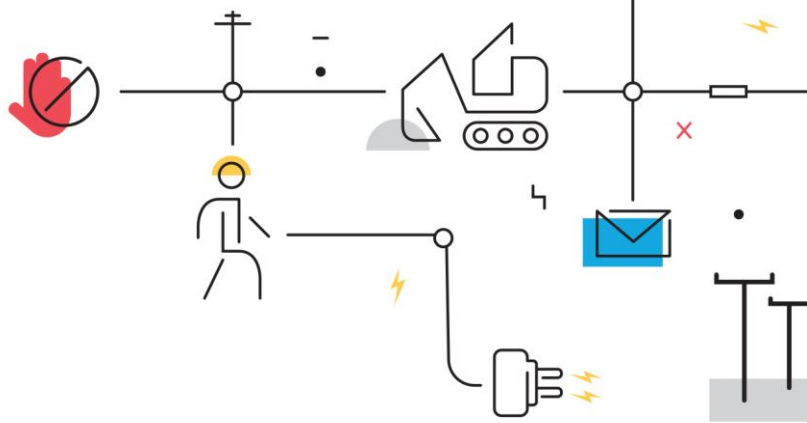


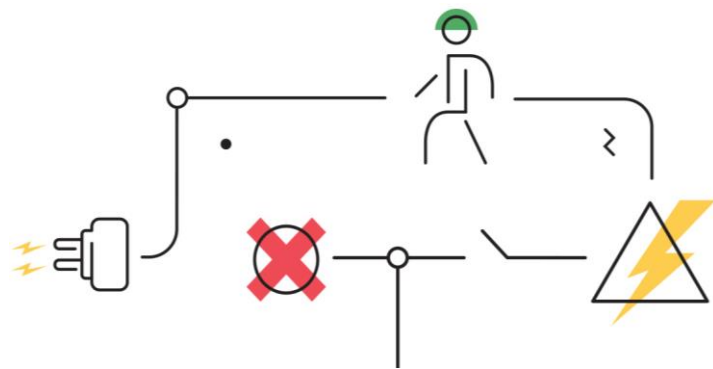
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DOCUMENT CONTROL

DOCUMENT OWNER	PUBLISH DATE	REVIEW DATE
General Manger People and Safety	4 Sept 2018	4 Sept 2021



1. PURPOSE

ActewAGL has a primary duty of care under the Work Health and Safety Act 2011 (ACT) to all workers associated with its operations. ActewAGL will take all necessary steps to ensure that it meets its obligations to workers and conducts its operations in a safe and responsible manner.

The objectives of this policy are to ensure that:

- 🔒 All workers are provided with a safe work environment;
- 🔒 Workers who are adversely affected by drugs and/or alcohol are prohibited from working;
- 🔒 Managers and supervisors are provided with guidelines to assist them in making informed decisions in relation to drug and alcohol related matters;
- 🔒 Alcohol is consumed responsibly at approved ActewAGL functions; and
- 🔒 Breaches of this policy will be dealt with using the appropriate disciplinary action outlined in the relevant Enterprise Agreement.

This policy establishes a framework for drug and alcohol testing (refer to paragraph 3.2), to fulfil the objectives listed above. This includes prescribed limits for alcohol and other drugs.

2. POLICY

2.1 Presenting and Performing Work

A worker must not present for work or perform any work with a breath alcohol content level of 0.02 or greater, however, specific statutory limits continue to apply as varied from time to time. These include, but are not limited to a blood alcohol content of 0.00 for provisional licensees or operators of heavy vehicles over 15 tonnes).

A worker must not present for work or perform any work while the worker has presence of the substances in their system, at or above the Australian Standards AS4760 (2006) as amended or replaced from time to time.

2.2 Drug and Alcohol Testing

ActewAGL may require workers to undergo testing for the presence of drugs and/or alcohol. The purposes of collecting drug and alcohol samples, is to ensure the health, safety and productivity of workers. This information may also be used for disciplinary purposes, ActewAGL will not use the information collected for any other purposes. Testing is aimed at determining present impairment and will be limited to breath and saliva.

Drug and alcohol testing will be conducted by an independent health care provider. Testing of workers will be conducted on a random basis, or in circumstances where there is reasonable suspicion (causal based), post incident or near miss. The details of each are as follows:

Random testing

Random drug and alcohol testing may be conducted at any time during work hours, at any ActewAGL worksite. ActewAGL will advise the testing provider of the minimum number of testing days required per year and the testing provider will then determine the test dates. On the test dates, the test subjects will be selected by an independent random process, as managed by the external provider.

