

POLICY STATEMENT

Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service believes that the safety of employees and its Clients/Customers is of paramount importance. In order to ensure the health and safety of all individuals associated with its operations, Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service will take all reasonable steps to ensure that its employees are in a fit and competent state to work safely.

This document complies with NDIS Practice Standards 2020, standard 2.2 Risk Management and 4.1 Safe Environment, and the Australian Community Industry Standard: 2018 (**ACIS 2018**), section 4.1 Safe Working Environment. This document is readily available to all Customers/Clients and employees of Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service including The Boards.

In accordance with clause 4.1.4 of ACIS 2018, this policy and procedure has been prepared by Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service in consultation with the Customers/Clients.

Policy context: This policy operates in conjunction with:

Legislation or other requirements

Work Health and Safety Act 2012 (SA)
Work Health and Safety Regulation 2012 (SA)

DEFINITIONS

Drug: A chemical substance (regardless of whether it is legal or illegal), which may have the ability to impair a person's physical and/or mental capacity. This includes prescription drugs, over-the-counter drugs (e.g. cold/flu tablets), and illicit drugs. To avoid doubt, the determination of whether a medication may affect capacity is to be based on the packaging, the Consumer Medicine Information Sheet or medical advice for the particular prescription or over-the-counter drug.

Fit for work: An employee is fit for work if:

- they have a blood alcohol content of 0.00;
- if tested, would return a negative result for drug use, in accordance with the Australian Standard Drug Class Screening Cut-off Levels; and/or
- if they have been certified by a doctor that they are fit for work.

Illicit Drug: A drug which is prescribed as illicit (howsoever described) in relevant legislation which may apply from time to time.

On duty: An employee is on duty any time they are undertaking the duties and responsibilities associated with their contract of employment.

Over-the-counter Drug: A drug, other than an illicit drug or prescription drug, which can be purchased without a prescription.

Prescription drug: A pharmaceutical drug that is prescribed by a registered medical practitioner.

Under the influence: Where an employee is controlled and/or affected by alcohol or drugs to the extent that they pose a risk to their own and others persons safety.

RESPONSIBILITIES

Management

Management are responsible for:

- upholding the provisions of this policy and procedure;
- leading by example;
- providing a safe and healthy workplace, free from the potential hazards created by inappropriate use or influence of alcohol and/or drugs, and to this end have a zero tolerance stance on the possession, use or influence of alcohol and/or drugs;
- educating all employees that selling, distributing, manufacturing, possessing or consuming alcohol and/or drugs is strictly prohibited during working hours or while in the workplace (including company vehicles) or at a Customer/Client's home;
- providing a fair, transparent and equitable approach to deal with issues in relation to the use of alcohol and/or drugs;
- ensuring that this policy and procedure and any other related procedures are communicated to all employees so that it is clear what is expected from the employees; and
- conducting all investigations, counselling and/or disciplinary action in relation to this policy and procedure with procedural fairness.

Employees

Each employee is responsible for:

- ensuring they comply with this policy and associated procedures;
- ensuring that they are fit for work and are not under the influence of drugs or alcohol while on duty, during working hours or when on the company's premises or at a Customer/Client's home;
- notifying their Manager or Service Delivery Officer of any concerns that their fitness for work may be impaired;

- ensuring that any prescription or over-the-counter medication is taken safely and in accordance with the requirements of this policy;
- notifying their Manager or other responsible person of any situation in which this policy may have been breached, including:
 - any situation in which other individuals are believed to be unfit for work;
 - the unauthorised possession or consumption of alcohol or other drugs on site or during work; or
 - any other apparent breach of the policy.

All information provided by an employee or about an employee in relation to this policy will be dealt with in strict confidence.

Employees should also be aware that rights to workers' compensation or a common law claim may be affected if they are involved in a work-related accident while under the influence of alcohol and/or drugs.

ALCOHOL

An employee must not:

- present for work or be on duty with a presence of alcohol in their system; or
- be under the influence of or affected by alcohol while on duty.

This means that all employees are expected to have a 0.00% blood alcohol content at all times they are required to undertake the duties and responsibilities associated with their contract of employment, unless expressly authorised to consume alcohol as per policy the below.

An employee is prohibited from operating any company machinery or equipment, including any motor vehicle, if they are under the influence of alcohol.

If a Customer/Client believes that an employee is unfit to work due to the consumption of alcohol, they should contact the employee's Manager or Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service's head office.

If a Manager believes that an employee is unfit for work due to the consumption of alcohol or has received a complaint from a Customer/Client, the employee may be asked to undertake a test in accordance with the procedure below.

APPROVED CONSUMPTION OF ALCOHOL

There may be times where an employee is at dinner with a Customer/Client and they request that the employee has a glass of wine or beer. In this case, employees (including head office staff) are permitted, but are in no way obliged, to consume one standard glass of wine or beer. Employees are to ensure that they do not consume more than one standard glass of alcohol and that it does not affect their driving ability,

does not place them under the influence of alcohol or place them over the legal driving limit for the relevant driver's licence held by the employee.

