

WHS12 Drug and Alcohol Policy

The Organisation is committed to providing a safe and healthy work environment in which all workers 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 the Organisations' 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 the Organisation, workers and others at the workplace, and the consequences of breaching the policy.

Scope

This policy applies to:

1. All employees (whether full-time, part-time or casual) and all persons performing work at the direction of, or on behalf of the Organisation (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively referred to as "workers").
2. All of the Organisations' workplaces and other places where workers may be working or representing the Organisation for example, when visiting a customer, client or supplier (collectively referred to as "workplace").
3. All work related functions, for example, work lunches, conferences, Christmas parties and client functions.

Responsibilities

Workers responsibilities

1. All workers must:
 - Comply with this policy
 - Observe all directions from management in respect of this policy;
 - Recognise that performance of duties could be affected by alcohol or drugs; and
 - Immediately notify the HR Manager/Executive Officer 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.
2. Except as set out in this Policy, workers must not:
 - Work while under the influence of drugs or alcohol.
 - Attend work, commence or return to work while under the influence of alcohol and/or drugs.
 - Consume alcohol and/or drugs during work, or at the workplace (note qualification for prescription and pharmacy drugs below). See Consumption of Alcohol – Workers Responsibilities for work functions.
 - Must not possess, distribute, sell, use or consume illegal drugs in the workplace. Such conduct constitutes serious misconduct. It may also constitute a criminal offence, in which case the Organisation may notify the police, or other appropriate government authority.

Responsibilities of Management

Management is responsible for ensuring that this policy is implemented in their area. This includes

ensuring that:

- All workers are made aware of and understand this policy.
- Risk assessments are undertaken on work tasks 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.
- Any suspected breaches of this policy are acted on promptly and in accordance with this policy.

Some Specific Situations

Prescription and Pharmacy drugs

- 1) 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.
- 2) If the Organisation suspects that a workers ability to safely perform work is affected, the Organisation may take steps to address the issue in accordance with this policy.

Consumption of alcohol- workers responsibilities

1. The Organisation recognises that at some work related functions responsible consumption of alcohol is allowed, for example, at a staff function, Christmas party or stakeholder engagement functions/events.

In these circumstances, the following restrictions apply at all work-related functions:

- Responsible consumption of alcohol by workers;
 - 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 workers responsibility for misconduct;
 - Workers must uphold an appropriate standard of behaviour at all times, consistent with the code of conduct and workplace policies;
 - The restrictions set out below in relation to Organisation vehicles continue to apply;
 - Workers must ensure a safe means of transport from such functions. Workers must not drive any vehicle if they are affected by alcohol. Workers who do not have a safe means of transport should advise management so that such transport may be arranged.
2. If a worker is required to return to work, or continue working 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.
 3. 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.
 4. 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.

Consumption of alcohol – the Organisations' responsibilities

If the Organisation provides alcohol at a work related function, it will do so responsibly, ensuring:

- Workers receive communication detailing:
 - A reminder of this policy prior to the work related function;
 - What time the event will officially end;
 - To make alternate travel arrangements if driving;
 - Responsible consumption;
 - Encourage carpooling and nominating a designated driver.
- Food will be made available during the service of alcohol;
- Light alcohol and non-alcoholic beverages will be available at all times;
- Alcohol will not be provided to anyone under the age of 18 years;
- Alcohol will not be provided to anyone who is drinking excessively, or is (or appears to be) intoxicated;
- Workers are reminded of the dangers of driving under the influence of alcohol and promote the use of alternative transport (eg taxis, public transport).

Driving Company vehicles and machinery

Alcohol and illegal drugs

- The Organisation has a legal obligation to provide a safe and healthy working environment for its workers and others in the workplace. To ensure a safe environment, no Organisation vehicle is to be driven by anyone who is under the influence of alcohol, or has used or consumed illegal drugs. An employee driving an Organisation vehicle must have a blood alcohol level of zero.
- The Organisation will not accept liability for any damage to an Organisation vehicle, an injury to another person, or damage to other property caused by a worker's use of an Organisation vehicle while intoxicated by 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, then that worker must not drive an Organisation vehicle or any vehicle, unless contrary specific medical advice is obtained and confirmed in writing, from the workers medical practitioner.

What the Organisation will do if it suspects a worker is affected by drugs or alcohol

If the Organisation suspects, on reasonable grounds, that a worker is under the influence of drugs or alcohol in breach of this policy, the Organisation will take steps to address the issue. Reasonable grounds may include (but are not limited to) where the worker:

- is unable to co-ordinate their actions;
- has red or bloodshot eyes, or dilated pupils;
- smells of alcohol;
- acts contrary to their normal behaviour, acts inappropriately ie. Displays aggressive behaviour frequently;
- appears to be impaired or affected by drugs or alcohol.

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

- direct the worker to go home. Suitable arrangements for safe transport will be made by the relevant manager; or
- direct the worker to attend a medical examination to determine whether the worker is fit to perform their duties effectively and safely.
- 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 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) the next working day, or as soon as possible once the worker is no longer under the influence of drugs or alcohol. The Organisation will deal with the issue as set out below under 'Breach of policy'. Failure to report constitutes a breach of this policy.

What the Organisation will do if it finds drug or alcohol in the workplace

If the Organisation discovers drugs or alcohol at the workplace in breach of this policy, the Organisation may take the following action, which includes but is not limited to:

- Investigation of the matter in order to attempt to determine who is responsible, including 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.

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 the Organisation will do if it suspects a worker has drugs or alcohol in their possession at work

If the Organisation suspects that a worker has drugs or alcohol in their possession at work, the Organisation may take the following action, which includes but is not limited to:

- Investigation of the matter to attempt to determine whether the worker does have such drugs or alcohol in their possession;
- requesting the worker to open their 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 the Organisations' 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'.

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 the Organisation who are found to have breached this Policy may have their employment contracts terminated, or not renewed.

In circumstances where a worker’s behaviour or conduct may involve a breach of any Australian law, the Organisation may notify the policy or other relevant government authority.

Access to support services

The Organisation provides a free Employee Assistance Program (EAP) for employees, employee a with drug and alcohol dependency problems are able to access this service. This is a confidential service and details of assistance sought will not be communicated to the Organisation.

Any employee who voluntarily requests assistance in dealing with a personal drug/and or alcohol problem may do so through the EAP without jeopardising their employment, provided that this assistance is sought before work performance has deteriorated or disciplinary problems have begun.

It is the responsibility of the employee to seek assistance before the drug or alcohol problem causes a risk to the health, welfare or safety of that employee and other workers.

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

Education and training

The Organisation will conduct training or information sessions for all employees, relating to:

- (a) this policy, including but not limited to the consequences of breaching this policy;
- (b) the effects of alcohol and drug use (including prescription and pharmacy drugs);
- (c) the risks to the health and safety of workers and others by the use of alcohol and drugs in the workplace; and
- (d) the EAP (if applicable) and any other referral sources for counselling, treatment or rehabilitation, which are available to employees.