



## UMHLABUYALINGANA MUNICIPALITY

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# Workplace Drug and Alcohol Policy

**Umhlabuyalingana Municipality** is committed to providing a safe and healthy work environment in which all workers are treated fairly, with dignity and respect. The use of drugs and alcohol may impact on an individual's capacity to perform work safely, efficiently and with respect, thereby posing a risk to the health and safety of the individual and others at the workplace.

This policy outlines the Company's commitment to a safe workplace and is aimed at preventing, or minimising, any risk of injury or harm to the health and safety of its workers, or others at the workplace, from the use of alcohol or drugs. It describes the standards of behaviour expected in relation to the use of drugs and alcohol, the responsibilities of the Company, workers and others at the workplace, and the consequences of breaching the policy.

### Commencement of the policy

This policy will commence on **01/10/2018**. It replaces all other drug and alcohol policies (whether written or not).

### Scope

This policy applies to:

1. All employees of Umhlabuyalingana Municipality (whether full-time, part-time or casual) and all persons performing work at the direction of, or on behalf of the Municipality (for example Councilors s contractors, subcontractors, agents, consultants, and temporary staff) (collectively referred to as "workers")

The random checking will be done to the Municipal employees anytime there is a need.

### Definitions

The following are terms used in policy:

"**Drugs**" - include illegal drugs, prescription or pharmacy drugs, or synthetic drugs as defined below.

**“Management”** means the Municipal managers, supervisors, team leaders (whichever are relevant) and all employees with supervisory responsibilities.

**“Prescription drugs”** - means lawful drugs which are prescribed by a medical practitioner for a diagnosed medical purpose and issued by a pharmacist.

**“Pharmacy drugs”** – means drugs which are lawfully available at South African pharmacies (without a prescription) and are required for a legitimate medical purpose.

**“under the influence”** – means that a person’s faculties are impaired by the use of drugs or alcohol to the extent that the person is unfit to be entrusted with a duty they perform, or may be called on to perform, with efficiency and safety to themselves and others.

## **Responsibilities**

### **Workers responsibilities**

1. All workers must:
  - (a) comply with this policy;
  - (b) observe all directions from the Municipality in regards to this policy;
  - (c) recognise that performance of duties could be affected by alcohol or drugs; and:
  - (d) Immediately notify management if they are aware of any breach of this policy by another worker. Subject to any disclosures required by law, any notifications received by management will be treated confidentially. Failure to report any breach of this policy by another worker may itself constitute a breach of this policy.
  
2. Except as set out in this Policy, workers must not:
  - (a) attend work, commence work, continue work or return to work having consumed alcohol and/or drugs;
  - (b) consume drugs and/or alcohol at the workplace;
  - (c) Must not possess, distribute, sell, use or consume illegal drugs in the workplace. Such conduct constitutes serious misconduct. It may also constitute a criminal offence, in which case the Company may notify the police, or other appropriate government authority;

- (d) work while under the influence of drugs or alcohol;
- (e) attend work, commence or return to work while under the influence of alcohol and/or drugs;
- (f) consume alcohol and/or drugs during work, or at the workplace (note qualification for prescription and pharmacy drugs below );
- (g) Must not possess, distribute, sell, use or consume illegal drugs in the workplace. Such conduct constitutes serious misconduct. It may also constitute a criminal offence, in which case the Company may notify the police, or other appropriate government authority.

### **Responsibilities of Management**

Management is responsible for ensuring that this policy is implemented in their area. This includes ensuring that:

- (a) all workers are made aware and understand this policy;
- (b) risk assessments are undertaken on work tasks in consultation with workers and/or work health and safety representatives;
- (c) the behaviour of workers is observed to ensure adherence with the policy;
- (d) any concerns or issues are addressed proactively and expediently to ensure the health and safety of all workers;
- (e) support is provided to workers where appropriate; and
- (f) Any suspected breaches of this policy are acted on promptly and in accordance with this policy.

