



COUNCIL POLICY

Fit For Work

Policy Number: 5.14

Policy Subject: Fit For Work

Objectives: The Shire of Katanning ('the Shire') is committed to providing a safe and healthy workplace for all employees, contractors and sub-contractors. As part of this commitment the Shire will not tolerate the misuse of alcohol or other drugs in the workplace. The purpose of this policy is to ensure the following:

- That employees, contractors and sub-contractors are fit for work and not under the influence of alcohol and/or other drugs while at work.
- That the safety and wellbeing of staff and the public are not placed at risk by the actions of an employee under the influence of drugs and/or alcohol.
- That the illegal and criminal activity of possession or dealing in drugs does not occur at the workplace.

Statement: The Shire of Katanning promotes a work environment, which aims to ensure the health, safety, respect and productivity of all employees. The use of drugs and alcohol may impair an individual's capacity to perform their job safely, efficiently and with respect for work colleagues and customers. (The use of such substances may result in the risk of injury or a threat to the well-being of the impaired employee, other employees, customers of the Local Government as well as members of the public).

Guidelines:

1. Employees to be fit for work - Employees, including contractors and sub-contractors, are to report for duty 'fit for work' which includes not being under the influence of alcohol and/or other drugs while at the workplace and/or performing work.
2. Prohibited Activities - Employees, including contractors and sub-contractors, are prohibited from using alcohol or other drugs at the workplace. Unauthorised use of alcohol and other drugs at the workplace by employees, including contractors and sub-contractors, may be considered by the Shire to be wilful misconduct. The use of, possession of, or dealing in illegal drugs at the workplace by employees, including contractors and sub-contractors, is prohibited and will be considered by the Shire as wilful misconduct.
3. Wilful Misconduct - Employees engaging in activities considered to be wilful misconduct for the purposes of this policy by the Shire will be subject to disciplinary action which may take the form of a written warning, suspension, demotion, transfer, or termination of employment.

In the case of contractors and sub-contractors, behaviour of their employees considered to be wilful misconduct for the purposes of this policy by the Shire will result in a review of their contractual terms and conditions occurring. Appropriate remedial action may be taken which may include directing that the Contractor remove the individual/s temporarily or permanently from the workplace, termination of the contract in part or its entirety and/or other suitable remedy as determined by the Shire.

4. Criminal Conduct - Where the Shire has reasonable grounds to believe that any person may be engaging in a criminal offence including possession of drugs or dealing in drugs, the Shire will refer the matter to the Police for investigation and action.
5. Shire Vehicles - Shire vehicles are not to be driven by anyone who is under the influence of alcohol or drugs. The Shire of Katanning will not accept liability for any damage to a company vehicle; injury to any person, or damage or injury to any third party, incurred while the driver of the company vehicle is in breach of the policy or of the law. All liabilities shall rest with the driver concerned.
6. Machinery - The Shire of Katanning has an obligation to all employees under the WA Occupational Safety and Health Act 1984 to provide a safe and healthy work environment. To ensure a safe environment, no machinery is to be operated or used by anyone who is under the influence of alcohol or illicit drugs.
7. Authorised use of alcohol and other drugs - Moderate alcohol consumption by employees, including contractors and subcontractors, is permissible at the workplace only during an authorised Shire function or meeting. The employee will be required to exercise good judgment and ensure that his or her alcohol consumption does not exceed the current legal limit for driving.

This Policy does not prohibit employees, including contractors and sub-contractors from using legal drugs at the workplace providing that the drugs have been legally purchased over the counter or obtained by prescription issued by a medical practitioner; and the use of the legal drugs is in accordance with the prescription and/or drug use instructions and/or directions; and that the use of drugs does not prevent the employee, contractor or sub-contractor from performing their job in a safe and healthy manner.

If an employee, contractor, or sub-contractor, is aware or has reason to believe that the use of a legal drug may impair their ability to perform their job in a safe and healthy manner; this is to be immediately reported and discussed with their supervisor or manager. "Reason to believe" shall include prescription statements that machinery should not be operated while taking the drug. Where an employee so advises his or her Supervisor, the Shire will arrange for alternative work arrangements to be made without detriment or prejudice to the employee.

