



Shire of Wyndham East Kimberley
Council Policy Manual
OSH 16

POLICY No:	OSH 16
DIVISION:	Occupational Safety and Health
SUBJECT:	Workplace Drug and Alcohol Use
REPORTING OFFICER:	Executive Manager Engineering and Development Services
ENABLING LEGISLATION:	Occupational Safety and Health Act 1984

OBJECTIVE

Employees are obligated to present themselves for work in a fit state so that in carrying out normal work activities they do not expose themselves, their co-workers or the public to unnecessary risk to safety and health. The use of drugs or illegal substances is forbidden.

The Chief Executive Officer may waive this requirement where circumstances warrant (for example, during a social event).

POLICY

Testing individuals for presence of drugs or alcohol

Worksafe Australia (1993) stated that because drug testing in the workplace raised issues of privacy, it should be carried out if “substantial” risk existed for the employee, co-workers or the public. Employees should be notified of testing programs—not individual tests—and the consequences. The Privacy Committee of NSW (1993) Report stated that drug and alcohol testing should be limited to certain justifiable circumstances including:

- Where an employee’s impairment by drugs poses a substantial and demonstrable safety risk to the employee or to other people.
- Where there is reasonable cause to believe that the employee to be tested may be impaired by drugs.
- Where the type of drug test to be used can identify the presence of a drug at concentrations which may cause impairment.

The aim of this policy is to ensure a safe workplace free from the effects of drugs and alcohol. The policy is directed towards the welfare of the individual and the safety and health of other people. Although disciplinary action may be necessary, the focus is on preventative measures.

Procedure

In general, intoxication is the temporary loss of control, due to alcohol or drug abuse, over psychological or physical faculties.



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If a Manager or Supervisor has justifiable cause to doubt an employee's fitness for duty, the Chief Executive Officer (or appropriate employee) may have the employee removed from the workplace and may initiate any reasonable action considered necessary. If it is believed that the use of drugs or alcohol renders risk to the health or safety of the employee, co-workers or the public, Council reserves the right to remove the employee from duty pending an urgent medical examination to determine fitness to duty.

The procedure for dealing with drug and alcohol abuse is divided into three stages:-

- Stage One – discussion between the employee and immediate Supervisor
- Stage Two – discussion between the employee, supervisor, manager and representative (optional)
- Stage Three – disciplinary action

Stage One

The employee and immediate Supervisor should participate in Stage One, although the employee may request a representative to be present. An observer should be present if an employee representative attends.

- The first stage of the process should be presented as a counselling session. Procedural fairness must be observed and the Supervisor must be observed and the Supervisor must be given the opportunity to respond. The Supervisor must clearly state what standards of performance are required or expected.
- The Supervisor should offer assistance by encouraging the employee to participate in an Employee Assistance Scheme, although the employee is not obligated to accept.
- A timeframe for a review should be established. The employee should be informed of expected changes, on-going performance monitoring by the supervisor and the compulsory interview at the end of the review period.
- The employee should be made aware of possible consequence if there is no significant improvement.
- The Supervisor should prepare a brief summary of the interview and give two copies to the employee. After reading the summary, the employee should sign one of the copies and return it to the Supervisor. This copy should be placed under confidential cover on file.
- The review interview should be held at the prescribed time. The points discussed should respond exactly to those raised at the first interview; improvements should be acknowledged. Continuing problems, such as continued decline in performance, and any new performance-based problems should also be identified and discussed. The Supervisor should again prepare a summary of the interview.



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Stage Two

The participants at Stage Two should be the employee, supervisor, manger, and at the option of the employee, a representative.

- The second meeting should be held using the same procedure as the first, although the employee should be made fully aware of the possible consequences if there is no significant improvement and that this represents a final warning.

Stage Three

If the issue remains a problem, the third stage of the procedure is in accordance with the Organisation's disciplinary procedure.

Responsibilities

Directors, Managers and Supervisors are responsible for ensuring compliance with the policy.

It is the employee's responsibility to advise their Supervisor if they are taking any prescribed drug or medication which may affect their fitness for duty or work performance. The employee should also find out from their doctor or pharmacist what the effects of the prescribed drugs are on work performance.