

Policy 2.19 Workforce Drug and Alcohol

Reference/s Work Health and Safety Act 2020
Shire of Cranbrook Corporate Business Plan 2021-2025
Shire of Cranbrook Strategic Community Plan 2021-2031
Shire of Cranbrook Strategic Resource Plan 2017-2032

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This policy supports the delivery of the Shire of Cranbrook Vision
That the Shire of Cranbrook is a proactive, sustainable, safe, friendly and prosperous place to be

PURPOSE

- To ensure a working environment free from the effects of alcohol and other drug use, the use of drugs or alcohol in the workplace is forbidden;
- To assist Managers and employees to fulfil their duty of care towards themselves and others in the workplace and to meet the obligations of Work Health and Safety Legislation; and
- To clearly state that the Shire of Cranbrook has a zero tolerance to drugs, alcohol and smoking/vaping in the workplace.

Although disciplinary action may be necessary, the focus of this policy is on prevention and to inform employees of the availability of referral, assessment and treatment services.

DEFINITIONS

- **Employee** means Elected Members, all Shire of Cranbrook Employees, Volunteers, Work Experience Students and Contractors.
- **Drug and Alcohol** means all substances which adversely affect or have the potential to adversely affect the health, safety and work performance or conduct of an employee. This includes alcohol, illegal drugs, prescription and over the counter drugs, and any other mind altering or intoxicating substances e.g. inhalants.
- **Serious Misconduct** refers to the improper conduct of an employee that could constitute:
 - a. A criminal offence or
 - b. A serious breach of council policy providing reasonable grounds for terminating employment (in accordance with the local government act and/or relevant awards)
 - c. Conduct which would justify summary dismissal at common law.

- **Appropriate Employees** are defined as the Chief Executive Officer, Manager of Finance, Manager of Works and Works Supervisor.
- **Fit for Duties** - Where an **Employees'** physical condition, and mental alertness allow them to carry out their duties in a satisfactory and safe manner.
- **Workplace** is defined as any area in which work is carried out during working hours and includes Shire Buildings, Vehicles, Works Depot and Road Works Sites.

SCOPE

Elected Members, Shire of Cranbrook Employees, Volunteers, Work Experience Students and Contractors.

Contract workers: The contractor is bound to ensure that their employees comply with this policy. Should a contract worker be suspected to be impaired by drugs or alcohol, they will be requested to leave the site and negotiations will be held with the contract company.

OBJECTIVE

That the Shire of Cranbrook is a safe workplace, free of substance use that may cause impairment to the undertaking of an employee's role.

PRINCIPLES

At the Shire of Cranbrook, it is a requirement that Elected Members, Employees, Volunteers, Work Experience Students and Contractors do not work under the influence of drugs or alcohol. Being affected by alcohol or drugs at work, particularly in 'at risk' environments, can seriously compromise the health, safety and welfare of employees, visitors and members of the public in the workplace. It can also impair an individual's ability to perform their work competently and professionally. The Shire recognises that employees have the right to decide whether or not to smoke. It also recognises however that smoking is hazardous to health and it is committed to the safety and wellbeing of all of its employees, visitors and volunteers.

As such the Shire of Cranbrook will not tolerate employees:

- Possessing, selling, distributing or consuming prohibited drugs in the workplace;
- Consuming alcohol while at work;
- Being affected by alcohol or drugs including medically prescribed or over the counter drugs in the sense that their ability to work safely, competently and professionally is impaired; or
- Smoking in the workplace, including worksites both indoor and outdoor and shire vehicles.

Failure to comply with this policy will result in disciplinary action, which could lead to the termination of employment.

Elected Members failing to comply with this policy will be subject to the provisions of the Local Government Act 1995, associated Regulations and Code of Conduct.

Measures

A safe, respectful and high performance work environment.

