

City of Albany Policy Drug and Alcohol

1. Policy Statement

The City of Albany is committed to providing the safest possible workplace and caring for the wellbeing of its people. As part of these efforts to achieve the highest standards of safety and health, all employees are encouraged and expected to be free of alcohol or other drugs in excess of specified standards whilst at work. If employees are unable to remain free of alcohol or other drugs in excess of specified standards as outlined in the policy whilst at work, they cannot remain employees of the City of Albany.

2. Objective

This program has been designed to enable the organisation and its staff to comply with the requirements of the Occupational Safety and Health Act 1984 in respect to drugs and alcohol in the workplace. The aim is to ensure the highest possible standards of safety and health are maintained at the City and that our people are provided with an appropriate level of protection in the workplace.

The underlying principles of the City of Albany's Drug and Alcohol Policy are fairness and transparency. This includes introducing workplace alcohol and other drug testing procedures along with employee education, supervisor training, disciplinary action, and the provision of appropriate counselling and assistance where necessary.

The policy provides a consistent and practical approach in managing the risks of impairment which may be caused by alcohol and drug levels in excess of specified standards whilst at work.

This policy has been developed in consultation with employees, relevant unions and the City's management representatives. Its purpose is to:

- (a) Provide a safe workplace that promotes and protects the well-being of all personnel working within the City of Albany;
- (b) Promote a workplace culture that includes a responsible attitude towards alcohol consumption;
- (c) Educate and provide information to all its employees about the effects of alcohol and other drug consumption, especially in the work environment, and their potential impact on employees regarding safety performance;
- (d) Introduce clear and appropriate guidelines, processes and procedures that are supported by all employees and relevant unions;
- (e) Ensure that all methods of drug and alcohol testing, and the protocols employed, conform to the Australian Standards;
- (f) Assist employees who may experience a problem with alcohol or other drug dependency to seek assistance and counselling;
- (g) Encourage employees to self-identify if they believe they have a problem with alcohol or other drug dependency;
- (h) Ensure the provision of employee assistance where drugs or alcohol are identified as a problem;
- (i) Maintain sensitivity to the privacy of employees (e.g. testing, medical conditions, results) and to not compromise good working relationships within the workplace;
- (j) Describe the disciplinary action that will be taken when breaches of this policy occur; and
- (k) Enable a continued responsible approach to social interaction and entertainment within the workplace (e.g. consumption of alcohol at functions).

3. Scope

This policy applies to all workers at all City of Albany worksites, with breaches of this policy treated as misconduct or serious misconduct where deemed appropriate.

What constitutes a 'worker' within the business?

- Employee
- Contractor
- Subcontractor
- Outworker
- Apprentice
- Trainee
- Student gaining work experience
- Volunteer

4. Impairment Factors In the Workplace

Impairment is an inability to safely undertake tasks at your normal level of concentration and performance. Anyone who is impaired, no matter what the cause, should not be involved in any task in the workplace.

It is important to recognise that impairment can be associated with a range of factors including, but not limited to the following:

- (a) Fatigue;
- (b) Alcohol abuse;
- (c) Drug use;
- (d) Psychological (stress and anxiety, etc.);
- (e) Physical (injury or functional fitness, etc.); and
- (f) Workplace environmental factors (heat, dust, noise, chemicals, etc.).

Whilst such symptoms may suggest possible alcohol or other drug affects, many of these indicators may also be present as a result of fatigue, stress or health issues. The aim is to try to eliminate and manage all of these impairment risks to ensure that employees are provided with the safest possible working environment. This policy aims to manage human impairment caused by alcohol abuse and drug use and to minimise the hazards they pose to our people. This will be achieved by introduction of testing designed to assess whether a person's alcohol or drug levels are in excess of specified standards.

5 Alcohol

5.1 Alcohol management

The City of Albany recognises that the consumption of alcohol is a legal and socially acceptable custom in Australia. The misuse of alcohol, however, can have serious professional, safety, health, fitness and social implications. The City of Albany's policy is therefore to encourage its employees to maintain a responsible attitude towards the consumption of alcohol.

In the interest of maintaining safety in the workplace, the City of Albany will not retain employees who misuse alcohol, refuse treatment for alcohol dependency, or who fail to complete an alcohol counselling or rehabilitation program when a referral to do so is made.

5.2 Alcohol policy

City employees are expected to comply with the City of Albany's Code of Conduct and OSH Policy at all times.

A person must not report for work or remain at work with a BAC in excess of 0.02% (Note: persons who work with machinery and/or undertake any other high-risk activity in the course of their work are advised that it is a violation of this policy to operate machinery or undertake any high-risk activity within eight hours of drinking alcohol). The level of 0.02% BAC has been set as the limit rather than zero because of the possibility of persons using medication containing small traces of alcohol. These medications (if used correctly) may result in a person's BAC being marginally in excess of 0.00% and less than 0.02% and should be recognised as exceptional occurrences.

Where a person is suspected of having a BAC in excess of the specified standard above or to be in contravention of this policy, the person's supervisor is to stop work activity and arrange for a second opinion to be made by another supervisor or manager. If the second opinion supports the first, the person is to be tested on site for the presence of alcohol (breath test) and drugs (saliva test).

No person shall work in the Workplace or carry out any other employment-related tasks whilst having a BAC in excess of the specified standard above (or work with machinery and/or undertake any other high-risk activity in the course of their work within eight hours of drinking alcohol).

