



ACT Public Service

Injury Prevention and Management Policy

ALCOHOL AND OTHER DRUG POLICY

Policy No	ACTPS-IPM-POL-002
Date of Issue	20 May 2005
Application	All agencies
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Policy Statement	<p>ACT Government recognises that alcohol, tobacco and other drug misuse can adversely affect the health, wellbeing and work performance of its employees. This policy describes the reasonable action to be taken by the ACT Public Service to control the occupational health and safety risk arising from alcohol or other drug misuse, and provides guidance for managers on reasonable assistance to be given to rehabilitate employees to good health.</p>

Signed and authorised by Cheryl Vardon, Commissioner for Public Administration

1.0 Introduction

ACT Government is committed to providing a safe and healthy working environment for its employees, contractors, clients and visitors. The Alcohol and Other Drug Policy is part of a Safety Management Systems approach to Occupational Health and Safety (OHS).

2.0 Purpose

The ACT Government and its employees are accountable under the *Occupational Health and Safety Act 1989* (OHS Act), as modified by the *Public Sector Management Act 1994* (PSM Act), for the provision of a safe working environment including the elimination of hazards in the workplace and taking reasonable steps to ensure that all employees are in a fit state to work.

The ACT Government recognises that alcohol and other drug misuse can adversely affect the health, safety, wellbeing and work performance of its employees. Alcohol and other drug misuse are of concern from an OHS and performance management perspective.

This policy describes the reasonable actions to be taken by ACT Public Sector (ACTPS) agencies to control the OHS risks arising from alcohol or other drug misuse. It also provides guidance for managers on reasonable assistance to be given to rehabilitate employees and restore their health, well-being and work performance.

3.0 Objectives

The objectives of the policy are to:

- define the responsibilities of the ACT Government in managing the OHS risks of alcohol and other drug misuse;
- provide guidance for the immediate management of an employee whose work safety may be impaired by the effects of alcohol and other drugs; and
- provide guidance on the rehabilitation and management of employees affected by drug or alcohol use or misuse including access to alcohol, tobacco and other drug assessment and treatment services.

4.0 Scope

This policy shall apply to all ACTPS employees and contractors.

5.0 Authorities

The reference authorities for this policy are:

- OHS Act, as modified by the PSM Act;
- relevant OHS regulations, codes and standards;
- ACTPS agency Certified Agreement(s) 2004-2007;
- PSM Act;
- Public Sector – Injury Prevention and Management Standard - 2004;
- ACT Public Sector Management Standard (1) - Ethics and the APS Code of Conduct;
- ACT Alcohol, Tobacco and Other Drug Strategy 2004-2008
- Safety Management System Policy – (draft); and
- reference to relevant criminal law.

6.0 Definitions

Employee Assistance Programme (EAP) – an employer sponsored program offering independent professional services for employees including assessment, counselling, mediation, financial advice, post- traumatic incident counselling and management assistance programs.

Adverse effect – means having an effect that impairs work performance, judgement or skill and is potentially harmful or injurious to self or others.

Drugs - the term 'drugs' refers to both illegal or prohibited drugs, such as cocaine, heroine or marijuana, and to legal medications/medicines, whether prescription or over the counter (non-prescription), used by the employee in accordance with that prescription or otherwise, which may impair the physical, physiological or psychological functioning of an employee while at work.

Employee – means the employees of the ACTPS (as defined in the PSM Act), and contractors, sub-contractors and consultants employed by ACTPS agencies, whilst they are on ACT Government property or engaged on ACT Government business.

7.0 Responsibilities

7.1 ACT Government/Agencies

The OHS Act states that employers, including managers, have a duty of care to ensure the health and safety of employees at work. Employees must likewise take reasonable care to avoid harming themselves or others through their actions. The *Public Sector Management Act 1994* also requires this.

In implementing this policy ACTPS agencies are responsible for:

- planning, resourcing and implementing local procedures to support the policy;
- identifying specific accountabilities within the organisation;
- engaging appropriate service providers;
- open and effective dialogue with employees about this policy;
- communicating this policy to contractors and contingent workers; and
- monitoring the effectiveness of this policy.

7.2 Managers and Supervisors

In ensuring the workplace is safe and healthy for all employees managers/supervisors must:

Control immediate risks

When it is the reasonable belief that an employee is adversely affected by alcohol or other drugs, and through impairment of their performance, judgement or skill poses a threat to the safety of themselves or others, managers must take action to safely remove the employee from the workplace.

Identify deteriorating performance

The role of the manager/supervisor is crucial to identifying deteriorating work performance or inappropriate behaviour, which may be attributable to substance use or misuse. Early intervention is in the best interests of the employees affected.

An employee's performance may be impaired without them knowing or there may be a tendency to deny that they are adversely affected by substance use or misuse. Where there is no voluntary request for assistance from an employee, it is the responsibility of the manager/supervisor to initiate discussions on work performance and safety with the employee.

Provide Assistance

Alcohol and other drug misuse can be successfully treated, and every reasonable assistance should be given to provide access to assessment and treatment through the EAP and/or relevant external service providers. It should be recognised that alcohol and other drug misuse may be a symptom of issues such as personal, financial or other difficulties and assistance should also be provided in the context of these issues.

The manager/supervisor should seek advice and assistance from their Human Resource Unit or Injury Prevention and Management Unit, in the management of an employee whose performance is impaired due to alcohol or other drugs.

Advice may also be sought from a Health Service Australia medical practitioner, Health and Safety Representative, OHS staff, EAP provider or

rehabilitation provider in the interests of ensuring that interventions are provided to avoid a deterioration of the employee's health and to ensure that the workplace is safe for all employees.

Maintain privacy of employees receiving assistance

All related information obtained about an employee receiving assistance must remain in the strictest confidence and is subject to *Information Privacy Principles, National Privacy Principles*. Information obtained in the course of a referral program will not be conveyed to others except where it is considered necessary by the person providing treatment and with the permission of the employee.

Manage non-compliance and continuation of impaired performance

As an illness alcoholism or substance abuse will be accorded the same consideration and benefits as other illnesses. However, if work continues to be adversely affected following reasonable assistance from the agency or if reasonable assistance is not accepted then the ACT Government cannot accept this risk and the matter will be dealt with as a performance management issue.

7.3 Employees

The general obligations of employees under section 9 of the *Public Sector Management Act 1994*, requires ACTPS employees to exercise reasonable care and skill at work. All employees must:

Perform assigned duties free from adverse affects of alcohol or other drugs

Employees are responsible for performing their assigned duties free from the adverse affects of alcohol and other drugs. Employees must ensure that they are not, by the use of alcohol or other drugs, likely to endanger their own or another's safety.

Report likely impairment due to a course of treatment

An employee undergoing medical treatment with a prescription drug that may affect the safe and effective performance of their duties is required to report this to their manager, or through their general practitioner, so that modified or alternate duties may be sought that will not compromise the employee's or other people's safety in the workplace.

Report safety concerns about working with another employee

Any employee who has concerns about working with another employee who may be impaired by substance use or misuse and therefore presents a risk to health and safety, or their ability to perform his/her duties, should confidentially advise their supervisor/manager in a way that does not make presumptions about the employee or the circumstances leading to impaired performance.

8.0 Employee Assistance

The ACTPS uses the services of EAP providers, who are available to assist individuals in the treatment of alcohol, other drugs and illegal medicine use

problems. The EAP is available to all employees (as defined in the PSM Act) and offers short term professional counselling. Details of the program and how to initiate contact with an EAP service provider are to be obtained through agency Injury Prevention and Management Units.

Manager Assist Programs (MAP) are also provided through this service and may provide professional assistance and support for managers in dealing with alcohol and other drug problems in the workplace.

9.0 Consumption of alcohol whilst on duty

Public Sector Management Standard I Ethics, Part 1 Reasonable Care and Skill, states that an officer must not drink alcohol while on duty or on Government premises during core hours without the prior approval of senior management on special occasions like Christmas parties, the Melbourne Cup and farewells.

Public Sector Management Standard I Ethics, Part 1 Reasonable Care and Skill, states alcohol must not be carried in or on ACT Government vehicles except where prior approval has been given for a special occasion by a senior manager. Alcohol must not be consumed in a Government vehicle.

An employee who is required, as part of their official duties, to attend a social function or meeting on behalf of the ACTPS, where alcoholic beverages are served, may consume alcohol within reasonable limits, to an extent consistent with the objectives of this policy. However, the employee is entirely responsible for their alcohol consumption and the ACTPS will not be held liable for any charge sustained by the employee under the Road Transport (Alcohol & Drugs) Act and Regulations, or any other motor traffic law of any Australian jurisdiction in relation to the consumption of that alcohol.

A number of ACTPS workplaces have zero tolerance to alcohol and other drug misuse. These tend to be safety critical areas where there are very high risks to public safety if a worker is impaired due to substance misuse. Agency specific requirements apply to these safety critical areas.

Alcohol Use and Government Vehicles

A driver of a Government vehicle must obey the laws, regulations and ordinances of the operating area. The driver is responsible for any fines or penalties relating to any traffic offence which occurs.

Broadly, where a vehicle is used without proper authority, an employee is convicted of being under the influence of alcohol, or loss or damage is contributed to by an employee's misconduct or performing duties in a negligent manner, an employee may be held financially liable for the loss or damage to public property and/or may be subject to breach of the code of conduct in section 9 of the PSM Act.

Driving a government vehicle while exceeding the prescribed concentration of alcohol in the blood is an offence. In most states and the Territory, there is a zero concentration of alcohol in the blood for drivers of trucks and commercial vehicles. Employees are encouraged to refrain from consuming alcohol when they are responsible for driving a government vehicle.

Workers Compensation

Certain strict conditions also apply to drug and alcohol use when claiming worker's compensation. Section 4(13) of the *Safety, Rehabilitation and Compensation Act* states:

“For the purposes of the Act, an employee who is under the influence of alcohol or a drug (other than a drug prescribed for the employee in accordance with that prescription) shall be taken to be guilty of serious and wilful misconduct”

Therefore, someone injured while driving and affected by alcohol or drugs, or is injured in any way while affected by drugs or alcohol, might not receive worker's compensation benefits.

10.0 More Information

The following resources may be contacted or utilised for further information about alcohol, other drugs and illegal medicine related issues:

- EAP Providers;
- manager and/or supervisor;
- Injury Prevention and Management Units within agencies;
- Unions and other employee representatives;
- General/Medical Practitioner and/or allied health advisor;
- local hospital/medical centre;
- websites – eg www.nohsc.gov.au; www.workcover.act.gov.au/; www.workcover.nsw.gov.au ;
- *The Hands on Guide – OHS Manager, CCH Australia Ltd, Sydney*; and
- *Alcohol and Drug Problems at Work – The Shift to Prevention 2003, ILO Geneva.*
- *ACT Alcohol, Tobacco and Other Drug Strategy 2004-2008*

11.0 Approving Authority and Review Date

This policy will be reviewed within 24 months from the date of approval, being on / /

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Commissioner for Public Administration

...../...../.....
Date

Feedback and advice on policy directions can be forwarded to
IPM.Policyfeedback@act.gov.au

Appendix 1:

Managing alcohol or other drug problems in the workplace

Guidance for managers/supervisors

Alcohol and other drug misuse is a complex issue and managers/supervisors should seek advice from the Human Resource Unit or the Injury Prevention and Management Unit in their agency. The following guidelines describe a process for managers to manage an employee who is adversely affected by alcohol or other drugs.

1. Initial exploratory interview

An initial informal interview should be held with the affected employee. This initial interview should establish:

- details of how work performance is being affected and possible risks to health and safety;
- any workplace factors contributing to the problem;
- exploratory discussion of possible avenues for assistance and offer of professional counselling including referral to an EAP services provider;
- risks to the organisation including the integrity of the service; and
- a brief informal record should be kept by the manager such as a diary entry.

2. Employee assistance

If an employee decides to pursue professional assessment or assistance this may involve:

- a treating general practitioner;
- referral to a rehabilitation program;
- EAP services; and
- agency Injury Prevention and Management Unit.

If, in the opinion of the treating practitioner, a rehabilitation program is required, the injury management officer will, with the permission of the employee, liaise with the manager and treatment provider to develop a rehabilitation plan including an agreed date of return to a satisfactory level of performance.

Existing employment conditions (personal leave, reduced hours or modified duties) will be available to the employee.

If the rehabilitation is successful and work performance is satisfactory there will not be any need to proceed further.

3. Second counselling interview

If impaired performance persists, a second formal interview should be arranged, which represents a first warning to an employee that failure to improve could result in further disciplinary action. The interview should:

- state any further instances of unsatisfactory work performance;
- inform the employee of the risk of disciplinary procedures if work performance problems persist and cannot be rectified; and
- repeat the offer of professional counselling and EAP Provider services.

A formal record of the interview should be kept. The record should be signed by both the employee and manager to indicate agreement to the record.

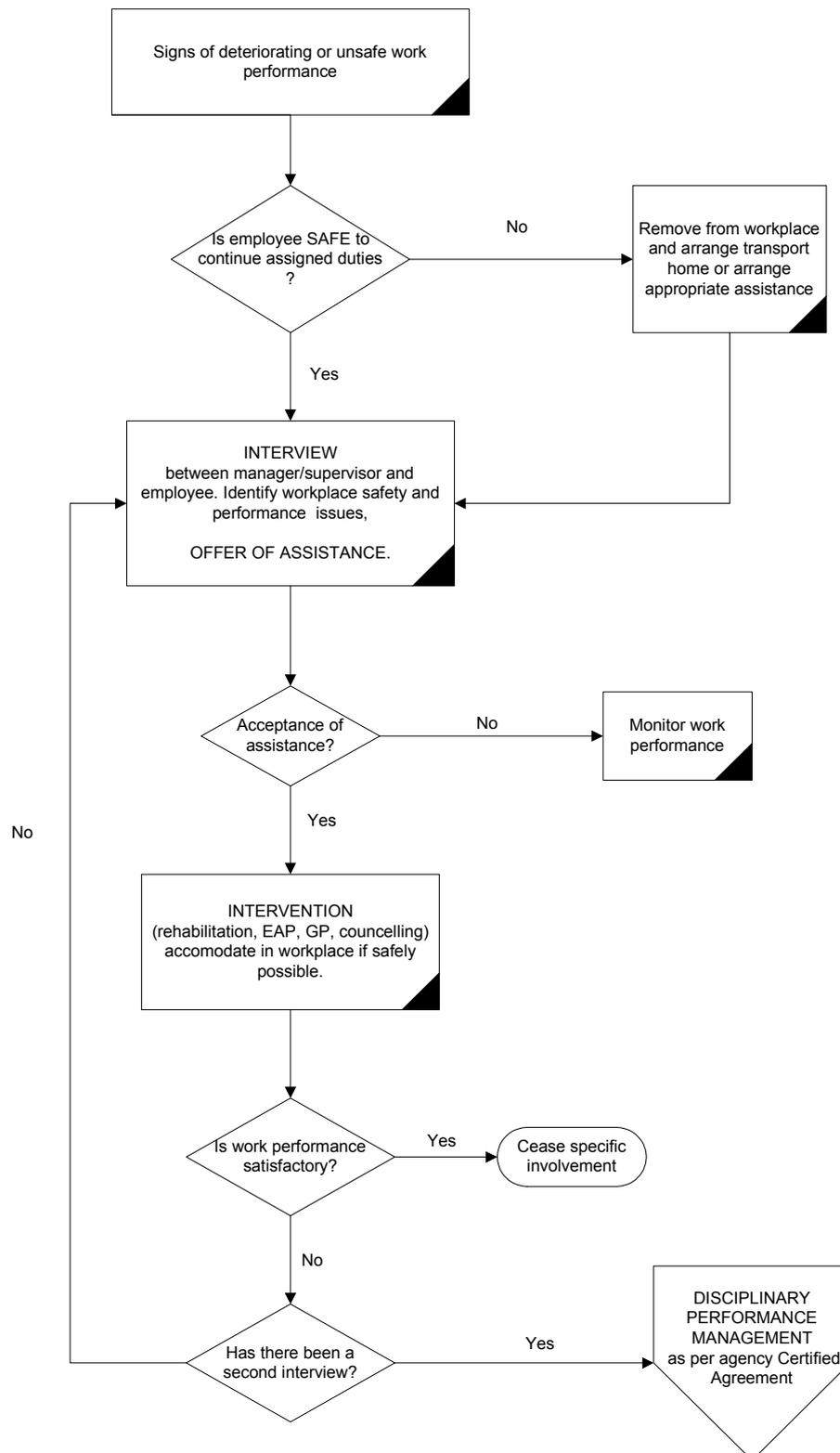
4. Underperformance

If the problem of work performance persists and/or a relapse into continuing underperformance occurs, performance management will be undertaken in accordance with agency Certified Agreement provisions.

The manager should advise the employee that he/she is entitled to have a support person, OHS or Union representative attend any or all of the formal or informal interview stages.

Appendix 2:

Early intervention flowchart, drug and alcohol impairment



Appendix 3

Suggestions for Implementation in the Workplace

Alcohol and other Drug Management (ADM) programmes in the workplace need to be carefully introduced and supported by relevant information and education.

