

POLICY NO LG12 FIT FOR WORK (Alcohol & Drug) POLICY

DEPARTMENT:	Governance
RESPONSIBLE OFFICER:	Human Resources Manager
LINK TO STRATEGIC PLAN:	Maintain workforce standards and procedures that ensure that the occupational health, safety and welfare of employees, contractors and public is protected and enhanced.
STATUTORY AUTHORITY:	<p><i>Work Health and Safety Act 2012;</i> <i>Work Health and Safety Regulations (Tas) 2012;</i> <i>Road Safety (Alcohol and Drugs) Act 1970 (Tas);</i> Education and Care Services National Regulations; Construction Work Code of Practice CP1014 – December 2012; Australian Standard AS3547:1997 – Breath Alcohol Testing Devices for Personal Use; and Australian Standard AS4760:2006 - Procedures for Specimen Collection and the Detection and Quantification of Drugs in Oral Fluid</p>
OBJECTIVE:	<p>The objective of this policy is to ensure that Council has a mechanism to appropriately manage the misuse of alcohol and other drugs in the workplace through training, education, rehabilitation, employee assistance and where required discipline.</p> <p>The policy aims to:</p> <ul style="list-style-type: none"> • ensure that all workers are fit for work and to reduce and minimise the likelihood of possible injury and/or potential negative effects resulting from alcohol and other drugs use in the workplace; and • promote acceptable practices in regard to alcohol and other drugs management within our workplace.
POLICY INFORMATION:	<p>Adopted: 14 December 2015 – Minute No 12/15.11.7.322 Amended 21 September 2020 – Minute No 09/20.12.4.164</p>

POLICY

1. SCOPE

This policy applies to all Break O'Day Council workers at all workplaces and worksites. The obligations contained in this policy also extend to all work-related functions.

2. DUTY OF CARE OBLIGATIONS

Under the Work Health and Safety Act 2012, everyone in the workplace has a role to play in workplace health and safety. All workers commit to being fit to undertake work duties and must make sure that any drug or alcohol use doesn't affect their safety or the safety of others in the workplace. This includes any drugs or alcohol you use outside working hours. These laws apply to everyone in the workplace: employers, managers and workers; those who do high risk tasks as well as those who don't.

Periodically, Council may conduct random alcohol and other drugs tests at worksites. The aim of the testing regime is to act as a deterrent, not a mechanism to 'catch people out'. Testing is to be implemented as part of a comprehensive alcohol and other drugs program including clear procedures and provision of education and counselling.

3. TOLERANCE REQUIREMENTS

Activity	Tolerance	
Attendance at a Council Worksite, unless stated otherwise.	Alcohol BAC LESS than 0.03	Illicit Drugs Zero
Workers who operate a vehicle with less than 1,500 kilos payload i.e. dual cab, flat tray, sedan.	Alcohol BAC LESS than 0.03	Illicit Drugs Zero
Workers whose employment involves operation of motorbikes and/or quad bikes.	Zero tolerance	
<p>Workers whose employment involves operation of the following plant and equipment (including but not limited to portable power tools, electrical and hydraulic equipment) :</p> <ul style="list-style-type: none"> • vehicles with a GVM in excess of 4.5 tonne; • backhoe • forklift; • grader; • skidsteer loader; • street sweeper; • tractors (with or without implements), • ride on mower, • chainsaw, • concut saw. <p>Workers on after-hours standby, ie required to be available for the purposes of the Council outside their ordinary hours of duty.</p>	Zero for Alcohol and Illicit Drugs	
<p>Workers engaged in high risk activities, including work:</p> <ul style="list-style-type: none"> • carried out in or near a confined space; • carried out around power lines; • involving the installation or configuration of electronically powered equipment; 	Zero for Alcohol and Illicit Drugs	

Activity	Tolerance
<ul style="list-style-type: none"> carried out in or near a shaft/trench with a depth of more than 1.5m; where risk of a person falling more than 2m; carried out on, in or adjacent to a road, railway or other traffic corridor that is in use by traffic other than pedestrians; carried out where there is movement of powered mobile plant; and where a risk assessment identifies an activity as “high risk”. 	
Learner or Provisional driver.	Zero for Alcohol and Illicit Drugs
Consume alcohol (other than at an approved function and not returning to work).	Zero for Alcohol and Illicit Drugs
Distribute alcohol or illicit drugs.	Zero tolerance
Possession of alcohol (other than as outlined in this procedure) or illicit drugs.	Zero tolerance
Sell alcohol other than at an approved function.	Zero tolerance
Consume therapeutic drugs which may affect the ability to work safely, <i>unless</i> taking prescription or over-the counter medication for legitimate medical reasons. Medications must only be taken in accordance with recommended dosage and warnings, and in the case of prescribed medications, medication must be prescribed to that person by a medical practitioner.	Zero tolerance

4. DISCIPLINARY ACTION

Procedures for managing workplace risks associated with the use of alcohol and other drugs aim to balance Council’s obligation to ensure the health and safety of workers and other people in the workplace, and promoting a supportive culture in which workers feel able to seek assistance in a non-threatening environment.

Council aims to be supportive and rehabilitative in our approach to managing the inappropriate use of alcohol and other drugs in the workplace, but there will be occasions when disciplinary action is appropriate.

Workers: If a worker breaches this policy and/or procedure, including refusal to take an alcohol or other drug test, action will be taken in accordance with section 19 Response and Disciplinary Procedure” requirements of the Fit for Work (Alcohol & Drug) Procedure . This may include termination of employment / services.

Contractors:

A contractor who breaches this policy and/or procedure, shall be denied access to Council worksites. Furthermore, Council reserves the right to take such action as it deems appropriate as a consequence of the contractor's conduct, including reviewing and/or termination of any contract in which the contractor is involved.

5. MONITORING AND REVIEW

This Policy will be reviewed every three (3) years in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager