SA Health

Guideline

Worker Use of Alcohol and Other Drugs

Version 1.0
Approval date: 29 July 2024
PDS Reference No: G0207

Government of South Australia
SA Health

Contents

1. Name of guideline

Worker Use of Alcohol and Other Drugs

2. Relationship to parent policy

The Worker Use of Alcohol and Other Drugs Policy is the parent policy to this Worker Use of Alcohol and Other Drugs Guideline.

3. Guideline statement

This guideline has been developed in collaboration with the Department for Health and Wellbeing (DHW), Local Health Networks (LHNs) including state-wide services aligned with those Networks, and SA Ambulance Service (SAAS) to assist Line Managers to effectively manage workers (employee and non-employee) adversely impacted by the use of alcohol and/or other drugs while on duty.

4. Applicability

This guideline applies to all employees and contracted staff of SA Health; that is all employees and contracted staff of the DHW, LHNs including state-wide services aligned with those LHNs and SAAS.

5. Guideline details

5.1 Duty of Care

Line Managers should:

- Create awareness of the provisions of this guideline with existing and new workers within their areas of responsibility.
- Where prescription drugs make a worker's performance of their normal duties unsafe, manage:
    - an employee in accordance with the Management of Non-Work Related Disability or Medical Incapacity Policy (e.g. obtain medical advice necessary to make an informed decision as to the impact of the medication on the worker's ability to work safely and adjustments required to ensure safety), or
    - the matter through the labour hire/contractor agency, clinical placement coordinator or volunteer coordinator, where the person concerned is a non-employee.
- Consider additional risk management and security precautions, where appropriate.

5.2 Managing suspected intoxication at work

Reasonable belief of intoxication at work:

- Indicators that a worker may be impaired by alcohol and/or other drugs can include:
    - a strong smell of alcohol
    - slurred or incoherent speech
    - unsteadiness on their feet
    - red, bloodshot or watery eyes
    - flushed or ruddy face
    - noticeably smaller or larger pupils
    - lack of (or poor) muscle coordination
    - aggressive, argumentative, overexcited or agitated behaviour
    - inability to follow simple instructions
    - drowsiness or sleeping on duty or during work breaks

- difficulty in concentrating on a task or discussion
- poor balance and coordination, and/or
- loss of inhibitions.

> Line managers should be aware that the external symptoms of certain medical conditions (e.g., stroke, heart attack or hypoglycaemia) may be similar to that of intoxication and may require immediate medical attention. If in doubt, medical assistance should be sought without delay.

Address concerns with the worker:

> If it is reasonably suspected that an employee is unfit to safely perform their duties due to alcohol and/or drug use, the following actions are recommended (refer also to the mandatory requirements in the Worker Use of Alcohol and Other Drugs Policy):

- The employee should be requested to accompany the line manager to a private, safe and confidential environment and be advised that there is a reasonable suspicion that they are impaired by alcohol and/or other drugs and that this may create a safety risk to themselves, their colleagues or others in the workplace.
- An employee may voluntarily attend an examination by an available medical practitioner located in the near vicinity (to ensure timeliness) at SA Health's expense. The employee may choose any medical practitioner (including their treating medical practitioner) available at the time. The medical examination may include a drug and/or alcohol test, such as a breath, saliva, or urine test, as is considered appropriate by the medical practitioner in light of the observed impairment.
- Where appropriate, notify senior management.

> If it is reasonably suspected that a non-employee worker is unfit to safely perform tasks due to alcohol and/or drug use, the matter should be referred to the labour hire / contractor agency, clinical placement / volunteer coordinator.

Safely leaving the workplace:

> Appropriate arrangements should be made for the impaired worker's safe transport home.

> The worker should be reminded not to drive a vehicle if this is their intention. If the worker attempts to drive, the relevant manager should contact South Australian Police immediately.

> There may be marginal cases where an employee is directed to home and/or remain absent out of an abundance of caution rather than based on clear evidence of impairment. In such instances advice should be sought from the human resources / workforce team.

> When a worker is observed to be impaired (regardless of the cause), but refuses to leave the workplace, a private, safe and confidential environment should be sought for the individual, and advice immediately sought from senior management, and the human resources / workforce team.

- Where circumstances require (i.e., their safety and the safety of others within the workplace is at risk), local Security could be contacted, or Authorised Officers appointed under the By-Laws of Incorporated Hospitals called on as they are authorised to remove such persons from the premises.
  - Refer to By-laws for incorporated hospitals, s5(2). Appropriate arrangements should be made for the impaired worker's safe transport home.
- Where the person concerned is a non-employee worker, the matter should be referred to the labour hire / contractor agency, clinical placement coordinator or volunteer coordinator.

