



Policy - internal

Alcohol and other drugs

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Introduction

Purpose

The impact of alcohol and drugs in the workplace is a work health and safety matter. Under the *Work Health and Safety Act 2011 (NSW)*, Council has a duty of care to ensure, as far as reasonably practicable, the health, safety, and welfare of all workers at its workplaces. Similarly, workers have a duty to comply with any reasonable directions, policies and initiatives from Council and, through their own conduct, take reasonable care of themselves and others in the workplace.

Scope

This policy and Council's testing program for alcohol and other drugs, applies to all workers who are engaged in Council business or work for Council in any capacity (either paid or unpaid), at any workplace, and during the worker's hours of work, including:

- Council employees (permanent, temporary, term-contract, casual, seasonal, apprentices, trainees and cadets)
- labour hire and agency workers
- contractor and sub-contractor workers
- work experience students
- volunteer workers.

The *Work Health and Safety (WHS) Act 2011 (NSW)* provides definitions of workers and workplaces. A summary of relevant definitions is included in a table at the end of this document.

Random testing does not apply to family day care providers and community or committee volunteers however, reasonable suspicion testing and post-incident testing may apply after a reportable incident.

The Code of Conduct for Councillors applies to Councillors in relation to the matters covered by this policy.

Objectives

The objectives of this policy are to:

- ensure Council meets its obligations to workers and the community to carry out its operations safely
- provide a safe working environment by, as far as is reasonably practicable, eliminating hazards associated with the inappropriate use of alcohol or other drugs
- provide a supportive workplace culture that acknowledges and encourages employees and other workers to accept individual responsibility for workplace health and safety, and provide access to resources that assists workers to do so.
- foster an attitude and culture amongst all workers that it is not acceptable to work under the influence of alcohol and/or any drug that will prevent them from performing their duties in a safe manner.

Policy statement

1. Council is committed to providing a safe and supportive work environment and ensuring its workers and other people are not placed at risk from misuse of alcohol and drugs in the workplace.
2. All workers for Council are expected to undertake their duties in a safe manner and not report for work if affected by alcohol and/or other drug use.
3. Alcohol is not to be consumed at any Council workplace unless sanctioned by the Chief Executive Officer, Deputy Chief Executive Officer or a Director, in writing, and any sanction provided is based on the responsible consumption of alcohol.
4. Council will implement an alcohol and other drugs testing program. The program applies to all workers for Council at all workplaces as set out in the Scope section of this policy. The program includes:
 - random testing
 - reasonable suspicion testing
 - post incident testing
 - self-testing (for alcohol)
 - voluntary testing (for alcohol and other drugs)
 - monitoring program of limited and targeted random testing in certain circumstances
 - pre-employment testing.
5. Whilst engaged in Council business and undertaking their duties, workers must not:
 - have any alcoholic substance in their system equal to or in excess of 0.05 blood alcohol content (BAC) unless NSW law prescribes a lower level for vehicle operation, licence type or age
 - have any drug substance in their system in excess of the concentration levels for each of the various classes of drugs as set out in the Australian Standard (and as amended) AS 4760:2019 'Procedure for specimen collection and the detection and quantification of drugs in oral fluid'
 - have taken prescription and/or over-the-counter (OTC) medications not used in accordance with medical directions.
6. Council will put in place a procedure detailing how this policy and the testing program will be implemented.

Review and Evaluation

This policy will be reviewed at least four-yearly and in the event of any change in relevant legislation, Australian Standards, industry standards, or related Council policy and procedures.

WHS Management System Information

Record Keeping Requirements

Records associated with, and generated in compliance with this document include:-

- the internal procedure for alcohol and other drugs.

Training Requirements

Specific training required to carry out the requirements of this document includes:-

- refer to the internal procedure for alcohol and other drugs.

Training requirements will be managed in accordance with **WHS Module 12 – Training**.

Auditing Requirements

Auditing of this process will be managed in accordance with **WHS Module 11 – Auditing**.

Corrective Actions

Corrective actions are to be managed in accordance with **WHS Module 09 – Corrective Actions** whenever it is identified that the requirements of this document and its references are not being met.

