also be used for alcohol testing purposes.

‘Authorised Officer’ - means a suitably trained, qualified and authorised person from an independent testing agency or a suitably trained, qualified and authorised person appointed by TIRC for the purposes of undertaking or arranging an alcohol screen test and/or drug test.

‘Confirmatory test’ – means any analytical procedure or test which undertaken subsequent to a first alcohol screen test or drug screen test, which is used to verify the presence of drugs or alcohol. This may include, but is not limited to the following:

- A test applied to a second sample of a worker’s urine;
- A test applied to any oral swab taken from a workplace;
- A second breath test;
- Analysis of a worker’s blood.

‘Drug screen test’ – means any analytical procedure or test which is carried out on a worker to determine the presence and/or the concentration of any drug (including but not limited to a breath test, urine sample, oral swab and blood test). These procedures are not limited to those which presently exist. As new technology is developed this may also be used for drug testing purposes.

‘Sample’ – in relation to urine, includes, if the sample is divided into portions, a portion of the sample.

## **Drug and alcohol testing**

TIRC may require workers to undergo testing for the presence of drugs or alcohol in the following circumstances, with or without, prior notice:

### Casual based testing

- If TIRC suspects, on reasonable grounds, that a worker is under the influence of drugs or alcohol in breach of this policy;
- Upon finding evidence that a worker has used, possessed, sold, purchased, solicited or transferred drugs whilst in the workplace or while on TIRC property;
- Where TIRC finds drugs or alcohol in the workplace in breach of this Policy;
- Upon receipt of a report of drug or alcohol use, provided by a reliable and credible source and confirmed by investigation, in breach of this policy;
- Upon obtaining evidence that a worker has interfered with, tampered with, falsified or destroyed an alcohol screen test or drug screen test;

- Where a worker has previously received a positive alcohol screen test or drug screen test and has refused to undergo a confirmatory test, he/she shall be required to undergo subsequent testing;
- Where a worker has previously received a confirmatory test result confirmation the use of illegal drugs or alcohol in breach of this policy, he/she shall be required to undergo subsequent testing;
- Where a worker notifies TIRC that he/she has a drug or alcohol problem;
- Where a worker is taking prescription or pharmacy drugs which may affect their ability to perform the duties and responsibilities of their position in an efficient, competent and safe manner, without risk to the health, welfare or safety of the worker, or others in the workplace.

### Targeted testing

- Where the worker holds a position in TIRC in which the use of drugs or alcohol by that worker in carrying out the duties and responsibilities of that position would pose a significant risk to the health, welfare or safety of that worker or others in the workplace.

### Post incident or near-miss

- Where the investigation of an incident or near-miss determines that the worker's actions may have been impaired due to the use of drugs or alcohol, or the worker was under the influence of drugs or alcohol.

### Random testing

- When a worker, or group of worker's are randomly selected by TIRC or an authorised officer to undergo a drug screen test and/or alcohol screen test.
- A worker who is required to undertake a drug screen test and/or alcohol screen test will be requested to sign a consent form before taking a drug screen test and/or alcohol screen test.

All information obtained through the above testing is covered by Australian privacy laws and TIRC's privacy policy. TIRC will not use this information other than for the purposes for which it is collected. The purposes of such monitoring and examination are to ensure the productivity, health and safety of personnel, to apply this policy, and for disciplinary purposes.

A refusal to undergo a drug screen test and/or alcohol screen test or providing false information, constitutes a breach of this policy and may result in action being taken against the worker, including action as set out below under 'Breach of this Policy'.

## **Breach of this Policy**

Workers must comply with this policy at all times.

If an employee is found to have breached this policy, they may be subjected to disciplinary action. The type and severity of the disciplinary action will depend upon the circumstances of the case and the seriousness of the breach. In serious cases, this may include termination of employment.

Examples of disciplinary action that may be taken include (but are not limited to):

- performance counselling
- a formal warning
- suspension
- demotion
- termination of employment
- referral to an Employee Assistance Programme (“EAP”) and/or some other referral source, for counselling; treatment or rehabilitation for drug or alcohol dependency
- agents or contractors (including temporary contractors) of TIRC who are found to have breached this Policy may have their contracts with TIRC terminated, or not renewed
- in circumstances where a worker’s behaviour or conduct may involve a breach of any Australian law, TIRC may notify the police or other relevant government authority.

## **Access to support services**

If an employee notifies TIRC that they have a drug or alcohol problem, they will be encouraged to complete a rehabilitation programme or undergo counselling.

## **Education and training**

TIRC will inform and conduct training or information sessions for all employees, relating to:

- This policy, including but not limited to the consequences of breaching this policy;
- The effects of alcohol and drug use (including prescription and pharmacy drugs) in the workplace; and
- The EAP (if applicable) and any other referral sources for counselling, treatment or rehabilitation, which are available to employees.
- Where appropriate, TIRC will conduct induction sessions for agents, contractors and their respective employees when they undertake work for TIRC in the workplace. These induction sessions will cover:
  - This policy, including but not limited to the consequences of breaching 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.

## **Legislation, Standards etc**

Work Health and Safety (WH&S) Act 2011

## **Related Documents**



# Tiwi Islands Regional Council

Policy 16 Smoke Free Workplace and Community Areas.

## ANNEXURE A

### Drug and alcohol Policy Worker Acknowledgement

**I acknowledge that:**

- I have received a copy of Tiwi Islands Regional Council Workplace Drug and Alcohol Policy (the “policy”) and understand its effect;
- I must comply with the policy; and
- There may be disciplinary consequences if I fail to comply with the policy, which may result in the termination of my employment, or the cancellation of my engagement, or the loss of my position.

.....  
Name

.....  
Signature

Date:...../...../.....