



BOULIA SHIRE COUNCIL DRUG AND ALCOHOL POLICY

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Responsible Section:	Executive
Responsible Officer:	Director of Corporate Services
Legislation:	Australian Standard AS/NZS 4760:2019 Australian Standard AS/NZS 4308:2008 Australian Standard 3547:2019 'Breath alcohol testing devices' Drugs Misuse Act 1986 (QLD) Work Health and Safety Act 2011 Work Health and Safety Regulations 2011

STATEMENT OF INTENT

Boulia Shire Council is committed to ensuring so far as reasonably practicable the good health and safety of every employee, contractor and visitor to the Council's workplaces, to ensuring healthy and safe working conditions, and to the safe operation of all equipment in the workplace. This commitment extends to Council's obligation as an employer under the *Work Health and Safety Act 2011* and *Work Health and Safety Regulations 2011*.

Council, its employees and contractors have a responsibility for the provision of a safe, healthy, cost effective and productive workplace.

Council employees and contractors are required to attend work in a good physical and mental condition so duties are performed in a safe, efficient and productive manner.

Council has adopted a drug and alcohol policy to extend and strengthen the broad based work health and safety programs in place to secure the highest level of health and safety in Council workplaces.

Boulia Shire Council prohibits all employees and contractors, at all levels, from working or conducting Council business with drugs and/or alcohol in their system in excess of the tolerance levels set out in this policy.

An employee or contractor who attends work in an unfit manner is operating outside Council policy and may be subject to counselling and/or disciplinary action (or in relation to contractors possible termination of the contractor's engagement (with or without notice)), depending on the degree of awareness and the severity of the risk to safety.

Information about the Boulia Shire Council Drug and Alcohol Policy is made aware to employees, contractors and volunteers as part of the information conveyed in the Boulia Shire Council Workplace Health and Safety induction process. Copies of this document can be requested at any time through Council's Workplace Health and Safety Advisor or the employee/contractor's Supervisor.

PRINCIPLES

Council is committed to:

- Contributing positively to the health and wellbeing of employees;
- Providing a work environment that is free from the negative impact of drugs and alcohol;
- Maintaining the privacy of employees and contractors and their rights as private citizens.

Council's interests regarding this Policy and its application are restricted to:

- The workplace health and safety, behaviour and performance of Council employees;
- The workplace health and safety and performance of contractors and other employees;
- The health and safety of the general public; and
- The public perception of Council and the conduct of Council business.

SCOPE

This policy applies to all Council employees and contractors when they are engaged in Council work, in Council workplaces and in business hours/hours of work.

Nothing in this policy is intended to create an employment relationship between the Council and its contractors.

RESPONSIBILITY

The Chief Executive Officer shall issue a Procedure to employees and contractors for the implementation of this policy.

Each employee and contractor is responsible for ensuring their own compliance with this policy:

- Each employee and contractor is responsible for ensuring their own safety and the safety of others, and if an employee or contractor feels unsafe working with another person because they suspect that person is affected by drugs or alcohol the employee or contractor must refer the matter to a Supervisor or Manager;
- Employees/contractors must present themselves at work in a condition in which they are able to carry out their duties without risk to themselves or others. This includes ensuring that they are not in an unfit state for any reason, including the adverse effects of alcohol or other drugs;
- Employees/contractors must notify their Supervisor when displaying symptoms at work

Supervisors and Managers are responsible for:

- Monitoring their staff, and investigating situations which may be in breach of this Policy; and
- Taking appropriate steps to deal with the Employee/Contractor if the Supervisor/ Manager:
 - a) Observes an Employee/Contractor using drugs or alcohol or finds evidence of usage; or
 - b) Detects the odour of alcohol on an Employee/Contractor; or
 - c) Suspects an Employee/Contractor is working with drugs and/or alcohol in their system in excess of the tolerance levels set out in this policy (for example through abnormal or erratic behaviour); or
 - d) Learns from a reliable or credible source that the Employee/Contractor has consumed drugs or alcohol in breach of this policy;

The Chief Executive Officer, Directors, Executive Managers and Managers are responsible for ensuring this policy is understood and adhered to by all.

DEFINITIONS

For the purposes of this policy:

Alcohol	means any alcoholic beverage, including but not limited to liqueurs, spirits, wine or beer.
Business Hours and Hours of Work	refer to an Employee or Contractor's ordinary hours of work (for the Boulia Shire Council) and includes time worked on overtime and attending to call-outs or other matters requiring attendance at Council workplaces outside of an Employee or Contractor's ordinary working hours.
Drugs	<p>any mind altering or legally controlled substance unless it is prescribed by a doctor and used in accordance with medical directions. This includes any drugs listed in the <i>Drugs Misuse Act 1986 (QLD)</i> or similar legislation and any drugs listed in the Australian Standard AS/NZS 4308:2008 which prescribes the procedures for the collection and quantitation of drugs of abuse in urine and listed in the Australian Standard AS/NZS 4760:2019 which prescribes the procedures for the collection and quantification of drugs of abuse in oral fluids.</p> <p>The Council may also include drugs other than those listed in Australian Standards 4308:2008 and 4760:2019 such as those drugs referred to as "designer drugs", including (but not limited to) synthetic cannabinoids and herbal highs, as well as other synthetic drugs such as opioids, hallucinogens, piperazines, stimulants and sedatives in the definition of "drugs".</p>
Employees/Contractors include:	<ul style="list-style-type: none"> • Employees of the Boulia Shire Council including trainees,

	<ul style="list-style-type: none"> • Contractors and subcontractors and their employees when engaged in the provision of services to the Boulia Shire Council, • Employees of a labour hire company who have been assigned by the labour hire company to perform work for the Boulia Shire Council, • Persons providing services to the Boulia Shire Council on a voluntary basis, • Students and other persons attending Boulia Shire Council workplaces on a work experience or student placement basis.
Fitness for Work	Describes the physical or mental condition of a person whereby the person can be reasonably expected to undertake a task without incurring unacceptable risks to the health and safety of themselves or any other person.
Tolerance levels	Boulia Shire Council implements a zero tolerance level for drugs and alcohol.
Workplace	<p>a place where work is carried out for the Boulia Shire Council and includes any place where a worker goes, or is likely to be, while at work. With a 'place' including;</p> <ul style="list-style-type: none"> a) a vehicle, vessel, aircraft or other mobile structure and b) any waters and any installation on land, on the bed of any waters or floating on any waters (<i>Work Health and Safety Act 2011</i>).

POLICY

Employees/Contractors are prohibited from:

- a) Working or conducting Council business with drugs and/or alcohol in their system in excess of the tolerance levels set out in this policy;
- b) Using, possessing, distributing or consuming drugs or alcohol on Council property during work time;
- c) Driving a Council vehicle with drugs and/or alcohol in their system in excess of the tolerance levels set out in this policy;
- d) Using or consuming drugs or alcohol at social events and work related functions held during business hours/hours of work, where the Employee/Contractor attending is representing Council.

Employee Assistance

- (a) If an employee thinks he/she has a drug, alcohol, psychological, emotional or other problem (whether or not that is affecting their work) the Council encourages them to ask for help from Human Resources at an early stage (that is, before the problem is the immediate subject of disciplinary action), without fear of reprisal. Discussions will be kept confidential. The Council will try to help the employee resolve the problem, including by referring the employee to appropriate community resources.
- (b) At the Council's sole discretion, it may allow an employee to take unpaid leave to participate in a drug and alcohol rehabilitation or treatment program. Before being authorised to return to work, the employee will be required to be examined by the Council's nominated medical practitioner who will determine the employee's fitness to return to work. The employee may also be required to complete a course of follow-up treatment and return a negative drug and/or alcohol test before being permitted to return to work. The employee's job security after returning to work will depend on his/her work reaching appropriate performance standards and returning negative results on future drug and alcohol tests and doing so within a timeframe considered reasonable by Council.