Smoking (Includes Vaping)

- There will be no smoking within internal or external work areas, this includes all Shire vehicles and plant, Works Depot and Administration Centre;
- This also includes any office, building or work site, including cemetery, toilets, foyers and passage ways, lunchroom and the depot yard;
- Employees can smoke during nominated break periods only, however they must remove themselves from the worksite and be no closer than 10m to another employee, doorways, or air-conditioning intakes, which includes all vehicles;
- All consideration should be given to the surrounding environment, particularly during fire ban seasons and when the outside areas are extremely dry and un-extinguished cigarette butts could cause fire; and
- The disposal of cigarette butts must be undertaken in a responsible manner. At all times, butts must be extinguished and placed in rubbish bins or stored until the employee returns to a location where a rubbish bin is available.

Drug and Alcohol

Amendments to the *Road Traffic Act 1974* came into effect on 1 October 2011. Included in these changes is the extension of the zero (0.00%) blood alcohol content (BAC) limit to various groups of drivers. In addition there are a range of increases in the fines and disqualification periods for drink and drug driving offences for all drivers in Western Australia.

Imposing a zero BAC limit on certain driver categories recognises the increased risk that drivers pose to passengers and other road users when driving with alcohol in their blood. These changes bring Western Australia's drink driving laws into line with similar laws operating around Australia.

The following drivers are affected by the legislation:

- Taxi drivers;
- Drivers of passenger vehicles with capacity to carry more than 12 adult passengers, including the driver;
- Drivers of omnibuses;
- Heavy vehicle drivers;
- Drivers of vehicles carrying dangerous goods;
- Extraordinary licence holders;
- Recently disqualified drivers; and
- Exemption for Emergency Services employees and volunteers

All employees are subject to a 0.00 blood alcohol limit during work hours.

The Shire may utilise its own breathalyser unit to undertake preliminary testing of an employee or to conduct random testing. The unit used by the Shire will be of a high quality and will be calibrated as per the manufacturers' recommendations.

Detection of a Potential Drug and Alcohol Policy Breach

An employee influenced or impaired by drugs and/or alcohol may display symptoms which affect their physical condition or mental alertness or display unusual behaviour. Alternatively supervisors or co-workers may notice a gradual decline in general performance such as absenteeism, punctuality or unusual difficulties with co-workers.

All employees are required to be free of drugs during work hours. Management has a zero tolerance to drugs in the workplace.

If a manager or supervisor doubts an employee’s fitness for duty, the Shire will have the employee removed from the workplace.

Measuring Impairment

Supervisors and/or Managers should start their discussion with an employee who is suspected of being impaired due to drug and or alcohol use with a view to assessing the employee’s fitness for work and with safety considerations in mind. Words such as, “are you feeling ok?” may be appropriate.

All suspicion, testing and results are to be handled respectfully and in a private and confidential manner.

Supervisors may observe the following to help determine impairment:

1. Reaction time
2. Eye reaction to light
3. Walk in a straight line
4. Slurred speech
5. Responsiveness

There is no accurate way to determine impairment, testing is based on the presence of drugs and alcohol in the employee’s system. Therefore, a test that identifies “non-active metabolites” will be regarded as a positive test - even after the parent drug has left the employee’s system. Similarly, testing for alcohol is not just testing for actual intoxication but the risks associated with the hangover effects of alcohol.

Therefore, a positive test based on the above will be regarded as a breach of this policy.

Drug and Alcohol Testing Regime

Pre-employment or Return to Work	Shire will request a Drug and Alcohol Screen (DAS) for all preferred applicants prior to appointment at the pre-employment medical. A DAS may be required on return to work.
Causal	A DAS may be carried out after an incident. A DAS will be carried out after a major incident

Random/Blanket	At anytime the Shire can carry out a whole or part of staff DAS
Suspicion	A DAS will be carried out where there is a suspicion of impairment.

The Shire of Cranbrook reserves the right to randomly conduct drug and alcohol testing of employees across the organisation at all levels at any time.

