



# CHERBOURG ABORIGINAL SHIRE COUNCIL

22 BARAMBAH AVENUE  
CHERBOURG QLD 4605

Phone: (07) 4168 1866  
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## Drug and Alcohol Management Procedure

### 1. PURPOSE

Cherbourg Aboriginal Shire Council, ("CASC") is committed to providing and maintaining a safe and productive workplace environment. A safe and productive work environment includes the respectful treatment of others in the workplace.

The consumption of drugs and/or alcohol by workplace participants can lead to an increased risk of injury or accidents to themselves and others by impairing their ability to perform work in a safe manner. The consumption of drugs and/or alcohol also leads to unacceptable behaviour towards others. CASC is committed to providing a safe and productive workplace by eliminating accidents, incidents, injuries, damages and/or other negative effects arising from alcohol and/or drug use.

The "*Cherbourg Aboriginal Shire Council Drug and Alcohol Management Procedure*" will outline the expectations, responsibilities and procedures for workplace participants.

### 2. COMMENCEMENT

This Policy will commence on and from 24<sup>th</sup> July 2018. It replaces all other policies or dealing with drugs or alcohol at work (whether written or not).

### 3. POLICY SCOPE

This policy applies to all workplace participants when they are engaged in work for, or on behalf of, the council, in workplaces and during work hours. This policy also applies to workplace participants in a "work-related function". A work-related function is any function that is connected to work, for example conferences, seminars, council social functions, client functions etc.

In accordance with the *Work Health and Safety Act 2011 (QLD)*, all employees have a responsibility to ensure the health and safety of themselves and others in the workplace. This DAMP applies to all CASC employees, including:

- Persons employed directly by Council
- Contractors engaged by Council
- Volunteers and people undertaking work experience with Council

### 4. CONTEXT

#### Legislative Context

- Work Health and Safety Act 2011 (QLD)
- Work Health and Safety Regulations 2011 (QLD)
- Information Privacy Act 2009 (QLD)

#### Other Associated Documents

- CASC Code of Conduct



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- CASC Work Health and Safety Policy Statement
- Australian Standard AS/NZS 4308:2008 - Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.
- Australian Standard AS3547:1997 - Breath alcohol testing devices for personal use.

## 5. PROCEDURE DETAILS

This procedure comprises three key elements:

- Drug and Alcohol Education Program
- Drug and Alcohol Testing Program; and
- Drug and Alcohol Response Program

Council is legally required to comply strictly with its obligations under this Procedure and expects that all employees will comply with their obligations under this Procedure.

Failure to comply with this Procedure may result in Council taking disciplinary action against its employees, or contractual action against contractors or sub-contractors.

### Cherbourg Aboriginal Shire Council Responsibilities

Council must:

- make this program available to all employees;
- for all current employees, make this program available to them prior to the program being fully implemented;
- incur the cost of screening and confirmation tests;
- not permit any employee to perform work related activities in the following circumstances:
  1. if a DAMP Supervisor suspects the employee's faculties may be impaired due to the person being affected by a drug or alcohol;
  2. if an accident or serious incident has occurred which involved the employee while performing work related activities. The employee will not be permitted to recommence work until they have completed a drug and/or alcohol test and Council has been notified of the outcome of that test;
  3. stand down any employee who has been required to cease performing work related duty because of an incident related to alcohol or drugs. The employee will not be permitted to recommence work until they have completed a drug and/or alcohol test and Council has been notified of the outcome of that test.

During this time the employee will be required to take sick leave. Where sick leave entitlements have been exhausted the employee will be required to apply for annual leave or leave without pay.

