



Murweh Shire Council Drugs and Alcohol Policy

Policy No:	HR-007	Date adopted:	20 January 2022
Council Resolution Ref:	Folio 11282	Review Date:	January 2025
Responsible Officer:		Version No:	3

1. Purpose

The purpose of this policy is to outline Council's expectations regarding the consumption of drugs /and or alcohol which can impair an employee's ability to perform work in a safe manner and can also lead to unacceptable behaviour towards others.

2. Commencement of Policy

This Policy will commence on adoption. It replaces all other specific Risk Management policies of Council (whether written or not).

3. Application

This Policy applies to all Internal and external employees and contractors of Murweh Shire Council (Excluded from this policy the Mayor, CEO, Directors and Elected Members

Responsibilities

Workers cannot:

- Attend work while under the influence of drugs and/or alcohol;
- Consume or use illegal drugs and/or alcohol at work or during work hours;
- Sell or dispense alcohol and/or drugs at work;
- Be in possession of alcohol and/or illegal drugs at work

Where a worker believes that another worker is under the influence of Drugs/Alcohol during work hours they must notify their manager or supervisor immediately.

4. Process

DRUG AND ALCOHOL TESTING

Workers must be fit for work in order to perform their duties safely and diligently. Workers will be required to participate in drug and alcohol testing as outlined below:

1. Pre-employment testing

Applicants for a position with Murweh Shire Council may be required to participate in pre-employment drug testing. Where an applicant tests positive to illicit drugs during the recruitment process, this will be considered in determining whether an applicant will progress further in the recruitment process. Refusal to undertake a drug test, where required, will draw an adverse inference from Council.

2. Reasonable suspicion of being under the influence of Drugs and/or Alcohol

Workers, whose behaviour or actions generate a reasonable suspicion of being under the influence of drugs and/or alcohol, may be required to undergo immediate drug and alcohol testing.

What constitutes a 'reasonable suspicion' of being under the influence of drugs and/or alcohol will depend on the specific situation. It is important to exclude other factors such as stress, fatigue or other known medical condition. A non-exhaustive list of factors that may give rise to a 'reasonable suspicion' of being under the influence of drugs and/or alcohol may include:

- An admission of being under the influence of drugs and/or alcohol;
- Uncharacteristic and unexplained changes in speech, movement and appearance;
- Erratic behaviours or mannerisms;
- Alcohol smelling breath or bloodshot eyes; and
- Possession of drugs and/or alcohol.

3. Post incident testing

Murweh Shire Council may require a worker to undergo a drug and/or alcohol test following a significant incident.

4. Random testing

Random drug and alcohol testing will be undertaken by Council, without notice. A worker or a group of select workers may be required to undergo testing at random.

TESTING METHODS

Murweh Shire Council will arrange for testing to be conducted by a qualified independent collector. All methods of testing will be in accordance with Australian Standards. A worker undergoing testing may request to be accompanied by a support person or a union representative.

REFUSAL TO UNDERTAKE TESTING

A worker who refuses to undergo drug and/or alcohol testing or has been found to have tampered with a sample, will be considered in breach of this policy. To ensure the safety of others and themselves, workers who refuse a test or tamper with a test, will be immediately stood down without pay, until they agree to undertake testing. Employees may also be required to show cause via a disciplinary process.

DRUG TEST OUTCOME

Negative Result

If a worker produces a sample which records a negative result they will be considered fit for work and will be required to return to normal duties.

Non-Negative Result – Declared Medication being taken

Workers will be given an opportunity to declare medication prior to testing being undertaken.

If following a declaration by a worker, a worker produces a sample which records a non-negative result for a substance known to be contained in the declared medication, the worker will be considered fit for work and will return to normal duties. Where appropriate confirmation from the worker's medical practitioner, may be required, to ensure the worker is fit to work safely, whilst taking the declared medication.

Non-negative samples will be sent to an accredited laboratory to confirm the presence of the declared medication.

Should the testing confirm other illicit drugs present in the sample of an employee, the employee may be required to show cause via a disciplinary process.