The sale, supply, manufacture or consumption of alcoholic beverages by any person in any City of Albany Workplace is prohibited except where specifically authorised (see "Exceptions").

A person who is in any way concerned about his or her degree of alcohol and drug use must consult with their manager before starting work and shall request to undertake a test on one of the City of Albany's breath testing instruments.

5.3 Exceptions

The controlled consumption of alcoholic beverages on site may be approved by the City of Albany's Chief Executive Officer for specific business occasions or employee functions.

Persons who request to be tested and record a BAC in excess of 0.02% will not be subjected to counselling or disciplinary action for a first offence.

5.4 Responsible Service of Alcohol

When alcohol is present at workplace events and functions, City of Albany will promote responsible drinking by:

- Organising functions where drinking is not the primary focus
- Organising functions at times when alcohol is not expected (e.g. breakfast, morning tea)
- Ensuring those serving alcohol have a RSA (Responsible Service of Alcohol) certificate

- No one to feel pressured to drink or not to drink or be made to feel uneasy or embarrassed as a result of his or her choice. Permit each person to accept or decline an alcoholic beverage and ensure non-alcoholic choices are available
- Offering food when alcohol is available, as well as low alcohol and non-alcoholic drinks
- Where possible, organising and promoting safe transport options (e.g. taxis vouchers and public transport) at events where alcohol is likely to be consumed

6. Drugs

6.1 Drugs policy

The consumption, use, possession, sale, supply, manufacture or cultivation of any of the following substances by any person in the Workplace is prohibited:

- any illegal drug;
- any prescription drug which is a benzodiazepine, amphetamine, barbiturate or methadone; or
- any other prescription drug of a kind or quantity for which no prescription has been issued to the person.

Any employee who has consumed any prescription drug or other drug (including, but not limited to, analgesics containing codeine, anti-depressants, sedatives, anti-histamines) which might reasonably be expected to have the potential to impair the employee's safe and efficient performance of his or her duties should seek medical advice about the potential effects of the drug.

If medical advice confirms that there is a potential to impair the employees safe and efficient performance of his/her duties, then the person should not commence work. If an employee is not able to commence work then they can take personal leave or unpaid leave as negotiated with their manager.

Each employee must immediately report to their manager any side effects experienced by them in connection with the use of prescription drugs or other drugs, where those side effects may adversely affect their ability to perform their duties safely and efficiently (including, but not limited to, dizziness, drowsiness, fatigue, impaired vision, impaired hearing, increased or decreased temperature, sweating, chills or unsteadiness). The employee must comply with any reasonable directions given to him or her by their supervisor/Manager.

Involvement in the use of illegal drugs may be determined by saliva testing procedures that apply to the City of Albany's Workplace.

6.2 Prescribed or over-the-counter medication

The City of Albany does not intend to test for prescribed medication; however a person has an obligation under the OHS legislation to inform their employer if they may be impaired by medication. There are some medications (whether over the counter or prescribed) that have side effects, which may cause impairment in an individual. Often the information on the label indicates whether the medication can cause impairment or fatigue.

All persons must seek advice about their ability to work safely from their doctor for prescribed drugs, or their pharmacist for over the counter drugs. In seeking this advice they should outline the duties of their job to their doctor or pharmacist and specifically ask whether their safe performance will be affected by taking the medication.

All persons must immediately report to their manager or supervisor any side effects experienced in connection with the use of prescription drugs or other drugs, where those side effects may adversely affect the employee's ability to perform his/her duties safely and efficiently (including, but not limited to, dizziness, drowsiness, fatigue, impaired vision, impaired hearing, increased or decreased temperature, sweating, chills or unsteadiness). In the interest of safety, the person is to then comply with any reasonable directions given to him or her by the manager or supervisor.

7. Responsibilities

7.1 Employees' responsibilities

The use of alcohol and other drugs may impair an individual's ability to function normally and can present a significant safety hazard in the workplace. Where there is a suspicion that a person's capacity may be impaired by alcohol and other drugs, the employer should err on the side of caution and require the person to undertake testing to ensure that the person is not in a position of personal risk and that the person does not present a risk to the safety and health of others.

Employees also have a general duty in relation to safety at the workplace as outlined in Section 20 of the Act. Employees have an obligation to take reasonable care to ensure their own safety and health at work. Employees should ensure their activities away from work do not impact on their ability to perform their duties safely when at their workplace. An employee should educate him/herself about the effect of alcohol and other drugs on their ability to work safely.

7.2 City of Albany Managers' and Supervisors' responsibilities

The City of Albany considers that the use of alcohol or other drugs is primarily a health issue for individual persons, however, where a person's performance or conduct affects his/her health and safety, and/or others in the Workplace, the City is committed to appropriately managing the issue.

Management strategies include:

- Providing appropriate education and training to employees;
- Providing professional counselling support where appropriate; and
- Implementing pre-determined disciplinary procedures if necessary.

Supervisory personnel have a responsibility for the welfare, health and safety of their team and should therefore take prompt and appropriate action whenever they have reasonable cause to suspect, or have received a report, that an individual may be affected by drugs or alcohol.