- (c) Council will provide an employee with access to an Employee Assistance Program ('EAP'), through an appropriate EAP provider. This is a confidential service, which is independent from the Council. The EAP offers services such as information, assessment, counselling or referral, to help an employee resolve issues that may be affecting his/her work, such as marital problems, depression, stress, or drug and alcohol dependency. Council encourages employees to use the EAP where they have an issue that needs to be addressed with external assistance.

Attendance at Social Functions with Alcohol

- (a) Council will enforce the Policy strictly not only in the workplace, but also at social events and work related functions held during business hours/hours of work, where the employee/contractor attending is representing the Council.
- (b) Where social functions are scheduled to commence during normal business hours/working hours and where alcohol will be made available at those functions, the relevant manager/s must post an appropriate notice to advise of amended business hours/hours of work of employees of departments attending that function.

Example – "This is to advise that all Boulia Shire Council staff will cease work at 3:00 pm today 24 December 2013 to attend the Staff Christmas Function".

Those employees will then be free to attend the function and consume alcohol in moderation as their attendance will be outside of their business hours/hours of work. Reference should be made to the Code of Conduct for Staff for guidance in relation to behavioural expectations of Council employees when representing Council at social events or work related functions outside of business hours/hours of work.

Medications

The Boulia Shire Council acknowledges that some employees/contractors may have medical reasons which require the need for medication to be taken and that this medication may take the form of prescription medication as prescribed by a legal medical practitioner or non-prescription medication lawfully available at a dispensing Pharmacy.

In accordance with the Boulia Shire Council Work Health and Safety Management System, employees/contractors are encouraged to advise their Supervisor of their use of medication at work, where the advice provided with the drug indicates possible drowsiness or effects on personal coordination or performance or which may carry other warnings of possible adverse side-effects which may become evident in the course of the performance of their duties. A Medication Declaration Form is available for employees/contractors to complete should they chose to do so.

A declaration of medication being used by the employee/contractor will enable the Supervisor/Workplace Health and Safety Advisor (WHSA) to assess the work tasks the employee/contractor is to undertake and their capability to safely perform those tasks whilst taking the prescribed medications and take any steps or precautions necessary to ensure the employee's, and overall workplace, health and safety.

Drug and Alcohol Testing Standards and Equipment

All Drug and alcohol testing will be conducted in accordance with the relevant industry standards:

- (a) All drug testing based on the collection and analysis of urine samples will be performed in accordance with Australian Standard 4308:2008, which prescribes the procedures for the collection and quantitation of drugs of abuse in urine.
- (b) All drug testing based on the collection and analysis of oral fluids will be performed in accordance with Australian Standard 4760:2019, which prescribes the procedures for the collection and quantification of drugs of abuse in oral fluids.

- (c) Breath alcohol tests will be conducted using an approved testing device which meets the Australian Standard AS3547:2019 'Breath alcohol testing devices' (or successor standard).

Approved testing devices used for breath alcohol testing will be regularly calibrated in accordance with manufactures specifications.

Oral fluid testing equipment will be stored as per manufactures specifications and only used if within the product expiry date period.

Search on Reasonable Grounds

In order to further assist with achieving the objectives set out in the Policy, if the Council suspects on reasonable grounds that an employee/contractor at work:

- may be in possession of drugs at work; or
- may recently have been in possession of drugs at work; or
- may have used or consumed drugs or alcohol at work

The Council may search any Council workplace as defined in the Policy and any Council property located within any area in the Council's possession or control or within the possession or control of any client or customer of the Council ('Council premises'). This may include offices, vehicles, workstations, production areas, lockers, and storage areas.

If any detection mechanism indicates the recent possession of drugs and or use or consumption of drugs or alcohol by an employee/contractor, the Council may require the employee/contractor to undergo drug and/or alcohol testing in accordance with the Policy.

