



Drug and Alcohol Policy

1	POLICY STATEMENT AND PURPOSE	3
2	Responsible officer	3
3	KEY DEFINITIONS	3
4	references	5
5	SCOPE.....	5
6	Implementation.....	5
6.1	Education / Training.....	5
7	RESPONSIBILITIES	6
7.1	Duty of the Employer.....	6
7.2	Duty of Employee	6
7.3	Direct Managers	6
8	WORKING ENVIRONMENT	6
8.1	Alcohol	6
8.1.1	Consumption of Alcohol.....	7
8.1.2	Vehicle Use.....	7
8.1.3	Illegal / Illicit drugs	7
8.2	Medication	7
8.2.1	Disclosure of prescribed medication	8
9	TESTING.....	9
9.1	Testing.....	9
9.2	Pre-employment	9
9.3	Random Testing	9
9.4	For Cause Testing.....	9
9.5	Testing Procedures.....	9
9.6	Tampering/Interfering with a Test	10
9.7	Refusal to undertake testing	10
9.8	Actions following a Require Further Testing result.....	10
9.9	Actions following an Confirmed Positive Result	10
9.10	Returning employees to work.....	10
10	SUPPORT & REHABILITATION	10
11	PRIVACY.....	11
11.1	Employer Obligations	11
11.2	Employee Health Information	11
12	CONSENT	11
13	LEAVE.....	11
14	POLICY APPROVAL and review.....	11

1 POLICY STATEMENT AND PURPOSE

The primary purpose of Gippsland Water's Drug and Alcohol Policy is to provide the framework for the management of employee's fitness for work. The policy will enable Gippsland Water to effectively manage the associated risks of drugs and alcohol in the workplace and protect the health and safety of its employees and the community.

2 RESPONSIBLE OFFICER

The General Manager Corporate Services is responsible for the overseeing and implementing of this policy

3 KEY DEFINITIONS

- **BAC** – Blood Alcohol Concentration. The quantity of alcohol in the blood (measured in grams per millilitre of blood)
- **Direct Manager** – The person to whom the employee directly reports to. This may include the Managing Director, General Managers, 3rd Level Managers, Coordinators and Team Leaders.
- **Drugs** – Includes Illicit and/or illegal substances, medication (prescribed and non-prescribed) and any other substance that may impact fitness for work.
- **EAP** - Employee Assistance Program
- **Employee** – For the purposes of this policy, an employee is defined as being any casual, part time, fulltime, contract employee or board member of Gippsland Water as well as any person performing work on behalf of Gippsland Water such as independent committee members, contractors, consultants, volunteers, industry placement students, trainees and work experience students.
- **Fitness/fit for work** – An employee being in a condition capable of carrying out the inherent requirements of the role in a safe and competent manner, not adversely affected by the effects of drugs and/or alcohol in accordance with this policy.
- **OD** - Organisational Development.
- **Illicit** - Unlawful/forbidden.
- **Inherent Requirements of the Role** – inherent requirements are characteristics or essential requirements of being able to fulfil a role. These requirements may include the physical, mental and/or emotional capability to perform the role, as well as having a regard to the health and safety of others.
- **Medical Practitioner** – A person whose primary employment role is to diagnose physical and mental illnesses, disorders and injuries and prescribe medications and treatments that restore good health.
- **Pharmacist** – A person who is professionally qualified to prepare and dispense medicinal drugs.
- **Responsible Officer (RO)** – the person nominated by Gippsland Water to coordinate Random Testing
- **RSA** - Responsible Serving of Alcohol.
- **RFT** - Requires Further Testing. Terminology as required by NATA when an employee test returns a result which is not negative. To complete a test reported as RFT, the collector must collect a second oral fluid sample from the employee and send that sample to laboratory testing at a NATA accredited laboratory.

- **Sample Collection Agency** – the organisation engaged by Gippsland Water to conduct testing.
- **Workplace** – A place where work is carried out on behalf of Gippsland Water and includes any place where an employee goes.

4 REFERENCES

External

Accident Compensation Act 1985
Workplace Injury Rehabilitation and Compensation Act 2013
Charter of Human Rights and Responsibilities Act 2006
Disability Discrimination Act 2002
Equal Opportunity Act 2010
Fair Work Act 2009
Occupational Health and Safety Act 2004
Road Safety Act 1986
Health Records Act 2001 (Vic)
Privacy and Data Protection Act 2014 (Vic)

Internal

Gippsland Water Enterprise Agreement
Gippsland Water Human Resource Policy
Gippsland Water Human Resources Manual
Gippsland Water Occupational Health & Safety Policy
Gippsland Water Disciplinary Policy
Gippsland Water Fleet Policy
OHS Incident Notifications Protocols

5 SCOPE

This policy applies to all persons defined as Employees of Gippsland Water.

