

Alcohol and Drugs (Staff) Policy

Section 1 - Background and Purpose

- (1) La Trobe is committed to providing a safe, healthy, productive and supportive environment for all staff, students and associates. Our aim is to ensure everyone returns home safely every day.
- (2) All members of La Trobe have an obligation to take reasonable care for their own and others' health and safety and to cooperate with La Trobe to protect their own and others health and safety. Whilst La Trobe understands an individual's right to exercise their freedom of choice, La Trobe also understands the risks to health and safety where an individual's ability to exercise effective judgment, fine motor control, concentration to a task and alertness are compromised.
- (3) This Policy details La Trobe's commitment to reducing the risk of harm in relation to alcohol and drug use.
- (4) The intent of the Policy is to assist in reducing the risk of harm which may arise from the use of alcohol or drugs. It details La Trobe's expectations of staff while at work, or while undertaking business related activities, to ensure they can safely conduct their activities without risk to the health and safety of others and not cause damage to La Trobe resources.
- (5) Where alcohol use is affecting or potentially affecting a staff member's normal activities or others' safety, La Trobe is committed to addressing the issues in a way that is supportive and fair to everyone. This includes providing appropriate education and training to people where required.

Section 2 - Scope

- (6) This Policy and Procedure applies to all staff and associates of La Trobe (contractors, agency staff, conjoints, volunteers, honoraries, Council members, visiting appointments and other professional personnel).
- (7) The collective group is referred to as 'staff' in this Policy and Procedure unless specifically identified as being separate.

Section 3 - Policy Statement

- (8) La Trobe is committed to:
- a. providing and maintaining a healthy and safe environment;
 - b. complying with legislation in relation to drugs and alcohol;
 - c. minimising alcohol and drug-related harm to individuals and property;
 - d. encouraging the responsible service and consumption of alcohol;
 - e. providing support, counselling and access to support services for those affected by alcohol and drugs.

Standards and Behaviours

(9) La Trobe expects all staff to abide by a number of standards at all times. These include:

- a. abiding by both La Trobe's requirements and the law which prohibit the possession, solicitation, sale, distribution, manufacture/production of or consumption of illicit (illegal) drugs at all times;
- b. complying with the [Health and Wellbeing Procedure - Smoke Free](#);
- c. ensuring that the consumption of alcohol and legal drugs while on campus, at La Trobe activities or when representing La Trobe do not:
 - i. place the health and safety of any person at risk;
 - ii. cause damage to La Trobe or our business partners' property;
 - iii. impact an individual's judgement or ability to perform their duties ;
 - iv. disparage, deride or defame La Trobe.
- d. Staff who operate vehicles, equipment, machinery ('resources') or work within laboratories must not be impaired by or have consumed any alcohol/illicit drugs or be impaired by legal drugs whilst operating the resources or working within laboratories;
- e. staff must comply with La Trobe [Code of Conduct](#) and related policies/procedures and the law.

Breaching Standards

(10) La Trobe will not tolerate situations where our staff behave irresponsibly or are impacted by others' unsafe, damaging, unwelcome or offensive behaviour for which the consumption of alcohol or drugs is not an excuse.

(11) Should La Trobe suspect/observe an impairment/inappropriate behaviour, La Trobe may, at its prerogative, take any of the following actions (but not limited to):

- a. remove staff from a campus or a La Trobe business activity;
- b. apply disciplinary procedures in accordance with the [Collective Agreement](#);
- c. offer to provide support, counselling or education;
- d. contact the Police or emergency services.

(12) Outcomes may include (but are not limited to):

- a. counselling;
- b. suspension pending an investigation;
- c. written warning;
- d. termination of employment.

Section 4 - Procedures

Part A - Duty of Care

(13) Everyone in the workplace has a responsibility when it comes to health and safety. There are a range of factors that impact on a staff member's ability to work safely; alcohol and drugs are just one of them.

