1.0 Purpose

1.1 The Waratah-Wynyard Council aims to promote and protect the health and wellbeing of all its workers through provision of safe work environments, safe work practices and sound OHS management systems. Drug and Alcohol use is an identified risk that may affect a worker’s job performance, endanger lives and potentially cause damage to property and equipment.

1.2 Fatigue, stress, mental illness and general health related issues can also affect an individual’s ability to act safely.

1.3 The management of the risks associated with the use of drugs and alcohol or other underlying health issues at work is essential to ensuring a safe work environment. Waratah-Wynyard Council is required to comply with occupational health and safety obligations and will take steps to ensure, so far as reasonably practicable, that it meets its obligations to all workers and conducts its operations in a safe and responsible manner.

2.0 Objectives

2.1 To promote and protect the health and well-being of all workers by providing a safe working environment and safe work practices, which together reduce risks associated with drug and alcohol use and other health related conditions.

2.2 This policy combines a range of strategies including education, counselling, rehabilitation and assistance options, drug and alcohol testing procedures and where necessary disciplinary action for breach of this policy.

3.0 Reference and Documentation

3.1 Work Health & Safety Act 2012
3.2 Work Health & Safety Regulations 2012
3.3 Human Resources Manual
3.4 Leave Application Form
3.5 Alcohol & Drug Testing Form
3.6 Waratah-Wynyard Council Enterprise Agreement
3.7 Employee Social Function Application Form

4.0 Scope

4.1 This policy applies to all workers of Waratah-Wynyard Council.
5.0 Policy Statement

1. FITNESS FOR WORK

Fitness for work means that a worker is physically, mentally or behaviourally in a condition which enables them to perform their work in a manner that does not compromise the health and safety of themselves or others around them. Waratah-Wynyard Council understands that our workers must consider their individual lifestyle choices as well as their obligations to the organisation and responsibility for the safety of others.

2. FATIGUE, STRESS, MENTAL ILLNESS AND GENERAL HEALTH AND WELL BEING

2.1 Fatigue:
Fatigue management is a shared responsibility between management and workers as it involves factors both inside and outside of work.

Fatigue is mental or physical exhaustion that stops a person from being able to function normally, however fatigue is more than just feeling tired or drowsy. It is normal to become tired through physical or mental effort.

Fatigue is caused by prolonged periods of physical or mental exertion without enough time to rest and recover. The level of fatigue varies and depends on work load, length of shift, previous hours and days worked, time of day or night worked.

Where legislation prescribes fatigue management strategies, appropriate procedures will be developed to meet compliance requirements.

2.2 Stress
Stress is a feeling that is created when you react to certain events. Up to a point, stress can be a positive contributor to achievement and success; however, negative stress can create immediate and long-term problems, with physical, emotional and behavioral issues arising. Negative stress affects how you cope with day to day life. To help manage the stress, it may be helpful to talk to somebody about what is upsetting you. This may be simply managed by discussing the issue with a work colleague, your manager/supervisor or Employee Assistance Provider.

It may not be possible to remove the stress from your life, however managing your stress may help with physical strain injuries, emotional control and corresponding behavioural responses.

2.3 Mental Illness
Mental disorder is a term used to describe a range of clinically diagnosable disorders that significantly interferes with an individual’s thinking, emotional or social ability. This includes people with mental disorders arising from but not limited to eating disorders, alcohol and drug use, sleep problems, panic disorder, depression, obsessive compulsive activities anxiety and other unexplained complaints.
If you believe you suffer from any of the above symptoms, please seek medical advice.

If you have been diagnosed with any illness you should advise your manager/supervisor of the nature of the illness and discuss any alternative or change in work conditions if required.

2.4 General health and wellbeing
Workers are responsible for carrying out their duties in such a way that health and safety is not compromised by lack of fitness for work due to illness and incapacity caused by poor health.

3. DRUG AND ALCOHOL TESTING

No worker shall, during working hours, while on any Waratah-Wynyard Council property/worksite or while driving a Waratah-Wynyard Council fleet vehicle:
(a) consume alcohol in the workplace other than at an approved function, in accordance with the principles of responsible consumption of alcohol;
(b) be in possession of alcohol (open bottle) in the workplace other than at an approved function (An approved function is one that has been approved by the General Manager or his delegate);
(c) distribute alcohol or drugs in the workplace;
(d) use drugs in the workplace;
(e) sell drugs in the workplace; or
(f) be in possession of drugs in the workplace.

Drug and alcohol testing is compulsory as part of the conditions of employment within Waratah-Wynyard Council and can be included as part of a pre-employment medical. There are no exceptions for the use and procession of illicit drugs. There are exceptions to the minimum standard in relation to alcohol and prescription medications. Should a worker breach any of the conditions listed above they will be subject to disciplinary action.

