

INTERNAL ONLY
ISLHD PROCEDURE
COVER SHEET



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AUTHOR	Director People, Safety and Culture
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SUMMARY	This procedure specifies the processes for the management of staff who are suspected of attending work under the influence of drugs or alcohol

1 POLICY STATEMENT

The Illawarra Shoalhaven Local Health District (ISLHD) has a legal obligation to comply with the [Work Health and Safety Act 2011](#) and the [Work Health and Safety Regulations 2017](#) to exercise due diligence to ensure, so far as reasonably practicable, risk management practices are undertaken to eliminate or mitigate risks to employees' health, safety and wellbeing.

ISLHD is committed to ensuring the health and safety of all employees, patients and members of the public by eliminating accidents, incidents, or injuries arising from employees presenting at work under the influence of drugs or alcohol.

2 BACKGROUND

Work performance, conduct and safety is the focus of this procedure.

The purpose of this procedure is to:

- Advise employees of the implications in relation to the use / misuse or abuse of drugs or alcohol whilst on duty
- Prevent, reduce and/or eliminate problems associated with the misuse or abuse or drugs or alcohol
- Provide a process in assisting employees who disclose any abuse or misuse of drugs or alcohol
- Provide a procedure by which suspected drug or alcohol use in the workplace by an employee is dealt with in a consistent, fair, equitable and considerate manner.

3 RESPONSIBILITIES

3.1 Employees will:

- Comply with the Drugs and Alcohol in the Workplace Procedure
- Report for duty free of the effects of drugs or alcohol
- Remain free from the effects of drugs or alcohol at all times while at work
- Be in a fit and proper condition to carry out their duties when commencing work and while at work
- Inform their manager if taking or intending to take any drugs, prescribed or otherwise, that may impair or affect their ability to work safely
- Comply with any reasonable direction from their manager regarding work, health and safety, including being directed to cease work or leave the workplace, dependent on individual circumstances.

3.2 Line Managers will:

- Create a safe and respectful workplace for all, ensuring employees are able to speak up regarding issues that may impact on their safety

- Proactively manage the work performance and conduct of employees and take appropriate action if unacceptable performance or conduct arises
- Advise all new and existing employees of ISLHD's procedure in relation to drug or alcohol use
- Resolve drug or alcohol issues brought to their attention in a timely, supportive and informed manner, in the interests of workplace safety
- Assess the risk of drug or alcohol use in the workplace in the same way as any other WHS issue.

3.3 General Managers/ Service Directors will:

- Apply due diligence by monitoring the implementation of the ISLHD Drugs and Alcohol in the Workplace Procedure and ensure that any concerns that employees are affected by drugs or alcohol while at work are assessed in the same way as any other WHS issue
- Ensure that managers are appropriately informed about how to deal with drugs or alcohol in the workplace as per this procedure
- Consider the findings of risk assessments undertaken in their sites / services and approve, if appropriate
- Ensure that recommendations arising from investigations are appropriate and implemented in a timely manner.

3.4 Chief Executive will:

- Ensure the implementation of the ISLHD Drug and Alcohol in the Workplace procedure is consistent with the objectives of NSW Health and is compliant with WHS legislation
- Ensure that all instances of drug or alcohol use in the workplace are managed in a supportive and respectful way
- Review the implementation of this procedure in consultation with employees as per agreed consultative arrangements.

4 PROCEDURE

4.1 Identification of concern

Concerns about an employee's performance or behaviour can be raised by any employee, patient or visitor.

If a manager identifies or is made aware that an employee's performance or behaviour is impacting on their ability to be safe at work, they must ensure that the person is not a risk to themselves, or in a position to create a health and safety risk for others (including employees, patients and their carers).

When an employee's conduct and /or performance is suspected of being adversely affected by drugs or alcohol at work, primary consideration must be given to provide support to the person and ensure the safety of others.

Any decision to act must be based on an objective assessment of the situation and considerations of safety and work performance.

Identifying whether an employee is affected by drugs or alcohol can be a complex process. Drug or alcohol use may result in a range of symptoms being displayed that are common to the symptoms of a variety of medical conditions.

Conversations between managers and employees about this issue must be approached carefully, and in a non judgemental way.