(14) Under Section 21 of the [Occupational Health and Safety Act 2004](#), La Trobe has a duty of care to staff and they in turn are responsible for working in a manner that is not harmful to the health and safety of themselves or others at La Trobe. Staff are obliged to present for work in a fit state, so that in carrying out normal work activities they do not:

- a. expose themselves, their colleagues, students or visitors to unnecessary risks;
- b. inhibit their ability to fulfil the requirements of their position;
- c. present a poor public image of La Trobe;
- d. cause damage to La Trobe resources.

Staff on Call

(15) If a staff member is “on call”, they are required to be available when called and to meet the requirements of this Policy and Procedure.

(16) If a staff member is “called out” unexpectedly when not on call and the staff member suspects they are or may be impaired, they must inform the manager that this may be the case and are unavailable. Disclosing this to the manager is not a breach of the Policy or Procedure.

Part B - La Trobe Business Activities

(17) Staff taking part in La Trobe related business activities must comply with this Policy and Procedure.

(18) La Trobe related business activities include, but are not limited to, conferences, seminars, work organised social events (e.g. Christmas events), and business partner sponsored/arranged events such as business lunch or sporting event attendance, informal social events such as a lunch or after work drinks.

(19) La Trobe understands that certain business related functions are a part of our everyday business and alcohol may be present at these functions. La Trobe recommends safe and professional consumption of alcohol and safe modes of transport.

(20) Alcohol is not essential to any La Trobe or business related event. Where provided, consumption is a personal choice. No one should feel pressured to drink or not to drink or be made to feel uneasy or embarrassed as a result of their choice.

(21) La Trobe will not tolerate situations where staff behave irresponsibly or are impacted by other’s unsafe, unwelcome or offensive behaviour, for which consumption of alcohol or drugs is not an excuse.

Expected Behaviour

(22) When staff attend a business related event or are representing La Trobe at an event hosted by a third party the following applies:

- a. staff must consume alcohol responsibly;
- b. staff must not become inebriated (drunk; intoxicated with alcohol to the point of impairment of physical and mental faculties);
- c. staff must uphold an appropriate standard of behaviour at all times and being inebriated is not an ‘excuse’ for misconduct;
- d. the restrictions set out previously in relation to the operation of vehicles and machinery continue to apply;
- e. staff should consider their options to ensure a safe means of transport to and from such events.

Part C - Plant Equipment, Vehicle & Machinery

No Alcohol/Drug Consumption Activities

(23) Staff who operate vehicles, equipment, machinery (‘resources’) or work within laboratories must not consume any alcohol whilst operating the resources or working within laboratories. In addition, staff must not have consumed drugs

(legal or illegal) which cause impairment whilst operating the resources or working within laboratories.

(24) Activities using La Trobe resources or within laboratories are deemed to be high risk activities. For example:

- a. operating machinery and electrical equipment
- b. working in laboratories
- c. working at heights
- d. working in confined spaces
- e. working with high voltage

La Trobe Motor Vehicles

(25) Staff driving a La Trobe motor vehicle must:

- a. not have consumed alcohol (staff must have a BAC level of 0 blood alcohol concentration)
- b. not have consumed illicit drugs or be impaired by legal drugs
- c. not smoke in a La Trobe motor vehicle

(26) A La Trobe vehicle is one which is owned, leased, hired or used by someone representing La Trobe. A vehicle is not deemed to be a La Trobe vehicle if it forms part of an employment/contract salary package and is being used for private purposes on which FBT is paid by the staff member.

Personal Vehicles

(27) If a staff member uses their personal vehicle for work purposes (and obtaining reimbursement of their personal costs); they are to comply with the local legislation with regards to alcohol and drug use before/while driving.

Part D - Removing Staff from Campus or Business Activity

(28) Any staff member who La Trobe deems to be impaired will not be allowed to work until deemed fit to perform their duties safely and productively.

(29) In addition, La Trobe reserves the right to remove a staff member from campus or business activity who does not act reasonably in such circumstances or is at risk of causing harm to other staff or La Trobe resources.

(30) If the staff member is deemed to be unfit for work, it is important to ensure the staff member has a safe means of transport home. For this reason, La Trobe should ensure the employee is, wherever possible, transported home in a taxi and make every effort to ensure they do not drive a vehicle. The staff member's cost centre should cover the cost of such transport even though there is no obligation for La Trobe to pay.