### **Some Specific Situations**

#### **Prescription and Pharmacy drugs**

1. Where a worker is taking prescription or pharmacy drugs for medical purposes, the worker will not breach this policy by attending work, if the worker:
  - (a) takes the prescription and pharmacy drugs in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs;
  - (b) does not misuse or abuse the use of prescription or pharmacy drugs;
  - (c) ensures they are able to perform their work effectively, competently and safely;
  - (d) informs themselves of the impact of consumption of alcohol with prescription and pharmacy drugs and they limit consumption accordingly; and

- (e) Checks with their medical practitioner or pharmacist about the effect of the drug on their ability to drive vehicles operate machinery and safely perform their normal work duties. If a workers ability to perform work competently, efficiently and safely is affected, the worker should obtain this advice in writing from the medical practitioner, or pharmacist, and provide it to their manager or supervisor as soon as possible and before undertaking their work.
2. If the Management suspects that the workers ability to safely perform work is affected, the Management may take steps to address the issue in accordance with this policy.

#### **Consumption of alcohol-workers responsibilities**

1. The Umhlabuyalingana Municipality recognizes that at some work related functions responsible consumption of alcohol is allowed, for example, at a staff function, closing functions or customer function.

In these circumstances, the following restrictions apply at all work-related functions:

- workers must consume alcohol responsibly;
  - Workers must not become drunk. As set out above, it is a condition of waiving the prohibition on alcohol that workers consume alcohol responsibly. Inebriation does not diminish a workers responsibility for misconduct;
  - workers must uphold an appropriate standard of behaviour at all times, consistent with the Company's codes of conduct and workplace policies;
  - the restrictions set out below in relation to Municipal vehicles and machinery continue to apply; and
  - Workers must ensure a safe means of transport from such functions. Workers must not drive any vehicle if they are over the legal blood alcohol limit. Workers who do not have a safe means of transport should advise management so that such transport may be arranged.
2. If a worker is required to return to work, or continue working after the function, and the consumption of alcohol could adversely affect their ability to perform work effectively and safely, consumption of alcohol by those workers is not permitted.
3. If a worker breaches this policy at a work related function and acts inappropriately, the worker may be subject to disciplinary action, and may not be permitted to consume any alcohol at future work related functions.
4. The prohibition relating to drugs will not be waived in any circumstances, except in relation to prescription and pharmacy drugs as set out in this policy.

## **Consumption of alcohol- the Municipality's responsibilities**

When the Municipality provides alcohol at a work related function, it will do so responsibly, ensuring that:

- (a) workers will be reminded of this policy prior to the work related function, where appropriate and practicable;
- (b) food will be made available during the service of alcohol;
- (c) light alcohol and non-alcoholic beverages will be available at all times;
- (d) alcohol will not be provided to anyone under the age of 18 years;
- (e) alcohol will not be provided to anyone who is drinking excessively, or is (or appears to be) intoxicated;
- (f) alcohol service is supervised, whether held at the workplace or other locations, by a suitably qualified person, who holds a certificate in responsible service of alcohol; and
- (g) Workers are reminded of the dangers of driving under the influence of alcohol and promote the use of alternative transport (e.g. taxis, public transport).

## **Driving Municipal vehicles and machinery**

### Alcohol and illegal drugs

1. The Umhlabuyalingana Municipality has a legal obligation to provide a safe and healthy working environment for its workers and others in the workplace. To ensure a safe environment, no machinery is to be operated or used by anyone who is under the influence of alcohol, or used or consumed illegal drugs.
2. Workers must comply with alcohol concentration limits applicable to particular duties they perform, or may be called on to perform.
3. The Municipality will not accept liability for any damage to a Company vehicle, an injury to another person, or damage to other property caused by a worker's use of a Municipal vehicle while intoxicated from alcohol or illegal drugs. The worker will be personally liable in such circumstances.

### Prescription and pharmacy drugs

Where a worker is taking prescription or pharmacy drugs that contain a warning that the person should not drive a vehicle or operate machinery, then that worker must not drive a Municipal vehicle or any vehicle, or operate machinery unless contrary specific medical advice is obtained and confirmed in writing, from the workers medical practitioner.

