

DRUG AND ALCOHOL POLICY

1. PURPOSE

Cherbourg Aboriginal Shire Council, ("CASC") aims to provide and maintain a workplace environment that not only protects the health and safety of all workplace participants whilst at work, but also facilitates a productive workplace. A safe and productive work environment includes the respectful treatment of others in the workplace. The consumption of drugs and/or alcohol can impair a workplace participant's ability to perform work in a safe manner and can also lead to unacceptable behaviour towards others.

The purpose of this Policy is to reduce the likelihood of injury, damage and/or other negative effects of alcohol and/or drug use.

2. COMMENCEMENT

This Policy will commence on and from 25 April 2016. It replaces all other policies or dealing with drugs or alcohol at work (whether written or not).

3. APPLICATION OF THIS POLICY

This Policy applies to all employees, agents and contractors (including temporary contractors or subcontractors) of CASC (and its related entities), collectively referred to in this Policy as 'workplace participants'.

This Policy is not restricted to the workplace or work hours. The obligations contained in this Policy extend to all functions and places that are work-related. A "work-related function" is any function that is connected to work. For example, conferences, work lunches or meetings, Christmas parties, client functions etc. Workplace participants must comply with this Policy at all work-related functions. Any reference to work in this Policy includes a work-related function. This Policy also applies when workplace participants go to other workplaces in connection with work, for example when visiting a customer, client or supplier.

4. DEFINITIONS AND EXPLANATION OF TERMS

In this Policy:

"Drugs" includes Illegal drugs and Prescription and Pharmacy Medications as defined below.

"Illegal drugs" includes any drug prohibited by any State, Territory or Federal law in Australia or any other laws (including foreign and international laws) to which CASC is subject or which apply to the work performed by workplace participants for CASC. For the purposes of this Policy, marijuana is an Illegal drug. In this Policy, "Illegal drugs" includes Prescription and Pharmacy Medications (as defined below) which are used without the necessary prescription or for purposes for which they were not intended.

"Prescription and Pharmacy Medications": CASC recognises that workplace participants may have legitimate medical reasons for taking some Medications. This includes where a medical practitioner has properly prescribed lawful Medications for a diagnosed medical purpose or where the Medication is lawfully available at Australian pharmacies (without a prescription) and is required for the treatment of a legitimate condition. These Medications are referred to in this Policy as "Prescription and Pharmacy Medications".

5. RESPONSIBILITIES

Except as set out in this Policy, workplace participants are not permitted to do the following:

- 5.1 work while under the influence of drugs and/or alcohol;
- 5.2 commence or return to work while under the influence of drugs and/or alcohol;

- 5.3 consume or use illegal drugs and/or alcohol at work or during work hours (even whilst off site);
- 5.4 bring alcohol and/or illegal drugs to work;
- 5.5 sell or dispense alcohol and/or drugs at work; or
- 5.6 possess alcohol and/or illegal drugs at work.

CASC does not accept liability for the consequences (property damage, injury etc) of any illegal or inappropriate actions of any workplace participant whilst he/she is affected by drugs and/or alcohol. The workplace participant is responsible for the consequences of their actions.

6. PRESCRIPTION AND PHARMACY MEDICATIONS

Where a workplace participant is taking Prescription and Pharmacy medications for a legitimate medical purpose, the workplace participant will not breach this Policy by attending work, if:

- 6.1 the workplace participant takes the Prescription and Pharmacy Medications in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs;
- 6.2 the workplace participant does not misuse or abuse Prescription and Pharmacy Medications;
- 6.3 the workplace participant is aware of the effects (including potential effects) of consumption of alcohol while taking Prescription and Pharmacy Medications; and
- 6.4 the workplace participant checks with their medical practitioner or pharmacist about the effect of the drug on their ability to drive vehicles, operate machinery and generally perform their work duties in a safe manner. If a workplace participant's ability to perform his/her work safely could be impaired by Prescription and Pharmacy Medications, the workplace participant should promptly obtain advice in writing from the medical practitioner or pharmacist and provide it to his/her manager or supervisor, before undertaking his/her work.

If CASC suspects that a workplace participant's ability to safely perform work is impaired (or likely to be impaired), CASC may take steps to address the issue in accordance with this Policy.

7. CONSUMPTION OF ALCOHOL

CASC may waive the prohibition on the consumption of alcohol in certain circumstances such as for special functions, Christmas parties, client functions etc. The decision to waive this prohibition is at the sole discretion of CASC. Prior to the relevant function, workplace participants will be notified whether or not the prohibition of alcohol is waived. Unless notified otherwise, all workplace participants must assume that the prohibition applies.

Even if CASC waives the general prohibition on consumption of alcohol, the following restrictions continue to apply at all work-related functions:

- 7.1 Workplace participants who consume alcohol should do so in a responsible manner;
- 7.2 Workplace participants must not become inebriated or drunk;
- 7.3 Workplace participants must uphold an appropriate standard of behaviour at all times. Inebriation will not be accepted as an 'excuse' for misconduct;
- 7.4 The restrictions set out below in relation to the operation of vehicles and machinery continue to apply;

7.5 Workplace participants must not drive any vehicle if they have consumed any alcohol or drug (being any drug that could impair the ability to safely operate the vehicle). Workplace participants who do not have a means of transport should advise their supervisor or manager in order to arrange transport.