Introduction, Monitoring and Review of the Policy and the associated Procedure

Education and Training

(a) Training and Awareness

All employees will have access to the Policy and the Procedure and information about these documents and the issues relating to the use of alcohol and drugs (prescription and illicit drugs) will be conveyed through a combination of such methods as toolbox talks, internal staff education sessions and/or powerpoint presentations and presentations from external parties such as the RFDS. These methods are designed to familiarise employees with the Drug and Alcohol Policy and its associated documents and Bouliia Shire Council's zero tolerance level, as well as to inform them of the requirements of them under those documents, and of the workplace problems associated with drugs and alcohol.

Training and Awareness of Council's policy and procedure will be incorporated into the employee/contractors initial onboarding induction, will form part of Council's on-going training program where necessary and will also be included in the training provided to staff appointed or promoted to supervisory positions.

(b) Training for Managers and Supervisors

Managers and Supervisors will be trained in:

- i. Understanding the Policy and its effective implementation; and
- ii. The recognition, management and referral of drug and alcohol related matters.
- iii. How to complete a Reasonable Cause Assessment

(c) Training for Authorised Collectors

Any Authorised Collector nominated by Council will have the relevant drug and/or alcohol testing certification and will complete regular refresher training in order to keep up to date with industry standards.

Review of Testing Methods and Procedures

- (a) At any time, Council may review and amend the Policy or the Procedure should:

- The Policy, the Procedure and/or the associated testing methods or procedures prove problematic; or
 - More effective methods/procedures become available; or
 - Change or amendment is considered necessary to ensure continued compliance with relevant Australian Standards or legislation, as those documents are up-dated and amended.
- (b) The Authorised Collector appointed by Council may amend or vary the processes and/or procedures for specimen collection and testing where such amendment or variation is considered necessary to ensure continued compliance with the relevant Australian Standards. This may occur when a relevant Australian Standard dictates a different procedure should apply or when the circumstances otherwise require it.

Confidentiality and Privacy

- (a) All information gathered as a result of testing or participation in a rehabilitation or treatment program is collected for the purpose of implementing the Policy and achieving its objectives and is treated in accordance with the relevant privacy act.
- (b) All information will be held internally in Bouliia Shire Council's secure document management system and will be held for the duration of the individual's employment/engagement or longer where deemed necessary by the Council or by law. Relevant information may be disclosed to the employee/contractor's supervisor or manager. The employee/contractor may have access to this information upon request.
- (c) Save as required by law, no information relating to any testing or rehabilitation will be disclosed to an external party without the written consent of the employee/contractor concerned.
- (d) Testing will be conducted in as private a setting as possible, taking into consideration the sometimes remote worksites that employees/contractors may be located at.

Application

The Policy and the Procedure applies to employees/contractors/volunteers as defined. However, some aspects of these documents may only be applicable to employees, such as rehabilitation and support. Nothing in these documents is intended to create an employment relationship between the Council and its contractors.

Drug and Alcohol Testing

Pre-employment/engagement Testing (if required)

Applicants may be required to undergo a drug and/or alcohol screening test before being employed or engaged as a Contractor. If an applicant fails the test, he/she may not be considered for appointment or, if the applicant has already been appointed, the employment/engagement may be terminated without notice.

Testing during employment/engagement

Random Testing:

During employment or engagement, the Council may require an employee/contractor to undergo a drug and/or alcohol test to monitor compliance with the Policy. Selection for drug and alcohol testing for this purpose will be conducted on a random basis with employees of all levels of Council, and within all areas of Council, included in the random selection and subsequent drug and alcohol process.

Employees performing their duties for Council under a formal Working from Home arrangement and who are selected for random drug and alcohol testing, will be required to present at their otherwise normal Council work place in order to participate in that testing.

Note that random test selection means that some employees or contractors may not be selected to be tested at all, some employees or contractors may be tested once, and other employees or

contractors may be tested more than once. In accordance with the CEO's delegation to the WHSA, the selection process for random testing will be determined by the WHSA.

Blanket Testing:

In accordance with the CEO's delegation to the WHSA, the WHSA may decide to undertake blanket testing of the workforce/workplace. Blanket testing will involve all employees/contractors at a selected workplace/site to be tested rather than randomly selected employees/contractors only.