With regard to suspicion - individual testing may be carried out where a supervisor suspects that a risk to health and safety exists for the employee, co-workers or the public. Employees shall be notified of testing programs and the consequences. Should there be any dispute from the employee regarding their fitness or otherwise, a second authorised person may be called to make an assessment.

Testing for drugs and alcohol may be undertaken in the following circumstances:

- Where the supervisor forms the opinion that an employee/s impairment by drugs (or alcohol) poses a risk to the employee or other people;
- Where there is reasonable cause to believe that the employee/s to be tested may be impaired by drugs by their physical condition, mental alertness or unusual behaviour; and
- Where the type of drug test to be used can identify the presence of a drug at concentrations which may cause impairment.

Refusal to undergo test

Any refusal to take a Drug and Alcohol Screen / Test will be considered a serious matter and may result in disciplinary action against the employee (up to and including termination of employment)

Consumption of Alcohol on the Premises

Except in situations where the Shire of Cranbrook holds a function on the premises and alcohol is provided, employees must not bring in and/or consume alcohol in the workplace.

MANAGEMENT PROCEDURE ASSOCIATED WITH THIS POLICY

This management procedure is a guide for employees and supervisors (as to possible consequences of a breach of this policy). Notwithstanding this management procedure, the Shire reserves the right to take any form of disciplinary action (up to and including termination) against an employee that it considers appropriate at any time.

Management Action – Offence 1

Employees suspected of being under the influence of Alcohol or Drugs will be directed to undergo drug and alcohol testing and if a positive result is returned, will be removed from the work place and instructed not to return to work until fit for duties. On confirmation of a positive result the employee will not be paid for any absence from work.

An employee will be required to undergo a satisfactory drug/alcohol test before returning to work and may also be required to undertake regular testing for a prescribed period of time once the employee has returned to work. Upon the employee's return to work, a discussion between the employee and immediate supervisor will take place (the employee may request a representative).

- The discussion may be presented as a counselling session. Procedural fairness must be observed and the supervisor must clearly state the reasons for the interview and the employee must be given the opportunity to respond. The supervisor must clearly state what standard is required or expected;
- A formal written warning will be issued on all occasions and other disciplinary action may be taken if deemed necessary;
- The supervisor may offer assistance by encouraging the employee to participate in an Employee Assistance scheme, although the employee is not obliged to accept;
- Following the counselling session, a timeframe for review of the employee's conduct will be established. The employee should be informed of the expected change and ongoing monitoring by the supervisor. The employee should be made aware that further disciplinary action (including termination of employment) will be taken if there is no significant improvement;
- A compulsory interview will normally be arranged at the end of a review period;
- A review interview should normally be held (after a review period) at a prescribed time. Improvements should be acknowledged. The supervisor would normally prepare a summary of the interview; and
- Management reserves the right to take any form of disciplinary action (up to and including termination) against an employee that it considers appropriate at any time.

Management Action – Offence 2

Should employees present for work for a second time in an impaired state or clearly be unfit for duties as described by this policy, the person will be removed from duties and be sent home until fit for work. The employee will be directed to undergo drug and alcohol testing. An employee will be suspended without pay for a minimum of the balance of that day and until fit to return to duties. The employee must determine when they are fit to work and report to their supervisor prior to recommencing work. The Shire will require the employee to undergo satisfactory drug and alcohol testing before returning to work and will also require the employee to undertake regular testing for a prescribed period of time once the employee has returned to work.

- Management reserves the right to take any form of disciplinary action (up to and including termination) against an employee that it considers appropriate at any time.

ROLES AND RESPONSIBILITIES

Elected Members:

- Compliance with and support of the policy and its outcomes.

Chief Executive Officer, Managers and Supervisors:

- Are responsible for ensuring compliance with this procedure.

Employees:

- Are responsible for complying with this procedure and advising their Supervisor if they are taking any prescribed drug or medication which may affect their fitness for duty or work performance; and
- Employees should also find out from their doctor or pharmacist what the effects of the prescribed drugs are on work performance.

