

Internal Policy and Procedure – FITNESS FOR DUTY (Drugs and Alcohol)



Policy

Policy Objective

TNSW is committed to ensuring its workers and others are not at risk from misuse of alcohol and other drugs in the workplace.

Policy Statement

All Managers, team leaders and workers have a responsibility to ensure a safe workplace environment for themselves and others who they interact with, including contractors, event organisers and competitors.

The Fitness for Duty (Drug and Alcohol) Policy and Procedure provides Managers, Team Leaders and workers with the procedures for the process of managing and as far as reasonably practicable, eliminating WHS risks associated with the misuse of alcohol and other drugs in the workplace.

Phil Dally

Chief Executive Officer

Procedure

Purpose & Scope

This procedure supports and reinforces the themes of education / awareness, rehabilitation / support and prevention.

This procedure applies to all workers at any time throughout the worker's hours of work (including overtime), but will not apply when the worker is on unpaid time travelling to or from work.

General

Our Commitment

We are committed to providing a safe work environment.

Under the NSW WHS Act 2011, TNSW, as a PCBU, has a duty of care to ensure, as far as reasonably practicable, the health, safety, and welfare of all workers at its workplaces.

Similarly, workers through their own conduct, have a duty to take reasonable care of themselves and others to comply with any reasonable directions, policies and initiatives from TNSW.

The impact of drugs and alcohol in the workplace is a work health and safety issue. Alcohol is not permitted on a TNSW site unless sanctioned by the Chief Executive Officer or the Delegated Officer. People who misuse alcohol and drugs can affect their own safety and the safety of others.

Our Plan

- Provide a safer working environment by, as far as is reasonably practicable, eliminating hazards associated with the inappropriate use of alcohol or other drugs;
- Provide assistance through a range of preventative, educational and rehabilitative measures to overcome alcohol and other drug problems that affect a person's fitness for work;
- Ensure that people who are deemed unfit for work as a result of alcohol or other drug use are managed in a fair and constructive manner;
- Ensure that TNSW meets its obligations to workers and the public to carry out its operations safely; and

Worker Assistance and Information

TNSW is committed to the principle of rehabilitation of those employees affected by alcohol and/or drug abuse. Alcohol and other drug problems can be associated with other difficulties that may need assistance from professional counsellors.

Ultimately, the person affected by alcohol or substance abuse must be prepared to take steps to rectify their situation.

Assistance Agencies and Contact Numbers

Agency	Contact Number
Alcohol and Drug Counselling	1300 735030
Alcohol and Drug Information Services (24hr counselling service)	1800 422 599
Alcoholics Anonymous (24 hrs)	93877788
Life Line	13 11 14

Fitness for Duty – Reasonable Suspicion

The Chief Executive Officer or Team Leader may have a reasonable suspicion that the person may not be fit for duty.

Fit For Duty Procedure

“Fit for Duty” means that a person is in a state (mentally, physically and emotionally) that enables them to perform assigned tasks competently and in a manner that does not compromise or threaten their own safety and health or that of others.

For any person whose performance suggests that they may be at risk by drugs or alcohol, their Team Leader must be notified and the Team Leader shall request a discussion with the worker in a private location away from other workers, where possible.

The privacy of the worker is a priority at all times.

The Team Leader should use wording such as:

“I am concerned that you are behaving unusually today because I have observed [list indicators forming basis of reasonable suspicion]. Is there a reason for this?”

(Workers should be clearly informed of the indicator or indicators upon which reasonable suspicion was based.)

The Team Leader should speak assertively. Judgemental or confrontational language is not to be used and debate is not to be entered into with the worker.

If, at the completion of the discussion, the Team Leader considers that the person is not fit for duty, then that person shall be stood down from the Team.

If the person is stood down from duty, then:

- The Team Leader shall make a reasonable effort to ensure that the person is not at risk or a risk to others (this may involve assisting with transport to a safe location), and
- The Team Leader shall notify the Chief Executive Officer at the next opportunity

Duty of Care, Responsibilities and Obligations

Under this procedure the duty of care, responsibilities and obligations of workers, TNSW and others at work places are derived from obligations under the Work Health and Safety Act 2011 (NSW) and specified responsibilities detailed in this procedure.

It is recognised that there may be reasons why workers feel uncomfortable about nominating other workers whose behaviour is risky to themselves and others. TNSW supports a rehabilitative and benign approach to managing these issues, rather than a punitive approach.

Employer

Under Section 19 of the Work Health and Safety Act 2011, employers must provide a safe and healthy workplace for workers or other persons by ensuring:

- safe systems of work;
- a safe work environment;
- accommodation for workers, if provided, is appropriate;
- safe use of plant, structures and substances;
- facilities for the welfare of workers are adequate;
- notification and recording of workplace incidents;
- adequate information, training, instruction and supervision is given;
- compliance with the requirements under the work health and safety regulation;
- effective systems are in place for monitoring the health of workers.

Workers

Under Section 28 of the Work Health and Safety Act 2011, a worker must, while at work:

take reasonable care for their own health and safety

take reasonable care for the health and safety of others

comply with any reasonable instruction by the employer

cooperate with any reasonable policies and procedures of the PCBU.

Other Persons

Under Section 29 of the Work Health and Safety Act 2011, a person at a workplace must:

- take reasonable care for his or her own health and safety; and
- take reasonable care that his or her acts or omissions do not adversely affect the health

- and safety of other persons; and
- comply, so far as the person is reasonably able, with any reasonable instruction that is given
- by the employer to allow the employer to comply with the Work Health and Safety Act 2011.

Team Leader and Worker Obligations

It is the responsibility of all Team Leaders and workers to ensure that no worker commences or continues duty if the worker appears to be affected by alcohol, illegal or legal drugs, or other substances which may reasonably be considered to lead to a safety risk or an inability to fulfil the requirements of the position or are not fit to work.

Workers are obliged to present for work in a fit state, so that in carrying out normal work activities they do not:

- expose themselves or their co-workers, visitors and/or the public to unnecessary risks to health or safety, and/or;
- inhibit their ability to fulfil the requirements of the position, and/or;
- present a poor public image of TNSW, and/or;
- cause damage to property and/or equipment.

The worker is responsible for any criminal penalty which results from being under the influence of drugs or alcohol in the workplace.

Rehabilitation

The Chief Executive may assist the individual worker in development and implementation of a rehabilitation plan, which would be done in conjunction with an appropriately qualified individual or organisation. The details of the plan should be agreed between the parties and may include the aim of the plan, the actions to be taken, the progress reporting procedure, the review date and the timeframe for return to work.