Reasonable Cause Testing:

Grounds to conduct drug and/or alcohol testing may be established where the behaviour, action or conduct of an employee/contractor is of concern and workplace factors such as those outlined in the procedure do not explain the behaviour, actions or conduct of concern.

Prior to drug and/or alcohol testing being ordered on the basis of a reasonable cause assessment, the possible influence of workplace factors outlined in the Policy must be considered and found not to explain the behaviour of concern.

When determining "reasonable cause", physical symptoms and/or unusual or out of character on-site observable behaviours must be considered (in accordance with the Reasonable Cause Assessment Form).

Examples of physical symptoms or behaviours include, but are not limited to:

- irritability
- hangovers
- less energy
- dizziness
- depression
- slurred speech
- impaired motor skills
- excessive lateness
- bloodshot eyes
- violent behaviour
- changes in personality
- odour of alcohol or drugs
- inability to walk in a straight line
- intense anxiety or panic attacks
- impaired/reduced short term memory
- irrational laughter/foolish behaviour
- unusual changes in appearance
- changes in alertness/attention span
- emotional – outbursts, anger, aggression
- absences often on Monday, Friday or in conjunction with holidays
- feigning sickness or emergencies to get out of work early
- going to the bathroom more than normal
- defensive when confronted about behaviour
- increased health problems or complaints about health
- involvement in workplace incidents or accidents
- impairments in learning and memory, perception and judgement
- reduced ability to perform tasks requiring concentration and co-ordination

Reasonable Cause Assessments may only be conducted by Council's WHSA, Supervisors or Managers. Should employees or contractors have concerns regarding the behaviour of other employees/contractors, they should direct their concerns to their Supervisor/Manager or Council's WHSA for further investigation. If an allegation of reasonable cause is later found to be vexatious, the matter will be referred to the employee/contractor's Supervisor and dealt with accordingly.

A workplace union representative may be present to observe the reasonable cause assessment process should it be requested by an employee/contractor.

Post Incident Testing:

The Council may require an employee/contractor involved in an incident to undergo drug and/or alcohol testing where it is established through the application of the Reasonable Cause

Assessment process, that an employee/contractor's actions, or lack of action, may have been a direct or indirect factor contributing to that incident.

The results of drug and/or alcohol testing initiated within 12 hours of an incident occurring may be taken into consideration in conducting incident investigations.

Where reasonable cause is established but the 12 hour timeframe cannot be met, the results of drug and/or alcohol testing subsequently initiated may only be attributed to a breach of the Drug and Alcohol Policy, and cannot be treated as a factor to have contributed to the incident.

In the case of an employee/contractor who is injured through involvement in an incident, drug and/or alcohol testing must not be conducted until such time as the employee/contractor has received the necessary first aid or other medical treatment and returned to work.

Should an employee/contractor fail to report an incident, that employee/contractor may be required to submit to drug and/or alcohol testing at such time as Council becomes aware of the incident and reasonable cause can be established. This action and any subsequent action taken in accordance with the Drug and Alcohol Policy, will not limit any other action available to be taken against the employee/contractor for failing to report an incident.

Drug Testing:

- (a) The initial drug test will be performed via an oral fluid test.
- (b) If the initial oral fluid test result is non-negative, a second on-site test will be performed via a urine sample. If the urine sample returns a negative result, the test result is negative.
- (c) If the on-site urine test returns a non-negative result, confirmation testing will be performed by an accredited laboratory on the collected specimen.
- (d) If the confirmation test is non-negative (and therefore confirmed positive), the employee providing that sample will be in breach of this policy.

Breath Alcohol Testing

- (a) Where a first breath alcohol test is non-negative (Blood Alcohol Concentration (BAC) of 0.001% or greater) a confirmation breath alcohol test will be conducted after a period of no less than 20 minutes has elapsed since the first breath alcohol test.
- (b) If the confirmation breath alcohol test is negative (BAC of 0.000%) the test result is negative. If the confirmation test is non-negative, the employee providing that sample will be in breach of the policy.