### Employees of Cherbourg Aboriginal Shire Council Responsibilities

All employees:

- are required to disclose to Council if they have consumed a level of alcohol, or are taking any drug, that may affect their ability to carry out their work activities;



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- must not perform any work related activities if they are aware that they may be adversely affected by a drug or by alcohol;
- are subject to drug and alcohol testing under this program while performing work related activities for Council;
- will be required to provide a sample of bodily fluids if they are to be tested for drugs and/or alcohol on behalf of Council; if required to cease performing work related duties because of an incident related to alcohol or drugs, they must not again perform work related duties until all mandatory pre-conditions have been met (see Section 4.3.2).

## Responsibilities of Cherbourg Aboriginal Shire Council DAMP Supervisors

Council will appoint and provide appropriate training to the following staff, identified as DAMP Supervisors:

- Managers
- Supervisors
- Coordinators

DAMP Supervisors will be required, in consultation with the Chief Executive Officer (CEO) and the Human Resources Manager, to determine if an employee should be selected for drug and/or alcohol testing in the following circumstances:

- Post incident – following a serious incident or near miss
- Show Cause – if an employee is alleged to be affected by drugs and/or alcohol

DAMP Supervisors will be trained about how to form an opinion as to whether a person may be adversely affected by drugs and/or alcohol, and are authorised by Council to form such an opinion as deemed appropriate. Where a DAMP Supervisor forms that opinion, they must instruct the employee to cease performing work related duties. The DAMP Supervisor will then consult with the CEO and the Human Resources Manager to determine if the employee is required to undergo drug and/or alcohol testing.

## 6. DRUG AND ALCOHOL EDUCATION PROGRAM

All employees and DAMP Supervisors of Council are required to attend a drug and alcohol education program. Council will ensure that all employees and DAMP Supervisors have access to a drug and alcohol education program at induction and/or prior to the program being fully implemented.

Council's drug and alcohol education program contains the following components:

for all employees; awareness of:

- Council procedures relating to drug and alcohol use;
- drug and alcohol testing in the workplace (in relation to the DAMP);
- support and assistance services for people who engage in problematic use of drugs and/or alcohol;
- information about the potential risks to workplace safety from problematic use of drugs and/or alcohol;
- additionally, for DAMP Supervisors, education and training to manage people who engage in problematic use of drugs and/or alcohol.

## 7. DRUG AND ALCOHOL TESTING PROGRAM



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The drug and alcohol testing program is administered by an independent testing provider on behalf of Council. Testing may include the collection of breath and/or urine samples and will be conducted in accordance with the relevant Australian Standard. All test results will be treated with the strictest confidentiality.

## Substances that will be included in testing

Council will test for the following substances:

- Alcohol
- Opiates
- Cannabinoids
- Cocaine
- Amphetamine type substances
- Benzodiazepines

Some prescription or pharmacy medications may impact upon the result of drug testing. An employee must declare their use of a prescription/pharmacy drug from a registered medical practitioner before the commencement of testing in order to ensure accurate test results

Any employee using medication prescribed by their medical practitioner must inform their medical practitioner of the nature of their job so that the medical practitioner can determine whether the medication might have an impact on their ability to safely undertake their role.

## How testing will be conducted

Any drug and alcohol testing under this program will be conducted as follows:

- for breath testing for alcohol, using a device that meets either:
  1. AS 3547 - Breath alcohol testing devices for personal use; or
  2. NMI R 126 - Pattern Approval Specifications for Evidential Breath Analysers;
- for urine testing for drugs, in accordance with AS/NZS 4308:2008, procedures for specimen collection and the detection and quantitation of drugs of abuse in urine
- when urine drug screening is being undertaken, if the employee is unable to provide a sample they will be given access to 1200mL of water within the first 3 hours until a sample can be provided. The employee shall not leave the waiting area until a sample is provided. A sample is expected to be provided within 6 hours of receiving access to fluids.