- When at a work-related function a manager becomes aware that an employee/s has been drinking and may be unfit to drive, the manager should ensure safe transport home has been arranged. Transport costs may be attributed to the employee.

Conduct a follow-up meeting

- Where the worker concerned is an employee or contracted staff, a meeting should be scheduled at the commencement of their tasks/duties, next rostered shift or working day, or as soon as practicable afterwards. They should be offered the opportunity to have a support person present at this meeting.
    - If the individual is a non-employee worker, then seek advice from the labour hire/contractor agency manager or student/volunteer co-ordinator, as relevant.
- It is recommended that the line manager:
    - <u>Before the meeting:</u>
        - Where considered appropriate for safety reasons, obtain medical clearance of the worker's fitness for duty.
        - Do a risk analysis of worker impairment in the specific workplace, including the nature of the risks to the organisation, the worker and others in the workplace and the seriousness of the consequences of these risks. (Refer to the Mechanisms for Hazard Identification and Risk Management Procedure.)
        - Obtain test results from the medical practitioner (if the employee has been tested for the use of alcohol and/or other drugs at the time of the incident).
    - <u>At the meeting:</u>
        - Provide details of the observations (as documented), which created a reasonable suspicion that the worker was impaired by alcohol and drugs at work.
        - Reiterate SA Health's requirement that workers be unimpaired by alcohol and/or other drugs at work and able to perform their duties safely.
        - Discuss the safety risks to the worker, patients, others in the workplace and to SA Health related to the worker being impaired while on duty.
        - Provide an opportunity for the worker to provide an explanation for their demeanour. If the worker has not been intoxicated, there may be another ongoing risk factor that needs to be mitigated/addressed.
        - If an employee, and the cause of the observed impairment is of a medical nature, and despite medical clearance to work, concerns about the employee's fitness to perform their substantive tasks/duties remain, seek the employee's consent to obtain further information from their treating practitioner.
            - If consent cannot be obtained, and further investigation is warranted, approval should be sought from the Chief Executive (CE) or delegate for an independent medical assessment of the employee.
        - Discuss options/measures (alternative safe duties, supervision, etc.) required to prevent and minimise safety risks to the worker, others in the workplace and to SA Health. Offer employees the Employee Assistance Program (EAP) which may include counselling to employees and their families on concerns related to use of alcohol and/or other drugs. If the individual is a non-employee worker, then seek advice from the labour hire/contractor agency manager or student/volunteer co-ordinator, as relevant.

5.3 Unsatisfactory performance suspected to be related to alcohol and/or other drug use

- SA Health employee performance is managed (with advice from human resources / workforce) according to the relevant process:
    - CPSE Guideline – Management of Unsatisfactory Performance
    - CPSE Guideline – Management of Misconduct
    - Part 4-1-7 of the *SA Health (Health Care Act) Human Resources Manual* - Managing Unsatisfactory Performance, Discipline and Termination
- Unsatisfactory performance of labour hire agency / contractor staff, volunteers or students on clinical placement is managed as provided in the applicable contract with the labour hire agency, or as determined in the licensing agreement authorising the worker to work within SA Health.

Failure to comply with the Code of Ethics

- Disciplinary action may be appropriate where an employee has failed to comply with the Professional Conduct Standards of the Code of Ethics for the South Australian Public Sector.
- Repeated suspected intoxication at work, the level of observed intoxication, the employee's behaviour at such times and/or the level of risk in the workplace of the employee being impaired by alcohol and/or other drugs is relevant to determining whether disciplinary action is appropriate.
- Where a line manager or other employee has a reasonable suspicion that a colleague violated any law; is a danger to public health or safety or to the environment; or has engaged in behaviour that amounts to misconduct, they are obliged under the Code of Ethics for the South Australian Public Sector to report this to an appropriate authority.

