

The Paraplegic and Quadriplegic Association of SA Inc




WHS&E – Drug and Alcohol Policy and Procedures

STATEMENT

The Paraplegic and Quadriplegic Association of South Australia Incorporated (The Association) is committed to ensuring that all workers, so far as is reasonably practicable, are safe from injury and risk to their health whilst at work by ensuring that they are not under the influence of alcohol or drugs, where they may endanger their own safety or that of others.

The Association recognises that the Health and Safety of its workers and clients is of primary importance and ranks it equally with all other financial and operational considerations.

Approved by: 	Date: May 2014
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The Paraplegic and Quadriplegic Association of SA Inc.(PQSA) is incorporated under the Association Incorporation Act 1985 (SA) and conducts its business through operating Divisions, namely Support Services and HomeCare+.

SCOPE

Compliance with this policy is a condition of appointment for all workers engaged to provide services on behalf of The Association.

DEFINITIONS

Alcohol - A liquid which is produced by fermentation, further processing produces alcoholic drinks such as beer, wine, cider and spirits. Alcohol is a depressant drug that slows brain activity responses and impairs coordination.

Drug – Any substance, with the exception of food and water that, when taken into the body, alters it physically and/or psychologically.

This includes:

- **Illicit drugs:** Drugs which are not permitted by law e.g. cannabis, amphetamines.
- **Licit drugs:** Drugs which are permitted by law e.g. alcohol and tobacco.
- **Prescription drugs:** A drug which requires legal medical authorisation before it can be dispensed from a pharmacy.

Instant Dismissal - Is dismissal without prior notice and occurs when an employee commits an act of gross and wilful misconduct.

Legal Blood Alcohol Limit – Currently set at 0.05 for full licence holders.

Manager/Supervisor - Any person who has the authority to influence or to direct the actions of an employee/volunteer/contractor/collector.

Must – indicates a mandatory action required by law, industrial instrument, or PARAQUAD SA / HOMECARE PLUS policy or procedure.

Officer - For the purpose of this policy are Managers in line with the meaning of section 9 of the *Corporations Act 2001* (Cth) other than a partner in a partnership; or “A person who holds a position of rank or authority; Corporations – a director, secretary, or executive officer or the corporation, or a receiver, a receiver and manager, an administrator....”

Person Conducting a Business or Undertaking (PCBU). – For the purpose of this policy refers to The Association and its Divisions PARAQUAD SA, HOMECARE PLUS.

Shift – For the purpose of this policy, a shift is hours rostered to work in an administrative or Support Worker capacity.

Should – indicates a recommended action that should be followed unless there are sound reasons for taking a different course of action.

Reasonable Consumption – Workers are to consume alcohol in a responsible manner and to conduct themselves in accordance with the Association’s Code of Ethical Behaviour.

Reasonably Practicable – In relation to a duty to ensure health and safety, means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including:-

- (a) The likelihood of the hazard or risk concerned occurring; and
- (b) The degree of harm that might result from the hazard or the risk; and
- (c) What the person concerned knows, or ought to reasonably know, about –
 - (i) The hazard or the risk; and
 - (ii) Ways of eliminating or minimizing the risk; and

- (d) The availability and suitability of ways to eliminate or minimize the risk; and
- (e) After assessing the extent of the risk and the available ways of eliminating or minimizing the risk, the cost associated with available ways of eliminating or minimizing the risk, including whether the cost is grossly disproportionate to the risk.

Under the Influence – If a worker is impaired in any way by drugs and/or alcohol. The legal limit for operating a vehicle after the consumption of alcohol is over 0.05 blood alcohol.

Worker – Is a person who carries out work in any capacity for a person conducting a business or undertaking including work as an employee, contractor or subcontractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an outworker, an apprentice or trainee, a student gaining work experience or a volunteer.

Work Function – Is a ceremony or party which is organised by the Association in order to mark an occasion or as a fundraising activity. This can include events which are held during normal working hours or outside of normal working hours.

