



# **Blackall-Tambo** **Regional Council**

## **Drug and Alcohol Policy**

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Policy Compiled by: Human Resources Officer	
Policy Approved by: Chief Executive Officer	

### **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. SCOPE**

This policy does not form part of any employee's contract of employment. This policy is not intended to override the terms of any award, certified agreement or contract that applies to an employee.

### **3. APPLICATION**

This Policy applies to all employees and contractors of Blackall-Tambo Regional Council (workers).

#### **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. 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 Blackall-Tambo Regional 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

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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 conditions. 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

Blackall-Tambo Regional 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 group of select workers may be required to undergo testing at random. The process of random testing will be conducted via a computer generated list of random employee numbers.

## 5. TESTING METHODS

Blackall-Tambo Regional Council will arrange for testing to be conducted by a qualified collector. All methods of testing will be in accordance with Australian Standards. A worker undergoing secondary testing may request to be accompanied by a support person or a union representative, where they are readily available. Testing methods used for drug analysis will be via saliva samples; and methods used for blood alcohol readings will be via breath analysis.

## 6. 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 who refuse to undertake a test or tamper with a test may also be required to show cause via a disciplinary process.

## 7. 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.

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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.

Employees with non-negative samples will be sent to a medical practitioner for further testing.

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 returned 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 medical officers 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.

Blackall-Tambo Regional Council will work with the employee 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.

## 8. ALCOHOL TEST OUTCOME

**Under the limit**

If a worker produces a sample which indicate a blood alcohol content (BAC) result less than 0.00 the Blackall-Tambo Regional Council worker will be considered fit for work and will return to normal duties.

**Over the limit**

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 indicated a BAC that is still over the limit, they will be immediately stood down from work without pay.

If the worker’s BAC indicates they are not able to drive a Blackall-Tambo Regional 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, they will be required to provide a sample demonstrating they are under the limit 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.

**9. 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.

**10. 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 to 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.

**11. 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 reasonable suspicion that a worker may be, in possession, selling or dispensing illegal drugs and/or alcohol at work, Blackall-Tambo Regional 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 Blackall-Tambo Regional Council immediately and provided with all relevant information to address the breach appropriately. Where the worker, other than an employee, is directly engaged via Blackall-Tambo Regional Council, Council may decide to cease or suspend the contract arrangement with the worker, as appropriate.

**12. DEFINITIONS**

“**Drugs**” includes illegal drugs, 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.

**13. RELEVANT INFORMATION**

*Local Government Act 2009*  
*Local Government Regulation 2012*  
*Work Health and Safety Act 2011*  
*Industrial Relations Act 2016 (Qld)*

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