8. Reporting Requirements - Employees, contractors and sub-contractors, will have a duty to report immediately to the organisation if they are aware that a person may be under the influence of alcohol and/or illicit drugs or if they have knowledge that activities involving the dealing of drugs are occurring at the Shire. All reports will be treated with confidentiality and will be thoroughly investigated.
9. Unfit for Work - Where the organisation has formed a reasonable suspicion that a person may be under the influence of alcohol or other drugs, and unfit for work, the employee, contractor or sub-contractor may be stood down from work immediately to protect the occupational safety and health of that person and others at the workplace. Employees are required to have a zero blood alcohol concentration (0.00

BAC) during working hours unless they are attending an authorised shire function or meeting where alcohol is being served.

To have formed a reasonable suspicion that an employee, contractor or subcontractor, may be under the influence of alcohol or other drugs and unfit for work, two organisation representatives are required to have observed and/or questioned the individual concerned and agreed that the person may be under the influence of alcohol or other drugs and unfit for work.

The employee, contractor or sub-contractor, will be informed by a manager or supervisor that an opinion has been formed that they are unfit for work and that they are required to stand down from duty. Employees, contractors and sub-contractors are to comply immediately with instructions given by management to stand down from duty and leave the workplace.

Where an employee is directed to stand down due to reasonable suspicion of being unfit for work, the Shire shall arrange for the employee to be picked up or taken home and the employee's vehicle is to be secured until arrangements can be made for it to be collected. Failure to comply with a directive to leave the workplace may result in further disciplinary action being taken.

10. Health screening for misuse of alcohol and drugs - The organisation will adopt a reasonable suspicion approach to screening employees for alcohol and drugs. Where Management has formed a reasonable suspicion that an employee may be under the influence of alcohol or other drugs and unfit for work, the employee, contractor or subcontractor may be required to undergo drug or alcohol screening which may include a breath analysis, urine screening or blood test.

Health surveillance screening for alcohol and other drugs will be conducted at the organisation's premises or other nominated premises, by trained health professionals in accordance with the Australian Standard AS 4308-1995 'Recommended practice for the collection, detection, and quantification of drugs abuse'.

Failure to provide a breath or urine sample by an employee, contractor or subcontractor on a second occasion, will be deemed to be wilful misconduct for the purposes of this policy.

Drug testing may be required where an employee has incurred a workplace injury which requires medical attention.

11. Random Testing may also be conducted. Random testing may utilise a variety of methods for random selection of employees. Management reserves the right to amend and adjust the random selection process. All staff on site must participate in the random selection.
12. Confidentiality Information relating to health surveillance screening for alcohol and other drugs obtained by the organisation will be treated as confidential information and only used for the purposes of applying this policy.
13. Procedural fairness and due process - All cases involving the suspected use of alcohol or other drugs at the workplace or cases of suspected illegal or criminal activity involving drugs at the workplace will be investigated.

Employees, contractors and sub-contractors involved will have the opportunity to present supporting information and all cases will be treated with procedural fairness and due process.

The method of investigation is as follows:

- An observation must be made, or information given that indicates the employee has behaved in a way which indicates a breach of this policy and/or which may put themselves and other employees at risk of their occupational health and safety.
- The employee will be asked to explain their behaviour. If no reasonable or satisfactory response is given, the employee may be asked to undergo an examination at the organisation's medical provider to ascertain whether they are under the influence of alcohol or drugs.
- The employee may also be asked to go home until the end of the day or shift.
- On the employee's return to work and following receipt of the results of any tests, the employee will be interviewed by their Supervisor and/or Manager Human Resources. The employee may have a witness present.
- Allegations may be made to the employee and the employee will be asked to respond. Depending on the response further investigations may take place to assist the organisation to determine the facts and/or the appropriate disciplinary action to be taken.
- An employee who refuses to undergo testing of their health may find it difficult to provide evidence to disprove an allegation they have breached this policy.
- In the absence of medical evidence to disprove an allegation the organisation will make any decision it feels reasonable and justified, given observation, witness statements and any other sources of evidence which are relevant to the investigation.

14. Employee Drugs and Alcohol Assistance - The organisation will endeavour to provide assistance to employees, where they may have a problem involving the misuse of alcohol or other drugs. The assistance provided will be dependent on the circumstances and at the discretion of the organisation and may involve a simple referral to professional support groups or counselling, an offer to participate in a drug and alcohol program, or other assistance at the discretion of the organisation from either their Supervisor or Manager Human Resources. Employees are encouraged to request the relevant assistance from the organisation.