## When testing will be conducted

Drug and alcohol testing of employees may be conducted in the following circumstances:

- Pre-employment: A person will be tested for alcohol and testable drugs when they commence employment with Council.
- Post-incident: A person will be tested for alcohol and testable drugs after an accident, a serious incident or near hit with the potential to result in a serious incident. Suitable test conditions must exist in order for testing to be conducted. Suitable conditions include:
  1. within 32 hours of the accident or incident for drug testing;
  2. within 8 hours of the accident or incident for alcohol testing; and



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3. where it is practicable to conduct a test

- Show Cause: A person may be tested if a DAMP Supervisor has reasonable grounds to believe that an employee may be adversely affected by drugs and/or alcohol while performing work related activities.
- Random testing: Any employee or group of employees may be tested for drugs and/or alcohol as part of a random testing program conducted across Council worksites or building locations. Random drug and alcohol testing may be conducted on groups of workers, or individuals, with little or no notice.
- Self-referral: Any employee may elect to refer themselves for drug and alcohol testing if they are using drugs and/or alcohol inappropriately and the use of drugs and/or alcohol is affecting their ability to perform their work duties in a safe manner. If an employee refers themselves for drug and alcohol testing they will be treated in the strictest confidence.

## Drug Test Results

If a confirmatory drug test conducted under this program returns a positive (or non-negative) result, Council will consult a DAMP Medical Review Officer to determine if the presence and level of a testable drug detected by the test could be the result of legitimate therapeutic treatment or some other innocuous source.

## Acceptable Levels of Drugs and Alcohol

In order to meet their safety obligations, Council has adopted the view that the following levels of alcohol must not be exceeded by individuals in the workplace:

- Workers in low risk positions – 0.05% BAC
- Workers in high risk positions – 0.00% BAC

Plant or Equipment/Activity	BAC Limit
<b>High risk positions:</b> <ul style="list-style-type: none"> <li>• High risk activities requiring use of a Safe Work Method Statement</li> <li>• Heavy Vehicles (LR, MR, HR, HC &amp; MC classes)</li> <li>• Powered Mobile Plant</li> <li>• Traffic Control Operations</li> <li>• Powered Plant</li> <li>• Construction Activities</li> <li>• Entry to a Quarry</li> <li>• Motorcycles (RE Class)</li> <li>• Learner or Provisional Licenced Drivers</li> </ul>	Zero 0.00%
<b>Low risk positions:</b> <ul style="list-style-type: none"> <li>• Motor Vehicle (C Class)</li> <li>• Motorcycles (R Class)</li> </ul>	Below 0.05%

Table 1: Blood Alcohol limit for low and high risk positions



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In accordance with AS/NZS 4308:2008 cut-off levels for drugs of abuse will be as follows:

Class of Drug	Cut-off level ug/L
Amphetamine type Substances	300
Benzodiazepines	200
Cannabis metabolites	50
Cocaine metabolites	300
Opiates	300

*Table 2: Drugs of abuse cut-off levels*

## 8. DRUG AND ALCOHOL RESPONSE PROGRAM

### Ceasing work-related activities

Council will not permit any employee to perform work related duties in any of the following circumstances:

- where Council is aware that a non-negative result for an initial drug screen has been recorded and Council has not yet received confirmatory results from a medical laboratory for the initial drug screen;
- where Council is aware that a positive result for an initial breath alcohol test has been recorded;
- where Council is aware that:
  1. a positive result for a confirmatory drug test has been recorded for the employee; and
  2. a DAMP Medical Review Officer has not determined that the result recorded could be due to legitimate therapeutic treatment or some other innocuous source;
  3. mandatory preconditions for return to work have not been met
- where Council is aware that an employee who has been required to take a drug and/or alcohol test has:
  1. refused to take the test; or
  2. interfered with the integrity of the test
  3. if a DAMP Supervisor suspects an employee is affected by drugs and/or alcohol;
- where an accident or serious incident has occurred involving the employee while performing work-related activities and:
  1. they have not yet completed a post-incident drug and/or alcohol screening test; or
  2. a drug and/or alcohol screening test has been completed but Council has not yet been notified of the test results



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## Returning to work-related activities

Where Council has not permitted an employee to perform work-related activities as a result of a drug or alcohol test related suspension event, Council will only permit the employee to return to work in the following circumstances:

- the employee has undergone a comprehensive assessment for drug or alcohol use;
- if the comprehensive assessment recommended the employee commence a drug or alcohol intervention program and the employee has begun participating in a nominated drug or alcohol intervention program;
- the employee is considered fit to resume work by:
  1. a DAMP Medical Review Officer; and
  2. the employee's treating clinician (if any)
- if the suspension event related to a drug test, at the time the employee was considered fit to resume work, the employee receives a confirmatory drug test result that is negative.