(31) If the impaired staff member is not cooperating, consideration should be given as to whether there is a risk to health and safety and campus/business activity security. It may be necessary to engage outside assistance. Campus Security can be contacted for assistance. In the event of an emergency, the Police or the Ambulance Service, should be contacted.

Searches

(32) When there is reasonable suspicion, searches for unlawful or unauthorized substances may be conducted of staff members and/or their possessions when on La Trobe campuses by authorized security personnel.

(33) Prior to any search, the person being searched should be notified of the search to take place.

(34) Contractors or consultants who fail to consent to a search shall be removed from La Trobe premises.

(35) Any search should be conducted with any two of the following parties present:

- a. a manager
- b. a senior management representative
- c. a Human Resources representative
- d. a Health & Safety Representative
- e. a representative of La Trobe Security Services

Part E - Behaviour Management

(36) Discussions will be held with the staff member as soon as practicable to discuss the incident/impairment.

(37) A staff member who is the subject of an incident/impairment has the right to have a support person present at these meeting/s. If the staff member chooses not to have a support person the process will still continue.

(38) The manager will generally:

- a. outline the concern about work performance and safety
- b. discuss the incident/impairment
- c. allow the staff member an opportunity to provide an explanation of the behaviour (contributing factors)
- d. reiterate the standard of performance required

(39) Where the staff member has been removed from campus or a business activity, depending on the nature of the incident and the disciplinary action, an agreement should be reached about the time it will take for the person to return to satisfactory performance and the requirements of La Trobe to ensure the safety for all those involved in the return to work.

Part F - Applying Outcomes

Disciplinary Action

(40) Staff who have breached the policy will be held accountable for their actions and may face disciplinary action in accordance with the [Collective Agreement](#).

Medical Certification

(41) La Trobe may require a staff member to present a valid medical certification confirming the staff member is fit to undertake the requirements of their position prior to their return to duties.

Confidentiality

(42) Every effort should be made to protect the staff member's privacy at work and to maintain confidentiality.

Part G - Responsibilities

La Trobe University

(43) The University is responsible for:

- a. Providing a safe workplace and system of work that ensures staff and others in the workplace are not exposed to hazards or unnecessary risks;
- b. Providing staff with information, instruction, training and supervision to enable its staff to work in a safe

manner;

- c. Consulting and cooperating with staff to reduce alcohol and drug related harm.

Staff Members

(44) It is the responsibility of each staff member:

- a. To take reasonable care of the health and safety of others in the workplace and of La Trobe resources.
- b. To cooperate with La Trobe in our efforts to comply with OHS requirements such as following procedures and participating in hazard identification and reporting.
- c. Staff have a responsibility to read and understand this Policy and Procedure. Any points of confusion should be clarified with the relevant manager.
- d. Staff are responsible for behaving responsibly when consuming alcohol or prescribed medication when attending a La Trobe business activity.
- e. Staff who have been prescribed any medication that may affect their work, or have any adverse side effects, are required to discuss this with their manager before commencing any duties.

Managers

(45) It is the responsibility of a manager to:

- a. Identify and manage a staff member's work performance when there is a potential of impairment due to the use of alcohol or drugs. This includes unsafe work practices and diminished or impaired work performance.
- b. Take action according to this Procedure when they have a reasonable suspicion that a staff member is not in compliance with the policy of this Procedure.
- c. Complete an Incident Report online.
- d. Co-ordinate support for the staff member (as required).

Human Resources

(46) Human Resources is able to provide advice, assistance and support to the relevant manager in the application and implementation of this policy and this HR Standard.

Health, Safety and Environment

(47) It is the responsibility of Health, Safety and Environment to provide advice, assistance and support to the relevant manager in the application and implementation of the policy and this HR Standard.

Section 5 - Guidelines

(48) The following information is to be used as a guideline only in support of the Procedure.

Incident/Impairment Management Process

Determining Reasonable Cause

(49) It can be difficult to establish if La Trobe needs to take action because a staff member is impaired due to the consumption of alcohol or drugs. This is often referred to as establishing 'reasonable cause'.