Criminal offences or other actions warranting disciplinary action

- In consultation with the human resources / workforce team (and, where appropriate, South Australian Police and/or an appropriate authority), action (disciplinary processes, action related to medical incapacity and/or unsatisfactory performance) should be taken in response to the following worker actions:
    - Possession, consumption and/or distribution of illegal drugs at work or during a work break.
    - Theft of drugs and/or prescriptions from SA Health: Refer to the Staff Access to Medicines for Personal Use Policy .
    - Driving a work vehicle or driving in the line of duty under the influence of alcohol and/or drugs /over the legal limits for drugs/alcohol (including fork lifts in delivery bays): (The *Road Traffic Act 1961* specifies offences of driving under the influence of alcohol/drugs.)
    - Illegal distribution of licit drugs: (Refer to the Storage and Recording or Restricted Schedule 4 (Prescription Only) Medicines Policy for management requirements and accountability for certain Schedule 4 medicines of employees delegated with responsibility for handling medicines in SA Health.)
    - Writing prescriptions for Schedule 8 drugs without authority.
    - Worker suspected intoxication at work endangering patients/clients' safety, or that of others in the workplace; or otherwise creating risks (e.g., of property damage) to SA Health.

5.4 Diagnosis or self-disclosure of concerns relating to alcohol and/or other drugs

- The SA Health website provides information to individuals, the community and health professionals on services available for treatment of drug/alcohol problems and measures to support someone with alcohol related problems and for harmful drug use.
- The State Government's Know Your Options website provides individuals, families and health professionals with information about alcohol and other drug treatment options and support services that are available in South Australia. This includes a service directory and information about selecting a service.
- Line managers should encourage any worker with difficulties concerning their use of alcohol and/or other drugs to consult with their treating medical practitioner.
- Where an employee commences treatment with a recognised drug/alcohol rehabilitation provider, should refer to the Management of Non-Work Related Disability or Medical Incapacity Policy and seek support of the human resources / workforce team.

5.5 Medication that may impact safety at work

- Workers who are taking medication (to manage a medical condition), which may affect their ability to work safely, should:
    - Outline the duties of their role to their treating practitioner/pharmacist and obtain written advice of the possible effect of the medication on safety at work.
    - Advise their line manager accordingly. The worker is not required to reveal the nature of the condition being treated or the type of medication, only that they are taking medication which has the potential to adversely impact upon safety.
- Line managers should refer to the should refer to the Management of Non-Work Related Disability or Medical Incapacity Policy and seek support of the human resources / workforce team for situations where an employee's use of prescribed medication impacts on a temporary or ongoing basis their ability to work safely (e.g. by temporary modification of the employee's role or work environment). Similar arrangements apply to an employee on prescribed medication returning to work following a work-related injury.

5.6 Testing of individual employees

- Testing of individual employees (by an independent party) may occur where:
    - South Australian Police requires that the person be tested before driving (e.g. employees who are employed as drivers but are covered by court orders requiring breath testing before commencing driving).
    - Testing is a condition of a formal agreement between SA Health and an employee (e.g. as part of an agreement to enable them to return to full duties following a rehabilitation intervention or as an alternative to dismissal).
    - An employee voluntarily wishes to self-test.
    - Testing is a condition of Ahpra for a registered health professional to continue to practice.
- DHW, LHNs including state-wide services aligned with those LHNs and SAAS may return an employee to work under the above circumstances where formal agreement on testing arrangements and supervision has been reached.

5.7 Measures to ensure compliance with legislation

> To ensure broader compliance with employer obligations under the WHS Act and alcohol and other drugs related legislation, rather than testing for alcohol and/or drug use, less invasive methods of identifying, managing and minimising risk of intoxication should be considered in work areas with duties which carry high risk if a worker would be impaired; or when there are indications of harmful use of alcohol and/or other drugs, e.g. operation of machinery; driving of vehicles and various surgical, medical, nursing and dispensing duties.

> Such measures may include communicating to workers SA Health's expectations about alcohol and/or other drug use; providing information and education on the risks of alcohol and/or other drug; addressing factors in the workplace that may contribute to stress or fatigue; and advising workers of counselling available (e.g. EAP, if available).

5.8 Education and training

Training line managers

> To successfully implement this guideline, line managers should receive training and information on:

- Their role and responsibilities in implementing the policy and guideline.
- How to document impairment in the workplace due to intoxication (documenting observations of impairment due to alcohol and/or other drugs use).
- Practical steps to manage employees with alcohol and/or other drugs habits impacting their performance.
- How to assess risks of worker intoxication and develop strategies to prevent and manage such risks.

Creating worker awareness

> Line managers should ensure workers are aware of:

- The existence and provisions of the policy and guideline.
- Workers' obligation to attend their duties unimpaired by their use of alcohol and/or other drugs.
- Risks to the work unit, patients, others in the workplace and SA Health if workers are intoxicated at work or use alcohol and/or other drugs outside workhours in a manner that impacts their performance.
- EAP services.
- The appropriate person(s) to approach to self-disclose and obtain assistance with harmful use of alcohol and/or other drugs.

