

## 1. Scope

This policy, and the associated Alcohol and Other Drugs Procedure, applies to all workers of Northern Beaches Council including employees, work experience and internships, volunteers, agents, consultants, contractors and employees of contractors.

The policy extends to all functions and locations that are work related, for example, work lunches, conferences, Christmas parties and stakeholder functions.

The policy applies to the use of alcohol and/or other drugs which may affect a worker's ability to effectively and safely perform their duties.

## 2. Purpose

The purpose of this policy is to provide and maintain a supportive workplace environment that protects the health, safety and welfare of all workers and others in the workplace.

Northern Beaches Council recognises that the inappropriate use of alcohol and/or other drugs is a significant problem that can affect a worker's performance and their health, safety and wellbeing. The purpose of this policy is to eliminate the risks to health and safety from the inappropriate use of alcohol and other drugs in the workplace.

## 3. Principles

Northern Beaches Council is committed to:

- creating and maintaining a safe, healthy and protective workplace environment that is free from the inappropriate use of alcohol and/or other drugs
- eliminating, preventing and successfully managing any inappropriate use of alcohol and/or other drugs
- informing employees of their rights and responsibilities under this policy
- encouraging employees to report any behaviours that breach this policy
- workplace safety being everyone's responsibility. That responsibility includes immediately reporting any behaviour or circumstance that could potentially create a risk to health and safety due to alcohol and/or other drugs.

### 3.1 Key Principles

Northern Beaches Council does not permit:

- the sale and use of alcohol and illegal drugs at work
- the possession of illegal drugs at work
- employees attending work whilst adversely affected from alcohol and/or other drugs of abuse.

The above prohibitions apply to Northern Beaches Council's premises, parks, reserves, vehicles, plant, or any Council building or physical asset.

An employee taking, or in possession of, a prescription drug must immediately notify management if the drug could impact or impair their safe work performance.

There are limited exceptions to these rules (such as responsible and limited alcohol consumption at functions), however, approval of the Chief Executive Officer is required and it is expected that employees will behave professionally and comply with the law. The Chief Executive's approval is based on the safe, responsible and limited service of alcohol.

Employees that consume alcohol during their working day/shift (subject to the approval from the Chief Executive Officer) cannot return to the workplace on that day to continue their duties.

The consumption of alcohol during meal breaks is not permitted.

Council employees in uniform or otherwise identifiable as Northern Beaches Council employees, are required to act responsibly when in public places outside work hours.

An employee can report to Council if they have a problem with alcohol and or other drugs and seek assistance before any breach or incident. Council will provide support for employees who seek help in addressing alcohol or other drug related issues.

Northern Beaches Council will create a supportive workplace culture that encourages employees to accept individual responsibility for workplace health and safety and to acknowledge that identifying and reporting employees who may be regarded as a risk to other employees is appropriate, encouraged by legislative obligations in the Work Health and Safety Act 2011, and is supported by Council and the unions.

If an employee is required to attend other (host) worksites whereby blood alcohol concentration limit and drug testing may be more stringent, the more stringent policy will apply as a condition of entry. A positive test result will be a breach of Council's policy.

Council will treat all matters with the appropriate confidentiality.

## 4. Prescription Drugs and Over-the-counter Medications

It is an employee's responsibility to advise their Supervisor if they are taking any prescribed drug or over-the-counter medication which may affect their fitness for duty or work performance.

An employee should ensure they consult their treating doctor or pharmacist on the effects that any prescribed drugs or medication may have on their ability to safely undertake their normal duties at work.

## 5. Alcohol and Other Drugs Testing Program

Northern Beaches Council will conduct alcohol and drug testing at work and employees are expected to cooperate with testing.

Any worker that tests at or above the following limits will be in breach of this policy:

Limits	
Alcohol	<p>Blood Alcohol Concentration (BAC) equal to:</p> <p>0.02 or greater for heavy plant operators (&gt;13.9 tonne) or truck drivers (&gt;4.5 tonne) or mobile plant operators. This will apply only for personnel who are undertaking these specific duties at the time of any testing.</p> <p>0.05 or greater for all other staff to be in accordance with relevant state legislation.</p> <p>Where the person has a provisional licence (P plates) then the current BAC limits for P Plates must be followed if they drive vehicles and/or trucks.</p>
Drug	<p>The presence of a specific drug or metabolic above the target concentration as specified in AS4760 and AS4308, as updated from time to time.</p> <p>Northern Beaches Council's random testing program tests for the following classes of drugs:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Cocaine</li> <li><input type="checkbox"/> Opiates</li> <li><input type="checkbox"/> Amphetamine type stimulants</li> <li><input type="checkbox"/> THC</li> <li><input type="checkbox"/> Benzodiazepines</li> </ul>

Council employees are required to participate in the alcohol and other drugs testing program described in the-associated Alcohol and Other Drugs Procedure.

The Alcohol and Other Drugs Procedure includes testing under the following conditions:

- Post Incident - following a reportable workplace health and safety incident as defined in the Alcohol and Other Drugs Procedure
- Reasonable concern - where there is reasonable concern that an employee may be adversely affected or impaired by alcohol and/or other drugs
- Random - where employees are tested on a random basis from time to time
- Limited Random - testing of an employee in the case where the employee:
  - has previously given a confirmed positive test result for alcohol and/or other drugs and/or
  - has unreasonably refused a test for alcohol and/or other drugs as a result of a reportable incident, reasonable concern or a random screening program; and/or
  - has self-declared issues with alcohol and/or other drugs misuse / abuse and is agreeable to a monitoring program as part of their reasonable adjustment (rehabilitation) plan and/or
  - following a determination of impairment as a result of an impairment assessment.