The City of Albany manager's and supervisor's responsibilities include:

- Following the City's established OHS policies and procedures at all times;
- Conducting all risk assessments in consultation with relevant persons;
- Implementing, monitoring and reviewing this policy in consultation with workplace delegate/representatives and the workplace OHS Committees;
- Providing information about counselling, treatment and rehabilitation services; and
- Maintaining strict confidentiality in relation to any employee self-identifying or being referred to rehabilitation and counselling.

Managers and supervisors are to liaise as necessary with the Human Resources Department for advice on the application of this policy. The City will ensure that all managers and supervisors are provided with an appropriate level of education and training in relation to alcohol and other drugs in the workplace. Such training will include how to effectively communicate the established disciplinary measures that can be taken in the event that a person fails to adhere to the policy.

8. Education Training and Awareness

The City of Albany will provide written educational material as needed for City of Albany employees in relation to the use and misuse of alcohol and drugs. Counselling, assistance and rehabilitation programs will be identified and promoted by the City of Albany during education sessions and induction programmes for its employees.

The City of Albany will provide practical guidelines and training to managers, supervisors, union delegates and elected safety representatives for dealing with employees who may be affected by alcohol or other drugs. This will include the process for applying disciplinary procedures and the need for maintaining strict confidentiality.

The City of Albany will provide training bi-annually as appropriate regarding the Alcohol and Drug Policy and procedures.

9. Alcohol / Illicit Drugs Testing in the Workplace

9.1 Testing agency

The City of Albany has engaged an independent workplace drug testing company (the “testing agency”) to assist it in carrying out a continuing program of drug & alcohol testing. Urine, Saliva or breath sampling may be carried out by the testing agency. Each person must comply with any request to undertake testing made by a representative of the testing agency.

The procedures for taking of a urine sample from a person and the subsequent testing of that sample by the testing agency, are those procedures described at Annexure C. Any complaint or objection by a person in relation to the procedural steps taken by a testing agency should be put in writing to their supervisor or manager before the end of the working day or shift on which the test was conducted. The complaint or objection will be immediately referred to the City of Albany’s CEO or his representative or to a contractor representative (as the case may be), who will consult with the testing agency and respond in writing to the person within seven days or, if the test was positive, at the time of the review meeting.

9.2 Methods of testing

The following testing methods will be employed by the City of Albany to test for the presence of:

9.2.1 Alcohol:

Breath testing

Any authorised representative of the City of Albany or the testing agency may at any time require a person to provide a sample of his or her breath for analysis of the person’s BAC.

The breath sample will be collected and recorded by means of a breath-testing instrument approved by the City of Albany and the testing agency. Calibration of the equipment shall be in accordance with the manufacturer's recommendations as per AS: 3547-1997. The procedures which will be followed by an authorised City of Albany officer or the testing agency in carrying out a breath alcohol test are outlined at Annexure B to this policy.

9.2.2 Illicit drugs or substances:

Saliva testing

The method of screening for non-alcoholic substances in the workplace will be saliva testing. Saliva testing is a convenient and accurate method for initial screening for drug use. It is more suitable for on-site testing as it is not invasive, easy to supervise, and samples cannot be adulterated or substituted. Saliva testing has a relatively short window of detection and will only detect drugs that are within a person's system at the time of testing due to recent drug use. Testing will be conducted to current Australian Standards or relevant legislation in accordance with the guidelines provided by the supplier/manufacturer of the testing equipment. If the result of a saliva test is confirmed as negative, the person will be fit to return to work as per normal.

Urine testing

Urine testing will be conducted by the testing agency following any positive result from an on-site saliva test. The procedures for drug testing by the taking of a urine sample from a person which will be followed by the testing agency are outlined at Annexure C to this policy. Any person selected for such a drug test may nominate another person to attend and witness the procedure. Provided that the witness undertakes to comply, and does comply, with all directions given by the representative of the testing agency, the City of Albany will allow any such witness to attend.

9.3 Pre-employment drug testing

All individuals who apply to work for the City of Albany may be required to provide a urine sample for testing as part of their pre-employment medical. Individuals who do not undertake the test or who do not satisfy the requirements of the test will not be offered employment.

10. Testing in the Workplace

10.1 Formal testing

"For cause" drug and alcohol testing

A person may be requested to provide a breath sample (for alcohol), or a saliva sample (for other drugs), to an authorised representative of the testing agency where the person:

- Arouses reasonable suspicion or cause that he/she may be affected by alcohol or other drugs;
- Commits any act of neglect or carelessness or breach of safety requirements;
- Displays any significant decline in work performance or work attendance or any other irrational behaviour; or
- Has contravened the City of Albany's Drug and Alcohol Policy in terms of alcohol or other drug use.

Post-accident / serious incident drug and alcohol testing

If a person has been directly involved in an accident or serious incident, where his/her negligence may have contributed to the event, he/she may be requested to provide a urine or breath sample to a representative of a testing agency. Such samples should be taken at an appropriate time, but as soon as practicable after the event. In any case, samples are to be provided no more than three hours after the event. A 'serious incident' is defined as any incident involving people, property, the environment, security, "near miss", or business occurrence which results in a lost time injury.

Random drug and alcohol testing

Working while affected by drugs and/or alcohol creates unacceptable safety risks within the Workplace. Prevention is better than cure. The City of Albany, like most other employers in Australia, has therefore adopted a policy that includes random drug and alcohol testing.

A person, or any group of people, may at any time and without notice be requested to provide a saliva or breath sample to an authorised representative of the City of Albany for the purpose of drug or alcohol testing. Screening may include either or both alcohol and other drug testing.