Non-negative/Positive Result – No Medication Declared

If a worker produces a sample which returns a non-negative result for a substance not known to be in the declared medication or the worker has not declared medication, they will be immediately stood down from work without pay until confirmation testing by an accredited laboratory is undertaken.

Arrangements will be made for the worker to return home safely, as they will not be permitted to drive a council or personal vehicle.

If the confirmation test provided to Council confirms a negative result, the worker will be able to return to work immediately and no loss of pay will apply for the period of the stand down.

If confirmation testing returns a positive result, the worker will remain stood down without pay and will not be eligible to recommence work until they have achieved a negative result.

Murweh Shire Council will work with the worker to develop a return to work plan for their return to the workplace, where appropriate. An employee may also be required to show cause via a disciplinary process.

ALCOHOL TEST OUTCOME

Negative Result

If a worker produces a sample which indicates a blood alcohol content (BAC) result of 0.00 the Murweh Shire Council worker will be considered fit for work and will return to normal duties.

Where workers are performing duties or operating machinery or vehicles, they that also require a 0.00 BAC, the worker will be considered fit for work and will return to normal Operational duties will be treated as if they have produced a sample which is deemed over the limit.

Non – Negative Result

If the worker produces an initial sample which indicates a BAC that is considered over the limit i.e. in excess of 0.00, they are to remain in the testing facility and will not be permitted to recommence work or any other activity until a second test is completed. A second test will be conducted after 20 minutes.

If the worker's second test indicates a BAC that is still Non-Negative , they will be immediately stood down from work without pay.

If the worker's BAC indicates they are not able to drive a Murweh Shire Council or personal vehicle, arrangements will be made for the worker to return home safely.

Return to work

The worker may return to the workplace on the next ordinary working day, however, will be required to provide a sample demonstrating they have a negative result prior to commencement of work duties.

A confirmed test indicating a BAC in excess of 0.00 is considered a breach of this policy and may result in an employee having to show cause via a disciplinary process.

CONFIDENTIALITY

Test results will be dealt with confidentially and samples will be destroyed, as appropriate, by the external independent collector in accordance with relevant laws and regulations.

PRESCRIBED PRESCRIPTION OR PHARMACY MEDICATIONS

If a worker is using medications, they must:

- Seek advice and direction from their medical practitioner;

- Inform their manager or supervisor prior to undertaking work, if the medication has the potential adversely influence their capacity to work safely and efficiently;
- Produce a certificate from their medical practitioner certifying that they can work safely (considering the employee’s position requirements);
- Workers are not required to disclose the nature of the condition being treated or the type of medication, for the purpose of notification under this policy.

BREACH OF POLICY

Further to the consequences for breach of this policy already outlined, where it is confirmed that a worker is, or where there is a reasonable suspicion that a worker may be, in possession, selling or dispensing illegal drugs and/or alcohol at work, Murweh Shire Council maintains its right to report the matter to the police.

Where a worker, other than an employee, breaches this policy, the responsible person for the worker will be contacted by Murweh Shire Council immediately and provided with all relevant information to address the breach appropriately. Where the worker, other than an employee, is directly engaged via Murweh Shire Council, Council may decide to cease or suspend the contract arrangement with the worker, as appropriate.

5. Variations

Murweh Shire Council reserves the right to vary, replace or terminate this policy from time to time.

6 Audit and Review

This policy shall be reviewed every three years or as required by changes to process of legislation, relevant Standards and industry best practice.

7. References

DEFINITIONS

“**Drugs**” includes Illegal drugs and Prescription and Pharmacy Medications as defined below.

“**Illegal drugs**” includes any drug prohibited by any State, Territory or Federal law in Australia or any other laws (including foreign and international laws).

“**Prescription and Pharmacy Medications**”: This includes where a medical practitioner has properly prescribed lawful Medications for a diagnosed medical purpose or where the Medication is lawfully available at Australian pharmacies (without a prescription) and is required for the treatment of a legitimate condition.

RELEVANT INFORMATION

Local Government Act 2009

Local Government Regulation 2012

Work Health and Safety Act 2011

Industrial Relations Act 2016 (Qld)

APPROVAL

Chief Executive Officer		Neil Polglase	
Date:		Signature:	