Managers and other employees are not in a position to make clinical diagnoses of intoxication or dependency, nor should they provide treatment, counselling or judgements about drug or alcohol problems.

The [Work Performance and Observations Checklist \(ISLHD CORP F 233\)](#) should be used to assist managers with recording their observations about an employee's performance and conduct that may lead to a concern about the use of drugs or alcohol in the workplace.

4.2 Work Health and Safety Risk Management

Once concerns are identified about an employee's performance or behaviour being impacted by drugs or alcohol, the manager must undertake a work health and safety risk assessment.

The purpose of this Risk Assessment is not to determine whether an employee is or is not affected by drugs or alcohol, but purely to assess whether there are any significant ongoing risks in the workplace that require managing.

The [Work Health and Safety Risk Assessment Template \(ISLHD CORP F 45\)](#) should be used to undertake this risk assessment. It is important that this risk assessment is objective and undertaken in the same way a risk assessment is undertaken for any other WHS issue.

In all instances where an employee's performance, conduct or behaviour suggests that the employee is affected by drugs or alcohol in the workplace, the person's manager must liaise with their Workforce Support Team about the situation, and discuss what action should be taken to manage this issue and provide support to the employee.

If the risk assessment identifies that the employee's presentation and conduct poses a risk in the workplace, the assessment – including any recommended actions - must be signed off by the General Manager / Service Director (or their delegate if outside of business hours) before any action is taken.

4.3 When a Risk is Identified

If it is identified via a risk assessment that an employee presents a risk in the workplace, the manager is required to take steps to ensure that they immediately cease their duties. If it is considered necessary for safety reasons, they should be isolated from other employees and patients. In some instances, it may be more appropriate that the employee

remains in the workplace, in a safe location, where they are not at further risk to themselves or others.

Where it is appropriate for the employee to be removed from the workplace, the manager must arrange for this to be done in a safe manner which may involve arranging transport to take the employee home. It is important to ensure that the employee has support available should they be transported home.

Leave options in this situation should be considered on a case by case basis in consultation with the Workforce Support Team.

4.4 Initial Assessment

Following any actions taken as a result of the initial risk assessment, managers are required to undertake an initial assessment of the issue. The purpose of the initial assessment is to determine whether the employee's identified performance or conduct issues have substance and to consider whether it justifies the commencement of action such as an unsatisfactory performance process, a managing misconduct process, a non-work related injury process, or whether it can be dealt with in a different manner.

The initial assessment should be conducted as soon as possible. The employee should be told that the assessment is being conducted if it is appropriate to do so.

4.5 Initial Assessment Outcomes and Management Actions

There may be a variety of outcomes following an initial assessment. If the issue is found to be a:

- **performance issue**, then [ISLHD CORP PROC 06 Resolving Unsatisfactory Performance](#) should be followed
- **conduct issue**, then [NSW Health PD2018_031 Managing Misconduct](#) should be followed
- **non work related injury**, then [ISLHD CORP PROC 66 Management of Employees with Non-Work Related Injuries or Health Conditions](#) should be followed

Where relevant, consideration should also be given to [NSW Health PD 2018_032 Managing Complaints and Concerns about Clinicians](#).

5 SUPPORT FOR EMPLOYEES

Ensuring that employees who are suspected of using drugs or alcohol in the workplace are supported throughout this process is of paramount importance. Managers are not in a position to provide support or counselling, and should advise their employees of the range of services that are available. Immediate and 24 hour per day support is available through ISLHD's Employee Assistance Program (EAP) by contacting 1300 873 327 (1800 USE EAP). Local Drug and Alcohol Counselling services are available by contacting 1300 652 226. Additional Support Services are outlined in Section 8.

This situation may also cause angst for managers, therefore it is important that they also access support when needed. Assistance is available during this process through the relevant Workforce Support Team. ISLHD's Manager Assist Service can also provide support through the process, and can be accessed by calling 1300 873 327 (1300 USE EAP).

Colleagues of employees who are suspected of using drugs and alcohol in the workplace may also need support. This can be obtained through ISLHD's Employee Assistance Program (ph: 1300 873 327).