Alcohol Testing
(a) Will be conducted by a qualified independent tester;
(b) Each worker will be randomly tested a maximum of three (3) times per year;
(c) Testing will be in the form of a breath test;
(d) Testing may be first thing in the morning or early afternoon;
(e) An Alcohol Testing form will be completed by the tester and signed by the worker;
(f) A worker who will be operating machinery or a worker who works within Childrens Services may not have a blood alcohol level above 0.00;
(g) All other workers may not have a blood alcohol level higher than 0.02;
(h) The worker may request the presence of another person such as a Health & Safety Representative (HSR), Union Delegate or Contact Officer to witness the procedure;
(i) Should a alcohol test be over the prescribed limit, a second test will be conducted after 30 minutes; and
(j) Results of the alcohol test will be placed on each worker’s personnel file.
Drug Testing
(a) Will be conducted by a specialised designated organisation and independent tester;
(b) The use of illicit drugs will be treated with zero tolerance;
(c) Testing will be conducted on a random basis;
(d) Each worker will be tested no more than 3 times within a year (extra tests may be required if there is a non-negative result);
(e) Testing will be random and workers will be selected by an agreed method;
(f) Testing will be in the form of an oral swab in accordance with the Australian Standard AS-4760;
(g) Results will take approximately 15 minutes and if a non-negative test is shown for any of the listed drugs, a second test will be conducted;
(h) The test will indicate recent use within 4-6 hours of:
(i) Cannabis
(ii) Cocaine
(iii) Opiates
(iv) Amphetamines
(v) Methamphetamines (Ecstasy);
(i) Should a second test be conducted, it will be sent to a private laboratory for further analysis;
(j) Any specimens which test non-negative will be retained in appropriate storage by the laboratory conducting the analysis for a minimum of one (1) year; and
(k) An appropriate chain of custody procedure will be followed in the administration of the tests by the designated test provider. Samples will be sealed and are to be signed by the worker and a witness.
(l) Results of the drug test will be retained by testing organisation.
(m) The worker may request the presence of another person such as a Health & Safety Representative (HSR) or Union Delegate etc. to witness the procedure.

Refusal to Undertake a Test
If a worker refuses to undertake either an alcohol or drug test when required to do so, they will be deemed to have returned a non-negative result and will be immediately removed from the workplace.

That worker will be required to take Personal Leave. They will not be allowed to return to work until such a time as they undertake the test and return a negative result.

While the worker is on Personal Leave, they will need to provide a medical certificate to cover the leave period in accordance with the requirements for accessing leave.

If the worker does not have enough Personal Leave allocation, they will be required to utilise their Annual Leave. NB: Application for annual leave will require approval.
If the worker does not have enough Annual Leave, then they will be required to apply for leave without pay, which will be at the General Manager’s discretion.

The worker will need to complete a leave application form to cover their absence.

Additionally, the worker will also be considered to have failed to comply with the requirements of this policy, and therefore, the conditions of their employment.

Disciplinary action will be taken, which may include termination.

4. **PRESCRIBED AND OVER-THE-COUNTER MEDICATIONS**

**Prescribed Medications**
Not all prescription medications will affect a worker’s performance or their ability to undertake their work in a safe manner. It is recommended that a worker discuss with their medical practitioner what effects that their prescription medication may have, if any.

Any worker who has been prescribed medication by a medical practitioner will not be in contravention of this policy provided that:

(a) the worker has disclosed to their medical practitioner detail regarding the position they hold and the tasks they are likely to perform while taking the medication and the impact the medication may have in their ability to undertake their work in a safe manner; and
(b) the worker only consumes the dosage as prescribed by their medical practitioner.

Should the medical practitioner advise that the prescription may affect the worker’s ability to undertake their duties in a safe manner; the worker must inform their Supervisor/Manager. The Supervisor/Manager will then ensure that the worker undertakes duties that will not impact on the safety of themselves or others.

**Over-the-Counter Medications**
Workers have an obligation to comply with the manufacturer's directions and warnings and if in doubt, seek advice from the pharmacist regarding the impact the medication may have on the safe performance of their work.

If the pharmacist indicates the medication may impact on the worker's ability to perform their work safely, or where there is doubt, then the worker must advise their Supervisor/Manager.

**Disclosure of Information**
The tester will ask each worker prior to conducting the drug test as to whether the worker is taking any medication. The worker should disclose any prescription of over- the-counter medication to the tester in case the medication creates a reading.
Any disclosure of prescription or over-the-counter medication will be held confidential between the testing organisation and the worker. No medical information will be communicated back to Waratah-Wynyard Council.