> Methods to provide above information may include:

- Sharing this information in local induction and orientation programs.
- Annually emailing executive updates on the above.
- Messaging in WHS training and discussions.
- Providing hard copies of the policy and guideline to workers who do not have regular access to emails.
- Providing formal information sessions to workers working in high-risk situations.

5.9 Grievances

> Non-executive employees employed under Part 7 of the PS Act, who believe they are impacted by an adverse management decision, may apply for review of the decision in accordance with sections 61 and 62 of the PS Act and sections 26 to 28 of the *Public Sector Regulations 2010*.

- Employees employed under the HC Act and not covered by Part 7 of the PS Act, who have a concern about a management decision affecting them, may request a review of this decision in writing in accordance with Part 3 Grievances and Disputes in the SA Health (Health Care Act) Human Resources Manual.
    - Employees may also utilise the grievance resolution procedures provided under the industrial instruments applicable to them.
- Where there is an alleged contravention of the Information Privacy Principles (IPP) or breach of individual privacy SA Health, workers may make a complaint to the Privacy Committee of South Australia (refer to Privacy Policy).
- Complaints about the unlawful use of personal information may also be made to an appropriate Executive Officer in SA Health or may be referred to entities such as the Health and Community Services Complaints Commissioner, Ahpra, or SA Ombudsman (as the case requires).

6. Supporting information

- Checklist for observations of impairment due to drug and alcohol use
- CPSE Guideline – Management of Misconduct
- CPSE Guideline – Management of Unsatisfactory Performance
- Documenting incidents of suspected intoxication at work
- *Health Care Act 2008*
- *Health Care Regulations 2008*
- Part 4-1-7 Managing Unsatisfactory Performance, Discipline and Termination
- Performance Review and Development Policy
- *Privacy Policy*
- Worker Use of Alcohol and Other Drugs Policy

7. Definitions

- **Alcohol:** means any substance or beverage that contains alcohol (including, but not limited to, beer, wine or spirits) and that impairs a person's physical or mental capacity, e.g. speed, accuracy, judgement, self-control and reflexes.
- **Drugs:** means a chemical substance, whether it is legal or illegal, which may have the ability to impair a person's physical or mental capacity (excluding alcohol for the purpose of this guideline and the associated policy). These can include prescription medication, non-prescription drugs (such as codeine, cough syrups and similar), and illicit drugs (such as heroin, amphetamines, LSD, crack, cocaine, ecstasy or marijuana).
- **Employee:** a person employed in, or for the purposes of, an administrative unit by the chief executive on behalf of the Crown.
- **Harmful use:** means a level of alcohol and/or other drugs (licit or illicit) use that is known to be associated with tissue damage, illness, inebriation, hazardous use or other harm.
- **Illicit drugs:** means unlawful drugs such as heroin, cocaine, marijuana and methamphetamines.
- **Impairment:** means the worker's work performance is impaired to the extent that it may result in an increased risk of endangering the safety of the worker, co- workers, or other people in the workplace, including patients, or an increased risk of damage to property.

- **Intoxication:** means a state in which a person's normal capacity to exercise reasonable care and skill in the practice of their work is impaired or adversely affected as a result of being impacted by their recent use of alcohol/other drugs.
- **Licit drugs:** means lawful drugs, which could include prescription medication or non-prescription drugs such as codeine (excluding alcohol for the purpose of this guideline and the associated policy).
- **Line manager:** means the person who is responsible for overseeing a worker's day-to-day activities, performance and conduct in a SA Health workplace. This also includes managers of labour hire agency staff and co-ordinators of volunteers or students on clinical placements.
- **State-wide services:** means State-wide Clinical Support Services, Prison Health, SA Dental Service, BreastScreen SA and any other state-wide services that fall under the governance of the Local Health Networks.
- **Workplace** means: the work environment where SA Health workers perform their duties; - whether on SA Health premises or elsewhere in the community.
- **Worker** means: all persons working under SA Health supervision, e.g. all employees and non-employee workers (such as volunteers, students/clinical placements and labour hire agency staff / contractors).

8. Document ownership

Guideline owner: Domain Custodian for the Employment, Work Health and Safety Policy Domain

Title: Worker Use of Alcohol and Other Drugs Guideline

Objective reference number: A5704612

Review date: 29/07/2029

Contact for enquiries: Health:Workforce Services Policy

9. Document history

Version	Date approved	Approved by	Amendment notes
1.0	29/07/2024	Deputy Chief Executive, DHW	New Guideline created

10. Appendices

Nil