

Drug and Alcohol Policy

The Council is committed to having a work environment that is not compromised by the use of drugs or alcohol.

Employees and contractors must:

- not be impaired by alcohol and/or drugs or be under the influence of illegal drugs and/or alcohol while working, conducting business on behalf of the Council or if on call
- not return a positive result for alcohol and/or drugs at work
- not be in possession of illegal drugs, or sell or provide illegal drugs to any person while at work
- not knowingly conceal knowledge of another employee's possession of illegal drugs or substance abuse at work
- inform their manager, their employee health and safety representative or a representative of the health safety and wellness team if medication is likely to affect workplace performance that would impact on safety standards.

The Council will manage its responsibilities for providing a safe work environment through the education about alcohol and drugs in the workplace and with the following testing regime and key elements:

Key elements	Statement
Pre-employment and internal transfer testing	A requirement of employment (including internal transfer) for a safety sensitive position, is the applicant passing a drug and alcohol test. Other designated roles may require a pre-employment drug and alcohol test.
Random testing	All employees in positions identified as safety sensitive may without notice be tested for the presence of alcohol and drugs.
Post incident testing	Any Council employee may be tested for alcohol and drugs when an accident, incident or near miss occurs.
Reasonable cause testing	Any Council employee may be tested for alcohol and drugs when the employee's actions, appearance, behaviour or conduct raises concerns that drugs or alcohol may be impairing their work.
Compulsory rehabilitation	Where it is an appropriate outcome the Council will refer to a Council approved drug and alcohol rehabilitation provider for employees who fail a drug and alcohol test.
Voluntary Rehabilitation	The Council encourages any employee who may have a problem related to drugs or alcohol to join the voluntary health rehabilitation programme.
Breaches of policy	The Council will investigate any breaches of the drug and alcohol policy in accordance with normal disciplinary processes.

The Council will allow in certain circumstances, the consumption of alcohol at special functions at work, for example staff functions, Christmas parties, client functions, etc. In these circumstances it is the responsibility of the manager to ensure that there is responsible use of alcohol at Council functions and that good host principles are followed whenever alcohol is served including:

- providing food to last throughout the function
- serving a range of alternative drinks including low alcohol and non-alcoholic beverages
- ensuring that anyone who is suspected of being impaired by alcohol does not return to work or drives a Council vehicle
- making appropriate arrangements to ensure that anyone who has consumed alcohol has suitable transport arrangements.
- prohibiting the provision of alcohol to all minors (under the age of 18) at any Council function.

The Council's Drug and Alcohol policy has a strong emphasis on voluntary rehabilitation and encourages employees to seek help through their manager or a representative from the health, safety and wellness team if they believe they have a drug and/or alcohol problem. These employees will be offered assistance through the Council's Voluntary Health Rehabilitation programme.

Alternatively employees may seek confidential assistance through the Council's employee assistance programme.

Refer to Classifying safety sensitive positions.

Drug and Alcohol Procedure

This Procedure will assist the Council to:

- meet its obligations under the Health & Safety at Work Act 2015
 - ensure all potential hazards are identified, and measures are taken to prevent injury and accidents.
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Who uses this Procedure?

This Procedure applies to:

- all employees while working and while on call
- any person who conducts business for the Council in a Council place of work.

Managers recruiting for safety sensitive positions have specific responsibilities during the recruiting process.

Confidentiality

Testing is carried out confidentially and privately, and information gathered is held by the health, safety and wellness team, in the employee's medical file, in accordance with the provisions of the Health Information Privacy Code 1994.

Employees are entitled to access their file and request any changes where appropriate.

No one will receive an individual's medical or personal details without their consent.

Testing

Refusing a test

If an employee refuses to provide consent or undergo a test when required to do so, the normal disciplinary process will be followed. The request to consent is regarded as a lawful and reasonable instruction.

Refer to Declaration of Decision to Decline Drug/Alcohol Test

Pre-employment testing

Drug and alcohol testing for all candidates will be included as part of the pre-employment appointment process for all safety sensitive positions. A negative pre-employment drug and alcohol test is required before any consideration of employment to a safety sensitive position can occur. A positive pre employment drug and alcohol test will result in a halt to the employment process.