RESPONSIBILITIES

Officers of the Association (the PCBU) are responsible for:

- ◆ Communicating the contents of this Policy to all workers on a regular basis.
- ◆ Ensuring they fulfil their duty under legislation to ensure the health, welfare and safety of workers in their workplace.
- ◆ Ensuring that their workers are fit for their duties when they attend work, e.g. not under the influence of alcohols and drugs.
- ◆ Prior to any events, The Association will advise of the time at which the function will end and when employee participation in the event, as a representative of The Association, will end.

Workers

- ◆ Workers have a responsibility to ensure they are not affected by alcohol and/or drugs and they do not endanger their own or any other person's health and safety.

POLICY

The use of alcohol and/or drugs may severely impair a worker's capacity to perform their duties safely, greatly increasing the risk of injury or threat to the well-being of the affected worker and/or their client. It is the worker's responsibility to ensure that they are not affected by alcohol and/or drugs, when they attend their workplace. Workers may seek prior permission from the Chief Executive Officer to partake in the reasonable consumption of alcohol while attending work functions.

Working under the influence of alcohol and/or drugs, the possession or consumption of alcohol and/or drugs during work hours and on work premises, including within the home of a client, may lead to instant dismissal and any alcohol and/or drugs will be confiscated by the Manager or their nominee. Any illegal or suspected illegal substances will be referred to the South Australian Police for immediate investigation.

During The Association's sponsored social functions where alcohol is provided or paid for, cab charge vouchers may be provided to workers. This will be at the Manager's discretion. During any of The Association's sponsored social functions, the reasonable consumption of alcohol will be monitored during any events by the Manager.

The use of a company car whilst under the influence of alcohol and/or drugs will not be tolerated and The Association will not accept liability for any damage to a company vehicle, injury to any person, or damage or injury to any third party. Any and all liabilities arising will be the responsibility of the driver and the matter will be referred to the South Australian

Police for investigation if the worker is suspected of driving while over the legal blood alcohol limit.

If a worker is required to take prescription drugs, it is the responsibility of the worker to ensure that they check with a medical practitioner as to whether the use of the drug will impact on their work performance and/or their ability to operate a vehicle. If the prescribed medication will have a negative impact on work performance, the worker must report this immediately to their Manager.

There are circumstances where a worker who is not rostered on to work, is asked to work. If they have consumed alcohol and/or drugs, it is then that worker's responsibility to refuse the request of attending work and ask that another worker be asked to attend.

The Association provides information regarding the services of an Employee Assistance Program to assist workers in the treatment of any alcohol and/or drug related problems (Refer Employee Assistance Program Policy and Procedures). Under the Employee Assistance Program, workers are entitled to three (3) sessions at no cost.

If a worker has a reasonable requirement to bring alcohol onto The Association's premises, this must be declared to the appropriate Manager, who must arrange appropriate storage until the worker has completed their working day/shift. Under no circumstances are alcohol and/or drugs permitted within client homes.

If a worker is in a situation where they suspect or know that a person that they are working with is abusing a substance or the worker feels that they may be threatened or assaulted, then they are required to remove themselves from the situation and report this to their Manager immediately, follow their direction and document using an Incident Report form. Any worker has the right to contact the South Australian Police if deemed necessary under these circumstances.

PROCEDURES

The Association recognises that there is no uniform method to assess the risks of alcohol and/or drug consumption in the workplace. Managers will assess each case individually by taking into account the worker involved, the type of work being performed and the risk created by the worker being affected by alcohol and/or drugs.

Where it is necessary to involve the South Australian Police in response to incidents involving illicit drug activity, every precaution should be taken to ensure that the situation is handled in a manner that is least disruptive to the Association and its clients.

