

Alcohol and Other Drugs Policy - NSW Department of Health

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Functional Sub group Personnel/Workforce - Conduct and ethics

Summary Sets out the standards expected of staff and managers in relation to the use of alcohol and other drugs which may affect a staff member's performance or conduct whilst on duty.

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Compliance with this policy directive is mandatory.

CIRCULAR

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NSW DEPARTMENT OF HEALTH ALCOHOL AND OTHER DRUGS POLICY

POLICY STATEMENT

The Department recognizes that the misuse of alcohol and other drugs represents a significant problem as the consumption of such substances can affect a staff member's work performance and jeopardise the safety and welfare of the staff member and their colleagues.

The Department has a responsibility under Section 15 of the Occupational Health and Safety Act, 1983 to provide a work environment free from risk to the health and safety of staff and other persons using and visiting Departmental premises.

The Department is committed to ensuring that staff maintain the highest standards of professional conduct and service to the community and, as such, recognizes the importance of ensuring that all staff undertake their duties in a professional manner free from the influence of alcohol and other drugs.

Michael Reid
Director-General

Distributed in accordance with circular list(s):

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1. PURPOSE

The purpose of this policy is to set out the standards expected of staff and managers in relation to the use of alcohol and other drugs which may affect a staff member's performance or conduct whilst on duty.

2. SCOPE

This policy applies to all staff employed by the Department of Health including contractors and consultants.

3. RELATED LEGISLATION AND POLICIES

Related legislation and policies are as follows:

- 3.1 Alcohol and Other Drugs Policy and Guidelines, Premiers Department 1998
- 3.2 Anti-discrimination Act, 1977
- 3.3 Drug Misuse and Trafficking Act, 1995
- 3.4 Freedom in Information Act, 1989
- 3.5 Occupational Health and Safety Act, 1983
- 3.6 Protected Disclosures Act, 1994
- 3.7 Public Sector Management Act, 1988
- 3.8 Code of Conduct and Ethics (Circular 93/91)
- 3.9 Employee Assistance Programme
- 3.10 Freedom from Harassment Policy and Procedures (Circular 97/93)
- 3.11 Grievance Policy and Resolution Procedures (Circular 97/93)
- 3.12 Personnel Handbook December 1997
- 3.13 Progress Review and Development Scheme

4. DEFINITIONS

The following definitions apply for the purposes of this policy:

4.1 Alcohol and Other Drugs

Refers to alcohol, alcohol based products, illegal drugs, and medically prescribed and non-prescribed substances which may adversely affect a staff member's work performance or conduct in the workplace.

4.2 Manager

Any person occupying a supervisory role or a position which is directly or indirectly responsible for the supervision and management of staff.

4.3 Staff Member

Any person employed by the NSW Department of Health including contractors and consultants.

4.4 Workplace

Any office, premises or motor vehicle owned, leased or rented by the Department of Health.

4.5 Working Hours

All time within the Flextime Bandwidth period to the time where the staff member ceases duty for the day.

5. PRINCIPLES

5.1 The misuse or abuse of alcohol and other drugs is of concern to the Department when workplace safety, illegal activities in the workplace, or a staff member's work performance or conduct is an issue.

5.2 Managers and staff have obligations and responsibilities as set out in this Policy in relation to dealing with performance or conduct issues in the workplace which arise from the effects of alcohol or other drugs.

5.3 Staff dealt with in terms of this Policy will receive appropriate assistance and support in order to attain an acceptable standard of work performance and conduct and this may include participation in counselling, treatment or rehabilitation programs. Any evidence of possible criminal activity in respect of the use of illegal drugs will be dealt with in accordance with the Department's statutory and legal obligations.