Change of contract testing

Drug and alcohol testing applies to all existing employees, including those already in a safety sensitive position who are undergoing an internal transfer to a safety sensitive role. This includes secondments and/or if there is any change in an employment agreement. The only exception is those employees who have had a drug and alcohol test within six months of the internal transfer. The principles outlined in the drug and alcohol process flow-charts for random, post incident and reasonable cause testing apply to change of contract testing including when a positive test result occurs.

Managers must follow the procedure for recruiting staff for safety sensitive positions in the Recruitment and Selection Policy and Procedures.

Refer to: Classifying safety sensitive positions; Pre-employment Health Declaration; Consent for Pre-employment medical Questionnaire and Drug/Alcohol Testing (youth); definition of Dilute/invalid result; Random Drug & Alcohol Test Process; and the Post Incident & Reasonable Cause Drug & Alcohol Test Process

Reasonable cause testing

Any Council employee may be tested for the presence of alcohol and drugs if their actions, appearance, behaviour or conduct suggest drugs or alcohol may be impacting on their work, or the safety of themselves or any other person.

Examples of the types of behaviours, actions or conduct that may lead to a test for reasonable cause include, but are not limited to:

- strong smell of alcohol or cannabis on the person
- repetitive unexplained absence or lateness
- repeated concerns about, or an unexplained poor performance or achievement
- continual minor accidents
- fighting or arguments in the workplace
- going to locker, car, lunchroom or rest-room more than necessary or normal
- dilated pupils, blurred vision, droopy eye-lids, bloodshot eyes, slow and slurred speech, slow gait, high energy levels, disorientation
- changes in alertness, eg falling asleep, attention span difficulty, problems with short-term memory
- changes in personality or behaviour
- feigning sickness or emergencies to get out of work early
- increased health problems or complaints about health
- unusual or out of character on-site behaviour.

The employee will be given the opportunity to explain their behaviour before any testing procedure begins. As a minimum, two of the following roles must agree and document that there are reasonable grounds for testing before testing proceed. Roles: BU manager; employee's manager/supervisor; HR consultant; manager health, safety and wellness. Advice on reasonable cause testing can be sought from a representative from the health, safety and wellness team. Confidentiality regarding the reason for testing must be maintained.

Refer to Confidentiality, Post Incident & Reasonable Cause Drug & Alcohol Test Process, Consent for Drug and Alcohol Testing

Random testing

Employees in positions identified as safety sensitive will be randomly selected and without notice be tested for the presence of alcohol and drugs.

A representative of the health safety and wellness team will make arrangements to ensure facilities, equipment and accredited collectors are available for the proposed testing.

For random testing, a representative sample covering a cross-section of employees in a safety sensitive role in a particular area will be selected electronically by a registered psychologist, with experience in quantitative analysis, or by an independent agency.

On the day prior to testing, a representative of the health, safety and wellness team will notify the managers of their randomly selected employees and the appointed time and location of random testing.

On the day of testing, the managers are responsible for advising the employee they have been randomly selected for testing, just prior to the appointed time for the test to be carried out.

The employee selected will be supervised until the testing procedures begin. If the testing is carried out at a site other than their normal workplace they will be escorted by their manager.

Refer to Positive Test Process, Random Drug & Alcohol Test Process, Consent for Drug & Alcohol Testing

Post incident, accident or near miss testing

Any Council employee may be tested for the presence of alcohol and drugs when an accident, incident, or near miss occurs that results in:

- a fatality
- a lost time injury (where an employee cannot return to their scheduled shift as a result of injuries)
- an injury requiring treatment by a medical professional
- damage to plant or equipment including Council vehicles
- a near miss that had significant potential to cause serious harm or loss.

As a minimum, **two** of the following roles **must** agree and document that it is appropriate to instigate post incident testing. Roles are: BU manager, employee's Manager/Supervisor or HR consultant and either a Senior Health Safety & Wellbeing Advisor or the Safety Security and Wellbeing Manager. Advice on post incident, accident or near miss testing can be sought from a representative from the Safety Security and Wellbeing team. Confidentiality regarding the reason for testing must be maintained.