Random testing will be performed on an annual basis at different worksites (without prior advice to the site). A random selection of personnel will be subject to random drug and alcohol testing, including management and office workers.

Persons who return a negative result from random tests will be free to work as per normal.

Post rehabilitation drug / alcohol testing

Persons returning to work after an alcohol or other drug rehabilitation program.

Alcohol Testing

A person may request to be tested by an authorised officer before commencing work or recommencing work following a luncheon or function. The provision of a breathalyser test unit will be made available by the City of Albany supervisor or manager to all persons for the purpose of testing at the place of work, prior to the commencement of work. The testing facilities will be provided in a discreet area.

Drug Screening – Saliva Testing

The method of screening for non-alcoholic substances of dependence in the workplace will be saliva testing. Saliva testing is a convenient and accurate method for initial screening for illicit drugs. It is more suitable for on-site testing as it is not invasive, easy to supervise, and samples cannot be adulterated or substituted.

Cut off levels for oral drug screening via saliva tests shall be as prescribed in Australian Standard 4760:2006).

Urine testing

Drug screening by urine testing will be carried out by the testing agency following a positive on-site saliva test. The person from whom the sample is to be taken will be escorted by a representative of the City of Albany to the testing agency, where a qualified practitioner will collect the sample with a witness present. The procedure for taking such a sample is outlined at Annexure C.

The sample will be sent to an accredited laboratory where confirmatory testing will occur.

Confirmatory laboratory drug test cut off concentration levels shall be as prescribed in Australian Standard 4308:2008)

10.2 Testing accuracy and reliability

The recognised standard that currently exists for the collection and analysis of human fluid samples for toxicological purposes in a laboratory setting is Australian Standard 4308 governing urine testing. However, while this standard is recommended and laboratories may state they conform to this standard, compliance is voluntary.

11. Positive Test Results – City of Albany Employees

11.1 Alcohol Testing – Prior to starting work

If the employee tests positive in a requested test, they should not commence work until they are fit for duty. The employee must inform their supervisor or manager.

If the reading is above 0.05% the employee is to wait in an amenities room until arrangements are made for transport home.

If the reading is between 0.02% and 0.05% the employee is to wait in an amenities room. The employee is to self-test again after two hours. If the reading has fallen below 0.02% the employee may commence work. If the reading has not fallen below 0.02% then the employee is not to commence work for that shift/day. Time away from work will be taken as personal leave (if available) or unpaid leave.

11.2 Alcohol - Breath Analysis Testing

Where an employee returns a positive reading to a breath analysis during that person's normal working hours the following procedure shall apply:

- (i) Blood alcohol content readings above 0.02% and less than 0.05%:
- The employee will be relocated to an amenities room and will not undertake any tasks;
 - The employee will be retested after two hours and if the BAC reading has fallen below 0.02% the employee can resume their normal duties; and
 - If the employee's BAC reading has not fallen below 0.02% after two hours, the employee will be sent home on personal leave (if available) or unpaid leave. In either case, a positive result will be recorded on the Confirmatory Breath Test form and the completed form will be retained in the permanent record system.

First breach - A formal letter will be issued with notification that a first warning has been recorded and outlining the consequences arising. The employee will be subject to two further screening tests over the next twelve months.

Subsequent breach - a second written warning will be issued and the employee will be offered professional counselling. The employee will be subject to two further screening tests over the next 12 months.

Third breach - the employee will receive a final written warning and will be offered professional counselling.

Fourth breach -the employee may be dismissed.

- (ii) Blood alcohol content readings of 0.05% and above:

- The employee will be offered transport from the collection site to their home address.
- A positive result will be recorded on the Confirmatory Breath Test form and the completed form will be retained in the permanent record system.

First breach - A formal letter will be issued with notification that a first warning has been recorded and outlining the consequences arising. The employee will be offered professional counselling. The employee will be subject to two further screening tests over the next 12 months.

Subsequent breach (including if earlier breach under (i) above) - a second and final written warning will be issued and the employee will be offered professional counselling.

Third breach (including if two earlier breaches under (ii) above) - the employee may be dismissed.

11.3 Drugs - Saliva Testing

Should an employee return a positive result from a saliva test, the employee will be required to attend the testing agency and provide a urine sample. The purpose of the urine test is to confirm a non-negative result and to identify the particular substance that is involved.

Where an employee has been referred to the testing agency for a urine drug test, the sample will be sent to an accredited laboratory for confirmation testing. The City of Albany may, at its discretion, stand down that employee. The employee will be sent home on personal leave (if available) or unpaid leave until such time as the results of the testing agencies sample analysis become known.

If such testing subsequently shows that the employee has not contravened this policy, then the employee will be reinstated to work with all pay and normal entitlements unaffected.

However, should the test results confirms that the employee has contravened this policy, then the employee will be subject to review, disciplinary and/or counselling procedures as set out in this Policy.

11.4 Drugs - Laboratory Urine Testing

Where an employee tests positive to a urine test the following processes will apply:

- The employee has the right to request an independent confirmation of a positive result;
- The employee must be sent home on personal leave (if available) or unpaid leave; and
- The employee will be provided with a duplicate copy of the laboratory's test results.

If the confirmation is positive for an illegal drug, a formal letter will be issued with notification that a first warning has been recorded and outlining the consequences arising. The employee will be offered professional counselling for drug dependency.