5.4 Personal information received from staff dealt with in terms of this Policy will be treated in strict confidence.

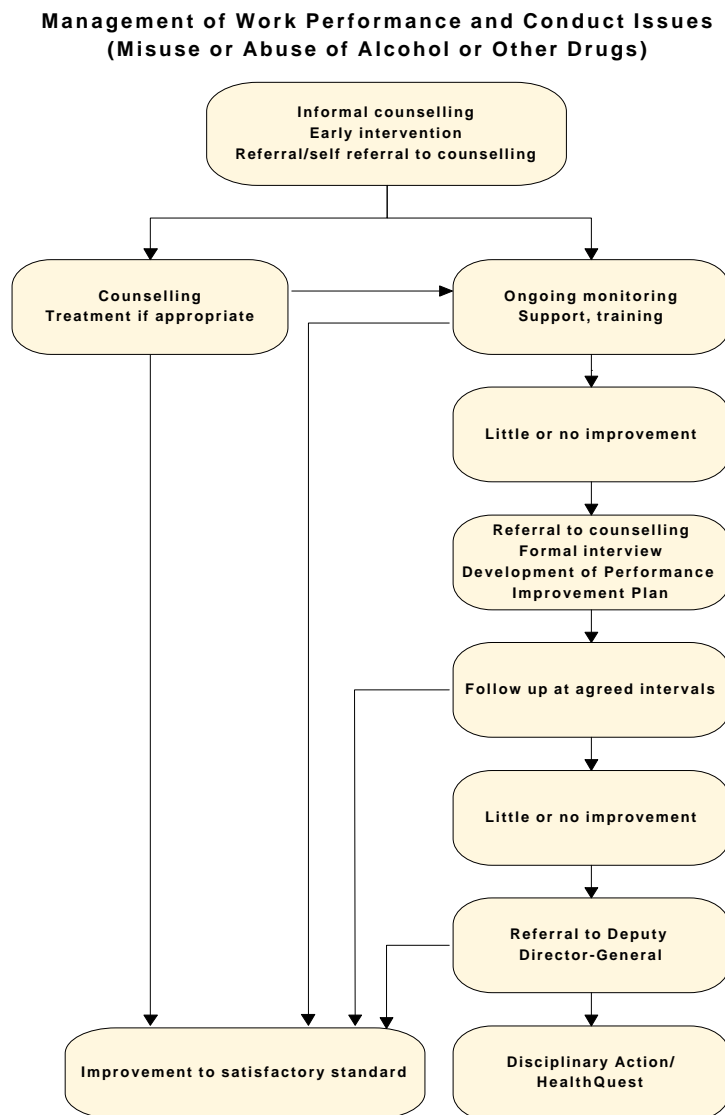
6. PROCEDURES

6.1 The Department recognizes that the consumption of alcohol and other drugs may be associated with emotional, physiological or psychological factors including grief or bereavement, trauma, personal or family crises or health concerns. This Policy must therefore be applied with due regard for the need to maintain confidentiality and respect for the rights of staff who may have a physical or psychological condition associated with alcohol and/or drug use.

6.2 The Department does not permit the consumption of alcohol on the premises during working hours except with the approval of the Director-General or Deputy Director-General sought and approved in advance of the activity in question.

6.3 The Department reserves the right to implement performance management programs, counselling and/or disciplinary action in respect of any staff member in breach of this Policy.

6.4 Managers and staff must familiarize themselves with this Policy and act in accordance with their responsibilities as set out in the Policy. Any grievance resulting from implementation of this Policy should be dealt with under the Departments' Grievance Resolution Procedures.



6.5 Managers have first line responsibility for dealing with situations in which the performance or judgement of a member of their staff appears to be affected by the use of alcohol or other drugs. Where a manager becomes aware of a situation in which a staff member's judgement or performance, including conduct, appears to be affected by alcohol or other drugs, the manager should implement the actions as set out in the flowchart below and described at Steps 1, 2 and 3 below.

Step 1 Discuss the Concerns

Clearly inform and discuss with staff what is expected of them in terms of work performance and standards. This discussion should include reference to productivity, outcomes, deadlines, professional behaviour and conduct, attendance etc. and managers should:

- ✓ keep the focus on the workplace and the work performance.
- ✓ be objective when discussing a staff member's work performance problems.
- ✓ discuss alcohol or other drug consumption only as it affects work performance.

- ✓ avoid becoming involved in any arrangement which might objectively be viewed as concealing the misuse of alcohol or other drugs in the workplace by a staff member.
- ✓ arrange alternative work or suggest appropriate leave if a staff member indicates that they are taking prescription or non-prescription drugs which may affect work performance.

Step 2 Action in the Event of Risk to Safety/Welfare

If a staff member is considered by their manager to be under the influence of drugs or alcohol and it is considered that the staff member could jeopardise his/her safety and/or welfare and the safety and/or welfare of others, the manager should ensure that the staff member is taken off duty and referred to the appropriate General Manager/Director for determination of further action.

In such circumstances the manager should make a record of the action taken and forward a copy of this record to the Manager, Central Office Human Resource Services who may initiate action, as appropriate, under section 8 of this Policy.

When a manager takes action under this Policy, the manager should:

- document the incident
- interview the staff member at the first appropriate time to inform the staff member of the concern and enable the staff member to respond
- respect any requests from the staff member to see a counsellor
- refer a copy of all papers generated, including a summary of action taken/proposed, to the Manager Central Office Human Resource Services.

Managers may need to consider appropriate workplace adjustments to support the rehabilitation of affected employees in conjunction with Central Office Human Resource Services. Such adjustments to work arrangements might include measures such as:

- a temporary transfer to a less stressful role
- flexible leave arrangements, as appropriate, to enable the staff member to return to full time work gradually
- where appropriate, counselling of co-workers regarding the staff members changed work arrangements.

