STAFF USE OF ALCOHOL, SMOKING AND ILLICIT DRUGS POLICY AND PROCEDURE

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Purpose and Scope

This policy and procedure sets out Bilingual Care's commitment to promoting a workplace culture that prioritises safe and responsible behaviour and minimising risks to health and safety that are associated with the use of alcohol, tobacco and illicit drugs.

This policy and procedure aims to prevent any impairment at work that could compromise the safe, respectful and effective service delivery for consumers, and provides a consistent, fair and supportive approach for responding to concerns, aligned with the *Fair Work Act* and *Fair Work Regulations 2009 (Cth)*. It should be read in conjunction with Bilingual Care's Work Health and Safety *Policy and Procedure*.

It applies to all staff, including contractors, volunteers, students, and agency staff, and meets relevant legislation, regulations, and Standards.

Applicable Strengthened Aged Care Quality Standards

- *Standard 2. The Organisation*
- *Standard 3. The Care and Services*
- *Standard 4. The Environment*

Definitions

Alcohol – refers to any substance that contains an alcohol content that has capacity to impair an individual's capacity or cause intoxication.

Illicit substances – refers to a substance, whether legal or illegal, that has the potential to impair an individual's capacity and cause intoxication. This can include prescription medication that is misused or taken without a prescription for recreational or self-medicative purposes such as codeine or Valium, as well as illegal substances such as heroin or methamphetamine.

Tobacco product[1] - tobacco prepared for consumption or something containing tobacco for consumption, including cigarettes, cigars and loose tobacco. It does not include smokeless tobacco products or vaping goods.

Vaping device (also known as e-cigarette)[2]: generates or releases a vaping substance as an aerosol, vapour or mist for direct inhalation by the user, through a heating or electronic method.

[1] Tobacco and Other Smoking Products Act 1998 (Queensland)

[2] Department of Health and Aged Care (2024) About vaping an e-cigarettes, accessed 02 December 2024, https://www.health.gov.au/topics/smoking-vaping-and-tobacco/about-vaping

Policy

Bilingual Care expects all staff attend work in a fit condition, are able to perform their work duties in a safe manner, without posing risks to their own or others' health and safety due to the influence of alcohol, illegal drugs, or the misuse of prescription medications.

Bilingual Care takes a zero-tolerance approach to staff use of alcohol or illicit drugs during work hours. While not encouraged, smoking cigarettes is permitted in certain circumstances.

Procedures

General

All Bilingual Care staff are expected to conduct themselves in accordance with this policy and procedure, as well as all applicable laws related to drugs, tobacco, vapes and alcohol.

Staff must not:

- attend work under the influence of alcohol or illicit drugs
- consume alcohol or illicit drugs while at work or while undertaking duties on behalf of Bilingual Care
- operate any vehicles or equipment owned by Bilingual Care, or in use while undertaking work on behalf of Bilingual Care, while under the influence of alcohol or illicit drugs
- allow the use of alcohol or illicit drugs outside work hours to negatively impact their work duties or
- allow the use of alcohol or illicit drugs outside work hours to negatively impact their conduct or how they represent Bilingual Care to consumers, their support networks, and other stakeholders.

Smoking and Vaping

While not encouraged, smoking cigarettes, tobacco products or vapes is permitted during work hours, however, must be undertaken during designated work breaks. Any form of smoking must be at a safe distance from others outside Bilingual Care's service delivery locations (including consumers' homes), or in designated smoking areas when in public places.

Alcohol Consumption at Events and Functions

Alcohol may be consumed at Bilingual Care's events or functions hosted by Bilingual Care, provided approval is given in writing by the Managing Director. In such situations, staff are expected to limit their alcohol intake to appropriate levels and conduct themselves in a manner that would be expected of a representative of Bilingual Care and as per the *Staff Code of Conduct*.

Staff must not drive if over the legal blood alcohol concentration limit under any circumstances or if consumers are in the vehicle with them. It is the staff member's responsibility to monitor their alcohol intake and comply with the law at all times.