In addition, the employee will be subject to two drug screens and confirmations over the following twelve months;

- If a further positive test is taken, a second and final written warning will be issued and the employee may be referred for professional counselling; and
- If a further positive test is taken the employee will be dismissed;

11.5 Inability to submit for testing

Any person who, by reason of any significant personal injury or illness, is reasonably unable to submit to any alcohol or drug test in accordance with this policy will not be treated as being in breach of this policy, however the City of Albany may require such person to submit to any alcohol or drug test at the earliest practicable time.

11.6 Transport arrangements

Any person who has reported to work and been required to leave the Workplace due to any breach, or suspected breach, of this policy must not drive or operate any vehicle on or from the Workplace. The only exception is where a person has registered a BAC reading of less than 0.05% and is permitted by their supervisor or manager to leave the site, in which case the person may be permitted to drive his/her private vehicle from the workplace.

12. Policy Breaches

12.1 Breach of Policy

A person will be considered to be in breach of this policy if he/she:

- Returns a positive test result in respect of any breath sample;
- Returns a positive test result in respect of any urine sample;
- Without reasonable cause, fails to attend for assessment;
- Without reasonable cause, fails to comply with any request to provide a breath or urine sample in accordance with this policy;
- Without reasonable cause, fails to provide all reasonable co-operation in relation to any sample collection procedure or refuses to sign/complete any sample collection documents or labels;
- Avoids, adulterates or falsifies any breath or urine sample;
- Substitutes for another employee or arranges, or is involved in, any such substitution;
- Refuses to participate in any rehabilitation program, as requested; or
- Aids or abets any person in breaching this policy.

Such breaches of policy will be considered to be serious misconduct on the part of the person and will be treated as such in terms of the range of disciplinary measures which will be considered.

In the case of refusing to undergo testing, the potential consequences will be explained to the person, and the request repeated. Further refusal to undergo testing will be deemed as a failed screening result and the person concerned will be subjected to an appropriate outcome.

12.2 Review Process

The City of Albany will arrange with the employee a suitable time and place at which the employee and management will confer to review the circumstances of any of the above reported incidents. The employee will be entitled to have a representative of his or her own choosing present with the employee at such conference at which time the circumstances of the incident will be examined.

The employee will be given the opportunity to respond to any allegations made against him or her and to place any evidence or information before the City of Albany which the employee considers relevant in order to show that:

- The reported positive test result should not be treated as valid; or
- The employee had a valid reason for failing to comply with any request to provide a sample.

In considering any submissions made by an employee seeking the invalidation of a test result, the City of Albany will only find a test result to be invalid in circumstances where the sample collection procedures were not correctly followed and give rise to a significant and reasonable doubt in respect of the accuracy and reliability of:

- The collection process;
- The sample security;
- The chain of custody of the sample; or
- The laboratory analysis of the sample.

13. Counselling

Any employee who returns a positive test result may be offered counselling by a professional counsellor nominated by the City of Albany. Such counselling will address the hazards created by the use or misuse of alcohol or drugs in the workplace and any drug or alcohol dependency on the part of the employee.

14. Disciplinary Action Outside of the Prescribed Breach Process Outlined in this Policy

Unless there are other extreme factors to be considered (such as previous disciplinary record, or the seriousness of the breach or related circumstances), the City of Albany will not normally regard a first offence as a matter justifying dismissal.

Where the City of Albany has determined that a lesser sanction than dismissal is warranted in relation to a particular breach of the policy, employees should be aware that any repeated or other breach of this policy by an employee may be such as to warrant the dismissal of the employee by the City of Albany.

In all instances when an employee is found to be involved in the possession, use, supply, cultivation, dealing in or trafficking of an illegal drug while on duty, careful consideration will be made as to whether the individual should be retained or have his/her appointment terminated.

Under the Corruption and Crime Commission Act, the Chief Executive Officer has an obligation to report suspected misconduct to the Corruption and Crime Commission. The Chief Executive Officer may also refer matters to the WA Police.

15. Self-Identification

Any employee who is in any way concerned that they are affected by alcohol and/or drugs must inform their manager or supervisor before starting work. In particular, any employee who suspects that his or her BAC could be more than the 0.02% BAC limit should request a test using one of the City of Albany breath testing instruments before starting work.

Where an employee takes such a test and records a blood alcohol level in excess of the applicable 0.02% limit, the employee should report the result to his/her supervisor. The employee will remain on pay, but will not be permitted to enter operational areas. The employee must remain on site until either a sufficient period of time has elapsed to enable the employee to register a reading below 0.02% and resume normal duties, or the end of the shift, whichever is sooner.

Employees who record a BAC level in excess of 0.02% will be counselled as to the requirements of this policy, but in the case of voluntary tests, the employee will not normally be subject to disciplinary action. A record will be kept of all voluntary tests and employees who are considered to be abusing this mechanism over a period of time will be subject to counselling and disciplinary action as appropriate.

An employee who requests help for alcohol abuse will be appropriately counselled and provided with specific assistance and treatment. Strict confidentiality will be maintained and efforts will be made to facilitate the member's attendance at treatment and counselling sessions as appropriate.

Self-referral for drug abuse counselling is a one-time procedure that enables employees who feel they may be drug dependent, or who have had past drug involvement, to seek assistance in overcoming that involvement. A request for voluntary self-referral may only be made if the employee concerned has not previously reported involvement in the illegal use of drugs.