15. Application of the Policy - Employees will not be treated harshly, unfairly or unjustly by the contents of this Policy.

The aim of the Policy is to ensure a safe workplace free from the effects of alcohol and drugs. 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.

16. Responsibilities - Executives, Managers, Supervisors are responsible for ensuring compliance of this Policy. All employees have a legal responsibility to report to their Supervisor or a Manager or Executive either the actions of someone who appears to be under the influence or their observation of an employee drinking alcohol or administering drugs while at work.

17. Reporting of results of any testing, either - random or due to reasonable suspicion, will be through the Occupational Health & Safety Committee process. Report will not include individual identity details, but may include workplace descriptor as either Inside Staff or Outdoor Staff.

Background:

This Policy has been developed with reference to the Occupational Safety and Health (OSH) Act (WA) 1984, the Occupational Safety and Health (OSH) Regulations (WA) 1988, and the WorkSafe WA Guidance Note Alcohol and other drugs at the Workplace'. Alcohol and other drugs may be a factor that affects a person's ability to work safely.

The use of alcohol and other drugs becomes an occupational safety and health (OSH) issue if a person's ability to exercise judgement, coordination, motor control, concentration and alertness is affected at the workplace, leading to an increased risk of injury or illness. Employees affected by alcohol or other drugs may present a hazard in the workplace, causing injury to themselves and others.

Co-workers may also be placed in difficult situations, expected to cover for unsafe practices or faced with reporting a fellow employee. Alcohol and other drugs can cause a range of problems for employers.

In some cases, their use may lead to loss of life, injury, damage to plant or equipment and negative publicity the Shire.

Under the Worker's Compensation and Rehabilitation Act (WA) 1981 employees, including contractors and sub-contractors, whose proper functioning is impaired from the use of alcohol or other drugs at work, are prevented from claiming worker's compensation for any injuries sustained that are attributable to the employee being under the influence of alcohol or other drugs.

Employers have a duty of care under the OSH Act 1984 to ensure a safe and healthy workplace for employees, contractors and sub-contractors. This duty extends to ensuring that employees are fit for work and not under the influence of alcohol and other drugs while at work.

Employees, including contractors and sub-contractors, also have a duty of care under the OSH Act 1984 to take reasonable care of their own safety and not endanger the safety of others at the workplace. The consumption of alcohol and illegal drugs whilst at work is therefore unacceptable and employees should present themselves for work and remain, while at work, capable of performing their work duties safely.

Definitions:

Fit for work: means that an individual is in a state (including physical, mental and emotional) which enables them to perform their required work duties in a competent manner and which does not compromise or threaten the safety and health of themselves or others.

Alcohol: means the depressant drug available most commonly in alcoholic drinks including beer, wine and spirits that when consumed may cause an individual to be under the influence or impaired.

Drugs: means all drugs and substances that when taken may cause an individual to be under the influence or impaired. The term 'drugs' includes alcohol, legal drugs, illegal drugs and other substances including solvents and inhalants such as butane gas, paint thinners and petrol.

Legal drugs: means medicines available legally over the counter (OTC) and medicines available on prescription from a licensed medical practitioner and available at pharmaceutical chemists.

Illegal drugs: means all drugs that are illegally obtained, as defined and detailed in the 'Misuse of Drugs Act (WA) 1981' including, but not limited to – Cannabis including Marijuana, Hashish and Hashish Oil; Opiate Analgesics, including Heroin, Opium,

Morphine, Pethidine, and Methadone; Stimulants including Amphetamines and Cocaine, Hallucinogens including PCP, LSD, and plant hallucinogens; and MDMA usually known as Ecstasy.

Dealing in drugs: means the sale of or supply, or intent to sell or supply, of illegal drugs.

Use of drugs: means the personal use either by ingestion, injection, inhalation, or absorption through the skin, of drugs at the workplace.

Reasonable suspicion: means that through objective and qualitative means an opinion has been formed that there are reasonable grounds to believe that an individual is under the influence or impaired by alcohol or other drugs and therefore not fit for work.

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Amended:

Source: Employees

Date of review: October annually

Review

Responsibility: Chief Executive Officer