Workplace Drug and Alcohol Policy

1. **Aim**

1.1 Education Centre of Australia Pty Ltd (‘ECA’) is committed to providing a safe and healthy work environment in which all workers are treated fairly, with dignity and respect. The use of drugs and alcohol may impact on an individual’s capacity to perform work safely, efficiently and with respect, thereby posing a risk to the health and safety of the individual and others at the workplace.

1.2 This policy outlines ECA’s commitment to a safe workplace and is aimed at preventing, or minimising, any risk of injury or harm to the health and safety of its workers, or others at the workplace, from the use of alcohol or drugs. It describes the standards of behaviour expected in relation to the use of drugs and alcohol, the responsibilities of ECA, workers and others at the workplace, and the consequences of breaching the policy.

2. **Commencement of the Policy**

2.1 This Policy will commence on 1/01/2014. It replaces all other drug and alcohol policies (whether written or not).

3. **Scope**

3.1 This policy applies to:

a) all employees of ECA (whether full-time, part-time or casual) and all persons performing work at the direction of, or on behalf of ECA (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively referred to as ‘workers’);

b) all of ECA’s workplaces and to other places where workers may be working or representing ECA for example, when visiting a customer, client or supplier (collectively referred to as ‘workplace’); and to

c) all work-related functions, for example, work lunches, conferences, Christmas parties and client functions.

3.2 This Policy has been developed and implemented in consultation and co-operation with ECA’s workers and/or the work, health and safety representatives. It does not form part of any employee’s contract of service, nor does it form part of any contract for service.

4. **Definitions**

4.1 The following are terms used in this Policy:

‘drugs’ — include illegal drugs, prescription or pharmacy drugs, or synthetic drugs as defined below.

‘illegal drugs’ — include:
• any drug prohibited by Australian State, Territory or Federal law or any other laws (including foreign and international laws) to which ECA is subject or which apply to the work performed at or for ECA;

• prescription or pharmacy drugs (as defined below) which are used without the necessary prescription, or for non-medical purposes;

• any synthetic drug (whether prohibited by law or not), being a psychoactive herbal and/or chemical product which, when consumed, mimics the effects of a prohibited drug, for example synthetic cannabis (aka ‘Kronic’).

‘management’ — means ECA’s managers, supervisors, team leaders (whichever are relevant) and all employees with supervisory responsibilities.

‘prescription drugs’ — mean lawful drugs which are prescribed by a medical practitioner for a diagnosed medical purpose and issued by a pharmacist.

‘pharmacy drugs’ — mean drugs which are lawfully available at Australian pharmacies (without a prescription) and are required for a legitimate medical purpose.

‘under the influence’ — means that a person’s faculties are impaired by the use of drugs or alcohol to the extent that the person is unfit to be entrusted with a duty they perform, or may be called on to perform, with efficiency and safety to themselves and others.

5. Responsibilities

5.1 Workers’ responsibilities

a) All workers must:

• comply with this policy;

• observe all directions from ECA in regards to this policy;

• recognise that performance of duties could be affected by alcohol or drugs; and

• immediately notify management if they are aware of any breach of this policy by another worker. Subject to any disclosures required by law, any notifications received by management will be treated confidentially. Failure to report any breach of this policy by another worker may itself constitute a breach of this policy.

b) Except as set out in this Policy, workers must not:

• possess, distribute, sell, use or consume illegal drugs in the workplace.
• Such conduct constitutes serious misconduct. It may also constitute a criminal offence, in which case ECA may notify the police, or other appropriate government authority;
• work while under the influence of drugs or alcohol;
• attend work, commence or return to work while under the influence of alcohol and/or drugs;
• consume alcohol and/or drugs during work, or at the workplace (note qualification for prescription and pharmacy drugs below).

5.2 Responsibilities of management
   a) Management is responsible for ensuring that this policy is implemented in their area. This includes ensuring that:
      • all workers are made aware and understand this policy;
      • risk assessments are undertaken on work tasks in consultation with workers and/or work health and safety representatives;
      • the behaviour of workers is observed to ensure adherence with the policy;
      • any concerns or issues are addressed proactively and expediently to ensure the health and safety of all workers;
      • support is provided to workers where appropriate; and
      • any suspected breaches of this policy are acted on promptly and in accordance with this policy.

6. Some specific situations
6.1 Prescription and pharmacy drugs
   a) Where a worker is taking prescription or pharmacy drugs for medical purposes, the worker will not breach this policy by attending work, if the worker:
      • takes the prescription and pharmacy drugs in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs;
      • does not misuse or abuse the use of prescription or pharmacy drugs;
      • ensures they are able to perform their work effectively, competently and safely;
      • informs themselves of the impact of consumption of alcohol with prescription and pharmacy drugs and they limit consumption accordingly; and
checks with their medical practitioner or pharmacist about the effect of the drug on their ability to drive vehicles, operate machinery and safely perform their normal work duties. If a worker's ability to perform work competently, efficiently and safely is affected, the worker should obtain this advice in writing from the medical practitioner, or pharmacist, and provide it to their manager or supervisor as soon as possible and before undertaking their work.

b) If ECA suspects that the workers ability to safely perform work is affected, ECA may take steps to address the issue in accordance with this policy.