Causal based

Drug and alcohol testing can be conducted:

- If ActewAGL suspects, on reasonable grounds, that a worker is under the influence of drugs or alcohol in breach of this policy. Reasonable cause is defined as suspicion drawn from specific, immediate observations regarding the appearance, behaviour, speech or body odours of the individual;
- Upon finding evidence that a worker has used, possessed, sold, purchased, solicited or transferred drugs whilst in the workplace or while on ActewAGL's property;
- Where ActewAGL finds drugs or alcohol in the workplace;
- Upon receipt of a report of drug or alcohol use, provided by a reliable and credible source and in breach of this Policy;
- Upon obtaining evidence that a worker has interfered with, tampered with, falsified or destroyed a previous drug or alcohol test;
- Where a worker has previously received a confirmatory test result confirming the use of drugs or alcohol in breach of this policy, he/she shall be required to undergo subsequent testing;
- Where a worker has previously received a positive alcohol or drug test and has refused to undergo a confirmatory test, this will be deemed a positive test result and the worker will be required to undergo subsequent testing;
- Where a manager is concerned that a worker is taking prescription or pharmacy drugs, which may affect their ability to perform the duties and responsibilities in an efficient, competent and safe manner, without risk to the health, welfare or safety of the worker, or others in the workplace.

Post incident or near-miss

Drug and alcohol testing can be conducted in response to an incident or a near-miss which has, or could have given rise to risks to a person's health and safety.

2.3 Consent to Testing

A worker who is required to undertake a drug or alcohol test, will be required to sign a consent form before taking a drug or alcohol test.

A refusal to undergo a drug or alcohol test or providing false information or samples in response to a test, constitute a breach of this policy and may result in disciplinary action as set out under paragraph 2.7.

2.4 Positive Testing

Where there is a confirmed positive alcohol test result, the responsible manager will:

- 📌 Instruct the worker that they are required to leave the worksite. This will be done as discreetly as possible and may require the organisation of transport to get the worker home;
- 📌 Advise the worker that they will be required to take sick leave for the remainder of the shift;
- 📌 Advise the worker of the EAP service available;
- 📌 For contractors, advise the contracting company of the outcome of the testing; and
- 📌 Advise the worker they will be required to submit to testing and produce a negative test result before recommencing work.

Where there is a positive on-site drug result the responsible manager will:

- 📌 Instruct the worker that they will need to provide an additional oral fluids sample, which will be sent to an offsite accredited laboratory for more precise testing;
- 📌 Instruct the worker that they are required to leave the worksite. This will be done as discreetly as possible and will require the organisation of transport to get the worker home;
- 📌 Advise the worker that they will be required to take sick leave until the results of the second test are received;
- 📌 Advise the worker if the test result is negative or consistent with the declared medication, the worker can return to work. If the worker has been directed to take sick leave (or other leave), this leave will be reinstated;
- 📌 Advise the worker of the Employee Assistance Program (EAP) service available;
- 📌 Advise the worker that if the result is confirmed as positive, the worker will be required to submit to a further test and produce a negative result before recommencing work.

A worker who has tested positive for alcohol, a drug of abuse or a medication inconsistent with therapeutic guidelines, would — unless there were mitigating or aggravating factors — receive a Stage 1 counselling in accordance with Cl.81.5 of the ActewAGL and Combined Unions Enterprise Agreement 2017 (the Agreement).

Repeat positive tests would receive progressively more serious sanctions, in accordance with the disciplinary provisions of the Agreement.

Return to Work Test

If a worker returns a positive drug/alcohol test they will be required to return a negative test result before returning to the workplace. If the return to work test is negative they may resume normal duties.

If the return to work test is positive, the worker will not be permitted to resume their duties and will be required to use their sick leave for their continued absence from the workplace and will be managed as per the original test result.

2.5 Work Functions and Alcohol

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

Approvals for consumption of alcohol at functions

Any on or off site ActewAGL function where alcohol will be served, must be approved by the relevant General Manager, who should ensure that the “Guidelines for the Responsible use of Alcohol at approved ActewAGL functions” are followed. The guidelines are attached at Appendix A.

Behaviour of workplace participants where alcohol is served at functions

Workers are only permitted to consume alcohol in the workplace or at work related functions, with specific authorisation from management. In these cases:

- ☑ It is the responsibility of the worker, to ensure that they behave in a manner that is legally and socially acceptable;
- ☑ Workers must consume alcohol responsibly;
- ☑ Workers must not become drunk. Inebriation does not diminish a worker’s responsibility for misconduct;
- ☑ Workers must uphold an appropriate standard of behaviour at all times, consistent with ActewAGL’s workplace policies;
- ☑ Workers must ensure a safe means of transport from such functions. Workers must not drive a vehicle if they have a blood alcohol concentration (BAC) above the relevant statutory limit and must, in this situation, make arrangements not to drive a motor vehicle;
- ☑ Workers who do not have a safe means of transport, should advise management to enable such transport to be arranged;
- ☑ 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;

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.