5. IMPLICATIONS OF A NON-NEGATIVE READING

Pre-Employment Medical
When a pre-employment medical is required Waratah-Wynyard Council reserves the right to end the recruitment process at this stage. Only under special circumstances Waratah-Wynyard Council may agree to a re-test with the cost of the re-test to be borne by the applicant.

Alcohol Testing
If the breath test detects the presence of alcohol above the limit required, a re-test will be provided after 30 minutes.

Should the worker continue to be above the required limit after the second test, the worker will be required to take Personal Leave and will need to complete a leave application form to cover their absence.

If the worker was due to use heavy machinery and has tested between 0.00 and 0.02, the Manager/Supervisor at their discretion, may, depending on resources, transfer the worker to another position that does not use heavy machinery until such a time as the worker returned a negative test. The worker would need to return a reading of 0.00 before returning to their original position.

Should a worker be transferred to another position due to a non-negative alcohol test, any higher duties or additional allowances would not be applicable.

Workers who register over 0.049 will not be authorised to drive, they may either be driven home by another worker (depending on resources, distance etc) or be sent home in a taxi. The cost of a taxi fare will be borne by the worker.

The worker will not be allowed to return to work until such a time as they undertake another test and return a negative result. The timing of this test will need to be negotiated between the worker and their Manager/Supervisor.

Drug Testing
If the drug test returns a non-negative result to one or more of the listed drugs, the worker will be required undertake a second test for laboratory analysis. The second test will be taken no longer than 30 minutes after the first test has been completed.

Should the worker still continue to be above the required limit after the second test, the worker will be required to take Personal Leave and will need to complete a Leave Application Form to cover their absence.
The worker will not be allowed to return to work until such a time as they undertake another test and return a negative result. The timing of this test will need to be negotiated with the availability of the independent tester.

6. TESTING AFTER AN INCIDENT HAS OCCURRED

Waratah-Wynyard Council reserves the right to arrange a drug and/or alcohol test should a worker be involved in:
(a) an incident that put the members of the community at risk;
(b) an incident that put other workers at risk;
(c) an incident that put themselves at risk; or
(d) an incident that put property, plant or equipment at risk.

An incident could be either safety or behaviour related and a test may also be arranged following a near miss situation.

The Supervisor/Manager can arrange for a test to be conducted using a specialised designated organisation and an independent tester. The Supervisor/Manager must notify Human Resources that the test is being conducted and for what purpose.

Should the test return a non-negative result, the worker will be required to undertake counselling and rehabilitation.

Also, as the worker knowingly compromised the health and safety of themselves or others around them by being unfit for work, they would be subject to disciplinary action.

7. OBSERVATION OF FITNESS FOR WORK

Every worker has the authority and the responsibility to report to their Supervisor/Manager if in their opinion, they or any other worker may be under the influence or be affected by any substance/condition that impairs the ability for a worker to perform their duties safely.

Where there are reasonable grounds based upon observations of deteriorating work performance, abnormal conduct or behaviour, the Supervisor/Manager may arrange for drug and/or alcohol test to be conducted using a specialised designated organisation and independent tester.

The Supervisor/Manager shall notify Human Resources that the test is being conducted.

Should a worker, volunteer information that they may not be fit for work, their employment will not be jeopardised, but they will be tested and if they return a non-negative result, they must participate in a rehabilitation program.
Should the worker return a non-negative test after completing rehabilitation, then disciplinary action will be taken.

8. COUNSELLING AND REHABILITATION

Waratah-Wynyard Council recognises that the misuse of drugs and alcohol are often treatable conditions. Assistance with the rehabilitation of workers suffering from problems relating to the misuse of drugs and alcohol may be provided through the Employee Assistance Program or through an accredited rehabilitation provider or referral to an appropriate agency.

Rehabilitation and Alcohol use
Should a worker return a non-negative alcohol reading on a minimum of three separate occasions within a two-year period (from the date of the first non-negative test), it will be deemed compulsory for the worker to undertake counselling and rehabilitation.

Should the worker return a non-negative test after completing rehabilitation, then disciplinary action will be taken.

Rehabilitation and Drug use
Waratah-Wynyard Council has zero tolerance towards drug use. Therefore, should a worker return a non-negative reading to a drug test, it will be deemed compulsory for the worker to undertake counselling and rehabilitation.

Should the worker return a non-negative test after completing rehabilitation, then disciplinary action will be taken.

