# Managing Drugs and Alcohol in the Workplace

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#### **General Statistics**

- 1 in 9 drove a motor vehicle under the influence of alcohol
- 1 in 17 verbally abused someone under the influence of alcohol
- 1 in 4 were verbally abused by someone under the influence of alcohol
- 1 in 50 were physically abused by someone affected by illicit drugs

## **Workplace Statistics**

- 10% of workplace deaths drug or alcohol related
- 20-25% of workplace accidents drug or alcohol related
- 61 % of people reporting frequent use of drugs and/or alcohol were in full time employment

### Why take positive action?

- Protect health and safety
- Minimise risk of inappropriate behaviour
- Improve work performance
- Reduce cost of absenteeism and benefits claims
- Decreased alertness and impaired judgement
- Higher staff turnover

### OHS Obligations (Common Law)

# **Employer Duties**

Duty to take reasonable care to ensure the safety and welfare of employees.

### **Employee Duties**

• Duty to exercise reasonable care and to attend to the work with skill and competence.

### OHS Obligations (Legislation)

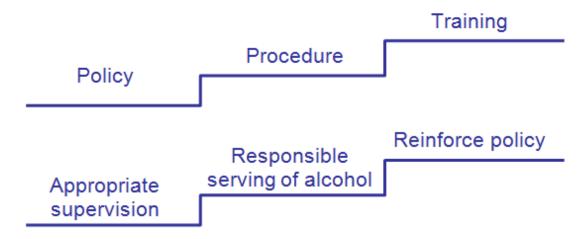
# **Employer Duties**

- Employer must, so far as is reasonably practicable, provide and maintain a working environment that is safe and without risks to health. Includes: plant, systems of work, instruction and training.
- Employer must, so far as is reasonably practicable, monitor the health and safety of employees.
- Duties extend to persons other than employees (i.e. the public).

#### **Employee Duties**

Employees must take reasonable care for their own health and safety and that of
others (eg. by ensuring they are not affected by drugs/alcohol in a way that may put
themselves or others at risk); and cooperate with the employer with respect to
action taken by the employer to comply with OHS obligations

Note: Words vary from State to State but these are the General Principles



# Drug addiction as a disability

"a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour"

# **Drug and Alcohol Policy**

- Standards required
- Coverage
- Consequences of breaching policy
- Testing
- Procedures
- Practical Measures including: training, distribution of and education on policy, consistent application, employee acknowledgement of policy, is the policy reasonable and relevant to work performed?

### Responding to an Incident

- Advice/observation of potential policy breach
- Private meeting with individual
- Outline behaviour observed
- Determine whether employee should remain in workplace
- Drug and Alcohol Testing
- Attend meeting following day/shift

### The Investigation

- Detailed Records
  - observations of others
  - o records of discussions including initial interview
  - o record arrangements for follow-up meeting
- Maintain Confidentiality
- Follow Up Interview
  - provide opportunity to respond

Determine appropriate Outcome

# Influencing Outcome

- Degree of risk
- Workplace policies
- Strength of evidence
- Seriousness of breach
- Previous work history
- Any previous incidents

# Options Available

- No disciplinary action
- Counselling
- Warning / first and final warning
- Referral to EAP
- Termination of employment

# **Impairment Considerations**