Information as to the employee's illegal use of drugs derived directly or indirectly from self-referral will not to be used to initiate disciplinary action against the employee concerned. An employee is not to be granted self-referral unless the employee consents to undertake counselling as required.

In all cases of approved retention following self-referral, continued retention is conditional upon no further involvement with the illegal use of drugs.

16. Assistance for Alcohol / Drug Abuse Problems

Personnel with a problem relating to alcohol or drug abuse may approach any of the following people within the City of Albany for confidential advice and assistance:

- Immediate manager or supervisor;
- Any senior manager;
- OSH representative;
- A Union representative; or
- Human Resources representative.

16.1 Rehabilitation

The City of Albany encourages any person who is having difficulty controlling their use of alcohol or other drugs to self-identify and enter into a recognised drug and/or alcohol rehabilitation programme. If an employee self-identifies, the City of Albany will be supportive and assist the employee in returning to work after a rehabilitation programme has been successfully completed. The employee should notify their manager, an OHS representative or Human Resources. The employee's immediate manager or supervisor will be informed that the employee may be required to be removed from their work role and is to be provided with alternative duties where required pursuant to an agreed return to work plan.

The employee shall then consult their own doctor to engage a recognised drug and/or alcohol rehabilitation provider. The City of Albany will require evidence from such a provider that the employee has commenced treatment and will require regular reports of compliance and attendance with the treatment/programme.

The City of Albany will require that the programme and the provider have:

- (i) a record of success in dealing with people with alcohol or drug problems;

- (ii) the capacity to identify when an employee is ready to return to work and the level of responsibility to which the employee can return;
- (iii) a willingness to provide a reasonable estimate of the time required for the employee to be suitable for return to work. If this is considered to be unachievable in the short term, the provider is to submit a written statement to that effect to the City of Albany.

A return to work plan will be arranged and agreed to along the lines of existing return to work programmes and can be gradual or total (depending on the advice of the provider, the employee's doctors and the criticality of the work performed by the employee).

17. Contractors and Labour Hire Personnel

Generally, contractors and labour hire personnel are bound by the same principles contained in this procedure as the City of Albany employees. Contractors may lose contracts if they fail to adhere to the requirements of this policy.

The requirement for contractors and labour-hire personnel to participate in an alcohol and other drugs testing programme, and the procedures which will apply in the event of a confirmed positive test for alcohol or other drugs being recorded, will be incorporated into relevant contractor agreements and induction programmes for contractors and labour-hire personnel.

Contractors or labour-hire personnel who take or sell illegal drugs (i.e. involved in the illegal use of drugs on City of Albany premises or in their vehicles, will be removed from the premises immediately and their employer informed.

If a contractor or labour-hire person is known to be, or strongly suspected of being affected by alcohol or other drugs during working hours, a City of Albany manager or supervisor will notify the person's employer and arrange for breath and/or drug testing to be undertaken.

Should either test be positive, the following processes will apply:

17.1 Contractors/Labour-Hire Personnel – Breath Analysis Testing (positive)

Where a contractor or labour-hire person returns a positive reading to a breath analysis during his/her normal working hours:

- (i) Blood alcohol content readings above 0.02% and less than 0.05%
The person will be instructed to leave the City of Albany's workplace and the contracting company/employer will be informed.
- (ii) Blood alcohol content readings above 0.05%

The contracting company/employer will be notified and travel arrangements may be made for the safe transport of the person from the City of Albany Workplace. The contracting company/employer will be required to meet or reimburse the City of Albany for any travel costs incurred. The person or contracting company/employer will be responsible for the removal of any vehicle and/or equipment left on site.

17.2 Contractors/Labour-Hire Labour – Drug screening (positive)

If a contractor/labour-hire person returns a positive reading for drug screening during his/her normal working hours, the person will be asked to leave the workplace. The contracting company/employer will be notified, and travel arrangements may be made for the safe transport of the person from the workplace. The contracting company/employer will be required to meet or reimburse the City of Albany for any travel costs incurred.

The person or contracting company/employer will be responsible for the removal of any vehicle and/or equipment left on site.

17.3 Refusing a Test

If the person refuses to undergo testing and/or attend for assessment, the consequences will be explained to the person, and the request repeated. Further refusal to undergo testing will be deemed as a failed screening result and the person will be asked to leave the workplace and his/her employer notified. Travel arrangements may be made for safe transport of the person from the workplace however the contracting company/employer will be required to meet or reimburse the City of Albany for any travel costs incurred.

18. Record Keeping and Confidentiality

18.1 Records

Records will be maintained on employees who are interviewed regarding misuse of alcohol and/or use of illicit drugs. The privacy of any records relating to work performance and counselling, treatment or rehabilitation must be protected.

The following practices will be applied to the treatment of records:

- Case notes generated by discussions between an employee and his/her counsellor are confidential and will not be shown to anyone within the organisation;
- For organisational purposes, counsellors will record only the fact that an employee was counselled and the date;
- Following a formal interview relating to a decline in work performance, a formal written record will be prepared by the manager or supervisor and a copy given to the employee;
- If an employee's work performance due to the misuse of alcohol or other drugs does not improve, and the employee is unwilling to undertake counselling or treatment, the existing documents relating to work performance will be included in the on-going personnel, performance management or discipline action and a copy placed on his/her personal file; and
- Work performance reports will only refer to an employee's personal problems contributing to their misuse of alcohol or other drugs if the employee has given permission for such problems to be taken into account in the management of work performance issues.

