

## 1. Policy Background/Scope.

Aurukun Shire Council (ASC) is committed to providing a work environment that protects the health and safety of all individuals whilst also facilitating an effective and productive workplace. A safe and productive work environment includes respectful treatment of others in the workplace. The consumption of drugs and/or alcohol may impair an individual's capacity to perform work in a safe manner and can also lead to unacceptable behaviour towards others.

Aurukun, under the Queensland State Government Alcohol Management Plan is a designated restricted area in accordance with Queensland Liquor Act 1992. The possession of alcohol (liquor) in the Aurukun Shire is an offence under this Act and carries heavy penalties.

This policy outlines ASC's commitment to a safe workplace and is aimed at preventing or minimizing harm to the health and safety of its workers, or others at the workplace, from the use of alcohol or drugs. It details the standards of behaviour required in relation to the use of drugs and alcohol and the responsibilities of ASC workers in the workplace and the consequences of breaching the policy.

This Policy applies to:

- a) All employees of Aurukun Shire Council (whether full-time, part-time or casual) and all persons performing work at the direction of, or on behalf of the ASC (contractors, subcontractors, agents, consultants, and temporary staff) collectively referred to in this Policy as "workers".
- b) All Aurukun Shire Council workplaces and other places where workers may be working or representing the ASC such as contact with government and non- government organisations, clients, customers and suppliers, collectively referred to as the workplace.
- c) All work-related functions such as conferences, community events, Christmas parties, client functions and official gatherings.

## 2. Definitions and Explanation of Terms

**"Alcohol (liquor)"** - is a spiritous or fermented fluid of an intoxicating nature intended for human consumption. This also includes any substance intended for human consumption in which the level of ethyl alcohol (ethanol) is more than 5mL/L (0.5%) at 20-degree C (e.g. mouth rinse/sprays).

**"Drugs"** - include illegal, prescription, pharmacy or synthetic drugs as defined below.

**"Illegal drugs"** includes:

- a) any drug prohibited by any State, Territory or Federal law in Australia or any other laws (including foreign and international laws) to which ASC is subject or which apply to the work performed by workplace participants for ASC;
- b) prescription drugs or pharmacy medications (as defined below) which are used without the necessary prescription or for purposes for which they were not intended;
- c) any synthetic drug (whether prohibited by law or not) being a psychoactive herbal and /or chemical product which when consumed mimics the effects of a prohibited drug, such as synthetic cannabis (e.g. Chronic).

**“Management”** - means ASC Chief Executive Officer, Directors, Managers, Supervisors and all employees with supervisory responsibilities of workers.

**“Prescription drugs”**- are lawful drugs which are prescribed by a medical practitioner for a diagnosed medical purpose, issued by a pharmacist.

**“Pharmacy medications”**- are drugs which are lawfully available at Australian pharmacies (without a prescription) and is required for the treatment of a legitimate condition.

**“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

### **3. Management Responsibilities**

Management is responsible for ensuring that this policy is implemented in their area and that:

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

### **4. Employee Responsibilities**

All employees must:

- a) comply with this policy;
- b) observe authorised direction from ASC in regard to this policy;
- c) recognise that performance of duties could be affected by alcohol or drugs; and
- d) immediately notify management if they become aware of any breach of this policy by another worker. Subject to any disclosures required by law, notifications will be treated in the strictest confidence. Failure to report any breach of this policy by another worker will itself constitute a breach of this policy.

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

- a) attend work, commence work, continue work or return to work having consumed alcohol and/or drugs;
- b) consume drugs and /or alcohol at the workplace;
- c) possess, distribute, sell, procure, use or consume illegal drugs in the workplace. Such behaviour constitutes serious misconduct and may also constitute a criminal offence, in which case the ASC may notify the police, or other appropriate government authorities;
- d) work while under the influence of drugs or alcohol;
- e) attend work, commence or return to work while under the influence of alcohol and/or drugs;
- f) consume alcohol and/or drugs during work, or at the workplace (note qualification for prescription drugs and pharmacy medications below);

