

## POL 0011: Workplace Drug and Alcohol Use

### Purpose

To ensure a safe workplace free from the effects of drugs and alcohol and that people are fit for work whilst performing duties at the Shire of Esperance.

The aim of this policy is to ensure -

1. A safe workplace, free from the effects of drugs and alcohol.
2. The Shire of Esperance meets its legal duty of care to ensure a safe workplace.

The Policy is directed towards the welfare of the individual and the safety and health of other people. Although disciplinary action may be necessary, the focus is on preventative measures.

### Scope

This Policy applies to all Shire employees, contractors, employees of contractors and volunteers at all Shire of Esperance workplaces.

### Definitions

**Contractor:** A contractor includes any employee or subcontractor of any company who has been engaged by the Shire to perform services.

**Employee:** For the purpose of this policy, the term employee shall include Councillors, contractors, employees of contractors and volunteers.

**Fit for Work:** Not being under the influence of or affected by the adverse effects of drugs, alcohol or any other substance, or not being fatigued.

**Managers:** Includes Managers as well as the Executive Management Team.

**Substance:** Any drug that may have adverse effects causing impaired work performance.

**Unfit for Work:** Being impaired for work and therefore unable to perform duties in a safe manner.

**Volunteer:** A Volunteer is a person who performs a service willingly and without pay.

### Practice

#### Confidentiality

All results and information in relation to drug and alcohol testing will be dealt with in the strictest confidence. The privacy and dignity of employees tested as part of this process will be protected.

#### Responsibilities

The Manager is accountable for -

1. Ensuring their employees are aware of their obligations under this Policy and communicating these obligations on a regular basis.
2. Ensuring their team members are Fit for Work at all times.
3. Maintaining appropriate confidentiality relating to this Policy.
4. Seeking advice from the WSH team where necessary to comply with this Policy.

Employees are accountable for -

1. Adhering to their obligations under this Policy; including attending work in a fit state. The Shire has a zero tolerance approach to drugs and alcohol in the workplace.
2. Alerting their Manager to any change in their capacity to carry out their role in a way which compromises the safety of themselves or others.
3. Informing their Manager when they suspect another employee is unfit for work.
4. Participating fully with any form of drug and/or alcohol Testing.

### Testing

All Testing will be carried out in accordance with the Workplace Drug and Alcohol Management Practice.

### Prescription Medication

The Shire recognises that Employees may have legitimate medical reasons for taking a Pharmacy or Prescription Medicine. Where an Employee is taking Prescription or Pharmacy Medicine/s for a legitimate medical purpose, the Employee will not be in breach of this Policy, if the Employee -

1. Takes the Prescription or Pharmacy Medicine in accordance with the instructions of their health practitioner applying to the use of those medicines.
2. Does not misuse or abuse the Prescription or Pharmacy Medicines/s.
3. Checks with their health practitioner (including pharmacists) about the effect of the medicine on their ability to drive vehicles, operate machinery and generally perform their work duties in a safe manner.
4. If the Worker's ability to perform their work safely may be affected by a Prescribed or Pharmacy Medicine, the Worker must obtain advice in writing from their health practitioner (including pharmacists) and provide such advice to their Manager / Supervisor, before undertaking their work.
5. Does not work whilst adversely affected by Prescribed or Pharmacy Medicines.

### Alcohol consumption at Shire functions and events

There may be some occasions where the responsible consumption of alcohol will be permitted at the Workplace as part of a function or event. Such permission must be provided by the CEO or relevant Director, as a minimum, prior to the function or event.

Where permission has been obtained, the Manager responsible for the function or event must be in attendance supervising the function and must ensure a range of drinks including low and non-alcoholic drinks are provided.

Employees must -

1. Uphold an appropriate standard of behaviour in accordance with the Shire's Code of Conduct and Corporate Values.
2. Behave in a sensible and responsible manner with due care for their own and other's safety and wellbeing.
3. Consume alcohol responsibly.
4. Not return to work on the day of the event where they have consumed alcohol.
5. Ensure a safe means of transport from such functions. Employees that choose to drive after the function must adhere to the Road Traffic Act (less than 0.05mg/ml).

Roles identified as hazardous / operating plant and equipment

Where an employee is taking Prescription or Pharmacy Medicines (including Medicinal Cannabis) that contain a warning that the person should not drive a vehicle or operate plant or machinery, the employee must not drive any vehicle or operate any plant or machinery and must immediately notify their Leader.

Further, if an Employee is taking Prescription or Pharmacy Medicines (including medicinal cannabis) and feels that their ability to safely drive a vehicle or operate plant or machinery is affected (regardless of whether or not the drug contains a relevant warning) the Employee must not drive any vehicle or operate any plant or machinery and must immediately notify their Manager.

The Shire will not accept liability for any damage to any machinery / property or any injury to any person caused by an Employee's use of a vehicle or machinery whilst impaired or under the influence of alcohol, drugs and/or medicines. The employee may be personally liable in such circumstances.

Breach of Policy

Employees must comply with this Policy at all times. If an employee is found to have breached this Policy, the Shire's Performance Management Practice will be enacted. The type and severity of the disciplinary action (if any) will depend upon the circumstances of the case and may include the termination of employment.

Should an employee refuse to participate in a drug and/or alcohol test or attempt to falsify their results, the Shire will view such action as a breach of this Policy. Should a Contractor breach this Policy, the matter will be dealt with in accordance with the provisions set out in the Service Agreement / Contract.

.....End.....

**Document Information**

Responsible Position	Manager Human Resources
Risk Rating	Medium

**Referencing Documents**

- *Local Government Act 1995*

- *Work Health and Safety Act 2020 (WHS Act)*
- *Shire of Esperance Management Practice: Workplace Drug and Alcohol*
- *Shire of Esperance Management Practice: Performance Management*

### Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jul 2009	1	D12/87[v1]	New policy	O0709-1268	Jul 2011
May 2013	2	D12/87[v2]		O0513-048	May 2015
Oct 2015	3		Recommend that Drug & Alcohol testing be applicable to all persons appointed to the Shire, Recommend that Oral Fluid testing be introduced as an additional option to test for drugs	O1015-019	Oct 2017
Jun 2018	4	D16/29083	Include employee definition, minor formatting and wording changes.	O0618-022	Jun 2020
Feb 2020	5		No change, laid on table for further discussion	O0220-046	
Apr 2020	6	D16/29083[v2]	Minor wording changes throughout.	O0420-109	Apr 2022
Nov 2021	7	D16/29083[v3]	Biennial review, no change.	O1121-202	Nov 2023
Jul 2023	8	D16/29083[v4]	Management Practice and Procedure information removed.	O0723-137	Jul 2025
Nov 2023	9	D16/29083[v5]	Biennial review, no change.	O1123-189	Nov 2025