Refer to Positive Test Process, Post Incident & Reasonable Cause Drug & Alcohol Test Process, definition of Post accident/incident or near miss, Consent for Drug & Alcohol Testing

Please note - If an employee discloses to their manager, nominated person or accredited collector at the time of testing that they have used drugs or alcohol – the accredited collector will continue with the on-site drug and alcohol testing process.

On-site results will be obtained from the accredited collector. If the result is positive – refer to the 're-assigned' process as detailed in the Random Drug & Alcohol Test Process and the Post Incident & Reasonable Cause Drug & Alcohol Test Process.

Random, post incident and reasonable cause testing process

The following process charts outline the processes to be followed when random, post incident and reasonable cause testing is being conducted. Manager's must be aware of these processes and follow them.

Random Drug & Alcohol Test Process

Post Incident & Reasonable Cause Drug & Alcohol Test Process

Between the decision to test and the test being taken, a manager or nominated representative must accompany the employee for the duration of the testing procedure, unless extenuating circumstances do not allow for this i.e. employee in hospital post accident.

On receipt of the ESR verification record a representative from the Health, Safety & Wellness team will notify the manager who will advise their employee of the result.

Refer to Positive test process, Consent for Drug & Alcohol Testing, Dilute/invalid result.

Dilute / Invalid Result

If the test returns a dilute or invalid result a retest may be considered. This will be co-ordinated with a representative from the health, safety and wellness team.

Emergencies (post incident)

In an emergency situation immediate medical attention or other corrective actions (fire, chemical spill) may take priority, and it may not be practical to arrange a post incident drug and alcohol test immediately. In these cases, the manager must inform the employee verbally, and later in writing that they will be required to undergo a test at the soonest practicable time.

Positive test process

Managers must follow this process when an employee has a positive test result for drugs and/or alcohol, i.e. a failed test

Management:

- Notify employee of positive test result
- Employee stood down from safety sensitive role and placed on alternative non-safety sensitive duties
- If no alternative non-safety sensitive roles are available, discuss the option of the employee taking leave
- If the drug and alcohol test was undertaken as a result of an incident, accident or near miss the event must be reported in Risk Manager
- Arrange a disciplinary meeting is arranged between employee, their representative, HR consultant and manager as soon as practical.

- At an agreed timeframe between management and employee the employee undertakes a follow up drug and alcohol test to establish if the employee is safe to return to their safety sensitive role – a negative drug and alcohol test result is required.

Disciplinary meeting

The outcome of a positive test under reasonable cause, random, post incident and change of contract testing will result in a disciplinary investigation led by the Manager with support from HR. A positive drug and/or alcohol test result could be deemed serious misconduct; the disciplinary outcome may be disciplinary action, up to and including dismissal. Where considering an outcome of a final written warning, a condition will be that the employee is required to commit to the compulsory rehabilitation programme. The elements of the programme should be explained to the employee who will be required to sign a health rehabilitation contract. Where an employee refuses to commit to the compulsory rehabilitation programme then the manager will reconsider the sanction and the outcome could be dismissal.

If an employee fails the first follow up drug and/or alcohol test or fails subsequent drug and/or alcohol tests, this will result in further disciplinary action which may include dismissal.

Refer to Disciplinary process.

Rehabilitation

Voluntary Rehabilitation Programme

An employee who may have a problem related to drug and/or alcohol use is encouraged to voluntarily seek help. Employees can contact their manager or a representative of the health safety and wellness team to request information on the voluntary rehabilitation programme.

If the employee chooses to undergo voluntary rehabilitation, they will be required to sign a health rehabilitation contract, which will include:

- commitment to a drug and alcohol rehabilitation programme
- consent to follow up drug and alcohol tests over a two-year period during the completion of the drug and alcohol rehabilitation programme

The Council will pay for:

- an initial rehabilitation assessment
- up to six sessions with a Council approved drug and alcohol rehabilitation provider.