Step 3 Management of Performance/ Conduct Issues

Where a manager has taken action as set out above, the manager has primary responsibility to ensure that the staff member does not subsequently undertake duty whilst under the influence of alcohol or other drugs. This responsibility requires the manager to:

- ✓ discuss proposals for monitoring work performance with the staff member
- ✓ set reasonable objectives/goals with the staff member for sustained improvement in work performance, eg. improved attendance, workplace relationships, attitudes to work, increased productivity (meeting deadlines/quality of work).
- ✓ provide prompt and constructive feedback on work performance.
- ✓ negotiate a formal work performance agreement with the staff member.

6.6 The manager should be alert to any changes in the staff member's work performance and attendance patterns including habitual long lunch hours, frequent work breaks, changes in sick leave patterns and punctuality.

- 6.7** For additional support at any time after identifying that a staff member's performance is affected by alcohol or other drugs, the manager should consider referral of the staff member to a professional counsellor for specialist advice and assistance. When suggesting referral the manager must :
- ▶ clearly communicate the work performance expectations to the staff member and specify the areas in which the staff member has failed to meet the required standard.
 - ▶ explain that the Employee Assistance Programme is available to help deal with personal and work related problems.
 - ▶ emphasise that participation in the programme is completely confidential and that participation is voluntary.
 - ▶ where a staff member agrees to attend counselling through the Employee Assistance Programme, refer the staff member to the Manager, Central Office Human Resource Services to make arrangements with the provider.
- 6.8** If the work performance or conduct of a staff member undergoing rehabilitation resulting from the misuse or abuse of alcohol or other drugs fails to improve to an acceptable standard or if the performance management program implemented for the staff member fails to achieve planned outcomes, consideration may be given to disciplinary action. Disciplinary action should only be initiated as a last resort in such circumstances.

7. AUTHORITIES AND RESPONSIBILITIES

Managers and staff have the following responsibilities under this Policy:

Managers

- 7.1** To implement this Policy in an impartial and objective manner.
- 7.2** To ensure that all staff are informed of what is expected of them in terms of work performance and attendance.
- 7.3** To ensure that all staff are provided with or have access to this Policy and related policies and procedures.
- 7.4** To facilitate access to professional services including counselling for staff as necessary.
- 7.5** To monitor, discuss and document adverse changes in work performance and attendance patterns with the staff member.
- 7.6** To motivate staff to seek assistance for problems related to the misuse or abuse of alcohol or other drugs.
- 7.7** To initiate disciplinary action for non-compliance with the Policy if performance counselling and/or rehabilitation measures have failed to address ongoing problems.

Staff

- 7.7** To ensure that they do not, by the consumption of alcohol or other drugs, endanger their own safety or the safety of other persons in the workplace.
- 7.8** To ensure that they do not attend or resume work impaired by alcohol or other drugs and to notify their manager if aware that their work performance or conduct could be adversely affected, or if there is a risk to the safety of themselves or other employees as a result of the effect of a prescribed or non-prescribed drug.
- 7.9** To advise their manager if taking prescription or non-prescription drugs that could affect work performance and safety.
- 7.10** To take action to resolve their own alcohol or other drug-related problems.
- 7.11** To be alert to the risks to safety that could be caused in the workplace by the consumption of alcohol and other drugs.
- 7.12** To be familiar with this Policy and related policies and procedures. If clarification is required on any aspect of the Policy staff should seek advice from either their manager or staff from the Central Office Human Resource Services Unit.
- 7.13** To consult with their manager, union or occupational health and safety representative if they are concerned about working with other staff because of a perceived safety risk due to alcohol or drug related problems.

8. CONFIDENTIALITY AND DOCUMENT CONTROL

- 8.1** Confidentiality is fundamental in dealing with problems in the workplace that are related to the misuse or abuse of alcohol and other drugs in order to both protect the privacy of staff and to encourage staff acceptance of prevention and treatment measures.
- 8.2** Papers generated through implementation of this Policy are held on Confidential Files maintained by the Central Office Human Resource Services Unit. Papers relating to individual staff members are kept for a period of 5 years except where the matter is dealt with as part of the staff discipline process.
- 8.3** This Policy is updated by the Central Office Human Resource Services Unit which is also responsible for:
- ▶ Providing procedural advice on implementing this Policy.
 - ▶ Providing support to managers and staff with the development of Performance Management Programmes.
 - ▶ Providing information regarding the Employee Assistance Programme/HealthQuest and arranging referrals.

- ▶ Providing advice on related policies and procedures.
- ▶ Grievance mediation and co-ordination.

