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# Cessnock City Council

## Councillor Alcohol and Other Drugs Policy

Date Adopted **21 April 2021** Revision: **2**

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### **1. POLICY OBJECTIVES**

1.1. The objectives of the this policy are to:

- 1.1.1. Create a safe and healthy work environment for Councillors which is free from the hazards associated with alcohol and other Drugs;
- 1.1.2. Foster an attitude and culture amongst Councillors that it is not acceptable to come to a Council or Committee Meeting or official civic event under the influence of alcohol and/or other Drugs that will prevent them from performing their functions in a safe manner;
- 1.1.3. Provide support for Councillors who may have difficulty addressing alcohol and/or other Drugs related issues;
- 1.1.4. Ensure that a rehabilitation program is available for Councillors who may have difficulty addressing alcohol and/or other Drugs related issues; and
- 1.1.5. Ensure Council meets its legal obligations by providing a safe working environment for everyone.

### **2. POLICY SCOPE**

2.1. This policy applies to Cessnock City Councillors in their official capacity. The policy supports Cessnock City Council in its commitment to maintaining a safe and efficient working environment.

### **3. POLICY STATEMENT**

3.1. Under the Act, Council has a duty to ensure the health, safety and welfare of their workers and other people in the workplace. Workers also have a duty to take reasonable care for their own health and safety, as well as for the health and safety of other people in the workplace and to cooperate with their employer in providing a safe working environment. Council has introduced a protocol for workers. This policy has been developed as a means to assist Council to align its requirements under the Act with respect to Councillors.

3.2. It is the goal of Council to:

- 3.2.1. Reduce the risks associated with the misuse of alcohol and other Drugs, thereby providing a safer working environment;
- 3.2.2. Reduce the risks of alcohol and other Drugs impairment in the workplace.

- 3.3. Currently, Councillors are not considered to be workers or prescribed persons as defined by the Act. However, the spirit and intent of the work health and safety provisions will apply for the purposes of this policy.

#### **4. PRINCIPLES / BODY**

- 4.1. Councillors are not to present themselves for any Council or Committee meeting or official civic event if they have consumed alcohol and/or other Drugs where they may be at risk of impairment during the meeting or event process.
- 4.2. Councillors should not remain at a meeting or official civic event if they become Impaired, or there is a risk of Impairment by alcohol and/or other Drugs and misuse/abuse of prescription and pharmacy medication.
- 4.3. An exception for the consumption of alcohol will be made for occasions as determined by the General Manager and Mayor, and where the provisions of hospitality are within the bounds of normal customary service.

#### **5. AWARENESS AND TRAINING**

- 5.1. Council recognises that it is important to develop a workplace culture through awareness and training of safety and acceptable standards of behaviour.
- 5.2. All Councillors shall be made aware of the components of this policy may impact on their performance of duties.

#### **6. COUNCILLOR ASSISTANCE**

- 6.1. Council recognises Drug and alcohol dependency as a treatable condition. Councillors, who suspect they have an issue with Drugs and/or alcohol, are encouraged to seek advice regarding appropriate treatment options. In this regard, Council offers Councillors access to the services under the Employee Assistance Program (EAP).

#### **7. PRESCRIPTION AND PHARMACY MEDICATION**

- 7.1. If Council suspects that a Councillor's ability to safely perform their duties is Impaired (or likely to be Impaired), Council may take steps to address the issue in accordance with this policy and Council's Code of Conduct.
- 7.2. Where a Councillor is taking prescription or pharmacy medications for a legitimate medical purpose, the Councillor will not breach this policy by undertaking their civic duties.

#### **8. DRUG AND ALCOHOL TESTING TRIGGERS**

- 8.1. Consistent with Council's obligation and commitment to ensuring a safe workplace environment, Councillors may be required to undergo Drug and alcohol testing in the following circumstances:
- 8.1.1. As part of a testing program, to occur randomly during the year;
- 8.1.2. In a case of reasonable suspicion; and/or
- 8.1.3. Post incident.

## 9. BREACHES OF POLICY

- 9.1. Action may be taken in accordance with Council’s Code of Conduct for breaches of this policy.

