

## DRUG AND ALCOHOL POLICY (COMMUNITY POLICY)

### 1. Scope

The Drug and Alcohol Policy (this 'Policy') applies to all workers and Councillors, who carry out work in any capacity for Livingstone Shire Council including work as an employee, contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company assigned to work for Livingstone Shire Council, an apprentice or trainee, work experience student, volunteer or Councillor.

### 2. Purpose

This Policy supports Livingstone Shire Council's commitment to maintaining a safe and efficient working environment for all workers and Councillors.

### 3. References (legislation/related documents)

#### Legislative references

*Anti-Discrimination Act 1991*  
*Human Rights and Equal Opportunity Act 1986*  
*Industrial Relations Act 1999*  
*Information Privacy Act 2009*  
*Local Government Act 2009*  
*Local Government Regulation 2012*  
*Right to Information Act 2009*  
*Transport Operations (Road Use Management) Act 1995*  
*Work Health and Regulation 2011*  
*Work Health and Safety Act 2011*  
*Workers Compensation and Rehabilitation Act 2003*  
*Workers Compensation and Rehabilitation Regulation 2003*

#### Related documents

Council's Certified Agreement/s  
 Discipline Procedure  
 Drug and Alcohol Procedure  
 Fitness for Work Policy  
 Human Resource Management Delegation Directive  
 Livingstone Shire Council Code of Conduct  
 Performance and Achievement Policy  
 Prevention of Workplace Harassment and Discrimination Policy  
 Relevant Australian Standards  
 Workplace Health and Safety Policy

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

CEO	<i>Chief Executive Officer</i> A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> .
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Council	Livingstone Shire Council.
Councillor	The Mayor and/or a Councillor/s of Livingstone Shire Council, within the meaning of the <i>Local Government Act 2009</i> .
Employee	<i>Local government employee</i> — (a) the chief executive officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Employee Assistance Program (EAP)	A confidential, professional counselling service available to Council employees.
Fitness for Work	A state (physically, mentally and emotionally) to perform assigned tasks competently and in a manner which does not compromise or threaten the health, wellbeing and safety of themselves or other persons.
Risk of Impairment	The risk of a worker's or Councillor's reduced quality, strength or effectiveness due to the effects of drugs and/or alcohol consumption whilst performing their usual duties.
Random	Having no specific pattern nor predetermined outcome.
Suspicion Testing	Testing undertaken on the suspicion that an employee or Councillor may be at risk of impairment from drugs or alcohol.
Visitor	Any person external from Council, who attends a Council workplace.
Worker	Contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company assigned to work for Council, work experience student or a volunteer.
Work Hours	Any time where a worker is at the workplace for work purposes, and claiming remuneration, including time where the on-call allowance is received.
Workplace	A place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

## 5. Policy Statement

Workers and Councillors are not to present themselves for work if they have consumed alcohol and/or other drugs where they may be at risk of impairment during work hours. It is a condition of entry to all Council workplaces that all workers and visitors may be tested at any time for alcohol and/or drugs.

Alcohol and illicit drugs shall not be consumed at any Council workplace, in any Council owned vehicle or plant, or at any time as a worker of the Council or as a Councillor whilst undertaking their respective duties. An exception for the consumption of alcohol will be made for special occasions or locations as determined by the CEO and where the provision of hospitality is within the bounds of normal customary hospitality.

### 5.1 Alcohol and Drug Tolerance Levels within the Workplace

Council's alcohol tolerance within the workplace is in accordance with applicable legislation, considering the workplace requirements and the nature of the work being undertaken.

Council's drug tolerance within the workplace is in accordance with the testing method's Australian Standard, including amendments, which Council accepts as indicators of the risk of impairment.

## **5.2 Prescription and Pharmacy Medication**

If Council suspects that there is a risk of impairment to a worker's or Councillor's ability to safely perform work, Council may take steps to address the issue in accordance with this Policy and associated procedures.

Where a worker or Councillor is taking prescription and pharmacy medications for a legitimate medical purpose, the worker or Councillor will not breach this Policy by attending work or duties subject to guidelines listed in the Drug and Alcohol Procedure.

Any information supplied by workers or Councillors in relation to prescription and pharmacy medication to Council or any of its workers must be kept confidential.

## **5.3 Awareness and Training**

Council recognises that it is important to develop a workplace culture, through awareness and training where employees are prepared to encourage each other to be safe and not unfit for work. All employees shall be familiarised with this Policy and the Drug and Alcohol Procedure upon commencement of employment and annually thereafter.

All other workers and Councillors shall be made aware of the components of this Policy and the Drug and Alcohol Procedure that may affect them whilst performing work in any capacity for Council.

## **5.4 Drug and Alcohol Testing Triggers**

Consistent with Council's obligation and commitment to ensuring a safe workplace, workers and Councillors will be required to undergo drug and alcohol testing in the following circumstances in accordance with the Drug and Alcohol Procedure:

- As part of a Random Testing Program;
- In a case of Reasonable Suspicion;
- Post Incident; and/or
- Any testing as part of a return to work and/or rehabilitation program conducted under this policy and associated procedure.

### Self-testing

Council may consider the use of self-testing unit(s) to allow workers and visitors access to testing equipment that produces results that does not identify the individual.

## **5.5 Testing Methods**

All initial drug testing undertaken will comprise of a saliva test. Confirmatory test may comprise of either a urine or saliva test.

Urine testing will be conducted in accordance with Australian/New Zealand Standard AS/NZS 4308:2008. Saliva testing will be conducted in accordance with Australian Standard 4760-2006.

Alcohol testing will be conducted in accordance with current random breath testing procedures in Queensland (Australian Standard AS 3547-1997).

## **5.6 Employee Assistance**

Council recognises drug and alcohol dependency as a treatable condition. Workers or Councillors who suspect they have an issue with drugs and/or alcohol are

encouraged to seek advice regarding appropriate treatment options. Council offers employees and Councillors the services under the EAP. The services provided by Council's EAP provider are strictly confidential.

Any Workers or Councillors referred to EAP may access either a Council provided EAP or a recognised program of their choosing (at the employee's own expense).

## **5.7 Responsibilities**

Detailed responsibilities are contained in the Drug and Alcohol Procedure.

## **5.8 Breaches of Policy**

Disciplinary action may be taken in accordance with the actions detailed in the Drug and Alcohol Procedure and Discipline Procedure for breaches of this policy including, but not limited to:

- The recording of a positive result from a drug and / or alcohol test;
- If found to have deliberately masked a substance;
- The falsification of medication information or details;
- Tampering with a sample for drug and / or alcohol testing; or
- Refusing to comply with any requirements of this Policy.

## **6. Changes to this Policy**

This Policy will be reviewed when any of the following occur:

- 1) The related information, including legislation or relevant standards, is amended or replaced; or
- 2) Other circumstances as determined from time to time by the CEO.

## **7. Repeals/Amendments**

This Policy repeals the former Rockhampton Regional Council Policy titled 'Drug and Alcohol Policy'.

<b>Version</b>	<b>Date</b>	<b>Action</b>
1	13/09/2016	Adopted
1.1	27/08/2018	Administrative Amendments – reflect organisational restructure
1.2	31/10/2018	Policy reviewed and no amendments required

**CHRIS MURDOCH**  
**CHIEF EXECUTIVE OFFICER**