Employees using the Council's voluntary rehabilitation programme may with the approval of their manager apply for special leave for absences covering attendance of the programme.

Communications between the individual and the rehabilitation provider are confidential. When the rehabilitation provider has reason to believe that the employee may be at risk to themselves or others – they may be bound to report this to the Council.

With an employee's consent information relating to the individual can be communicated back to the manager, health safety and wellness or the employee's manager.

Important: If an employee is in a safety sensitive position an initial re-assignment from their safety sensitive duties during the early phase of rehabilitation will be required. In a safety sensitive position, further drug testing will be conducted prior to the employee's return to their safety sensitive position.

After rehabilitation, should any of the subsequent tests return a positive result, the employee will undergo a disciplinary investigation and depending on the outcome, the employee may be required to commit to the compulsory rehabilitation programme.

Compulsory Rehabilitation Programme

The compulsory rehabilitation programme requires that the employee signs a health rehabilitation contract which will include:

- acknowledgment of a positive drugs or alcohol test
- commitment to a drug and alcohol rehabilitation programme
- consent to follow up drug and alcohol tests over a two-year period during the drug and alcohol rehabilitation programme

The programme involves the employee being assessed by the Council's approved rehabilitation provider and this is normally followed by counselling sessions. Rehabilitation may range from a number of counselling sessions, to referral to other external rehabilitation services.

The duration of the counselling sessions will be dependent on the risks as assessed by the rehabilitation provider in consultation with the employee, the BU manager and/or a representative from the health, safety and wellness team.

The Council will fund:

- an initial rehabilitation assessment
- up to six sessions with a Council approved drug and alcohol rehabilitation provider
- additional costs of rehabilitation as deemed appropriate by the employee's site or BU manager, in consultation with the manager health and safety and wellness.

Employees may request to take unpaid leave for absences related to participation in the compulsory rehabilitation programme.

If the Council approved drug and alcohol rehabilitation provider deems an employee is unsafe for their normal duties the employee should only undertake non safety sensitive duties until such time as they are deemed safe to return to their normal duties.

Compulsory rehabilitation process

Managers must follow this process when an employee is participating in compulsory rehabilitation. This process is to be explained to the employee by the Manager.

Management to:

- explain the compulsory rehabilitation and what the programme involves
- arrange initial assessment with Council's approved rehabilitation provider
- receive assessment reports from rehabilitation provider
- arrange re-assignment to non-safety sensitive position during rehabilitation if required
- arrange for employee to undertake six follow up drug and alcohol tests over next 24 months

Employee to:

- consent to health rehabilitation contract
- attend assessment
- attend and complete the rehabilitation sessions as directed
- complete rehabilitation
- undertake six follow up drug and alcohol tests over next 24 months

Refer also to the following process charts:

Random Drug & Alcohol Test Process

Post Incident & Reasonable Cause Drug & Alcohol Test Process

Refer to Health Rehabilitation Contract, Rehabilitation Referral

Contractors

If a contractor's behaviour suggests drugs or alcohol may be impacting on their work or the safety of others, this behaviour must be reported to the contractor's Council manager or the manager health safety and wellness who will advise the contractor's manager.

The contractor's manager will arrange to have the contractor removed from the work-site if necessary. The contractor will not normally be permitted back without evidence of a negative drug and alcohol test.

It is not the Council's responsibility to conduct drug and alcohol testing for contractors.

Drug and alcohol testing for contractors will be negotiated and agreed between the contractor and the WCC contract manager. The decision to test is determined on the type of work being contracted, and the health and safety risks associated to that work.

Classifying Safety Sensitive Positions

Process

Use the following process to determine safety sensitive positions:

Position	Determined by	Action
ELT positions and their direct reports	Director HR and Manager, Health Safety & Wellness	<ul style="list-style-type: none"> • List the positions that are considered safety sensitive and provide reason. • Notify and consult with employees whose positions are classified as safety sensitive. Encourage employees to discuss any issues with their representative. • Consider any feedback and provide a draft list for approval to: <ul style="list-style-type: none"> ○ ELT for ELT positions and their direct reports, or ○ BU Manager and Manager Health Safety & Wellness for all other positions. • Ensure approved positions are classified as safety sensitive within the HRIS system.
All other positions	BU manager and Manager, Health Safety & Wellness	

Refer to definition of Safety sensitive positions.