18.2 Confidentiality

Confidentiality is fundamental to dealing with problems in the workplace that are related to the misuse of alcohol and other drugs in order to protect the privacy of individuals and to encourage employees' acceptance of prevention and treatment measures.

The practices the City of Albany will follow to ensure that the highest levels of confidentiality are maintained are:

- Conversations relating to work performance being affected by alcohol or other drugs will be conducted in private;
- All documentation relating to the implementation of this policy will be kept confidential;
- All positive test results will be placed on a "Medical in Confidence" file assigned to the individual concerned; and

- The City of Albany will ensure that all counsellors providing services to their employees are aware of the confidentiality requirements relating to client information.

The City of Albany respects the rights of employees to privacy in matters relating to the use of counselling services, and will communicate those rights to employees. The practices to be implemented are:

- Information relating to counselling must be treated as confidential;
- Psychologists are bound by their code of conduct to respect the confidentiality of information obtained in the course of their work. They may disclose such information to others only with the consent of the client or the client's legal representative except in those cases where failure to disclose information would result in a clear danger to the individual or another person; and
- Counsellors who are not psychologists are not required to be registered with a professional association and therefore may not be bound by a code of conduct.

Employees may wish to have their manager or HR liaise with their counsellor. In this case, the employee must give written permission for the information to be disclosed. A manager may wish to know, for example, whether counselling is progressing satisfactorily, whether adjustments are needed to the employee's work and whether the counselling is likely to lead to an improvement in performance. A counsellor can provide this information without divulging information of a personal nature.

18.3 Legislative and Strategic Context

The City of Albany has an obligation under the *Occupational Safety and Health Act 1984* to ensure that it provides a safe workplace for all of its employees, visitors and contractors. Associated documents:

- *Misuse of Drugs Act 1981*;
- *Road Traffic Act 1974*; and
- *Workers Compensation and Rehabilitation Act 1981*.

This policy relates to the following elements of the [City of Albany Strategic Community Plan 2023](#)

- Key Theme:** 5. Civic Leadership
- Strategic Objective:** 5.2 to provide strong, accountable leadership supported by a skilled and professional workforce.
- Strategic Initiative:** 5.2.2 Develop contemporary service delivery and staff development programs.

18.4 Associated Documents

- Misuse of Drugs Act 1981;
- Road Traffic Act 1974,
- Workers Compensation and Rehabilitation Act 1981;
- Occupational Health and Safety Policy;
- Employee Code of Conduct;
- Council Policy: Code of Conduct (Council Members, Committee Members, Staff and Volunteers);
- Managing and Improving Performance and Behaviour Procedure.

Definitions

In this policy, unless the context otherwise requires:

Alcohol. The intoxicating constituent of wine, beer, spirits and other alcoholic drinks.

Alcohol misuse. Alcohol misuse means the consumption of alcohol that has the effect of:

- adversely affecting job performance;
- contributing to misconduct or unacceptable behaviour; or
- adversely affecting the fitness or health of the individual.

Blanket testing. Is a method of testing where during a period of time all staff, visitors and contractors will be tested in the workplace.

Blood Alcohol Content (BAC). The level of alcohol in the blood expressed either in terms of milligrams per 100 millilitres of blood or as a percentage of this.

Contractor. A person or firm (excluding an Employee) that undertakes a contract to provide goods or services for the City of Albany.

Drug. Any chemical substance or compound, organic and/or inorganic, derived from a natural source or by synthetic formulation which, when taken by an individual, may modify one or more of the physiological, biochemical or psychological functions of that individual.

Drug incident. An occurrence where there is reason or evidence to suspect illegal use of a drug or drugs and is a notifiable incident as defined below.

Employee. Any servant, agent, officer or other personnel of the City of Albany

Illegal use of drugs. Includes the use of any drug which is inconsistent with, or is unrelated to, its designed use. In the case of prohibited or restricted drugs (as defined by Commonwealth or State laws in Australia) illegal use of such drugs includes use without the authorised prescription by a legally qualified medical, dental or veterinary practitioner. 'Use' in this context includes possession, purchasing, selling, dealing in or administering the drug to oneself.

Notifiable Incident. An incident that raises a reasonable suspicion that an offence may have been committed within the workplace that is against the criminal law of the Commonwealth, or State law and involves an employee, an employee of a stakeholder, a contractor or sub-contractor.

Positive test result. A finding by the approved accredited laboratory that confirms:

- The presence of a prohibited substance or associated metabolites in a sample provided by a person, or otherwise reveals the use by the person of a prohibited substance; and
- If there is a cut-off level for that substance or associated metabolites, that the cut-off level of the substance or associated metabolites has been exceeded.

Prescription drug. A substance that has been prescribed and supplied by an authorised person in accordance with the Poisons Regulations 1965.

Prohibited Substance Testing Programme. A programme for conducting urinalysis (or any other test determined to be appropriate) for the purpose of deterrence and the detection of prohibited substances.

Urinalysis Programme. A programme or periodic prohibited substance testing where the retention of an employee previously involved with the illegal use of drugs has been approved.