### **5. Prescription drugs and pharmacy medications**

Where a worker is taking prescription drugs or pharmacy medications for medical purposes, the

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worker will not breach this policy by attending work, if the worker:

- a) takes the prescription drugs and or pharmacy medications in accordance with the instructions of their medical practitioner or pharmacist and normal directions applying to the use of those drugs;
- b) does not misuse or abuse the use of the prescription drugs or pharmacy medications;
- c) ensures they are able to perform their work effectively, competently and safely;
- d) is aware of the effects (including potential effects) of the consumption of alcohol while taking prescription drug and/or pharmacy medications, and
- e) checks with their medical practitioner or pharmacist about the effect of the drug/drugs 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 impaired the worker should obtain advice in writing from the medical practitioner or pharmacist and provide it to their manager or supervisor as soon as possible before undertaking their work.

Where a worker is taking prescription drugs or pharmacy medications that contain a warning that the person should not drive a vehicle or operate machinery, then that worker must not drive or operate a vehicle or machinery that belongs to ASC. A worker may be permitted to drive vehicles or operate machinery if specific medical advice is obtained and confirmed in writing, from the workers medical practitioner.

If a worker is taking prescription drugs and/or pharmacy medications and feels that their ability to safely drive a vehicle or operate machinery is impaired (regardless of whether the drug contains a relevant warning), the workplace participant must not drive any vehicle or operate any machinery and must promptly notify their manager or supervisor of this fact.

If it is identified that a worker's ability to safely perform their work may be or is affected by prescription drugs and/or pharmacy medication, their manager or supervisor will take the necessary steps to ensure the safety of all workers in accordance with this policy. There may be a requirement to allocate the worker alternate duties until completion of a course of medication.

## **6. Operating ASC vehicles and machinery Alcohol and illegal drugs**

To ensure a safe environment under no circumstances are ASC vehicles, plant or machinery to be operated by any person who has consumed or is under the influence of alcohol or illegal drugs. Council has 0% blood alcohol level for all employees and any other person authorised to operate Council vehicles, plant or machinery.

Workers must comply with alcohol concentrations limits applicable to the duties they perform or are likely to be called on to perform.

ASC does not accept liability for any damage to any machinery or vehicle, any injury to a person or persons, or damage to property caused by a workers use of a council vehicle or machinery while under the influence of alcohol or drugs. The worker will be personally liable in such circumstances and bear full responsibility for any legal or criminal consequences as a result of their actions.

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

If an ASC manager or supervisor suspects on reasonable grounds that a worker is under the influence of drugs and/or alcohol in breach of this policy, they are responsible to take steps to address the issue. Reasonably grounds may include (but are not limited to) where the worker:

- a) is unable to co-ordinate their actions;
- b) has red or bloodshot eyes, or dilated pupils;
- c) smells of alcohol or marijuana;

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- d) acts contrary to their normal behaviour;
- e) exceeds alcohol concentration limits applicable to the task they perform or may be called on to perform;
- f) is not behaving in a professional and competent manner and in accordance with the ASC standards; or
- g) otherwise appears to be impaired or affected by drugs or alcohol.

In circumstances when a manager or supervisor of ASC suspects a worker to be under the influence of drugs and/or alcohol ASC may take, but not limited to, the following actions:

- a) Direct the worker to attend a medical examination to determine their fitness for work. Inform the worker that they are not able to return to work until the test has confirmed they can undertake their duties effectively and safely. The medical examination may include a drug and or alcohol test requiring a blood, urine or saliva sample.
- b) Request the worker undertake a workplace breath, saliva or urine test, in accordance with this policy, to confirm the worker is not under the influence of drugs and/or alcohol.
- c) If unacceptable conduct relates to the use of prescription medication, ASC may request evidence as to the effects and proper usage of the drug from a medical practitioner or pharmacist.
- d) If the outcome of any testing indicates a positive result the worker will be informed that they are not to return to work and be directed to return to their place of residence. Suitable arrangement for safe travel is to be made by the relevant manager or supervisor for the worker to return to their place of residence.
- e) If the worker refuses to undergo testing or attend a medical examination, the worker will be directed to return to their place of residence. Suitable arrangements for safe travel is to be made by the relevant manager or supervisor to return the worker to their residence. Refusal to undertake testing or a medical examination, constitutes a breach of this Policy and will result in action being taken against the worker for serious misconduct as detailed in ASC HR003 Disciplinary Policy and Procedures.