8. VEHICLES AND MACHINERY

Workplace participants must not, in any circumstances, operate machinery if they have consumed alcohol or illegal drugs. Prescription and Pharmacy Medications which may impair their ability to drive the vehicle or operate the machinery in a safe manner.

CASC does not accept liability for any damage to any machinery or vehicle, any injury to any person, or damage to any other property caused by a workplace participant's use of a vehicle or machinery while under the influence of alcohol or drugs. The workplace participant is responsible for the consequences of their actions.

Where a workplace participant is taking Prescription and Pharmacy Medications, the workplace participant must comply with any warnings or cautions with respect to those medications. Further, if a workplace participant is taking Prescription and Pharmacy Medications and feels that their ability to safely drive a vehicle or operate machinery is impaired (regardless of whether or not the drug contains a relevant warning), the workplace participant must not drive any vehicle or operate any machinery and must promptly notify their manager or supervisor of this fact.

9. WHAT WILL CASC DO IF IT SUSPECTS A WORKPLACE PARTICIPANT IS AFFECTED BY DRUGS OR ALCOHOL?

If CASC suspects on reasonable grounds that a workplace participant is under the influence of drugs and/or alcohol, CASC will take steps to address the issue.

CASC may have that suspicion in any circumstance where the workplace participant: is unable to coordinate their actions; has red or bloodshot eyes or dilated pupils; smells of alcohol; acts contrary to their normal behaviour; or otherwise appears to be impaired.

In circumstances when CASC suspects a workplace participant to be under the influence of drugs and/or alcohol CASC may take any or all of the following actions:

- 9.1 Direct the workplace participant to go home; or
- 9.2 May require the employee to undergo on site testing for drugs and alcohol; and/or
- 9.3 Direct the workplace participant to attend a medical practitioner and submit to a medical examination to determine whether the workplace participant is fit to safely perform their duties without risk to health or safety. The medical examination may include a drug and/or alcohol test. Further, in relation to Prescription and Pharmacy Medications, CASC may require evidence as part of the medical examination about the effects and proper usage of the drug. The workplace participant may be directed to go home following the medical examination.

If the workplace participant refuses to undertake a drug and/or alcohol test or attend a medical examination, the workplace participant will be directed to go home. Refusal to attend a medical examination or refusal to go home constitutes a breach of this Policy and may result in action being taken against the workplace participant, as set out below under 'Breach of this Policy'.

Where a workplace participant is sent home or required to attend a medical examination, the workplace participant must report to their manager or supervisor to discuss the incident the following working day, or when the workplace participant is no longer under the influence of drugs and alcohol. CASC may deal with the issue as set out below under the heading 'Breach of this Policy'.

10. RANDOM DRUG AND ALCOHOL TESTING

- 10.1 CASC may introduce a system of random drug and alcohol testing in higher risk areas of its operations, for example, plant operation and work connected thereto, road construction and maintenance or where employees are required to operate machinery/equipment or vehicles.
- 10.2 Where CASC introduces a system of random testing, a process of consultation, communication and training of effected employees will precede the commencement of random testing.
- 10.3 The system of selection for testing will be determined by a random payroll number generator.
- 10.4 Testing for drugs will be by means of oral fluid sample, where an Australian standard exists for the detection of impairment causing drugs using such means. Testing for Alcohol impairment will be by means of breath analyser.
- 10.5 Non-negative results for drugs will be determined in accordance with the Australian standards for oral fluid testing.
- 10.6 Employees will be required at all times to maintain a blood alcohol level below the legal requirements for the operation of particular vehicles.
- 10.7 Employees whom return a non-negative result following random testing may be subject to targeted follow up testing.

11. WHAT WILL CASC DO IF IT FINDS DRUGS OR ALCOHOL ON CASC'S PREMISES?

If CASC finds drugs and/or alcohol on any work premises in breach of this Policy, CASC may take any or all of the following steps:

- 11.1 Investigate the matter in order to attempt to determine who is responsible. For this purpose searches may be conducted, as set out in this Policy;
- 11.2 require some, or all, workplace participants to undergo a medical examination in order to test for the presence of drugs and/or alcohol.

Workplace participants are required to co-operate in any investigation of such matters. Failure to co-operate or providing false information in an investigation constitutes a breach of this Policy and will be considered to be misconduct and will be dealt with under the heading 'Breach of this Policy'.

12. WHAT WILL CASC DO IF IT SUSPECTS A WORKPLACE PARTICIPANT POSSESSES DRUGS OR ALCOHOL AT WORK?

If CASC suspects that a workplace participant has drugs or alcohol in their possession at work, CASC may take any or all of the following steps:

- 12.1 Investigate the matter to attempt to determine whether the workplace participant does have such drugs or alcohol in their possession;
- 12.2 Require the workplace participant to give access to any of CASC's property such as any locker or vehicle;
- 12.3 Request the workplace participant to allow inspection of any personal property of the workplace participant such as any bag, or vehicle or to empty their pockets or jacket. Workplace participants are expected to permit such inspection and co-operate with the investigation.

Signed:

Date:
