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Drugs and Alcohol in the Workplace Policy and Procedure

Policy

League Engineering Services Pty Ltd is committed to providing a safe, health and productive workplace in accordance with requirements under the *Work Health and Safety Act 2012*. All employees of League Engineering Services Pty Ltd have a responsibility under the above Act to ensure that they take reasonable care to protect their own health and safety and that of others whilst in the workplace, by not being affected by drugs and alcohol to the extent that it impacts on their own or another person's safety or work performance.

This Drugs and Alcohol in the Workplace Policy applies to the whole premises, and all employees, contractors, consultants and visitors to the premises are required to take reasonable care to protect their own safety and that of others whilst on the premises.

The effects of intoxication and the regular use or dependence on drugs or alcohol are associated with impaired judgement and skills, reduced concentration, absenteeism and increased workplace accidents. These behaviours and activities may seriously affect employee safety and standards of practice within League Engineering Services Pty Ltd.

Employees who have concerns about working with any other employee (including contractors, consultants or visitors to the premises), due to possible drugs or alcohol use, should consult with their manager/supervisor immediately.

League Engineering Services Pty Ltd recognises that an employee's work performance can be affected by problems in their personal life and is committed to assisting employees in dealing with issues.

For the purpose of this Drugs and Alcohol in the Workplace Policy, League Engineering Services Pty Ltd defines drugs and alcohol as follows:

- drugs refers to a chemical substance, whether it is legal or illegal, which may have the ability to impair a person's physical or mental capacity. These can include prescription medication issued by a medical practitioner (such as antibiotics), or non-prescription drugs, such as codeine, cough syrups and similar, and illicit drugs such as heroin, amphetamines, LSD, crack, cocaine, ecstasy or marijuana; and
- alcohol refers to any beverage containing an alcoholic content that temporarily impairs a person's physical or mental capacity.

The effects of alcohol and drugs vary according to:

- gender;
- body size and weight;
- general state of health;
- built up tolerance and dependence;
- interaction with medication or other substances;
- the amount of food in the stomach;
- the amount and strength of the substance and the manner in which it is consumed; and
- environmental and psychological factors.

Drug/alcohol consumption may impair an employee's work performance and/or increase time taken from work. A raised blood alcohol level while at work may increase the likelihood of accidents. Alcohol consumption can lead to delayed reaction time, impaired coordination, memory and other cognitive functions, and decrease the ability to concentrate and communicate. In some cases drug/alcohol consumption may lead to an increased likelihood of violent or aggressive behaviour. Regular heavy consumption of drugs/alcohol may result in a range of

psychological, social and medical problems, and is associated with poor work performance and attendance, deterioration of skills and interpersonal difficulties.

All employees of League Engineering Services Pty Ltd are prohibited from selling, distributing, manufacturing, possessing or consuming drugs or alcohol during working hours, or when on the premises of League Engineering Services Pty Ltd. Employees are also prohibited from arriving at work or returning to work from any break under the influence of drugs or alcohol.

However, there may be certain occasions where alcohol may be available at League Engineering Services Pty Ltd functions; though generally, these functions will not take place during an employee's ordinary working hours. In these specified situations, League Engineering Services Pty Ltd accepts that alcohol may be consumed within the appropriate guidelines and with the permission of management.

In instances when employees attend either workplace functions or functions on behalf of League Engineering Services Pty Ltd, management and employees will be expected to behave in a professional and responsible manner, ensuring that duty of care is provided to both themselves and others.

In circumstances where an employee is taking medically prescribed drugs to manage a specific condition that may interfere with their work performance, they are required to notify their manager/supervisor. The manager/supervisor, in consultation with the employee (and the employee's doctor, if relevant to the particular circumstances), may (if practicable) make adjustments to the work requirements of the employee concerned. If this is not possible and the situation is temporary, the employee will either resume or commence sick leave until the employee is able to resume work safely.

The right of employees to take drugs or consume alcohol socially is acknowledged; however, it is inappropriate to do so in the workplace. Therefore, League Engineering Services Pty Ltd reserves the right to take action if an employee is:

- affected by drugs or alcohol, so as to endanger their own safety or the safety of any other person in the workplace;
- found in the possession of illicit drugs and/or associated paraphernalia, or alcohol on League Engineering Services Pty Ltd premises without prior consent;
- affected by drugs and alcohol, so that the employee's work performance is impaired.

An employee found possessing, consuming, distributing, selling or manufacturing drugs or alcohol or under the influence of drugs or alcohol on League Engineering Services Pty Ltd premises will be subject to disciplinary action, dependent on the nature of the incident, which may result in the employee being:

- counselled;
- instantly suspended on full pay, pending the outcome of an investigation into the incident;
- give a formal warning (written or verbal);
- dismissed for serious misconduct;
- as appropriate under the circumstances.

The manager/supervisor will confiscate the substance in question for possible use as evidence.

In accordance with League Engineering Services Pty Ltd Motor Vehicles Policy, League Engineering Services Pty Ltd vehicles are not to be driven by any person who has consumed drugs or alcohol. League Engineering Services Pty Ltd will accept no liability for any damage to the vehicle, injury to any person, or damage or injury to any third party, incurred while the driver of a League Engineering Services Pty Ltd vehicle is in breach of this Drugs and Alcohol in the Workplace Policy or the law. The driver of any League Engineering Services Pty Ltd vehicle found to have consumed drugs or alcohol prior to, or whilst driving, a League Engineering Services Pty Ltd vehicle will be deemed to have committed an act of serious misconduct and will be subject to disciplinary action and possible termination of employment. All liabilities will rest with the driver concerned.

League Engineering Services Pty Ltd reserves the right to search its premises for drugs or alcohol at any time.