## 6. Rehabilitation and Training

Council recognises that employees may need support and assistance.

Therefore, through Council's Employee Assistance Program (EAP) there is a free, confidential counselling service to all staff at Northern Beaches Council and their families.

Self-referral and rehabilitation opportunities will also be provided via the EAP.

An employee having problems with alcohol and/or other drugs will not be terminated if he/she is willing to get help.

An employee must undertake and continue with recommended treatment to maintain the protection of this program and will be entitled to sick leave or leave without pay while attending treatment.

However, where an employee has previously been under a rehabilitation plan and subsequently breaches this Policy, and the associated Procedure, or the employee's actions represent gross misconduct such as dangerous behaviour, support for rehabilitation may not be available and supported by Council. Council reserves the right to take other appropriate action for such behaviour.

Council is committed to providing appropriate regular training that teaches employees to take responsibility for their own safety and that of their fellow workers.

Council will also provide practical guidelines and training to Managers and Supervisors for dealing with persons who may be affected by alcohol and/or other drugs.

## 7. Outcomes

If there is a breach of this policy then there may be a number of possible outcomes which may include, but not be limited to any, or a combination of the following:

- being stood down from the workplace; and/or
- requirement to comply with a Return to Work Plan and ongoing limited random testing; and/or
- disciplinary action in accordance with Councils' disciplinary policy, including termination of employment.

## 8. Record Keeping and Confidentiality

All parties associated with an investigation of breach of this policy should maintain confidentiality. Any discussion about a possible breach should only be between those who have official responsibility for dealing with it. Records will be kept confidential and secure by Human Resources.

## 9. Offences

- It is an offence under the Road Transport Act 2013 to drive or attempt to drive a motor vehicle, truck or mobile equipment when under the influence of alcohol and/or other drugs
- It is an offence to possess, sell or use illicit drugs under criminal law
- Employees may potentially face sanctions under the WHS Act 2011 or under criminal law.

## 10. Staff Responsibilities

All staff have a duty to:

- take reasonable care for their own health and safety
- take reasonable care that what they do or don't do, does not harm the health and safety of other persons
- comply with any reasonable instruction given by Council to allow it to comply with WHS legislation and
- co-operate with any reasonable Council policy or procedure relating to health and safety that has been notified to them.

Employees are obliged to present themselves for work free from the influence and without risk of impairment from alcohol and drugs.

If an employee is concerned that another employee, premises, or worksites, may be potentially affected by alcohol, illegal or legal drugs or other substances, they should immediately report their concern to the relevant Supervisor or Manager. Employees who genuinely report any concern must not be victimised for doing so.

It is the responsibility of employees to regularly review this policy to ensure they understand and comply with its requirements and should seek clarification from management if they do not understand their obligations under this policy.

## 11. Additional Responsibilities of Managers, Coordinators and Supervisors

Managers, Coordinators and Supervisors must also:

- ensure the health and safety of employees and other persons in the workplace
- should not allow an employee that they are concerned appears to be potentially affected by alcohol and/or other drugs to commence or continue their duties
- should arrange for a Fitness for Work Assessment to be undertaken by any employee who is suspected of being potentially affected or impaired by alcohol and/or other drugs
- ensure all claims of an employee being potentially affected by alcohol and/or other drugs be reported to Human Resources.

Human Resources are responsible for:

- providing information, assistance, advice and education on the policy and procedure.
- providing advice on the process, identifying an investigating officer if required and monitoring the process.

## 12. References and Other Related Documents

### Legislation

- Local Government (State) Award 2017
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2017
- Road Transport Act 2013 No. 18
- Road Transport (General) Regulation 2013
- Education and Care Services National Regulations

### External Policy and Standards

- SafeWork 2006 – Alcohol and Other Drugs in the Workplace Guide 2006
- Local Government NSW - Alcohol and Other Drugs Policy 2012
- Local Government NSW - Alcohol and Other Drugs Procedure 2012
- Australian Standard AS3547:1997 – Breath alcohol testing devices for personal use
- Australian Standard AS/NZS4760:2019 – Procedures for specimen collection and the detection and quantitation of drugs in oral fluid
- Randwick City Council's Alcohol and Other Drugs Policy and Procedure, January 2019
- The Code for the Tendering and Performance of Building Work 2016 (Building Code 2016)

### Internal Policy

- The Northern Beaches Council Code of Conduct, 2019
- Christmas Function Guidelines HR006

### Forms

- Alcohol and Other Drugs Procedure 805
- Alcohol and Other Drugs Procedure 805.1 – Fitness for Work Assessment
- Alcohol and Other Drugs Procedure 805.2 – Rehabilitation Plan Confidential

### Employee Assistance Program – Contact Details

- Employee Assistance Program 1800 818728 or (02) 82479191

## 13. Variation

Council reserves the right to review or vary this policy at any time, including any changes in line with changes to relevant legislation. Any variations to this policy will be administered in accordance with normal consultative processes.

## 14. Document History

Date & Operational Policy No.	Approved by	Amendment Notes
22 January 2019	EMHR	Draft for Consultation
05 February 2019	EMHR	JCC Consultation
27 February 2019	EMHR	Further JCC Consultation
28 May 2019	A/EMHR	JCC consultation on Consolidated Feedback
04 June 2019	A/EMHR	Draft Version 2
18 Dec 2019	A/EMHR	Section 5. Addition of testing for <u>Benzodiazepines</u> – as per Australian Standard AS/NZS4760:2019
18 Dec 2019	A/EMHR	Section 12. Addition of the Building Code 2016
18 Dec 2019	A/EMHR	Section 13. including any changes to relevant legislation

## 15. Document Owner

Executive Manager – Human Resources.