(50) Some indicators that can suggest the presence of alcohol and other drug misuse include:

- a. 'near miss' incidents
- b. violence
- c. habitual lateness
- d. frequent absences
- e. neglect of personal grooming
- f. interpersonal problems
- g. staff experiencing poor coordination, poor concentration and/or visual disturbance.

(51) To understand the signs and observe the current behavioural indicators, La Trobe recommends behavioural observations using a [behavioural checklist](#) to help eliminate/establish reasonable cause.

(52) It is however, very important to note that altered behaviour may not necessarily be a result of the consumption of drugs and alcohol. For example, a stroke with slurring of words or fatigue with feeling faint and dizzy, seizure from diabetes.

Behavioural Observations

(53) If a person identifies another individual as behaving in manner in which they may be placing another person's health and safety at risk, they must act immediately by notifying security, their manager or Human Resources. In a life threatening emergency situation, emergency services should be called.

(54) Quick intervention in these situations is vital to minimise risk to individuals, equipment and the business.

(55) Assessing and determining if a staff member is impaired by alcohol or drugs can be a complex process. It is the responsibility of managers to make themselves aware of the signs and symptoms of impairment. If a manager is unsure, they are to request assistance from Human Resources, a Health & Safety Representative or Security.

(56) Some indicators that may suggest the presence of alcohol and drugs include:

Moods

(57) Depressed, anxious, irritable, suspicious, complains about others, emotional unsteadiness (e.g., outbursts of crying), mood changes after lunch or break.

Actions

(58) Withdrawn or improperly talkative, spends excessive amount of time on the telephone, argumentative, has exaggerated sense of self-importance, displays violent behaviour, avoids talking with manager regarding work issues.

Absenteeism

(59) Frequent absenteeism and tardiness, unusually high incidence of colds, flu's, upset stomach, headaches, frequent use of unscheduled annual leave, unexplained disappearances from the office with difficulty in locating the staff member, requesting to leave work early for various reasons.

Incident

(60) A 'near miss' incident, taking of needless risks, disregard for safety of others, higher than average accident rate on and off the campus.

Work Patterns

(61) Inconsistency in quality of work, high and low periods of productivity, poor judgment/more mistakes than usual and general carelessness, lapses in concentration, difficulty in recalling instructions, difficulty in remembering own

mistakes, using more time to complete work/missing deadlines, increased difficulty in handling complex situations.

Relationship to Others on the Job

(62) Overreaction to real or imagined criticism (paranoid), avoiding and withdrawing from peers, complaints from co-workers, borrowing money from fellow staff, persistent job transfer requests, complaints of problems at home such as separation, divorce and child discipline problems.

Physical Presentation

(63) Neglect of personal grooming, bloodshot eyes, pupils larger or smaller than usual, changes in appetite or sleep patterns, sudden weight loss or weight gain, deterioration of physical appearance, personal grooming habits, unusual smells on breath, body, or clothing, tremors, slurred speech, or impaired coordination.

(64) Staff may also utilise the [Behavioral checklist](#) at the end of this Procedure to assist in identifying impaired behaviour. This is a guide only.

Assess Incident/ Impaired Behaviour

Emergency - Disturbed, Hostile or Alcohol/Drug Affected Person

(65) If confronted by a violent, disturbed, alcohol/drug affected person:

- a. remain calm, do not confront the person and do not do or say anything that may encourage further irrational behaviour
- b. try to maintain a safe distance from the person, if possible keep furniture between the two of you
- c. try to ensure that your exit route is not blocked by the person, and position yourself to quickly leave the area when necessary

(66) If a violent, disturbed, alcohol/drug affected person is in the vicinity:

- a. stay out of sight of the intruder and make as little noise as possible
- b. if practical, or if ordered to do so - put in place lockdown procedures
- c. contact your campus security/emergency response
- d. if there is no answer call emergency services on 000. Try to call security again to inform them of the emergency
- e. follow the instructions of relevant emergency services personnel, campus security/emergency response and campus emergency control personnel
- f. evacuate the building only if instructed to do so by emergency services personnel, campus security/emergency response personnel, and assist with the evacuation of disabled occupants
- g. if evacuation is ordered, move to the nominated evacuation assembly area, and do not leave the evacuation assembly area until advised to do so
- h. after the incident has been made safe complete an incident report.