If a worker is taking prescription or pharmacy drugs and feels that their ability to safely drive a vehicle or operate machinery is affected, the worker must not drive a Municipal vehicle, or any vehicle, or operate machinery and must notify their manager or supervisor immediately.

## **Smoking**

Smoking is not permitted at any of the Municipal workplaces, except in specifically designated areas. These areas are: **Prohibited**

### **What will the Umhlabuyalingana Municipality do if it suspects a worker is affected by drugs or alcohol?**

If the Management suspects, on reasonable grounds, that a worker is under the influence of drugs or alcohol in breach of this policy, the Management will take steps to address the issue. Reasonable grounds may include (but are not limited to) where the worker:

- is unable to co-ordinate their actions;
- has red or bloodshot eyes, or dilated pupils;
- smells of alcohol;
- acts contrary to their normal behaviour;
- exceeds alcohol concentration limits applicable to the task they perform or may be called on to perform;
- is not behaving in a professional and competent manner and in accordance with the Umhlabuyalingana Municipality standards; or
- Otherwise appears to be impaired or affected by drugs or alcohol.

In such circumstances, the Company may take the following actions (but is not limited to these actions):

- Direct the worker to go home. Suitable arrangements for safe transport will be made by the relevant manager; or
- Direct the worker to attend a medical examination to determine whether the worker is fit to perform their duties effectively and safely. The medical examination may include a drug and/or alcohol test, such as a breath test, blood test, urine test or oral swab. In relation to prescription or pharmacy drugs, the Company may require evidence as part of the medical examination about the effects and proper use of the drug. The worker may be directed to go home following the medical examination.
- If the worker refuses to attend a medical examination, they will be directed to go home. Refusal to attend a medical examination, refusal to go home, or providing false information constitutes a breach of this policy and may result in action being taken against the worker, including action as set out below under 'Breach of policy'.
- Where a worker is sent home, or required to attend a medical examination, the worker must report to Management (or as directed) on the next working day, or as soon as possible once the worker is no longer under the influence of drugs or alcohol. The Management will deal with the issue as set out below under 'Breach of policy'. Failure to report constitutes a breach of this policy.

## **Dictionary**

The following definitions will apply to this part:

**“Alcohol Screen Test”** - means any analytical procedure or test which is carried out on a worker to determine the presence and/or the concentration alcohol (including but not limited to a breath test, urine sample, oral swab and blood test). These procedures are not limited to those which presently exist. As new technology is developed these may also be used for alcohol testing purposes.

**“Authorised Officer”** - means a suitably trained, qualified and authorised person from an Independent Testing Agency or a suitably trained, qualified and authorised person appointed by the Company for the purposes of undertaking or arranging an Alcohol Screen Test and/or Drug Screen Test.

**“Confirmatory Test”**: means any analytical procedure or test which is undertaken subsequent to a first Alcohol Screen Test or Drug Screen Test, which is used to verify the presence of drugs or alcohol. This may include, but is not limited to the following:

### **Drug and alcohol testing**

1. UMhlabuyalingana Municipality may require workers to undergo testing for the presence of drugs or alcohol in the following circumstances, with or without, prior notice:
  - (a) Causal based
    - (i) If the Company suspects, on reasonable grounds, that a worker is under the influence of drugs or alcohol in breach of this policy.
    - (ii) Upon finding evidence that a worker has used, possessed, sold, solicited or transferred drugs whilst in the workplace or while on Company property.
    - (iii) Where the Company finds drugs or alcohol in the workplace in breach of thisPolicy.



(b) Targeted Testing

Where the worker holds a position in the Company in which the use of drugs or alcohol by that worker in carrying out the duties and responsibilities of that position would pose a risk to the health, welfare or safety of that worker, others in the workplace.

(c) Post Incident or Near-miss

Where the investigation of an incident or near-miss determines that the worker's actions may have been impaired due to the use of drugs or alcohol, or the worker was under the influence of drugs or alcohol.

(d) Random Testing

When a worker, or group of worker's are randomly selected by the Company or an Authorised Officer to undergo a Drug Screen test and/or Alcohol Screen test.