6 IMPLEMENTATION

Gippsland Water will consult with the organisation and relevant stakeholders through the establishment of a working party regarding the development of the policy.

6.1 Education / Training

As part of the implementation of this policy, Gippsland Water will provide employees with awareness about the presence of drugs and/or alcohol and their physical, psychological and social impacts. Information about drugs and alcohol will be provided to the organisation and will be made available at various Gippsland Water locations.

Particular attention will be given to training employees as required to assist in early recognition and detection of drug or alcohol abuse across the organisation. This will include awareness regarding rehabilitation support services that are available to all employees.

7 RESPONSIBILITIES

7.1 Duty of the Employer

Under common law and referenced legislation, Gippsland Water is obliged to provide an environment that is safe and without risk to health. Part of this duty of care includes taking all reasonable and practicable precautions to minimize the risks associated with drugs and alcohol in the workplace.

7.2 Duty of Employee

All employees have a duty to ensure that they are not, via the consumption of alcohol, illicit drugs or prescribed medication endangering their own safety or the safety of any other person. Employees that attend any workplace must be in a condition that is fit for work.

7.3 Direct Managers

Direct Managers have a duty of care to monitor employee fitness for work including drugs and alcohol. This includes identifying and addressing fitness for work issues and ensuring employees have access to education programs provided in the workplace relating to drug and alcohol.

Where a Direct Manager has reasonable concern that an employee is not in a condition that is fit for work, they must consult with the Senior Organisational Development Coordinator or the On Call Duty Manager (After Hours) to determine the appropriate course of action, which may include a drug and alcohol test.

8 WORKING ENVIRONMENT

It is the intention of Gippsland Water to provide a safe workplace by ensuring, as far as reasonably practicable, that all employees are fit for work without compromising their own safety and the safety of any other person.

Gippsland Water commits to undertake the following activities to assist employees in maintaining their fitness for work:

- So far as is reasonably practicable, Gippsland Water will maintain a safe working environment;
- Provide education programs that inform employees on the potential impacts of medication, illegal/illicit drugs and alcohol relating to general well-being and work performance;
- Provide and promote access to an Employee Assistance Program (EAP) and support employees that are impacted directly or indirectly by drugs and alcohol through regular contact (as far as is practicable) and discussion to determine and understand the needs of the employee.

8.1 Alcohol

Gippsland Water encourages a zero level of alcohol for employees. A Blood Alcohol Concentration (BAC) of 0.05 and below is considered as acceptable for the purposes of this policy.

Some activities and licences require a BAC of 0.00 and will override the acceptable BAC prescribed in this policy.

8.1.1 Consumption of Alcohol

Consumption of alcohol regulated under this policy must always be within the prescribed limits, and appropriate standards of behaviour must be maintained at all times. Where work related functions involve the consumption of alcohol, appropriate management of the situation must take place. This will include the following minimum requirements. These are:

- An authorised function shall have a clearly defined purpose and must have approval of the Managing Director.
- Where it is reasonably practicable an external party will be engaged to serve alcohol at an approved Gippsland Water function.
- The provision of low-alcohol and non-alcoholic alternatives to full strength drinks.
- The provision of appropriate food to reduce the effects of alcohol.
- Service of alcohol must be lawfully administered.
- Cessation of alcohol distribution at a pre-determined time.
- Any person who is required to sell or serve alcohol at a Gippsland Water function must hold a Responsible Serving of Alcohol (RSA) certificate.

8.1.2 Vehicle Use

Gippsland Water requires any employee driving a Gippsland Water vehicle to have a Blood Alcohol Concentration (BAC) of less than 0.05. Some tasks and activities are required by law to have a zero BAC. These include:

- Drivers on a probationary license (P plates) or learner permit (L plates)
- Drivers of any heavy vehicles with a GVM in excess of 15 tonne will be required to have a zero BAC in accordance with section 52 of the Road Safety Act.
- Employees with a zero BAC conditional licence.