2.6 Prescription and Pharmacy Drugs

Where a worker is taking prescription or pharmacy drugs that contains a warning that the person should not drive a vehicle or operate machinery, then that worker must not drive a company vehicle or any vehicle, or operate machinery, unless contrary medical advice is obtained and confirmed in writing, from the worker’s medical practitioner.

If the worker suspects that their medication may be impairing their ability to drive or operate machinery, they must inform their manager immediately and must comply with the above rules.

2.7 Breach of this Policy

Workers must comply with this policy at all times.

If a worker is found to have breached this policy, the worker may be subject to disciplinary action in accordance with clause 81 of the ActewAGL and Combined Unions Enterprise Agreement 2017, (in the case of contractors, the relevant industrial instrument would apply). Where appropriate, the worker may be referred for counselling, treatment or rehabilitation for drug or alcohol dependency but this does not preclude disciplinary action also being taken. Disciplinary action includes:

- Performance counselling;
- A formal warning/final written warning; and/or
- Termination of employment or a contract for services.

Where the policy breach has given rise to safety concerns, it is more likely that a more serious sanction will be imposed such as a final written warning or termination of employment/termination of a contract for services.

In circumstances where a worker's behaviour or conduct may involve a breach of any Australian law, ActewAGL may notify the police or other relevant government authority.

Refusal to Leave the Workplace

Where ActewAGL management suspects that a worker is affected by drugs or alcohol during work, the supervisor is able to direct the worker to leave the workplace. This course of action must be adopted where there is any possibility of risks to health and safety arising from the drug or alcohol consumption by the worker.

Alternative transport arrangements should be made if ActewAGL management have reasonable suspicion that the worker is not fit to operate a motor vehicle.

The worker will be required to use their sick leave for the duration that they are not permitted to attend the workplace on account of their breach of this policy.

Where a worker refuses to leave the workplace, such a refusal may lead to disciplinary action being taken including any of the actions set out under 3.7 Breach of this policy.

If there is an immediate threat to the safety of workers or others, then the workers or others may need to leave, in order to ensure their own health or safety under the Work Health and Safety Act 2011 (ACT) is complied with.

3. REFERENCES

• Relevant Enterprise Agreement

• ActewAGL Code of Conduct

4. DEFINITIONS AND ABBREVIATIONS

Term	Definition
Enterprise Agreement	ActewAGL and Combined Unions Enterprise Agreement 2017, as varied or replaced from time to time.

6. VERISON CONTROL

VERSION	AUTHOR	CHANGE DETAILS	APPROVED BY/DATE
4.0	Angela Seivers	Changed the policy to manage safety duty of care requirements for employees/contractors that may be under the influence in the workplace.	General Manager People and Safety – J. Parker, 4/09/2018

APPENDIX A – GUIDELINES FOR THE RESPONSIBLE USE OF ALCOHOL AT APPROVED ACTEWAGL FUNCTIONS

ActewAGL is committed to the responsible use of alcohol at approved ActewAGL functions. Consequently, all workers of ActewAGL are expected to set an example in this regard at ActewAGL functions. This commitment is founded on the need for consideration of those who do not choose to use alcohol; whose lives are affected by the misuse of alcohol and those who experience difficulty in their personal use of alcohol. It also takes into account the duty of care ActewAGL must provide for all workers.

General Managers will have responsibility for approving any ActewAGL function where alcohol is served and shall appoint an appropriate host to plan, attend and oversee the function. The host should brief staff members, caterers and those responsible for logistics at hotels, conference centres etc., about ActewAGL's policy.

These guidelines are to assist in the planning and hosting of ActewAGL functions when alcohol beverages are being served (on or off site, on or off duty).

Specific Guidelines:

- The host assumes responsibility for the function and shall take steps to see that these guidelines are observed.
- The host should specify how long alcohol will be served or what time the function will cease, and ensure this occurs.
- Non-alcoholic choices shall be offered (i.e. alcohol not automatically provided). Food should be provided with alcoholic beverages.
- ActewAGL shall encourage those attending functions, to use public transport wherever possible.
- Workers must ensure a safe means of transport from such functions. Workers who do not have a safe means of transport should advise management to enable such transport to be arranged.
- The ActewAGL Drug and Alcohol Policy shall be observed at all times. Workers must not return to work if affected by alcohol or other drugs.
- Professional, responsible behaviour and good judgement is expected when representatives of ActewAGL are present at functions sponsored by other organisations