2. A worker, who is required to undertake a Drug Screen Test and/or Alcohol Screen Test, will be requested to sign a consent form before taking a Drug Screen test and/or Alcohol Screen test.
3. All information obtained through the above testing is covered by Australian privacy laws and the Company's privacy policy. The Company will not use this information other than for the purposes for which it is collected. The purposes of such monitoring and examination are to ensure the productivity, health and safety of personnel, to apply this policy, and for disciplinary purposes.
4. A refusal to undergo a Drug Screen test and/or Alcohol Screen test or providing false information, constitutes a breach of this policy and may result in action being taken against the worker, including action as set out below under 'Breach of this policy'.

**Breach of this policy**

Workers must comply with this policy at all times.

If an employee is found to have breached this policy, they may be subjected to disciplinary action. The type and severity of the disciplinary action will depend upon the circumstances of the case and the seriousness of the breach. In serious cases, this may include termination of employment.

Examples of disciplinary action that may be taken include (but are not limited to):

- performance counselling;
- a formal warning;
- suspension;
- demotion;

- Termination of employment.
- Referral to an Employee Assistance Program ("EAP") and/or some other referral source, for counselling, treatment or rehabilitation for drug or alcohol dependency.

#### **Access to support services**

If an employee notifies the Company that they have a drug or alcohol problem, they will be encouraged to complete a rehabilitation program or under counselling.

#### **Education and training**

UMhlabuyalingana Municipality will inform and conduct training or information sessions for all employees, relating to:

- (a) this policy, including but not limited to the consequences of breaching this policy;
- (b) the effects of alcohol and drug use (including prescription and pharmacy drugs);
- (c) the risks to the health and safety of workers and others by the use of alcohol and drugs in the workplace; and
- (d) the EAP (if applicable) and any other referral sources for counselling, treatment or rehabilitation, which are available to employees.

Where appropriate, the Municipality will conduct induction sessions for agents, contractors and their respective employees when they undertake work for the Company in the workplace. These induction sessions will cover:

- (a) this policy, including but not limited to the consequences of breaching this policy;
- (b) the effects of alcohol and drug use (including prescription and pharmacy drugs);
- (c) The risks to the health and safety of workers by the use of alcohol and drugs in the workplace.

#### **Worker Acknowledgement**

Individual responsibilities relating to this policy will be explained during an employee's induction and the Drug and Alcohol Policy Acknowledgement Form (in the form of Annexure A) is to be signed as a condition of employment.

**More information**

If a worker is unsure about any matter covered by this Policy, they should seek the assistance of the **General Manager HR**.

**Review**

This procedure will be reviewed annually during the OHS Audit Program, through consultation with workers and health and safety representatives, or when legislative requirements change, or in the event of a serious occurrence involving bullying.

**Variation**

The Company reserves the right to vary, replace or terminate this policy from time to time.

**Policy Issue Details**

This policy was issued on **00/00/2018**.

This policy was approved by the council on the

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of 12 of 2018

Review Date: \_\_\_\_\_ 2019

**ANNEXURE A**

**DRUG AND ALCOHOL POLICY WORKER ACKNOWLEDGEMENT**

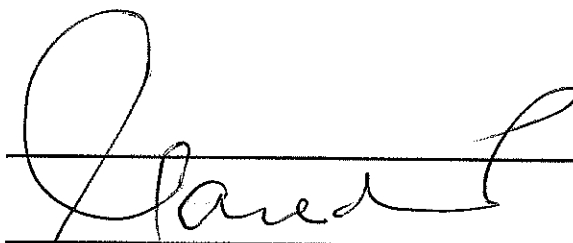
I acknowledge that:

- I have received a copy of the UMhlabuyalingana Municipality s Workplace Drug and Alcohol Policy (the "policy") and understand its effect;
- I must comply with the policy; and
- There may be disciplinary consequences if I fail to comply with the policy, which may result in the termination of my employment, or the cancellation of my engagement, or the loss of my position.

Your name:

Signed:

Date:

  
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13/12/2018  
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