

Council Policy

Title	Smoking, Alcohol and Other Drugs Policy		P69
Type	Council Policy		
Document Owner	Human Resources Manager		
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PURPOSE

This policy supports Central Desert Regional Council's commitment to providing a healthy and safe workplace environment for all employees, visitors and contractors.

SCOPE

This policy applies to Councillors, Local Authority members, employees, contractors, volunteers, clients and visitors to Council premises and any other locations where activities are undertaken by Council representatives or on behalf of Council.

DEFINITION AND TERMS

Smoking – Includes smoking tobacco or any other substance by any means, including vaping.

Alcohol – All substances that contain alcohol – including foods and medicines.

Drug – A substance other than food intended to affect the structure or function of the body.

Over the counter drugs – Drugs which can be purchased legally without a prescription.

Prescription drugs – Drugs prescribed by a Medical Practitioner and issued by a pharmacist or clinic.

Prohibited substances – Drugs that are illegal under state or national law.

Random – having no specific pattern, purpose or objective.

Workers – includes Councillors, Local Authority members, employees, contractors, and volunteers.

Negative sample – a drug or alcohol test that shows no detectable drugs or an acceptable level of drugs or alcohol is recorded in a person's system.

LEGISLATION AND REFERENCE

NT Work Health and Safety (National Uniform Legislation) Act 2011

Tobacco Control Act 2002

Relevant Australian Standards

Central Desert Regional Council Enterprise Agreement

POLICY STATEMENT

1. RESPONSIBILITY

All persons charged on behalf of Council with the management and/or supervision of others, are responsible for the health and safety standard of the working environment and the health and safety of workers and visitors under their control.

Council expects that all workers and visitors will accept their joint responsibility and cooperate in ensuring that the highest possible health and safety standards are maintained in all Council activities.

2. EDUCATION AND AWARENESS

Council will promote awareness of health and safety implications of smoking, drugs and alcohol abuse. Particular attention will be given to the recognition of the early indications of drug and alcohol abuse.

3. SMOKING

Council has a duty to protect workers against the health impacts of smoking, including exposure of smoking to others. Council also has a duty to protect those who use our services and visit our facilities, services and programs.

a. PROHIBITED AREAS

Smoking is only permitted in designated smoking areas whilst on Council premises or facilities. Smoking is not permitted in Council vehicles or machinery. Workers living or staying in Council accommodation are required to comply with this policy, however they are able to smoke outdoors.

b. SMOKING DURING WORK HOURS

Workers may only smoke during official breaks in designated smoking areas. This is consistent with employment contracts and conditions, which do not include smoking breaks.

c. ASSISTANCE

Persons who require assistance with adapting or complying with this policy, including professional support, should contact QUIT line on 131 848.

Council recognizes drug and alcohol dependency as a treatable condition. Employees who suspect they have an alcohol or drug dependency are encouraged to seek advice and to take appropriate treatment before their job performance is impaired. Employees may also seek confidential assistance through the Employee Assistance Program.

Employees who participate in a rehabilitation program must use existing leave. Leave without pay may be granted if the employee does not have other entitlements with approval of the Chief Executive Officer.

4. ALCOHOL AND OTHER DRUGS

Council has a responsibility to prevent and eliminate the use and impacts of alcohol and other drugs in the workplace. To assist with achieving the highest standards of Health and Safety Council requires a 0.00% blood alcohol level and drug free workplace.

a. DRUG AND ALCOHOL TESTING

Workers may be required to undergo drug and alcohol testing including but not limited to;

- As part of an employment medical (including pre-employment medical);
- As part of a random testing program;
- In a case of reasonable suspicion; and/or
- Post incident.

Council will test for the following prohibited substances;

- Alcohol
- Opiates
- Cannabinoids
- Cocaine
- Amphetamines
- Benzodiazepines
- Other prohibited substances or synthetic drugs

Alcohol testing will be conducted in accordance with current random breath testing procedures states in the AS 3547, Breath alcohol testing devices for personal use.

Drug testing undertaken will comprise of either a urine or saliva test.

Saliva (oral fluid) testing for drugs will be undertaken in accordance with AS 6470, Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.

Urine testing will be in accordance with AS/NZS 4308, Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

Council is committed to ensuring that results from all drug and alcohol testing remain confidential. Positive drug and alcohol testing will be retained on the employees file.

5. PRESCRIPTION AND OTHER DRUGS

It is the workers responsibility to ensure that they have asked their doctor or pharmacist what affects the drug or medication may have and if there is a risk it will cause impairment. If impairment could occur the employee must discuss the matter with their Supervisor to arrange a safe and suitable working environment or seek appropriate information to ensure that the employee or others are not placed at risk.

6. BREACH OF POLICY

When a worker or visitor presents for duty in an unfit state, Council reserves the right to remove the person from the worksite. Each worker or visitor is responsible for any civil penalty that results from their being under the influence of drugs or alcohol or smoking in a prohibited area.

Staff removed from site due to being unfit in relation to alcohol testing will not be paid from the time they are sent home.

Staff removed from site due to being unfit in relation to drug testing will not be paid from the day the test is confirmed.

Staff will not be allowed back to the worksite until they can produce a negative sample.

Staff found in breach of this policy will be subject to disciplinary actions, which may include termination of employment or exclusion from office for elected members.

Breaches of this policy include but are not limited to;

- Smoking in any prohibited area or during work hours
- Recording of a positive result from a drug or alcohol test
- Refusing to provide a sample for a drug or alcohol test
- Being found to having deliberately masked a substance
- Falsifying of medication information or details
- Tampering with a sample for drug or alcohol testing
- Refusing to comply with any of the requirement of this policy

REVIEW HISTORY

Date	Details
24 October 2012	Adopted by Council (CRN424/2012)
5 December 2016	Reviewed and adopted by Council
25 September 2019	Previously named Smoke Free Workplace Policy. Reviewed and adopted by Council.