Where a worker is directed to return to their place of residence, the worker must report to their manager or supervisor the following working day. If a worker is unable to return to work on the following day due to effects of drugs and /or alcohol, they are to notify management as soon as practical, informing them of the circumstances and estimated return to work date.

A worker returning to work after being directed to leave the workplace may be requested to undergo a workplace breath, urine or saliva test to ensure they are no longer under the influence of drugs and/or alcohol.

## **8. What will ASC do if it finds illegal drugs in the workplace?**

If ASC manager, supervisor or worker identifies illegal drugs at any ASC work premises they are to notify their respective Director immediate. Management may take any or all the following steps:

- a) Investigate the matter to attempt to determine who is responsible. For this purpose searches may be conducted, as set out in this Policy. If a criminal offence is disclosed then the Queensland Police are to be notified immediately.
- b) Direct that some, or all, workers in that workplace undergo a urine or saliva test. Workers that return a non-negative test result will be transported to their place of residence.

Workers are required to co-operate in any investigation of such matters. Failure to co-operate or providing false information in an investigation constitutes a breach of this Policy and will be considered as serious misconduct and will be dealt with in accordance with ASC, HR003 Disciplinary Policy and Procedures.

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## 9. What will ASC do if it suspects a worker is in possession of drugs or alcohol at work?

If ASC suspects that a workplace participant has drugs or alcohol (in breach of the alcohol management plan) in their possession at work, ASC management may take any or all of the following steps.

- a) Investigate the matter to attempt to determine whether the worker/s have drugs or alcohol in their possession.
- b) Require the worker/s to provide access to any ASC property such as any locker, vehicle or housing.
- c) ASC management may request that the police undertake an inspection of any personal property of the worker such as any bag, or vehicle or to empty their pockets or jacket.

Workers that refuse to co-operate or provide false or misleading information in an investigation will be considered as engaging in serious misconduct. Misconduct will result in action being taken against the worker as detailed in ASC HR003 Disciplinary Policy and Procedures.

## 10. How will ASC undertake drug and alcohol testing?

ASC will employ the following methodology when employing the drug and alcohol testing in the workplace:

### Random testing

This method is based on the selection of work groups and may be conducted on all the workers of that group or a random selection of individuals within that group. A confidential random selection process is to be used by management to select the individuals tested if percentage based testing is applied. The random testing method ensures that all areas of ASC is subject to drug and alcohol testing.

### Targeted testing

This method is based on the selection of workers employed in areas that carry a greater risk, such as the operation of heavy plant, machinery or driving vehicles or in cases of reasonable suspicion as described in this policy. Workers involved in high risk tasks are to be informed that they may be subjected to more frequent testing due to the higher levels of risk involved in their work.

### Post incident testing

A drug and alcohol test may be conducted on any worker that is involved in or contributed to a serious incident which results in:

- a) a death or serious injury of any person;
- b) significant damage to property;
- c) the overturning of any plant or vehicle, or
- d) a dangerous occurrence or a near miss that may have resulted in any of the above.

The health and safety of workers will take precedence over any drug and alcohol test following an incident as will any directions issued by the Queensland Police Service in the investigation or management of the scene as required.

## 11. What testing methods will ASC use?

ASC will undertake breath, saliva or urine testing in accordance with the following standards:

- a) AS 3547:2019 Breath alcohol testing devices for personal use.
- b) AS 4760:2019 Procedures for specimen collection and detection and quantitation of drugs in oral fluid.
- c) AS/NZS 4308 and subsequent editions Procedures for specimen collection and the detection

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and quantitation of drugs of abuse in urine.

All drug testing officers will be trained and current in the Unit of Competency HLTPAT005 – Collect Specimens for Drugs of Abuse. All results from testing will be treated with the strictest confidentiality. Chain of custody requirements for mandatory confirmation testing will be strictly adhered to in accordance with the above standards.