All workers must ensure the following procedures are adhered to:

1. If there is reasonable cause to believe that a worker is under the influence of alcohol and/or drugs, this must be immediately reported to their direct Manager and documented on an Incident Report form.
2. If it is considered that a worker is affected by drugs or alcohol and is incapable of performing their normal duties in a safe and efficient manner, the Manager must arrange, where reasonable and practicable, a witness to also assess the worker. The witness must be familiar with the worker's normal behaviour and mannerisms. Some indicators of drug and alcohol use include: slurred speech, speaking loudly, clumsiness, glazed eyes, slowed reaction times, decreased mental alertness as well as the smell of alcohol or drugs from the person.
3. If there is a strong smell of alcohol or erratic behaviour observed, the worker may immediately be asked to seek medical attention to undergo an alcohol and/or drug test to

ascertain whether or not they are under the influence of these substances. This is at the discretion of the Manager and the Association will incur the costs associated with this. The worker will be provided with safe transport to and from such appointments.

4. Where a Manager is confident that a worker is in possession of alcohol or drugs; there is an immediate safety risk which must be investigated; the worker will be taken aside and advised that an inspection of possessions should be undertaken. The worker will be asked to clearly demonstrate the contents of their drawers, desk, bags etc. to a Manager/Supervisor. Should a worker refuse to do this, the worker will be closely supervised until a member of the South Australian Police arrives to assist in the inspection.

5. If suspicions of alcohol and/or drug use are confirmed, a disciplinary meeting will be organised to provide the worker with an opportunity to explain the behaviour. The worker will be immediately removed from shifts until this meeting occurs.

6. The Manager/Supervisor is to ensure the worker has safe transport home and the worker should be counselled not to drive while under the influence of alcohol and/or drugs.

7. The Manager/Supervisor will conduct a thorough investigation into the matter and, if required, will refer the matter onto the South Australian Police.

8. Upon the worker's return to work, an appropriate counselling session will be carried out prior to the worker returning to their normal duties to discuss the reasons for their behaviour and to reinforce this Policy. Appropriate disciplinary action will be taken in accordance with the worker's conduct and the results of the counselling session.

9. A disciplinary meeting may be warranted as a result of the counselling sessions. At the disciplinary meeting, the worker will have a right to have a representative present at the meeting; this person must not be a co-worker or client of The Association.

10. Alcohol and/or drug use at work or working while under the influence of drugs and/or alcohol is considered to be serious and wilful misconduct and may result in instant dismissal.

11. If a worker is being investigated for serious and wilful misconduct, the worker will be removed from shifts whilst the Manager reviews the conduct and discusses this with the Manager, Human Resources.

12. If the Manager believes that termination of employment is warranted, the worker concerned will be advised of this and their employment terminated. The worker will be provided with a written confirmation regarding the reasons for dismissal no later than twenty-four (24) hours following the termination.

13. The Association will ensure that assistance is offered to any worker who is identified as having an alcohol and/or drug related problem, which is affecting their work performance.

14. All documentation pertaining to alcohol and/or drug abuse will be kept strictly confidential and will be placed on the worker's personnel file.

RELATED LEGISLATION

- ◆ Controlled Substances Act 1984
- ◆ Workplace Health and Safety Act 2012
- ◆ Workers Rehabilitation and Compensation Act 1986
- ◆ Fair Work Act 2009
- ◆ Road Traffic Act 1961

SUPPORTING PQA DOCUMENTATION

- ◆ Code of Ethical Behaviour Policy & Procedure
- ◆ Contractors and Visitors Policy and Procedures
- ◆ Discipline and Termination of Employment Policy and Procedures
- ◆ Duty of Care Policy and Procedures
- ◆ Employee Assistance Program Policy and Procedures
- ◆ Enterprise Agreement 2011
- ◆ Workplace Health and Safety Management System
- ◆ Incident Report Form

BREACHES OF THIS POLICY

Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will the Association accept such an argument.

DISTRIBUTION AND REVIEW

The Association will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a bi-annual basis or when legislation or Government Policy determines.