There may be occasions when alcohol may be consumed as part of a work function or another recognised work event. Where the consumption of alcohol has been expressly approved in writing by Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service, employees are permitted to consume alcohol. Employees must continue to act in a sensible and responsible manner and with due care for their own and other people's safety and well-being. Inappropriate behaviour (including excessive drinking, illicit drug use, lewd or discriminatory remarks, sexual harassment, bullying, aggression, violence and threats of violence, providing alcohol to minors) or a failure to follow directions will not be tolerated at work related events and will be considered a breach of this policy.

The unauthorised possession or consumption of alcohol at the workplace will result in disciplinary action in accordance with the Disciplinary Procedure section of this policy and procedure, up to and including termination of employment.

ILLCIT DRUGS

Employees must not:

- have, cultivate, sell, supply or consume any illicit drug anywhere on company premises, property or grounds, or Customer/Client's home;
- be under the influence of any illicit drug anywhere on company premises, property or grounds, or Customer/Client's home;
- present for work or be on duty with a presence of any illicit drug in their system;
or
- operate any machinery or equipment, including any motor vehicle, with a presence of illicit drugs in the system.

If a Customer/Client believes that an employee may have a presence of illicit drugs in their system, or otherwise be unfit to work due to the consumption of illicit drugs, they should contact the employee's manager or Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service's head office.

If a Manager believes that an employee has a has a presence of illicit drugs in their system or is unfit for work due to the consumption of illicit drugs or if they have received a complaint from a Customer/Client in this respect, the employee may be asked to undertake a test in accordance with the procedure below.

This means, amongst other things, that if tested, employees must return a negative result in accordance with the Australian Standard Drug Class Screening Cut-off Levels.

If an employee tests positive for any other substance not specifically covered by the relevant Australian Standard, but which impairs their ability to carry out their duties, Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service may obtain relevant expert advice to determine whether the employee will be considered unfit for work.

The use, possession, cultivation, manufacture and distribution of an illicit drug is illegal. Police may be notified of breaches of this policy if illegal activity is alleged and Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service will actively assist in any enquiries if obliged to do so by law.

The possession or consumption of any illegal drugs at the workplace or Customer/Client's home may result in disciplinary proceedings, up to and including termination of employment.

PRESCRIPTION AND OVER-THE-COUNTER DRUGS

Any prescription drugs must be used in accordance with medical advice. Any over-the-counter drugs must be used in accordance with the manufacturer's recommendations or as directed by a medical professional. If an employee is taking prescription and/or over-the-counter drugs which could cause drowsiness or otherwise affect their fitness for work, they must advise their Manager or Service Delivery Officer as soon as possible so that their ability to work safely can be monitored. If necessary, a medical opinion may be required.

The unauthorised possession or consumption of any prescription or over-the-counter drugs at the workplace or Customer/Client's home will result in disciplinary action, up to and including termination of employment.

If a Customer/Client believes that an employee may be unfit to work due to the consumption of prescription and/or over-the-counter drugs, they should contact the employee's manager or Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service's head office.

TYPES OF TESTING

The types of drug and/or alcohol testing that may be conducted at the discretion of Enhanced Lifestyles and Lifestyle Accommodation and Assistance Service are:

Random testing

Random testing for alcohol and drugs may be carried out from time to time with or without notice at the discretion of Enhanced Lifestyles and Lifestyle Accommodation and Assistance Service.

The employees who will be subject to random testing will be determined using a random testing selection process.

Blanket Testing

Enhanced Lifestyles and Lifestyle Accommodation and Assistance Service may request a blanket test for the business, or any part of the business, at any given time. All relevant personnel will be required to undergo a test in this situation.

For Cause Testing

Testing may also be carried out if:

- there is reason to believe that an employee is affected by alcohol and/or drugs;
- Management receives a complaint or concern from a Customer/client or otherwise that an employee may be under the influence or affected by alcohol and/or drugs;
- an employee is involved in an accident or incident that results in injury and/or damage to a person, plant, property or equipment in the workplace or Customer/Client's home or which involves company or Customer/Client property;
- an employee displays any unsafe behaviour or causes injury to any other person or commits an act of negligence or carelessness or shows disregard for safety;
- an employee who has previously tested positive is being monitored to ensure safe practice; or
- evidence of alcohol or drug use at the workplace or Customer/Client's home is discovered and the employee or employees concerned can be identified with reasonable certainty.

Conducting tests after an accident or incident will depend on the circumstances and the severity of the incident, damage, or witness accounts of the incident.

TESTING PROCEDURE

Employees must make themselves available for testing when directed. Testing will be at Enhanced Lifestyles and Lifestyle Accommodation and Assistance Service's discretion in the situations above. All testing will be in line with the testing procedures (as outlined below) and relevant Australian Standards. The form of testing will be at Enhanced Lifestyles and Lifestyle Accommodation and Assistance Service's discretion.

Consent

Employees will be asked to consent to testing at the time of testing by signing a testing consent form (Appendix 1). No employee will be tested unless that employee has given their consent.