6.2 Consumption of alcohol — workers' responsibilities

a) ECA recognises that at some work related functions responsible consumption of alcohol is allowed, for example, at a staff function, Christmas party or customer function.

b) In these circumstances, the following restrictions apply at all work-related functions:

• workers must consume alcohol responsibly;
• workers must not become drunk. As set out above, it is a condition of waiving the prohibition on alcohol that workers consume alcohol responsibly. Inebriation does not diminish a worker's responsibility for misconduct;
• workers must uphold an appropriate standard of behaviour at all times, consistent with ECA's codes of conduct and workplace policies;
• the restrictions set out below in relation to ECA vehicles and machinery continue to apply; and
• workers must ensure a safe means of transport from such functions.

Workers must not drive any vehicle if they are over the legal blood alcohol limit. Workers who do not have a safe means of transport should advise management so that such transport may be arranged.

c) If a worker is required to return to work, or continue working after the function, and the consumption of alcohol could adversely affect their ability to perform work effectively and safely, consumption of alcohol by those workers is not permitted.

d) If a worker breaches this policy at a work related function and acts inappropriately, the worker may be subject to disciplinary action, and may not be permitted to consume any alcohol at future work related functions.

e) The prohibition relating to drugs will not be waived in any circumstances, except in relation to prescription and pharmacy drugs as set out in this policy.
7. **Consumption of alcohol — ECA’s responsibilities**

When ECA provides alcohol at a work related function, it will do so responsibly, ensuring that:

a) workers will be reminded of this policy prior to the work related function, where appropriate and practicable;

b) food will be made available during the service of alcohol;

c) light alcohol and non-alcoholic beverages will be available at all times;

d) alcohol will not be provided to anyone under the age of 18 years;

e) alcohol will not be provided to anyone who is drinking excessively, or is (or appears to be) intoxicated;

f) alcohol service is supervised, whether held at the workplace or other locations, by a suitably qualified person, who holds a certificate in responsible service of alcohol; and

g) workers are reminded of the dangers of driving under the influence of alcohol and promote the use of alternative transport (e.g. taxis, public transport).

8. **Driving ECA vehicles and machinery**

8.1 **Alcohol and illegal drugs**

a) ECA has a legal obligation to provide a safe and healthy working environment for its workers and others in the workplace. To ensure a safe environment, no machinery is to be operated or used by anyone who is under the influence of alcohol, or used or consumed illegal drugs.

b) Workers must comply with alcohol concentration limits applicable to particular duties they perform, or may be called on to perform.

c) ECA will not accept liability for any damage to a ECA vehicle, an injury to another person, or damage to other property caused by a worker’s use of a ECA vehicle while intoxicated from alcohol or illegal drugs. The worker will be personally liable in such circumstances.

8.2 **Prescription and pharmacy drugs**

a) Where a worker is taking prescription or pharmacy drugs that contain a warning that the person should not drive a vehicle or operate machinery, then that worker must not drive a ECA vehicle or any vehicle, or operate machinery unless contrary specific medical advice is obtained and confirmed in writing, from the workers medical practitioner.
b) If a worker is taking prescription or pharmacy drugs and feels that their ability to safely drive a vehicle or operate machinery is affected, the worker must not drive a ECA vehicle, or any vehicle, or operate machinery and must notify their manager or supervisor immediately.

8.3 **Smoking**

a) Smoking is not permitted at any of ECA’s workplaces, except in specifically designated areas.

9. **What will ECA do if it suspects a worker is affected by drugs or alcohol?**

9.1 If ECA suspects, on reasonable grounds, that a worker is under the influence of drugs or alcohol in breach of this policy, ECA will take steps to address the issue. Reasonable grounds may include (but are not limited to) where the worker:

a) is unable to coordinate their actions;

b) has red or bloodshot eyes, or dilated pupils;

c) smells of alcohol;

d) acts contrary to their normal behaviour;

e) exceeds alcohol concentration limits applicable to the task they perform or may be called on to perform;

f) is not behaving in a professional and competent manner and in accordance with ECA standards; or

g) otherwise appears to be impaired or affected by drugs or alcohol.