Non-Emergency - Alcohol/Drug Affected Person

(67) Where emergency action, as above, is not required but nevertheless action is required, the following should be considered.

(68) Has reasonable cause been established? If so the following circumstances should be considered:

- a. the severity of the incident/behaviour
- b. the level of risk to personal safety or that of other staff, students or associates

- c. whether the situation is caused by personal problems (such as bereavement) that may be causing temporary, uncharacteristic behaviour
- d. whether the behaviour contravenes the [Code of Conduct](#), the Alcohol & Drugs Policy or any other policy or legislation
- e. whether it is the first incident or a recurrence
- f. the impact on the work and/or team
- g. whether the staff member admits there is a problem

Approaching an Impaired Person

(69) Unless an immediate emergency response is required, a designated person who should approach an impaired staff member may include Managers, Health & Safety Representatives and Security, or persons who have appropriate knowledge, experience and/or qualifications (e.g. Counsellor) (unless emergency action is required).

(70) Care needs to be taken when making this judgement in case the worker is ill or injured, taking prescribed medication or in some other form of distress, which may account for their behaviour. Key things to remember are the safety of the affected individual and other persons and the fair and reasonable treatment of the affected individual.

(71) It is important when confronting the individual that the emphasis is focused on the behaviours observed that have caused concern at campus or the business activity. Avoid making accusations of intoxication or 'finger pointing'. Take necessary measures to ensure the health, safety and security of people and the environment in the first instance.

Staff Action

(72) If a staff member is of the opinion that a person is impaired by alcohol and/or other drugs, they should:

- a. immediately inform their manager, or next up manager or a member of Human Resources;
- b. not approach the person who appears to be impaired directly unless in their view it is safe to do so.

(73) If there is any doubt about whether the staff member is impaired by alcohol or drugs, it is better to take action to prevent an incident from occurring rather than taking the risk.

Manager Action

(74) If a Manager is of the belief that a staff member may be impaired by alcohol or drugs, they should:

- a. assess the situation ensuring the staff member ceases all work in unsafe circumstances;
- b. consult with Security and/or their Health & Safety Representative and Human Resources (as required);
- c. organise for the safe removal of the staff member from the campus/business activity with Security after the incident has been made safe, complete an incident report.

Part H - Support

(75) La Trobe recognises that alcohol and drug dependency can be a major health issue. La Trobe provides access for individuals and their families to confidential, professional and free counselling through the [Employee Assistance Program](#) (see below).

(76) Staff experiencing problems are encouraged to discuss the issue with their manager or other designated person.

Employee Assistance Program (EAP)

(77) To help staff with personal problems, La Trobe provides a totally confidential [Employee Assistance Program](#) (EAP) with La Trobe approved provider. This program can assist staff with alcohol and drug problems.

(78) This assistance applies to all staff and includes reasonable support which might be needed by a staff member or a family member.

(79) Further details of the provider can be found on the intranet or via Human Resources.

Support Resources

Alcoholics Anonymous (AA) National helpline: 1300 22 22 22 http://www.aa.org.au/	Narcotics Anonymous Helpline Phone 1300 652 820 http://www.na.org.au
Beyondblue https://www.beyondblue.org.au/ Helpline: 1300 22 4636	Lifeline https://www.lifeline.org.au/ Helpline: 13 11 14
Turning Point Drug & Alcohol Centre http://www.turningpoint.org.au Helpline: 1800 888 236	Family Drug Help http://sharc.org.au/program/family-drug-help/ Helpline: 1300 660 068

[Behavioural Checklist](#) (guide only)

(80) Note: altered behaviour may not necessarily be a result of the consumption of drugs and alcohol. Some of the behaviours below may be the result of a medical issue such as a Stroke or Diabetic episode and caution must be given when applying the [checklist](#). This is to be used as a guide only to help understand observations.