Workplace. All of those areas of the City of Albany's operations, including premises where an employee works or is likely to be during the course of their hours of work, or any place at which an employee is likely to be working in the course of carrying out their duties, in connection with the City of Albany.

ANNEXURE A

Drug Terminology

The categories of drugs and substances prohibited by the City of Albany are listed below as per the Australian Standard AS 4308 for drugs of abuse.

Sympathomimetic amines (Amphetamine type substances)

Includes but is not limited to Amphetamines, benzylpiperazine, ephedrine methylamphetamine, pseudoephedrine, phentermine, methylenedioxyamphetamine (MDA), and methylenedioxymethylamphetamine(MDMA).

Benzodiazepines

Includes but is not limited to Alprazolam, oxazepam, temazepam, flunitrazepam, diazepam, nitrazepam, clonazepam (and/or their metabolites).

Cannabis Metabolites

Includes but is not limited to 11-nor-delta-9-tetrahydrocannabinol-9-carboxylic acid.

Cocaine Metabolites

Includes but is not limited to Benzoyl ecgonine and ecgonine methyl ester.

Opiates

Includes but is not limited to 6-acetylmorphine, codeine, morphine.

ANNEXURE B

Sample collection procedures for breath alcohol tests

The collector will complete part of the Breath Alcohol Test form with the employee's details and will then ask the employee for proof of identity and to sign certifying that the details on the form are correct and that the employee is willing to submit to the breath alcohol test.

The procedures for conducting the breath analysis will be explained by the collector.

The employee will be asked to blow into a mouthpiece attached to the breath analysis machine.

The results from the machine will be recorded on the Breath Alcohol Test form.

If the test is positive, printouts of the readings will be attached to the Breath Alcohol Test form.

Both the collector and the employee will sign the Breath Alcohol Test form.

The employee will also sign a statement that he/she will not drive a motor vehicle, perform safety-sensitive work or operate machinery within the workplace area if the BAC reading is above 0.02%.

Where an employee has registered a BAC reading of less than 0.05% and he/she is permitted by their supervisor or manager to leave the site, the employee may be permitted to drive his or her private vehicle from the workplace site.

The designated manager from the City of Albany will be informed of any positive breath alcohol tests as soon as possible after the test has been completed.

ANNEXURE C

Urine sample collection procedures for positive saliva drug tests

The following procedures are to be used for the collection of samples to be analysed in accordance with Australian Standards AS 4308 "Recommended Practice for the Collection, Detection and Quantitation of Drugs of Abuse in urine" (and are subject to change to meet changing Australian Standards).

Any departure from the specified sample collection procedures will not invalidate a drug test result provided that the procedures followed do not cast doubt on the accuracy and reliability of the collection process with due regard to sample security and chain of custody requirements.

The collector will complete part of the Drug Test form with the employee's details and will then ask the employee for proof of identity and to sign certifying that the details on the form are correct and that the employee is willing to submit to the drug test.

The procedures for conducting the drug testing will be explained by the collector.

The employee will be asked to wash their hands. After this step the individual being tested will remain in the presence of the collector and will not have any access to such things as water or soap.

The employee being tested will provide the sample into a collection beaker in a stall, toilet cubicle or otherwise partitioned area that allows for individual privacy. The employee will then hand the beaker to the collector.

Upon receiving the sample, the collector will determine that there is sufficient sample to enable all required testing to be performed. In the event that there is insufficient urine for testing an additional sample will be collected. The normal amount of urine required is approximately 60 ml.

After the sample has been provided to the collector and sealed in its security case, the employee is permitted to wash his/her hands.

If the validity of the sample cannot be established, or if it is suspected that the sample may have been adulterated or substituted, then another specimen will be collected as soon as possible using the above procedures. Both samples will be forwarded to an accredited laboratory for testing in accordance with the analysis requirements set out in the Australian Standards AS 4308.

Both the collector and the employee will keep the sample in view at all times prior to it being sealed and labelled.

The sample will be transferred from the collection beaker into two bottles in approximately equal proportions. The second bottle will be referred to as the referee sample.

Prior to the samples being sealed in a container, the employee will initial the identification seals on each bottle to certify that it is the sample collected from him or her. The identification seals will also list two unique identifiers and the date of the collection.

All the information contained on the identification seals will be entered onto the Drug Test form and will be signed by both the collector and the employee whose sample is being tested, certifying ownership of the sample provided as well as giving consent for the sample to be tested in accordance with the City of Albany's Drug and Alcohol Policy and the Australian Standards AS 4308. The employee will be given a copy of the Drug Test Form at the end of the sample collection and sealing procedures for his/her records.

Information will be provided to the employee on the identity of the laboratories performing the analysis, the employee's rights and responsibilities relating to the drug test and the name of the designated the City of Albany's Manager receiving the results.

Once the employee has been given their copy of the Drug Test form, he/she is permitted to leave the drug control room.

ANNEXURE D

S31- Exceptions

CEO Approval (Alcohol consumption)

Approval sought for: Business occasion / employee function
Please circle applicable item.

Function details:

Date:

Venue:

Time of function:

Frequency e.g. Weekly Monthly etc:

Description:

Recommending officer: Manager / Supervisor

ED Authorisation:

CEO approval:

Approval dates: to

Please return completed form to Human Resources.

Document Approval			
Document Development Officer:		Document Owner: <i>(Member of EMT)</i>	
Human Resources Manager		Executive Director Corporate Services	
Document Control			
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