This form outlines the reason for testing, and consequences of refusing to provide a sample or sign the consent form

Refusal to be Tested

Unreasonable refusal to provide a test sample or sign the consent form by an employee will be considered to be a breach of this policy and may lead to disciplinary action including as serious misconduct, which may include termination of employment in serious cases.

Interference with Testing

The actual or attempted adulteration, substitution, hinderance or other interference by a person with a test sample or result, will result in disciplinary action which may include termination of employment.

Alcohol Breath Testing

Alcohol breath testing may occur at a work site or at an authorised external location. All testing will be conducted at Enhanced Lifestyles and Lifestyle Accommodation and Assistance Service's expense. **Note:** Smoking cigarettes and eating is not permitted within 20 minutes prior to a breath alcohol test.

The employee will be asked to give a breath sample by a blow testing device. The employee has the right to request an immediate retest if they are not satisfied with the result.

The breath test will be verified by the person tested and the person conducting the breath test. The verified result will be recorded.

If the testing is undertaken at an external authorised medical centre, the tester will be required to provide a report on whether the employee is fit for work.

If the testing reads a negative result, or the tester certifies the employee is fit for work, the employee will be allowed to return to normal work.

If a positive breath test is recorded, the employee may elect to undertake a secondary test. This test must be conducted within 60 minutes after the initial test. The employee will not be permitted to return to the workplace, and must remain within the confines of the amenities or medical centre, until the second test is undertaken.

In the event of a secondary test returning a positive result greater than the legal limit for the employee's licence type, the employee shall remain on site, or at the medical centre, until arrangements are made for the safe transportation of the employee by Enhanced Lifestyles and Lifestyle Accommodation and Assistance Service. The

employee shall be sent home with full pay or without pay (if the employee is not ready, willing or able to work) pending an investigation.

Disciplinary action resulting from a positive alcohol test shall be in accordance with the relevant section of this procedure.

Oral Fluid Drug Testing

Once an employee is selected for a drug test, they will be escorted to a designated drug testing location or the closest medical centre. All testing will be at Enhanced Lifestyles and Lifestyle Accommodation and Assistance Service's expense.

The employee may be requested to undertake the drug test by means of oral fluid sampling. The testing shall be conducted in compliance with AS 4760-2019: Procedures for specimen collection and the detection and quantification of drugs in oral fluid.

All drug testing shall be undertaken by a registered and NATA certified collection agency.

If the testing is undertaken at a medical centre, the doctor will be required to provide a report on whether the employee is fit for work.

If a negative result is found, or the doctor certifies the employee is fit for work, the employee will be allowed to return to normal work.

Where a positive or non-negative drug test result has been registered, the sample collected shall be sent to a NATA certified laboratory by the collector for confirmation of the result. The employee shall be sent home with full pay or without pay (if the employee is not ready, willing or able to work) pending an investigation.

Disciplinary action resulting from a positive drug test shall be in accordance with the relevant section of this procedure.

Urine Drug Testing

Once an employee is selected for a drug test, they will be escorted to a designated drug testing location or the closest medical centre. All testing will be at Enhanced Lifestyles and Lifestyle Accommodation and Assistance Service's expense.

The employee may be requested to undertake the drug test by means of urine sampling. The testing shall be conducted in compliance with AS/NZS 4308:2008: Procedures for the collection, detection and quantification of drugs of abuse in urine.

If the testing is undertaken at a medical centre, the doctor will be required to provide a report on whether the employee is fit for work.

If a negative result is found, or the doctor certifies the employee is fit for work, the employee will be allowed to return to normal work.

Where a positive or non-negative drug test result has been registered, the sample collected shall be sent to a NATA certified laboratory by the collector for confirmation of the result. The employee shall be sent home with full pay pending an investigation, unless they are not ready, willing or able to work.

Disciplinary action resulting from a positive drug test shall be in accordance with the relevant section of this procedure.

Blood Testing

In the event that an employee has been involved in a serious workplace incident that has resulted in the employee being incapacitated (i.e. unconscious), so that they cannot consent to a test, Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service may refer the employee to undergo blood testing without the employee's consent. This will occur very rarely and only where absolutely necessary.

Blood testing will be conducted and validated by appropriately trained and qualified persons in accordance with applicable standards.

Disciplinary actions resulting from a positive test shall be in accordance with the relevant section of this procedure.

DISCIPLINARY PROCEDURE

A breach of this policy will result in disciplinary action which, in serious cases, may include immediate termination for serious misconduct. Where an employee is found to have breached this policy and their employment is not terminated, they may receive a warning and counselling, or other form of disciplinary action.

Continued breaches of this policy may also result in termination.

Where a breach of this policy relates to a positive result from testing, the employee may be required to:

- undergo further testing on an ad hoc and/or periodic basis over a defined period (e.g. 3 – 12 months); and/or
- provide written undertakings agreeing to comply in the future with the requirements of this policy (stating specific consequences for not complying).