Council will approve leave to allow an employee time to attend a nominated drug or alcohol intervention program if a DAMP Medical Review Officer has advised Council that the employee should attend the program.

Attendance at a nominated drug or alcohol intervention program shall be taken utilising the employee's personal leave. This may include sick leave, annual leave and/or long service leave. Attendance at a drug or alcohol intervention program will be at the employees own expense.

## 9. PERFORMANCE MEETINGS

Any employee who returns a negative result from a drug and/or alcohol test will be permitted to return to work immediately after the testing process is complete.

If an employee returns a non-negative test result, they will be stood down from work related duties, on full pay, until Council receives confirmatory laboratory results for the test. If the confirmatory laboratory result is negative, the employee will be permitted to return to full duties.

If the confirmatory laboratory result is positive, the employee will be required to return a negative test result prior to returning to work. Any employee who returns a positive drug and/or alcohol test result will be required to attend a performance meeting with their Manager and/or CEO, and the Human Resources Manager, immediately upon returning to work. While each instance will be treated on a case by case basis, an employee returning a positive test result for drugs and/or alcohol may be subject to disciplinary action which may also include termination of their employment.



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## 10. SELF-REFERRAL

Council encourages employees to self-referral to obtain assistance and support in dealing with drug and alcohol related issues.

An employee who wishes to seek professional assistance in relation to an alcohol or drug related problem will be afforded necessary assistance by Council. The matter will be treated in the strictest confidence.

## 11. ROLE OF THE MEDICAL REVIEW OFFICER

Council will appoint and consult a DAMP Medical Review Officer as part of its responsibilities under this procedure. The Medical Review Officer will be appointed in consultation with the drug testing agency being used by Council at any given point in time.

### Who is a Medical Review Officer?

A DAMP Medical Review Officer is a medical practitioner that has:

- competence in the field of interpreting drug and alcohol test results; and
- knowledge of substance use disorders; and
- knowledge of the contents of relevant standards and regulations

### What is the role of a Medical Review Officer?

Council will consult a DAMP Medical Review Officer in the following circumstances:

- if an employee is tested in accordance with the program and returns a positive test result, to determine if the presence and level of a testable drug could be the result of legitimate therapeutic treatment or some other innocuous source;
- to review medical information concerning a person's failure to provide a breath or urine sample for drug or alcohol testing because of a claimed medical condition;
- to determine, in consultation with the employee's treating clinician (if any), if the employee is fit to resume performing alternate Council duties while there is a presence of a testable drug in their system; and
- to determine, in consultation with the employee's treating clinician (if any), if the employee is fit to resume work-related duties after being required to cease performing work for a drug or alcohol testing related incident.

## 9. MORE INFORMATION

This Policy does not form part of any contract between any workplace participant and CASC.

### Variations

*CASC reserves the right to vary, replace or terminate this policy from time to time.*



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## POLICY VERSION AND REVISION INFORMATION

Policy Authorised by: Warren Collins

Title: Chief Executive Officer

Policy Maintained by: Warren Collins

Title: Chief Executive Officer

Current version: 1

Review date: 24/07/2019

## WORKPLACE PARTICIPANT ACKNOWLEDGEMENT

*I acknowledge:*

- *receiving the CASC Policy;*
- *that I should comply with the policy; and*
- *that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.*

Your name:

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Signed:

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Date:

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