

## **ALCOHOL AND OTHER DRUGS**

### *Objective*

- To assist Council in providing a safe working environment for its employees.
- To emphasise the necessity of employee's safe fitness for work in accordance with the Work Health Safety Act 2011 (NSW) and Work Health Safety Regulation 2017 (NSW).
- To require employees confidentially to self-declare, to their supervisor, any consumption of alcohol which may affect their work performance.
- To require employees to confidentially notify, to their supervisor, any use of drugs which may impair their ability to safely perform their duties. This includes prescription or over the counter medications and any other drug or substance whatsoever.
- To increase the awareness of staff to the harmful effects of alcohol and other drugs, and to assist employees to overcome any alcohol or other drug related dependency through the provision of access to confidential counselling services and referrals.
- To present a professional image of Council to the community.

### *Scope*

This policy is applicable to all Councillors, employees, contractors, volunteers, and other personnel defined as workers by the Work Health and Safety Act 2011 (NSW). Any reference to employees in this policy shall refer to the above.

Supported employees of Carlginda Enterprises are excluded from the random drug testing section of this policy.

This policy also applies to pre-employment screening of potential employees prior to confirmation of offer of employment.

### *Policy*

Gilgandra Shire Council is committed to providing a working environment that ensures the health, safety, respect, and productivity of all employees.

#### 1. Zero Tolerance

Subject to the limited exception set out in Authorised Functions in relation to authorised functions, the consumption, use, sale, or distribution of alcohol on or in the workplace or within its perimeters is strictly prohibited. Contravention of this policy will lead to dismissal.

The consumption, use, sale, or distribution of drugs on or in the workplace or within its perimeters is strictly prohibited. Contravention of this policy will lead to dismissal.

Any person covered by this policy attending work under the effects or influence of alcohol or illicit drugs will not be permitted to commence or continue work. A breach of this policy shall lead to disciplinary action, which may include dismissal.

For the avoidance of doubt, this policy is specifically intended to include the consumption of alcohol or illicit drugs prior to working hours, which would have the effect that, if tested, the individual would return a positive result.

## 2. Testing for Alcohol and Drugs

Testing for alcohol and drugs will be undertaken in the following circumstances and all costs relating to this policy will be paid by Gilgandra Shire Council:

- During pre-employment medical assessments and for change in employment status, e.g. Casual to part time.
- Where required by a customer or regulatory authority.
- Where there are reasonable grounds based on observations by the responsible manager or supervisor of deteriorating work performance or any abnormal conduct or behaviour (refer Alcohol & Other Drugs Testing procedures Appendix C).
- In response to any accident/incident resulting in damage to property or injury to people that is expected to incur an insurance claim, or a near miss that could have resulted in death, permanent impairment, or property damage.
- At the discretion of management particularly where a service is subject to external investigation.
- Random testing.
- Employees/Contractors under the influence – Alcohol and/or illicit drugs.

## 3. Testing Types

Pre-employment, random and causal testing for alcohol and other drugs may be undertaken to determine fitness for duty.

All drug testing will be by a test on oral fluids and/or urine and will be in accordance with the Australian Standards.

## 4. Responsibilities

The General Manager is to:

- Ensure that all relevant individuals are aware of and comply with the requirements of Gilgandra Shire Council's Alcohol and Other Drugs Policy and Gilgandra Shire Council's Alcohol and Other Drugs Procedure.
- Provide appropriate resources to allow the content of this policy to be carried out.
- Ensure that prompt and appropriate actions are available to address fitness for work issues.

## 5. Counselling

- Council values its employees and recognises the debilitating effect of drug and alcohol abuse and the potential danger to the employee and others. Where appropriate, and as far as is reasonably practicable, Council may assist with confidential counselling for employees with a drug or alcohol problem.
- Employees who refuse to seek assistance and/or do not maintain a satisfactory work performance may be subject to formal disciplinary action.

## 6. Disciplinary Action

- If an employee is found to be affected by drugs or alcohol while at work, disciplinary action will be taken in accordance with the Disciplinary Procedures as set down in the **Local Government (State) Award 2023** or subsequent agreements. Such action may result in termination of employment.
- As per Gilgandra Shire Council's Performance Management Policy.

## 7. Leave Entitlements/Promotion

- Normal leave entitlements and/or, if approved by the General Manager, leave without pay may apply for treatment/counselling absences.
- Job security and promotional opportunity will not be jeopardised by a decision to seek treatment.

## 8. Conveying of Policy Detail

Managers and Supervisors are to ensure that all persons are made aware of the contents of the Alcohol and Drug Policy and its application, including implications, in the workplace.

## 9. Confidentiality

- Strict confidentiality will be maintained regarding the personal details of any employee involved in counselling or disciplinary action relating to drug or alcohol consumption.
- Confidential information regarding such incidents will be maintained in the employee's personal file.
- Access to employee personal files will be in accordance with the Privacy and Personal Information Protection Act 1998 (NSW).

10. Authorised Functions

The consumption or sale of alcohol is not permitted on Council premises or work sites, unless by written approval by the General Manager or his/her delegated representative/s for special occasions including but not limited to:

- Council functions
- Christmas drinks
- Retirement of employees
- Celebrations/Special occasions

Any Council employee wishing to hold a special event where alcoholic beverages will be provided is required to obtain written approval from the General Manager or his/her delegated representative/s prior to the event.

A request will need to detail:

- Purpose of the event/occasion
- Proposed date/time – including proposed finishing time
- Estimated amount of people attending

During such special occasions, staff should practice common sense and demonstrate moderation. Low and non-alcoholic beverages and food should be made available at all Council authorised functions. Such functions are to occur at the end of the working day where possible.

A designated driver or other arrangements should be organised prior to a function to have persons above the Blood Alcohol Concentration limit transported safely home.

All promotional material related to the above events will reflect Council's commitment to ensuring a safe, healthy and happy event for all staff.

All council policies and procedures and code of conduct apply to Council functions.

*Relevant Legislation*

Work Health and Safety Act 2011 (NSW)

Work Health and Safety Regulation 2017 (NSW)

Australian Standards (AS4760) Procedures for specimen collection and the detection and quantification of drugs in oral fluid

Australian Standards (AS4308) Procedures for specimen collection, detection and quantitation of drugs of abuse in urine

Local Government (State) Award 2023

Associated Documents

Alcohol and other Drugs in the Workplace: A guide to developing a workplace alcohol and other drugs policy (WorkCover 2006)  
 Alcohol and Other Drugs Testing Procedure  
 Performance Management Policy  
 Employee Medication Declaration Form  
 Fitness for Work Assessment Form  
 Authorised Function - Consumption of Alcohol at a Council Function Form

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|-----------------------------|--------------------------------------------------------------------------------------------|-----------------------|-----------------------------------------------------------------------|
| <b>Responsible Officer:</b> | Executive Leader Transformational Change                                                   |                       |                                                                       |
| <b>Date Adopted:</b>        | 19/7/09, 18/2/15<br>17/2/16, 20/3/18<br>18/2/20, 16/2/21<br>21/02/23, 20/02/24<br>18/02/25 | <b>Resolution No:</b> | 308/09, 15/15<br>18/16, 48/18<br>12/20, 15/21<br>11/23, 6/24<br>13/25 |
| <b>Version:</b>             | 8                                                                                          | <b>Review Date:</b>   | July (annually)                                                       |