Review

This document will be reviewed in accordance with **WHS Module 04 – Document Control** and whenever there is a relevant change to applicable legislation, industry standards, Codes of Practice, the WHS Management System, or the process.

Responsibilities, Authorities & Accountabilities

Responsibility, authority, and accountabilities for all positions within Council are outlined in **WHS Module 01 – WHS Responsibilities** and in the **WHS Responsibilities, Authorities and Accountabilities (RAA) Table** associated with **WHS Module 01**. The RAA table includes responsibility, authority, and accountabilities for employees, managers, supervisors, contractors, visitors, and persons with specialist roles within the organisation.

In addition to **WHS Module 01 – WHS Responsibilities**, the following positions have responsibilities, authorities and accountabilities associated with this document:

Position	Responsibilities, Authorities & Accountabilities

Controlled Document Information

Authorisation Details

Folder No:	F2014/01446-005	TRIM Record No:	D10625800
Audience:	Council Wide - All staff		
Department:	People and Culture	Officer:	Manager People and Culture – Sarah Chessor
Key focus area(s):	Workforce		
Review Timeframe: Max < 4 years	4 years	Next Scheduled Review Date:	15 September 2026
Authorisation:	Manager People, Culture and Risk - Sarah Chessor - 15 September 2022		
Authorisation – Executive Team adoption date:	15 September 2022		

Related Document Information, Standards & References

Related Legislation:	Work Health and Safety Act 2011 (NSW) Work Health and Safety Regulations 2017 (NSW) Road Transport (Safety and Traffic Management) Act 1999 (NSW) Road Transport (Safety and Traffics Management) Regulation 1999 (NSW)	Legislation
Related Policies:		
Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:	Internal procedure: Alcohol and other drugs	Related internal procedure to this policy
Standards, COP's & Other References	AS 4760:2019 (and as amended): Procedure for specimen collection and the detection and quantitation of drugs in oral fluid AS 3547:2019 (and as amended): Breath alcohol testing devices	Australian Standards

Definitions

Term / Abbreviation	Definition
At work, hours of work	Refers to a period where workers are being paid (including working additional hours for over time, time in lieu or similar) or volunteering, and excludes travel to and from work and unpaid meal breaks.
Alcohol	Alcohol means any alcoholic beverage, including but not limited to beer, wine, spirits and liqueurs.
Council	Lake Macquarie City Council
Drugs	A drug is any illegal substance, and prescribed or over-the-counter (OTC) medications not used in accordance with medical directions.

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Person conducting a business or undertaking (PCBU)	<p>The <i>Work Health and Safety (WHS) Act 2011 (NSW)</i> provides a full definition of a person conducting a business or undertaking (PCBU).</p> <p>In short:</p> <p>A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking.</p>
Reportable incident	<p>For the purpose of post-incident testing, a 'reportable incident' is defined by Council's Work Health and Safety (WHS) Management System, as:</p> <p>A distinct event or circumstance at, or in relation to, a place of work that presents a risk to health or safety, but is not immediately threatening to life. Incidents are divided into three categories based on their risk rating. This definition also includes accidents and near misses.</p> <p>Refer to Council's procedure for 'Alcohol and other drugs' for further information.</p>
Worker	<p>The <i>Work Health and Safety (WHS) Act 2011 (NSW)</i> provides a definition of the term worker.</p> <p>In short:</p> <p>A worker is a person who carries out work in any capacity for a person conducting a business or undertaking (Council). The worker may be an employee or non-employee of Council.</p>
Workplace	<p>The <i>Work Health and Safety (WHS) Act 2011 (NSW)</i> provides a definition of a workplace:</p> <p>A workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. A place includes:</p> <ul style="list-style-type: none"> • a vehicle, vessel, aircraft or other mobile structure, and • any waters and any installation on land, on the bed of any waters or floating on any waters. <p>In short:</p> <p>A workplace is any place or location where work for Council is undertaken and includes a vehicle, and a worker's home where the worker has an agreement to work from home.</p>

Consultation (update for each version created)

Key Departments, Teams, Positions, Meetings:	People Support, Senior Leadership Network
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Version History

Version No	Date Changed	Modified By	Details and Comments
1	July- Sep 2022	M Langley S Chessor	New internal policy to replace the previous combined internal policy and procedure. Includes the addition of random testing into the program.