## 10. MONITORING

- 10.1. Application of the policy will be monitored by the Mayor and General Manager.
- 10.2. There are penalties, under legislation for Council and workers who do not appropriately manage their work health and safety duties. For the purposes of this policy, the intent of such provisions is extended to Councillors.
- 10.3. If a Councillor’s performance is repeatedly affected by abuse of alcohol and/or other Drugs, and if the Councillor has been encouraged to seek assistance but has failed to do so, or failed to respond to such assistance, Council may initiate actions in accordance with Council’s Code of Conduct.

## 11. RESPONSIBILITIES

- 11.1. Council’s Human Resources staff are responsible for administering the testing of Councillors as per clause 8.

## 12. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

- 12.1. Council has an obligation to comply with Council’s Privacy Management Plan and legislation regarding people’s personal information in accordance with the following:
- 12.1.1. *Government Information (Public Access) Act 2009* (NSW),
  - 12.1.2. *Health Records and Information Privacy Act 2002* (NSW), and
  - 12.1.3. *Privacy and Personal Information Protection Act 1998* (NSW).

## 13. POLICY DEFINITIONS

<b>Act</b>	means the <i>Work Health and Safety Act 2011</i> (NSW)
<b>Council</b>	Means Cessnock City Council
<b>Councillor</b>	Means a person elected or appointed to civic office in Council, and it includes the Mayor.
<b>Drugs</b>	Drugs means a chemical substance taken for non-medical reasons to bring about a change in behaviour, mood or perception, as a narcotic, hallucinogen, etc. This does not include taking prescription or pharmacy medications for a legitimate medical purpose; however it does include misuse/abuse of prescription or pharmacy medications.
<b>Impairment</b>	Impairment means any temporary loss or abnormality of psychological, function from intoxication. Intoxication refers to the condition of having physical or mental control markedly diminished by the effects of alcohol, drugs or other substance use, causing for example slurring of speech, loss of balance, reaction time and alertness, distracted driving, etc.

## 14. POLICY ADMINISTRATION

<b>Business Group</b>	General Manager's Unit
<b>Responsible Officer</b>	General Manager
<b>Associated Procedure (if any, reference document(s) number(s))</b>	NIL
<b>Policy Review Date</b>	Three years from date of adoption unless legislated otherwise
<b>File Number / Document Number</b>	DOC2019/129186
<b>Relevant Legislation (reference specific sections)</b>	<p><i>Work Health and Safety Act 2011 (NSW)</i></p> <p><i>Work Health and Safety Regulation 2011 (NSW)</i></p> <p><i>AS3547:1997 – Breath alcohol devices for personal use.</i></p> <p><i>AS4760:2006 – Procedures for specimen collection and the detection and quantity of drugs in oral fluid.</i></p> <p><i>WorkCover Authority of NSW – Facts Sheet: Establishing a Policy to Manage Alcohol and Other Drugs in the Workplace</i></p> <p><i>WorkCover Authority of NSW – Guide to Developing a Workplace Alcohol and Other Drugs Policy</i></p>
<b>Relevant desired outcome or objectives as per Council's Delivery Program</b>	<i>Objective 1.3: Promoting safe communities</i>
<b>Related Policies / Protocols / Procedures / Documents (reference document numbers)</b>	<ul style="list-style-type: none"> <li>▪ Records Management Policy (DOC2019/038769)</li> <li>▪ Code of Conduct (DOC2018/086716)</li> <li>▪ Code of Conduct Procedures (DOC2018/086682)</li> <li>▪ Code of Meeting Practice (DOC2018/103094)</li> <li>▪ Complaint Handling Policy (DOC2018/048382)</li> <li>▪ Privacy Management Plan (DOC2020/179503)</li> </ul>

## 15. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
TBA	Determine exemptions for the consumption of alcohol for occasions where the provisions of hospitality are within the bounds of normal customary service	General Manager and Mayor

## 16. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	20 November 2013	New policy adopted
2	21 April 2021	Periodic review

## 17. Appendices