Definitions

Accredited Collector

An accredited collector is trained and competent to carry out drug and alcohol testing that complies with the Australian/New Zealand Standard Recommended Practice for the Collection, Detection and Quantitation of Drugs of Abuse in Urine (AS/NZS 4308:2008).

Alcohol

Any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.

Breath Alcohol testing

Testing is carried out by an accredited collector using a breath-alcohol testing device which complies with Australian Standard Breath Alcohol Testing devices for personal use (AS3547-1997).

The Council's acceptable breath alcohol limit is 50mcg of alcohol per litre of breath. This threshold is set higher than the NZTA youth (under 20 year olds) limit of zero for the following reasons, as recommended by ESR (Environmental Science Research):

- All people have small amounts of alcohol in their body as alcohol is generated by the body, which has nothing to do with external intake
- Medicines and perfumes contain alcohol which is inadvertently absorbed into the body

If a person being tested is over 50mcg of alcohol per litre of breath then it is highly likely that they have consumed alcohol.

Employees who fail a breath test may request the opportunity to take a blood test to verify results. This must be completed within one hour of the breath test.

Drugs

Substances that may cause impairment including:

- illegal drugs such as opiates (eg heroin and morphine), cocaine, cannabinoids, amphetamines (including 'P'), and methamphetamine
 - legal drugs such as prescribed benzodiazepines (tranquillisers and sedatives).
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Drug testing

Testing is carried out by an accredited collector; as per the Australian/New Zealand Standard Recommended Practice for the Collection, Detection and Quantitation of Drugs of Abuse in Urine (AS/NZS 4308:2008).

The urine sample collection is carried out with due regard to privacy and dignity and not under direct observation.

Council will monitor scientific advances, and as soon as practical will adopt less intrusive mean of testing.

Dilute/invalid result

If the test result is dilute or invalid the accredited collector will either offer one further test or advise that their test is invalid. The decision to re-test will be made by management. If a specimen is deliberately adulterated or substituted it is considered a positive test and a disciplinary investigation will be undertaken.

Drug and alcohol test result - Positive

Levels of drugs were present that are higher than the cut-off level stated in the AS/NZS 4308:2008. A failed drug test result.

Levels of alcohol were present that are higher than Council's acceptable breath alcohol limit of 50mcg of alcohol per litre of breath. A failed alcohol test result.

Drug and alcohol test result - Negative

A pass result to a drug and alcohol test.

Health, safety and wellness team

Manager, Health Safety & Wellness

Advisor, Health, Safety & Wellness (two roles)

Administrator, Health Safety & Wellness

Impairment

Impairment is the state of being diminished, weakened, or damaged, especially mentally or physically.

Impaired performance by the use of substances

Being unable to carry out your work to the required standard of efficiency, accuracy or safety due to the effect of substances ingested, inhaled or taken by any other means. This includes drugs or alcohol, whether legally or illegally obtained.

Management

An employee of the Council who holds any of the following positions: business unit manager, site manager, employee manager, supervisor or team leader, HR Consultant, representative from the health, safety and wellness team.

Nominated Person

An employee of the Council who can take on some responsibility in the drug and alcohol testing process who has the approval of any one of the following: the business unit manager, the employee manager, the HR Consultant, a representative from the health, safety and wellness team.

Post accident/incident or near miss

An accident is an incident that causes any person to be harmed, or damage or harm to property, process or the environment.

A near miss is any unplanned event that did not result in harm to people or damage to assets or the environment, but in slightly different circumstances, would have done so.

Safety sensitive positions

Safety sensitive positions have one or more duties that could, if being performed by an employee affected by drugs and/or alcohol, endanger the safety of the employee, fellow employees, contractors or the general public.

The following factors are used for identifying a safety sensitive position:

- The frequency of the duties that could endanger safety.
 - The nature and severity of the potential harm.
 - The likelihood that the potential harm will occur.
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