Section 6 - Definitions

(81) For the purpose of this Policy, Procedure and Guideline:

- a. Alcohol is any liquid substance that contains measurable quantities of alcohol.
- b. 'At risk' behaviour is an employee's behaviour is deemed to be at risk if there is an observable change in work performance where the behaviour will or may result in health and safety risks.
- c. Blood Alcohol Concentration (BAC) refers to the amount of alcohol present in the bloodstream. A BAC of 0.05% means that there is 0.05 grams of alcohol in every 100 millilitres of blood.
- d. Contractor is a person employed either directly or indirectly by a company contracted to La Trobe to provide equipment and/or services to La Trobe.
- e. Drugs refer to all legal and illegal substances, including performance and image enhancing drugs (PIEDs), tobacco, pharmaceutical substances, and illicit drugs and 'new psychoactive substances' or 'synthetic' drugs.
- f. Illicit drugs are any substance classified by the Therapeutic Goods Administration (a division of the Commonwealth Department of Health & Aged Care) which is illegal to use or prescribe.
- g. Impairment is where an individual who is deemed to be adversely affected and unfit to perform their duties and responsibilities safely and productively. It is the 'impairment' itself that is the key concern for safety and health, as that is what is hazardous, from whichever cause.
- h. Incident is an undesirable or unplanned event that results in, or had the potential to result in, damage to business assets (people, plant, equipment) or interrupts business operations (process loss).
- i. Inebriated is drunk or intoxicated with alcohol to the point of impairment of physical and mental faculties
- j. Injury is an injury is damage, visible or non-visible, to a person that occurs or results in an occupational disease

- or illness. A medical injury is an injury requiring treatment by a registered medical practitioner.
- k. La Trobe 'campus', site or premises includes all land, property, buildings, structures, installations, production facilities or vehicles owned by, controlled by, or under contract or lease to La Trobe.
 - l. La Trobe business activities include, but are not limited to, conferences, seminars, work organised social events (e.g. Christmas events), business partner sponsored/arranged events such as business lunch or sporting event attendance, informal social events such as a lunch or after work drinks.
 - m. La Trobe property includes land, property, buildings, structures, installations, production facilities, vehicles, machinery/equipment owned by, controlled by, or under contract or lease to La Trobe.
 - n. La Trobe resources includes land, property, buildings, structures, installations, production facilities, vehicles, machinery/equipment owned by, controlled by, or under contract or lease to La Trobe.
 - o. La Trobe Vehicle is a La Trobe vehicle which is owned, leased, hired by La Trobe and used by either a staff member or contractor of La Trobe during working hours. A vehicle is not deemed to be a La Trobe vehicle if it forms part of an employment/contract salary package and is being used for private purposes on which FBT is paid by the employee/contractor.
 - p. Manager is a person who supervises workers or the work done by others. For the purposes of this policy it refers to any person authorised by La Trobe to carry out duties including the direction of other individuals or activities in the 'workplace'.
 - q. Psychoactive substances are new psychoactive substances (NPS) are a range of drugs that have been designed to mimic established illicit drugs, such as cannabis, cocaine, ecstasy and LSD.
 - r. Staff are deemed to include those employed under the 'Modes of Employment' within the [Collective Agreement](#) and, for the purpose of the policy and this HR Standard, associates of La Trobe which includes contractors, agency staff, conjoints, volunteers, honoraries, Council members, visiting appointments and other professional personnel.
 - s. Synthetic drugs are products containing chemical substances artificially developed to mimic the effects of illegal drugs like cannabis, cocaine and methamphetamine.
 - t. Under the influence is an individual who is deemed by La Trobe to be adversely affected and unfit to perform their duties and responsibilities safely and productively.
 - u. Workplace is, for the purposes of this Policy, the workplace includes La Trobe owned and leased properties, activities involving the use of La Trobe provided vehicles, attending social functions as a representative of La Trobe, functions or tasks specifically relating to the terms and conditions of employment or in the case of agency and contract personnel in accordance with the terms and conditions as specified and where representing La Trobe.

Status and Details

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