Should an employee be involved in an accident in a Gippsland Water vehicle and be tested over the legal BAC limit or have a presence of illicit drugs, the Gippsland Water Fleet Policy will apply and should be referred to.

Any employee found to be over the BAC limit of 0.05 by a member of Victoria Police whilst operating a Gippsland Water vehicle must report the event to their direct manager immediately.

8.1.3 Illegal / Illicit drugs

Illegal/illicit drugs are not permitted to be brought onto or consumed on any workplace.

Any employee found to be in possession of, using, providing or trafficking (or attempting to use, provide or traffic) drugs to any person whilst on a workplace or while engaged in Gippsland Water business (whether those drugs are present on the workplace or to be provided to another person away from the workplace) may be summarily dismissed in accordance with Gippsland Water's Disciplinary Procedure. Drugs, or use of, on Gippsland Water property or while engaged in Gippsland Water business will be reported to the appropriate authorities for further investigation.

8.2 Medication

Employees are expected to obtain information from a Medical Practitioner or Pharmacist as to whether their medication will adversely impact their fitness for work.

Where medication may adversely affect or impair their ability to perform duties safely, or employees are unsure of their fitness for work, they should inform their direct manager and not attend work until a clearance is provided from their Medical Practitioner.

It is expected that employees will access their sick leave entitlement if they consider themselves unfit to attend work due to medication that detrimentally affects their ability to perform their work, or that may impact on health and safety of themselves or others around them.

If an employee is required to take prescribed medication that may have an adverse effect on their ability to safely undertake their duties then the following will apply:

- The employee is strongly encouraged to notify their direct manager should the Medical Practitioner advise the prescription may affect the employee's ability to undertake their duties in a safe manner or of any warnings attached to the medication which may impact on the person's ability to work safely;
- If the employee's performance is likely to be affected as a result of taking the medication to the extent that the risk to the individual or others is increased, then the direct supervisor/manager will consult with that individual to make adjustments to the work requirements, where practicable. It is recommended that an employee discusses, with their Medical Practitioner, what effects their prescription medication may have, if any;
- If it is not practicable to make adjustments to the work requirements, the individual may be sent home and required to access their sick leave entitlement;
- Drugs (including prescription and non-prescription) must not be offered to another person, at a Gippsland Water workplace under any circumstances;
- The employee must only consume the dosage as prescribed by a Medical Practitioner or Pharmacist;
- Non-prescription medications must only be taken in accordance with the manufacturer's directions. If there is any doubt regarding the impact that this medication may have on an employee to undertake their duties in a safe manner then advice should be sought from a Pharmacist. If the Pharmacist indicates that the medication may impact on the employee's ability to perform their work safely then they are strongly encouraged to advise their direct manager.

8.2.1 Disclosure of prescribed medication

Where an employee is prescribed a medication by a Medical Practitioner that may result in an RFT, and they have disclosed this information to Gippsland Water prior to participating in any testing, Clause 9.8 (Actions following a Requires Further Testing result) may not apply in its entirety should an RFT occur. In this instance, the following considerations will be undertaken to determine if an employee is to remain in the workplace whilst a confirmed laboratory result is pending:

- The Responsible Officer (RO), the Direct Manager and the Senior Organisational Development Coordinator must consult and conduct a risk assessment to determine the best course of action, which may include the employee being removed from the workplace.

- Information made available to Gippsland Water through consultation with the employee will be considered in determining the best course of action, which may include the employee being removed from the workplace.

Where an employee does not disclose a prescribed medication and an RFT occurs, Clause 9.8 will apply in its entirety.

9 TESTING

9.1 Testing

All persons defined as Gippsland Water employees in this policy are subject to Drug & Alcohol testing whilst in attendance at any Gippsland Water workplace.

Testing will be conducted by a NATA accredited Sample Collection Agency that has been engaged by Gippsland Water.

9.2 Pre-employment

As part of Gippsland Water's recruitment and selection process, applicants will be required to participate in drug and alcohol testing. Progress in the recruitment selection process will cease until the results of the test are known. Confirmed positive laboratory results will be considered by Gippsland Water and may impact an applicant's progression in the recruitment and selection process.

9.3 Random Testing

Random testing will be carried out in a non-discriminatory manner that involves a neutral selection process.

Impartial selection processes will randomly select when and where testing is to occur.