Prescription Medication

The use of prescription medication in the workplace is appropriate where the use has been prescribed by the staff member's treating GP or other health professional, and where the use is consistent with the prescription (i.e., taken strictly as directed).

Staff who are required to take prescription medication should understand any possible side effects that may impact their ability to perform their duties and maintain a safe working environment.

Where prescription medication could impair someone's ability to drive, operate equipment, or otherwise perform work safely, they must notify the Managing Director before commencing work under the influence of the medication.

Concerns or Suspicions of Intoxication and Impairment

Reporting

If there are concerns and observations that a staff member may be under the influence of alcohol or other drugs, this must be reported to the Managing Director as soon as possible.

Some signs a person may be impaired include, but is not limited to:

- slurred or incoherent speech
- poor coordination, unsteady movement, or delayed reactions
- unusual behaviour, mood changes, or agitation
- smell of alcohol or other substances
- unsafe, irrational, or impaired decision-making.

Any reports must be made discreetly and any discussions or notifications to the Managing Director must occur away from consumers and others wherever possible to maintain confidentiality.

The Managing Director will make an assessment of any risks to the staff member, other staff, consumers, or others in the area (which may include members of the public).

If there is an immediate risk, the Managing Director may direct the staff member to be removed from their duties, particularly if they are involved with safety critical tasks such as supporting a consumer, driving, or if they have decision-making responsibilities. This is a precautionary measure to ensure everyone's safety and to enable an investigation to occur.

If there is a medical emergency, contact **Emergency Services on 000** and seek immediate help (this may include Police and/or Ambulance).

Investigation and Response

The Managing Director should arrange to have a private discussion with the staff member as soon as possible, in a calm and non-judgemental manner. In the conversation, the Managing Director must inform the staff member of the observations or concerns raised and provide them with an opportunity to respond. The Managing Director must be mindful not to disclose the details of who made the report unless they are discussing their own personal observations of the staff member.

If following the discussion, the Managing Director reasonably believes that the staff member is not fit to work:

- the staff member will be directed to stop working and
- arrangements will made for them to safely leave the workplace (this may also be a consumer's home or community setting).

Under no circumstances should a staff member who is impaired be allowed to drive themselves home. Safe transport arrangements may involve using a taxi or ride share, contacting a family member or support person to drive them, or through another safe alternative.

Follow-up Actions

Depending on the outcome of the discussion, the staff member may be directed to see their medical practitioner for further assessment of their ongoing fitness for work.

Refer to the *Performance Management Policy and Procedure* for any confirmed cases of intoxication.

The Managing Director will complete an *Incident Report*, and document in the staff member's employment record all factual details of the situation, including:

- details of the observed behaviours
- discussions with the staff member
- actions taken

All matters relating to suspected impairment will be managed sensitively and confidentially. Information will only be shared on a need-to-know basis in line with privacy and employment obligations.

At any time, the staff member may request a Support Person to be present as part of the investigation process and in discussions with the Managing Director. This request will be accommodated in accordance with Bilingual Care's *Performance Management Policy and Procedure*.

Breaches of this Policy and Procedure

Intoxication, substance abuse or substance dependency are not an excuse for poor performance or misconduct.

Breaches of this policy and procedure, as well as performance or conduct issues resulting from the use of alcohol or illicit drugs may result in termination. Any breaches will be dealt with in accordance with Bilingual Care's *Performance Management Policy and Procedure*.

Supporting Documents

Documents relevant to this policy and procedure include:

- *Work Health and Safety Policy and Procedure*
- *Performance Management Policy and Procedure*
- *Staff Code of Conduct*

Monitoring and Review

This policy and procedure will be reviewed at least three yearly by the Leadership Team. Reviews will incorporate staff, consumer, and other stakeholder feedback.

Bilingual Care's *Continuous Improvement Plan* will be used to record identified improvements and monitor the progress of their implementation. Where relevant, this information will be considered as part of Bilingual Care's service planning and delivery processes.

DOCUMENT CONTROL

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