The Doctors Health and Advisory Service (DHAS) is available to support Medical Officers who are personally affected, or who have colleagues affected by this process, and can be accessed 24 hours per day on (02) 9437 6552.

6 RECORD OF DISCUSSIONS

Managers should keep a documented record of all discussions with the employee, formal or not, relating to the performance / behaviours observed. This also includes records of discussions if concerns have been raised by other employees, patients or their carers. File notes are sufficient, and should contain sufficient detail including dates, times and people involved in discussions. Notes should be factual and contain statements that can be verified (eg 'slurred speech' rather than 'drunk'), and not contain personal or subjective opinions.

7 MANDATORY NOTIFICATIONS

All registered health practitioners have a professional and ethical obligation to protect and promote public health and safe healthcare. Employers have a responsibility to inform the Australian Health Practitioner Regulation Agency (AHPRA) if they have a *reasonable belief* that a registered practitioner has behaved in a way that constitutes 'notifiable conduct'. This includes practicing while affected by drugs or alcohol.

Assistance and advice regarding this process can be provided by the relevant Workforce Support Team. Further information about mandatory reporting can be found on the AHPRA website www.ahpra.gov.au

8 SUPPORT SERVICES

Service / Program Name	Location	Telephone
Drug & Alcohol Counselling	Illawarra and Shoalhaven	1300 652 226
Drug and Alcohol Information and Referral Helpline	Illawarra and Shoalhaven	1300 652 226
First Step Program - Needle & Syringe Program	Illawarra and Shoalhaven	02 4275 1529
Group Programs	Illawarra and Shoalhaven	1300 652 226

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Hospital Consultation Service - for Inpatients	Illawarra and Shoalhaven	
Illawarra & Shoalhaven Aboriginal & Torres Strait Islander - Drug & Alcohol Services	Illawarra and Shoalhaven	1300 652 226
Keep Them Safe - Whole Family Team	Illawarra and Shoalhaven	1300 652 226
MERIT Program - Magistrates Early Referral Into Treatment	Illawarra and Shoalhaven	1300 652 226
Opioid Treatment Programs	Illawarra and Shoalhaven	1300 652 226
Smoking Cessation	Illawarra and Shoalhaven	1300 652 226
Stimulant Treatment Program (STP)	Illawarra and Shoalhaven	1300 652 226
Substance Use In Pregnancy And Parenting Service (SUPPS)	Illawarra and Shoalhaven	1300 652 226
Viral Hepatitis Screening and Treatment	Illawarra and Shoalhaven	1300 652 226
Withdrawal Management	Illawarra and Shoalhaven	1300 652 226
Youth Team	Illawarra and Shoalhaven	1300 652 226
Doctors Health and Advisory Service	NSW	02 9437 6552
Nurse and Midwife Support	NSW	1800 667 877
AA – Alcoholics Anonymous		1300 222 222
Narcotics Anonymous		1300 652 820
Lifeline	Illawarra and South Coast	13 11 14

9 DOCUMENTATION

[Work Performance and Observations Checklist \(ISLHD CORP F 233\)](#)
[Work Health and Safety Risk Assessment Template \(ISLHD CORP F 45\)](#)

10 REFERENCES

- [NSW Health PD2015_049 Code of Conduct](#)
- [NSW Work Health and Safety Act 2011](#)
- [NSW Work Health and Safety Regulation 2017](#)
- [SafeWork NSW Code of Practice – How to Manage Work Health and Safety Risks](#)
- [WorkSafe Victoria – Guidance for Developing a Workplace Alcohol and Other Drugs Policy](#)
- [Queensland Government Department of health – Fitness for duty: Alcohol and Other Drugs Guideline \(QH-GDL-440:2019\)](#)

11 REVISION AND APPROVAL HISTORY

Date	Revision No.	Author and Approval
Aug 2019	0	Draft: Director – People, Safety and Culture
		Amendments based on union consultation: Director – People, Safety and Culture
		Amendments made based on staff consultation. Final version for approval. Director, People, Safety and Culture
		Approval/Date: Corporate Policy Recommendation Committee – December 2019
		Approval/Date: A/Executive Director Strategic Improvement Programs – January 2020