9.4 For Cause Testing

Testing may be carried out under the following circumstances;

- an employee is involved in an accident or incident at work;
- an employee displays any unsafe behaviour or causes injury to any other person or commits an act of negligence or carelessness or shows disregard for safety;
- the direct manager has established reasonable suspicion that an employee may not be fit for work due to the adverse impacts of drugs and/or alcohol; or
- evidence of alcohol or drug use at the workplace is discovered and the employee or employees concerned can be identified with reasonable certainty.

In all instances the direct manager must consult with the Senior Organisational Development Coordinator or the On Call Duty Manager (After Hours) to determine the appropriate course of action, which may include a drug and alcohol test.

9.5 Testing Procedures

A NATA accredited Sample Collection Agency will be engaged to perform the testing in accordance with their procedures.

Gippsland Water's preferred sampling method will primarily be oral fluid; however urine and/or blood collection may be required.

9.6 Tampering/Interfering with a Test

Any employee tampering or interfering with test sample collection or test results will be considered to be in breach of this policy which will result in action being taken in accordance with Gippsland Water's Disciplinary Procedure.

9.7 Refusal to undertake testing

An employee who does not cooperate fully with the administration of an alcohol and/or other drug test will be considered to be in breach of this policy which will result in action being taken in accordance with Gippsland Water's Disciplinary Procedure.

9.8 Actions following a Require Further Testing result

Where an employee returns a result that Requires Further Testing, a second sample will be collected for laboratory testing.

In this instance the following actions will be taken:

- The employee shall be informed by the Sample Collection Agency of the specific result
- The Sample Collection Agency will notify the Responsible Officer (RO) an RFT event has occurred.
- If the employee has disclosed a prescribed medication, Clause 8.2.1 (Disclosure of prescribed medication) will apply.
- If the employee has not disclosed a prescribed medication they shall be immediately removed from the workplace and under no circumstances shall be permitted to drive a vehicle or operate machinery. Clause 13 of this policy will apply.
- The employees return to the workplace will not be considered until a confirmed negative laboratory result is received.

9.9 Actions following an Confirmed Positive Result

Where an employee has had a second sample collected and has returned a confirmed positive laboratory result, they will be considered to be in breach of this policy which will result in action being taken in accordance with Gippsland Water's Disciplinary Procedure.

In addition to actions resulting from the Disciplinary Procedure, the employee may also be subject to random testing for a period of time prescribed by Gippsland Water. During a period such as this, the employee is required to achieve negative results to be considered compliant with the policy.

9.10 Returning employees to work

In the event an employee has been required to leave the workplace following an RFT result and a confirmed negative laboratory result has been achieved, the RFT result will be disregarded by Gippsland Water and any leave taken will be reinstated.

Where an employee has initially returned a result that RFT relating to their prescribed medication and the subsequent laboratory is also confirmed positive, but within normal prescribed limits, the RFT result will be disregarded by Gippsland Water and any leave taken will be reinstated.

10 SUPPORT & REHABILITATION

Gippsland Water's Employee Assistance Program (EAP) provides professional and confidential counselling and support to all employees and their direct family who are suffering the effects of alcohol and other drugs. The program offers professional support services responding to personal or emotional problems of employees, which may be directly or indirectly affect their job performance.

11 PRIVACY

11.1 Employer Obligations

In accordance with the Privacy and Data Protection Act 2014 (Vic), Gippsland Water must comply at all times with the Information Privacy Principles prescribed when collecting an employee's personal information.

11.2 Employee Health Information

Gippsland Water will not collect health information about any employees other than for the purpose of ascertaining fitness for work relating to drugs and alcohol. Records completed as a result of participating the drug and alcohol testing will be retained by the authorised sample collection agency in accordance with the Health Records Act 2001 (Vic).

12 CONSENT

Employees consent to complying with Gippsland Water Policies and Procedures as part of general employment conditions. In the event that an employee is subject to a drug and alcohol test for any reason, they will be required to complete a consent form in the presence of the Sample Collection Agency at the time of testing.

In the event a second sample is required, further consent will be required from the employee.

13 LEAVE

Where an employee has returned a result that requires further testing and is required to leave the Gippsland Water workplace, it is expected that the employee's personal leave entitlements will be utilised to cover this absence. In the event a confirmed negative laboratory result is returned, the leave taken will be reinstated to the employee.

14 POLICY APPROVAL AND REVIEW

This policy will be reviewed by the General Manager Corporate Services in line with the tri-annual operational policy review, to ensure it reflects current business realities, relevance, and continued application.

Where material or significant changes to the policy are required, consultation will occur.