The following elements may be considered at agency level:

1. The development of an Alcohol and Other Drug policy and procedure and/or programme should preferably be a joint effort of employer and employee representatives; discussion, acceptance and agreement are of vital importance for the successful introduction of an agency ADM procedure/programme.
2. Integration of information, education and training programmes about alcohol and other drugs into other activities of the agency.
3. Use of various media such as posters, handouts, pocket guides/booklets, electronic formats etc, concerning the alcohol and other drug policy, procedures and/or programmes.
4. Training of managers and supervisors on how to recognise, document and discuss early signs of deterioration of work performance.
5. Workshops on management of alcohol and other drug problems for health and human resource professionals involved in the EAP.
6. Provide a 'help desk' function at Corporate level where agencies may discuss specific problems during development and implementation of their alcohol and other drug policy, procedures and/or programmes. This 'help desk' function could contribute to consistency and the exchange of best practices across agency programmes.
7. Consider use of an employee training acknowledgement receipt which includes the following details:

✂.....

I have read and understand the information provided to me on Alcohol, & Drugs

I have been issued with the:



Drug and Alcohol Policy (Version ____)

Other _____

Employee's Name (PRINT)

Employee's Signature

____/____/____
Date

Trainer's Name

Trainer's Signature

____/____/____
Date

NOTE: This record may be included in the employee's personnel file.

Appendix 4

Example Alcohol and Other Drug Risk Assessment

The following checklist can be utilised by agencies, managers and/or supervisors to determine whether an action is needed to ensure that OHS risks arising from misuse of alcohol, other drugs and illegal medicines are appropriately controlled. The answer should be 'yes' to every question. A 'no' answer indicates that action is needed to rectify the situation.

For example: If there is a 'No' answer to the question '*If considered appropriate, has an employee assistance program been arranged for use?*' this could prompt a consideration of whether an EAP suitable to ACTPS could be arranged through a relevant EAP service provider. The initial point of contact is your agency **Injury Prevention and Management (IPM) Unit**.

ALCOHOL, OTHER DRUGS AND ILLEGAL MEDICINES CHECKLIST		
ACTION TAKEN	YES	NO
Has a systematic effort been made to identify any work related risks from inappropriate use of alcohol, other drugs and illegal medicines?		
Are alcohol, other drugs or medicines available in the workplace? Are they appropriately stored to avoid misuse?		
Have the risks been assessed to determine their potential for adverse consequences for the health and safety of employees or others who may be affected?		
If considered appropriate, has an employee assistance program (EAP) been arranged for use?		
Have specific workplace procedures or guidelines been formulated?		
Is the alcohol, other drugs and illegal medicines policy explained to all new employees at induction?		
Have all employees received suitable information and training so that they know the definition of unacceptable alcohol, other drug and medicine use, and the reasons for this?		
Have relevant workplace personnel received suitable information and training on what they should do if they suspect that inappropriate use of alcohol, other drugs and medicines poses an OHS risk?		
Where there are safety critical jobs, have managers, supervisors and other workplace parties (as appropriate) been trained in how to approach workers who are under the influence of alcohol, other drugs and (illegal) medicines and may need to be prevented from carrying out their duties?		
Have standard procedures been established for managing employees who fail to comply with the Alcohol and Other Drug Policy?		
Are staff aware of the counselling and disciplinary procedures for non-compliance?		

Appendix 5

Example Alcohol, Other Drugs and Illegal Medicines Management Record

Agencies, managers and/or supervisors needing to document risk management control actions to be taken in the event of inappropriate use of alcohol, other drugs and illegal medicines in the workplace, particularly with safety critical jobs and tasks, may use this form.

ALCOHOL, OTHER DRUGS AND ILLEGAL MEDICINES MANAGEMENT RECORD			
Risks arising from inappropriate use of alcohol, other drugs and illegal medicines: _____ _____			
Work area: _____		Date: _____ Signed: _____ Position: _____	
Nature of Risks	Nature of Controls	Person responsible for controls	Date(s) implemented
EAP(s) Provider: _____ Date EAP(s) Provider/services publicised to employees: _____		EAP Provider contact details: _____ _____ _____	
Safety critical jobs/tasks which must <u>not</u> under any circumstances be carried out by an employee whose performance is impaired by alcohol, other drugs and/or illegal medicines: _____ _____ _____ _____ _____ _____ _____ _____ _____ _____			