#### **12. Negative test results**

If a test sample records a negative result, the worker will be considered fit for work and be allowed to commence or continue with their normal duties.

In the case of post incident testing the manager or supervisor and the worker will discuss the requirements of the workers return to normal duties.

#### **13. Non-negative drug test results**

A sample that returns a non-negative test result requires mandatory confirmatory testing at a NATA accredited agency. Workers that return a non-negative result are to be suspended from current duties until the confirmatory results are returned. Management are to decide if the worker is to be employed in alternate duties or suspended from work while test results are pending. Any worker that returns a non- negative test result is to be advised of the EAP process.

#### **14. Positive drug test result**

If a worker on confirmatory testing returns a positive result to a drugs test, they will be advised of the results in writing by management. A positive test result to illegal drugs will constitute serious misconduct in accordance with ASC HR003 Disciplinary Policy and Procedures and the worker will be dealt with under those procedures.

#### **15. Challenging test results**

A worker may, at their own expensive arrange for an additional analysis of the sample provided at the time of testing by an approved laboratory that meets the Australian Standard specified in this policy. If this sample returns a negative result these will be forwarded to management for acknowledgement and discipline procedures will cease.

Management will conduct an investigation into the circumstance of any conflicting test results to identify causal factors. A written response will be provided to the worker on completion of the investigation and the review of all evidence.

#### **16. Alcohol testing**

All workers, if tested, must return a blood alcohol concentration (BAC) of less than 0.05% to be permitted on any council workplace.

Workers that are involved in any of the following activities must provide, if tested a BAC of 0.00%:

- a) Operation of any plant or machinery that requires a statement of attainment or a licence issued by Work Health and Safety Queensland;
- b) Operation of any plant or vehicle that requires a LR licence and above;
- c) Construction and maintenance activities including high risk activities as defined in the Work Health and Safety Act 2011;
- d) Electrical work;
- e) Welding, grinding and associated hot work activities, and
- f) Workers that hold a learner or provisional licence.

If a sample from a worker returns a result which indicates a BAC above the limits detailed in this policy, they will remain at the test site and not commence work until a second test is undertaken.

A second test will be conducted twenty (20) minutes after the first and if the worker returns a BAC

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over the limits detailed in this policy, they are to be transported to their place of residence as soon as reasonably practicable.

Workers will return to work on their next ordinary working day and will be required to undergo a breath test. A worker will only proceed to work following a result that meets the limits set in this policy.

Workers failing the BAC test will be subject to the procedures detailed in ASC HR003 Disciplinary Policy and Procedures. All workers failing a BAC test are to be advised of the EAP process.

#### **17. Breach of this Policy**

All ASC employee's must comply with this Policy at all times. If an employee is found to have breached this Policy, they will be subjected to disciplinary action in accordance with the ASC HR003 Disciplinary Policy and Procedures. The type and severity of the disciplinary action will depend upon the circumstances of the case and the seriousness of the breach.

Agents or contractors (including temporary contractors) of ASC who are found to have breached this Policy will have their contracts reviewed. ASC may terminate or decline to renew contracts for failure to comply with this policy.

In circumstances where a worker's behaviour or conduct may involve a breach of any Australian laws, (or any other laws including foreign and international laws) to which ASC is subject or which apply to the work performed for ASC, ASC are to notify the police or other relevant authority.

#### **18. Related Documentation:**

*ASC HR001 Code of Conduct Policy.*

*ASC HR003 Disciplinary Policy and Procedures. ASC HR005*

*Employee Assistance Program ASC HR006 Grievance*

*Policy*

*ASC HR 021 Workplace Behaviour Policy*

#### **19. Policy Owner**

People, Culture and Safety Manager.



**ANNEXURE A**

**Aurukun Shire Council**

***WORKER ACKNOWLEDGEMENT***

I acknowledge that:

- I have received the ASC's Drug and Alcohol Policy and understand its effect;
- I must comply with the ASC Alcohol and Drug 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.

Your name: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_