Refusal to Take a Drug and/or Alcohol Test

- (a) If an employee/contractor is required to take a drug and/or alcohol test, and refuses to do so, the employee/contractor should first explain the refusal. The Council will consider any explanation given. In its sole discretion, if the Council considers the explanation is unacceptable or unreasonable in the circumstances, then the Council will instruct the employee/contractor to take the drug and/or alcohol test once again. If the employee/contractor again refuses to take the test, the Council may take disciplinary action against the employee up to and including dismissal (with or without notice) or, in the case of a contractor, termination of his/her engagement.
- (b) The employee/contractor must be willing to provide his/her specimen for drug and/or alcohol testing and must comply with a request when made by the Authorised Collector. Failure to comply may result in disciplinary action against an employee up to and including dismissal (with or without notice) or, in the case of a contractor, termination of his/her engagement.

Pending the result of confirmation test of initial non-negative drug test result

- (a) In the case of an employee of Council providing a non-negative drug test result, the Council may stand the employee down on ordinary pay for the balance of that working day. No further action will be taken in relation to that non-negative drug result until the confirmation test result is known.
- (b) To enable the employee's return to work, the employee will be required to take a further drug test (follow-up test) the working day immediately following the initial drug test.
 - i. If the result of this follow-up test is negative the employee may return to work and await the confirmation test results of the initial drug test.
 - ii. If the result of this follow-up test is also non-negative, the employee may be stood down without pay, or may access any accrued paid leave entitlements pending receipt of the confirmation test result of the initial drug test. No further testing or action will be taken in relation to the non-negative follow-up test result.
- (c) If a contractor returns a non-negative result in relation to their drug test, the Council may suspend performance of the contract until receipt of results of confirmation testing are known.
- (d) Where a Council employee is sick or injured during the stand down period (or during a portion of the stand down period), the Council will be entitled to make appropriate deductions from the employee's sick leave entitlements.

BREACH OF THIS POLICY

Confirmed Breach of the Drug and Alcohol Policy

An employee/contractor returning a confirmed non-negative (positive) result from a drug and/or alcohol test will be in breach of the Policy.

Any deliberate breaches of this policy may result in disciplinary action being taken against the employee or contractor.

Support and assistance following breach

- (a) Where the policy is breached, the Council may, in its sole discretion, suspend taking of disciplinary action and permit the employee/contractor to continue in their employment, subject to them agreeing to join and complete an agreed appropriate Drug and Alcohol Rehabilitation Program.
- (b) In the case of a first breach of this policy by a Council employee, Council may suspend the application of disciplinary proceedings where the employee in breach recognises that they have a drug and/or alcohol problem, is willing to co-operate in referral to an appropriate service and subsequent rehabilitation treatment and enters into a Health Rehabilitation Agreement with Council and meets all the requirements of that agreement.
- (c) At its sole discretion, Council may suspend application of disciplinary procedures in cases other than that of a first breach of this policy.
- (d) Where suspended, disciplinary procedures may be immediately reactivated if an employee rejects assistance, or fails to co-operate in referral or treatment arrangements, or fails to meet the requirements of any Health Rehabilitation Agreement in effect, or returns a positive result from a further drug and/or alcohol test.

Employee Assistance Services

Regardless of any action that may be taken, employees in breach of the Policy will be reminded of the Employee Assistance Services available to them and will be provided assistance in accessing services where requested.

Disciplinary Action

Any disciplinary action taken against Council employees, or action taken against contractors, will be in accordance with the relevant provisions of the Policy, the Procedure and the Certified Agreement.