9.2 In such circumstances, ECA may take the following actions (but is not limited to these actions):

a) Direct the worker to go home. Suitable arrangements for safe transport will be made by the relevant manager; or

b) direct the worker to attend a medical examination to determine whether the worker is fit to perform their duties effectively and safely. The medical examination may include a drug and/or alcohol test, such as a breath test, blood test, urine test or oral swab. In relation to prescription or pharmacy drugs, ECA may require evidence as part of the medical examination about the effects and proper use of the drug. The worker may be directed to go home following the medical examination.

c) If the worker refuses to attend a medical examination, they will be directed to go home. Refusal to attend a medical examination, refusal to go home, or providing false information constitutes a breach of this policy and may result in action being taken against the worker, including action as set out below under ‘Breach of policy’.
d) Where a worker is sent home, or required to attend a medical examination, the worker must report to Management (or as directed) on the next working day, or as soon as possible once the worker is no longer under the influence of drugs or alcohol. ECA will deal with the issue as set out below under ‘Breach of policy’. Failure to report constitutes a breach of this policy.

10. What will ECA do if it finds drug or alcohol at the ECA’s workplace?

10.1 If ECA finds drugs or alcohol at the workplace in breach of this policy, ECA may take the following action, which includes, but is not limited to:

a) investigate the matter in order to attempt to determine who is responsible, including by conducting searches, as set out in this policy;

b) require some, or all workers, to undergo a medical examination in order to test for the presence of drugs or alcohol.

10.2 Workers are required to co-operate in any investigation. Failure to co-operate, or providing false information in an investigation, constitutes a breach of this policy and may result in action as set out below under ‘Breach of this policy’.

11. What will ECA do if it suspects a worker has drugs or alcohol in their possession at work?

11.1 If ECA suspects that a worker has drugs or alcohol in their possession at work, ECA may take the following action, which includes but is not limited to:

a) investigate the matter to attempt to determine whether the worker does have such drugs or alcohol in their possession;

b) request the worker to open their locker, bag, or vehicle or to empty their pockets or jacket for the purpose of locating any drugs or alcohol.

11.2 Workers are expected to permit such inspection and co-operate with ECA’s investigation. Failure to co-operate, or providing false information in an investigation, may result in action being taken against the worker, as set out below under ‘Breach of this policy’.

12. Breach of this Policy

12.1 Workers must comply with this policy at all times.

12.2 If an employee is found to have breached this policy, they may be subjected to disciplinary action. The type and severity of the disciplinary action will depend upon the circumstances of the case and the seriousness of the breach. In serious cases, this may include termination of employment.

12.3 Examples of disciplinary action that may be taken include (but are not limited to):

- performance counselling;
- a formal warning;
• suspension;
• demotion;
• termination of employment;
• referral to an Employee Assistance Programme (‘EAP’) and/or some other referral source, for counselling, treatment or rehabilitation for drug or alcohol dependency.

12.4 Agents or contractors (including temporary contractors) of ECA who are found to have breached this Policy may have their contracts with ECA terminated, or not renewed.

12.5 In circumstances where a worker’s behaviour or conduct may involve a breach of any Australian law, ECA may notify the policy or other relevant government authority.

13. Access to support services

If an employee notifies ECA that they have a drug or alcohol problem, they will be encouraged to complete a rehabilitation programme or undergo counselling.

14. Education and training

14.1 ECA will inform and conduct training or information sessions for all employees, relating to:

a) this policy, including but not limited to the consequences of breaching this policy;

b) the effects of alcohol and drug use (including prescription and pharmacy drugs);

c) the risks to the health and safety of workers and others by the use of alcohol and drugs in the workplace; and

d) the EAP (if applicable) and any other referral sources for counselling, treatment or rehabilitation, which are available to employees.

14.2 Where appropriate, ECA will conduct induction sessions for agents, contractors and their respective employees when they undertake work for ECA in the workplace. These induction sessions will cover:

a) this policy, including but not limited to the consequences of breaching this policy;

b) the effects of alcohol and drug use (including prescription and pharmacy drugs);

c) the risks to the health and safety of workers by the use of alcohol and drugs in the workplace.
15. More information

15.1 If a worker is unsure about any matter covered by this Policy, they should seek the assistance of the Operations Director.

Policy version and revision information

Policy Authorised by: David Tulloh
Title: Operations Director
Original issue: 1/01/2014
Policy Maintained by: David Tulloh
Title: Operations Director
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Workplace participant acknowledgement

I acknowledge:

- receiving the ECA Policy;
- that I should comply with the policy; and
- that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.

Your name: ______________________________________________________
Signed: ______________________________________________________
Date: ______________________________________________________
ANNEXURE A

DRUG AND ALCOHOL POLICY WORKER ACKNOWLEDGEMENT

I acknowledge that:

- I have received a copy of the ECA Workplace Drug and Alcohol Policy (the ‘Policy’) and understand its effect;
- I must comply with the policy; and
- There may be disciplinary consequences if I fail to comply with the policy, which may result in the termination of my employment, or the cancellation of my engagement, or the loss of my position.

Your name: __________________________________________________________

Signed: _____________________________________________________________

Date: ________________________________________________________________