Procedure

To ensure a health and safe workplace environment for all of its employees, League Engineering Services Pty Ltd will undertake the following approach if any employee is found consuming, possessing, distributing, selling or manufacturing drugs or alcohol on work premises, or is believed to be under the influence of drugs or alcohol during work hours.

Possession and/or Consumption of Alcohol or Other Drugs

If the manager/supervisor suspects, on rational grounds, that an employee is in the possession of, or has been consuming drugs or alcohol on League Engineering Services Pty Ltd premises, the employee will accompany the manager/supervisor whilst a search of their bag(s), locker or other possessions is undertaken. The employee has the right to have a witness present during the search. However, if it is not appropriate for the employee to accompany the manager/supervisor, then the employee will be taken to a suitable room and instructed to remain there whilst the search is conducted. In this situation, the employee will be allowed to have a witness present at the search on their behalf.

If the employee has been found consuming drugs or alcohol, the manager/supervisor will confiscate the substance in question and retain it for possible use as evidence.

If the employee is believed to be in the possession of drugs or alcohol, the search may be performed by either a senior management representative of League Engineering Services Pty Ltd, or in the case of illegal/prohibited drugs, by the police.

An interview will be conducted between the employee concerned and management in accordance with League Engineering Services Pty Ltd disciplinary procedures on dealing with misconduct at work.

The employee will be offered the opportunity of having a person of their choice attend the interview as their representative and/or as their witness. The employee will be offered the opportunity of explaining and responding to the allegations put to them.

A full investigation of the incident will be undertaken and if the manager/supervisor has sufficient evidence that the employee was in possession of, distributing, selling or consuming drugs or alcohol on League Engineering Services Pty Ltd premises, the employee will be subject to disciplinary action, which may include dismissal for serious misconduct.

Employee Considered to be Incapable of Performing their Duties

If it is considered that an employee is affected by drugs or alcohol and is incapable of performing their normal duties in a safe and efficient manner, the manager/supervisor will arrange for a witness to also assess the employee. The witness must be familiar with the employee's normal behaviour and mannerisms and be able to support the assessment that the employee is incapable of performing their normal duties.

The assessment will be made away from the employee's work area/station. Full particulars of the situation will be ascertained and recorded.

League Engineering Services Pty Ltd reserves the right to send the employee to a medical clinic for alcohol/drug testing in accordance with the Testing Procedure outlined herein.

If the assessment is supported, the manager/supervisor must advise the employee to leave the workplace and counsel the employee to go home. The manager/supervisor will assist the employee in finding safe transport home. If the employee leaves the workplace as advised and does go home, it will be recorded as the employee being absent from work with pay, unless otherwise stated in the relevant industrial instrument or legislative provision.

If the employee refuses to leave the workplace and go home, despite having been advised and counselled to do so, the employee will be suspended (on full pay) and directed to leave the workplace, while the manager/supervisor reviews the employee's conduct and discusses the situation with the appropriate management personnel.

On the next occasion that the employee is rostered to attend at the workplace (or earlier if required), the employee shall attend an interview and counselling session **prior to** recommencing their normal duties

The interview and counselling session shall be convened:

- to clarify that the behaviour is unsatisfactory and why;
- to establish whether the behaviour was due to intoxication or other factors in the employee's life (in which case, confidence must be observed if requested);
- if necessary, to recommend assistance in line with League Engineering Services Pty Ltd Employee Assistance Program Policy.

The employee will be given the opportunity of having a witness or support person present with them for the interview and counselling session. Details of the interview and counselling session will be documented.

Once the interview and counselling session are completed, appropriate disciplinary action must be undertaken in accordance with, and proportionate to, the original assessment of the employee's conduct and the results of the interview.

Poor Work Performance

A manager/supervisor may become aware that an employee's work performance has deteriorated to such an extent that it is of concern, or that the employee has placed themselves or others at risk of an accident or injury, due to the possible effects of drugs or alcohol.

Where a pattern of unsatisfactory work performance becomes clear, the details will be documented by the manager/supervisor. League Engineering Services Pty Ltd recognises that an employee's work performance can be affected by problems in their personal life and is committed to assisting employees in dealing with these issues. Where appropriate, an interview will be arranged with the employee to advise them of the work performance problem and to offer assistance, in line with League Engineering Services Pty Ltd Employee Assistance Program Policy.

If the problem continues, a second interview will be arranged to caution the employee, to offer assistance and warn of potential disciplinary action.

If a third interview is necessary, the employee will again be given the option of obtaining help. If help is declined, appropriate disciplinary action will be taken immediately.

Testing Procedure

If an employee is suspected of being affected by drugs and alcohol during work time and denies the accusation, then League Engineering Services Pty Ltd can request that they attend a medical practice of League Engineering Services Pty Ltd choosing to be tested for traces of the suspected substance, at the employer's expense. The medical practice where the test will be undertaken will also be requested to give a report on whether the employee is fit for normal duties. Whenever possible, testing procedures will endeavour to be in line with the Australian Standard.

If the testing reveals drugs or alcohol in the employee's system and the testing medical practice deems the employee unfit for normal duties, the employee will be suspended and sent home on full pay and a full investigation will commence.

If the testing is inconclusive or negative and the report deems the employee fit for normal duties, the employee will be required to resume work as normal; however, continued observation of the employee's work performance will occur, as the original conduct observed was cause for concern.

League Engineering Services Pty Ltd does acknowledge that employees have the legal right to refuse to be tested; however, if the employee does refuse, the employee may be subject to disciplinary action being taken.



Date: 30/10/2013

GAVIN IVEY
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League Engineering Services Pty Ltd