Other Actions

- (a) If the Policy is breached by a Council employee the Council may send the employee home on leave, which may be unpaid, for such period as may be reasonably necessary.
- (b) If the policy is breached by a contractor the Council may suspend the contractor's engagement for such period as may be reasonably necessary, or terminate the contractor's engagement (with or without notice).
- (c) The Council shall require an employee/contractor in breach of the policy to undergo a further drug and/or alcohol screening test, and return a negative test result before permitting the employee/contractor to return to work. For Council employees, Council will meet the costs of one drug and/or alcohol test in this period. Any further testing may be at the expense of the employee seeking their return to work and if stood down with pay to that point, this may be withdrawn and the employee may be required to take leave, which may be unpaid, until such time as a negative drug and/or alcohol test result is returned.
- (d) The Council may require the employee/contractor returning to work to undergo 3 further drug and/or alcohol tests within a 6 month period of their return to work with the dates and times of those tests being at the discretion of Council.
- (e) Where an employee found in breach of the policy requests participation in a rehabilitation program and Council agrees with this request, any disciplinary action that might otherwise have been taken may be suspended pending the employee's compliance with the rehabilitation program undertaken.
- (f) Should the employee for any reason be unable to properly perform the duties of their normal position while participating in an agreed rehabilitation program, the employee may access any paid leave entitlements; or may be stood down from his/her duties (with or without pay, in the Council's sole discretion); or allocated alternative duties (if available, and in the Council's sole discretion).
- (g) Failure to take part or complete an agreed rehabilitation program may result in the suspension of the disciplinary action being lifted and disciplinary action being taken up to and including dismissal.

Rehabilitation Agreement

The Council may, in its sole discretion, and upon the employee's request, fund an initial assessment by a rehabilitation provider nominated or approved by the Council.

- (a) The employee must sign an agreement (refer to the Drug and Alcohol Procedure for agreement details) recording their voluntary commitment to the program and to follow up testing. Failure to sign the agreement may result in the suspension of disciplinary action being lifted.
- (b) Human Resources/WHSA will arrange an initial appointment for the employee to meet with the rehabilitation provider;
- (c) The employee will be given a phone number to contact the rehabilitation provider;
- (d) All communications between the rehabilitation provider and employee will remain confidential save as provided in the agreement;
- (e) The rehabilitation provider will arrange for treatment or further specialist advice as considered necessary;

- (f) Rehabilitation will commence and the rehabilitation provider will provide Human Resources/WHSA with information on the attendance of the employee in accordance with the agreement;
- (g) The rehabilitation provider will report to Human Resources/WHSA after three sessions on the necessity or value of further treatment. Further sessions are at the employee's cost;
- (h) With the permission of the employee, the employee's representative is to be informed of progress.

Post-treatment/rehabilitation testing

- (a) If not already provided, on completion of the program the employee will be required to return a negative drug and/or alcohol test prior to returning to normal duties.
- (b) The employee will be required to take at least 3 random drug and/or alcohol tests within a 6 month period commencing from their completion of the rehabilitation program. The times and dates of these tests will be determined by Council.
- (c) A positive (non-negative) test during or following treatment may result in disciplinary action up to and including dismissal (with or without notice).

Resolution of Grievances

Complaint procedure is available to employees should they dispute either:

- (a) the results of any drug and/or alcohol test;
- (b) the process employed in achieving the result in dispute;
- (c) the assessment process relating to a reasonable cause or post incident drug and/or alcohol test;
- (d) the disciplinary or any other action taken against them;

Employees/contractors disputing the results of a drug and/or alcohol test are entitled to challenge the results of that test by obtaining at their own expense, an independent analysis of the sample from an appropriately accredited service provider/facility.

Support and Assistance Following Breach of Drug and Alcohol Policy

When the Policy is breached, but the Council becomes aware that the employee in breach has a drug and/or alcohol abuse problem and that employee is willing to co-operate in referral to an appropriate service and subsequent rehabilitation treatment, the Council will endeavour to assist the employee to seek help with their problem.