9. GUIDELINES FOR THE MANAGEMENT OF WORKERS WHO SEEK ASSISTANCE WITH ALCOHOL OR DRUG ABUSE

9.1 A worker with problems related to the misuse of drugs and/or alcohol should seek assistance from their supervisor or the Employee Assistance Program as soon as practicable.

9.2 A worker who has reasonable grounds, based on observations of deteriorating work performance, abnormal conduct or behaviour or incidents in which safety is compromised, to suspect a problem in another person they shall bring the matter to the attention of their Supervisor/Manager as soon as practicable.

9.3 Where a worker raises concerns regarding another worker, the manager must make appropriate inquiries as soon as practicable, which may include observing the worker, speak with the worker, and/or speaking with other staff etc, in an attempt to confirm whether or not there is a problem. All investigations will be confidential and respectful.
9.4 Where a problem is confirmed the manager/supervisor must as soon as practicable discuss the problem with the worker. The manager shall not attempt to diagnose the problem.

9.5 The manager/supervisor shall provide the worker with information on the Employee Assistance Program and any other assistance available.

9.6 Where a problem related to alcohol or drug abuse is confirmed by a medical officer, an Employee Assistance Program counsellor or the worker themselves, the worker should be referred to an organisation with recognised expertise in the assessment, treatment and rehabilitation of people suffering from misuse of drugs or alcohol.

9.7 Waratah-Wynyard Council shall liaise with the organisation responsible for the rehabilitation of the worker to monitor progress.

9.8 Upon completion of a rehabilitation program, Waratah-Wynyard Council will determine the requirements for ongoing review after consideration of the nature of the initial problem and the work to which the worker will return to.

9.9 Personal information collected in the management process shall remain the property of the rehabilitation program.

10. INFORMATION, ADVICE AND EDUCATION

Information shall be provided on:
(a) health implications of misuse of drugs and alcohol;
(b) the effects of the misuse of drugs and alcohol on safety and performance;
(c) the early detection of problems relating to the misuse of drugs and alcohol;
(d) the Waratah-Wynyard Council’s policy on drugs and alcohol;
(e) understanding what to look for in terms of behaviour of someone affected by drugs and alcohol; and
(f) implications of privacy and confidentiality.

Workers will be required to attend education/information sessions as necessary. New workers will receive induction training on this policy. Regular education/information sessions shall be provided as part of ongoing promotion and awareness programs.

Managers and Supervisors
Managers and Supervisors shall be aware of:
(a) their responsibilities for the implementation of this policy;
(b) confidentiality and disciplinary procedures; and methods of investigation.
(c) potential causes of alcohol and drug use, behavioural and performance issues including workplace stressors, personal and relationship issues, environment etc.

Human Resources will coordinate rehabilitation providers as deemed necessary.
11. **RETAINING RECORDS**

A copy of the Alcohol & Drug Testing Form will be retained on each workers personnel file regardless of the test result.

Information obtained in the process of conducting tests will be treated in the strictest confidence. Individual test results shall not be released to anyone who is not directly involved in the testing process without specific written authorisation by the worker.

Exceptions may be:
(a) a second drug test confirms a non-negative reading and the worker is required to attend counselling and rehabilitation;
(b) the worker authorises the transfer of information;
(c) the worker has signed a release form for rehabilitation or a return to work program in which the results of the test must be known to facilitative further action concerning the worker;
(d) when the results of the test become a subject of dispute, but the information may be released to other parties on a need to know basis; or
(e) when complying with any legal requirement.

Every effort will be made to carry out all actions under this policy in a manner which respects the dignity and confidentiality of those involved.

12. **Employee Social Functions and The Responsible Serving of Alcohol**

As an employer, Council recognises that it has a legislated duty of care to mitigate the risks identified with the consumption of alcohol at management approved social functions on Council work sites and at off site venues.

Workers also have a legislated duty of care to ensure that their behaviour does not put themselves or others at risk of harm or injury. This duty of care is applicable at Council approved social functions.

Disciplinary action may be taken for breaches of duty of care, up to and including termination of employment if necessary.

Alcohol is not to be consumed by workers at any Council work site or Council owned facility without the prior approval of the General Manager or nominated deputy.

A responsible person shall be nominated to be in charge at management approved social functions. This person shall be available to consult with in relation to any concerns regarding the social function and the consumption of alcohol.

Employees shall be advised of the end time of the social function and that any subsequent socialising will not be considered a work sponsored event.
All applications to the General Manager or nominated deputy must be in the form of a risk assessment (Employee Social Function Application form WHS.FRM.001.001) and provide details of the control measures that will be implemented to mitigate the risks to Council and its workers.

Council will not accept responsibility for social functions/gatherings of employees at off site venues that have not received prior approval of the General Manager or nominated deputy.