If the Policy is breached, the Council may, in relation to Employee/Contractors:

- (a) Stand the employee down with pay, or send the employee/contractor home on leave, which may be unpaid, for such period as may be reasonably necessary. This will be at least as long as required for the employee to return a negative test result for drugs and alcohol.
- (b) If an employee/contractor is suspected of being, or is confirmed to be in breach of the Policy, the employee will not be permitted to drive their personal vehicle or a Council vehicle from the Council's premises. In circumstances other than those in which the employee can make satisfactory private arrangements for their transport to their home/ accommodation, Council will make appropriate arrangements for such transport, which will be at Council's expense. Where a contractor or employee of a contractor chooses not to, or is unable to make suitable private arrangements for their transport to their home/accommodation, such transport will be arranged by Council and the costs of such transport will be passed on to the contractor or contractor's employer.

- (c) Require the employee/contractor to undergo a further drug and/or alcohol screening test, and return a negative test result before permitting the employee/contractor to return to work. Council will meet the costs of one drug and/or alcohol test in this period. Any further testing may be at the expense of the employee seeking their return to work and if stood down with pay to that point, this may be withdrawn and the employee may be required to take leave, which may be unpaid, until such time as a negative drug and alcohol test result is returned.
- (d) Require the employee/contractor returning to work to undergo 3 further drug and/or alcohol tests within a 6 month period of their return to work with the dates and times of those tests being at the discretion of Council.
- (e) When a Council employee requests participation in a rehabilitation program and Council agrees with this request, any disciplinary action that might otherwise have been taken may be suspended pending the employee's compliance with the rehabilitation program undertaken.
- (f) The employee may be stood down from his/her duties (with or without pay, in the Council's sole discretion) or allocated alternative duties during the program (if available, and in the Council's sole discretion). Failure to take part or complete an agreed rehabilitation program may result in the suspension of the disciplinary action being lifted and disciplinary action being taken up to and including dismissal.
- (g) Take disciplinary action against the employee in breach up to and including dismissal. Any disciplinary action taken will be in accordance with the relevant provisions of the Policy and the provisions of the Certified Agreement applicable to the employee in breach.
- (h) In cases other than dismissal and following providing a negative drug and/or alcohol test which will allow the employee to return to work, the employee may be directed to undertake 3 further drug and/or alcohol tests, at times and dates determined by Council within the 6 month period from the date of the employee's return to work.
- (i) Any confirmed positive (non-negative) tests for drugs and/or alcohol in the 6 month period following the employee's return to work will constitute a further, new breach of the Policy and will be managed accordingly.
- (j) The nature and severity of the violation, and whether there have been previous breaches of the Policy, will determine the disciplinary action taken.

Disciplinary Action

A first breach of the Policy may result in either one of or a combination of (at Council's sole discretion) the following:

- (a) Referral for substance abuse education/evaluation/treatment; or
- (b) A first written warning; or
- (c) A first and final written warning; or
- (d) Demotion; or
- (e) In the event of a serious offence, the employee will be required to show cause why they should not be dismissed and the action taken will be determined following consideration of the employee's responses to that show cause notice.

A repeated or more serious breach may result in either one of or a combination of (at Council's sole discretion) the following:

- (a) Referral for substance abuse education/evaluation/treatment; or
- (b) A first written warning or a first and final written warning; or
- (c) A final written warning; or
- (d) Demotion; Or

- (e) In the event of a more serious offence, the employee will be required to show cause why they should not be dismissed and the action taken will be determined following consideration of the employee's responses to that show cause notice.
- (f) If sufficient evidence exists that an employee/contractor has acted illegally, Council may inform the Queensland Police Service

A third or more serious offence:

In the event of a third or more serious offence, the employee will be required to show cause why they should not be instantly dismissed and the action taken will be determined following consideration of the employee's responses to that show cause notice.

Other Actions

- (a) If the Policy is breached, the Council (and/or its insurer) may, at its sole discretion, require the employee to indemnify the Council for any and all reasonable costs arising out of or in connection with the drug and/or alcohol test.
- (b) If the Policy is breached, the Council may, in relation to contractors, terminate the contractor's engagement (with or without notice).

Refusal to Take a Drug and/or Alcohol Test

Refusal to take a drug and/or alcohol test will be a breach of the Policy and may result in disciplinary action being taken up to and including dismissal.

VARIATIONS

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