

Alcohol and other drugs in the workplace Procedure

1. Purpose

The Department for Child Protection (DCP) is committed to providing a safe, healthy and productive workplace and complying with its obligations under the [Work Health and Safety Act 2012 \(SA\)](#) (WHS Act).

The consumption of alcohol and/or other drugs whilst on duty, or in the period leading up to presentation at work, could result in an increased risk of incidents and adverse outcomes for employees or children and young people as it may impact an employee's capacity to exercise reasonable care and skill in the performance of their duties. Alcohol and/or other drug use may cause impaired coordination, memory and other cognitive functions; delayed reaction time and a decrease in an employee's ability to concentrate and communicate.

This procedure provides a framework for effective, fair and consistent management of employees adversely affected on duty by their use of alcohol and/or other drugs.

Note - While the focus of this procedure is on managing employee impairment in the workplace, the inappropriate or illicit use of alcohol or other drugs outside of work may separately be a matter for disciplinary action pursuant to the Professional Conduct standards of the [Code of Ethics for the SA Public Sector](#).

2. Scope

This procedure applies to all DCP employees.

3. Authority

3.1 Legislative context

Obligation to provide a safe, healthy and productive workplace in accordance with the [Work Health and Safety Act 2012 \(SA\)](#).

3.2 Whole of Government requirements

This procedure should be read in conjunction with [Commissioner for Public Sector Employment Guideline: Managing Unsatisfactory Performance \(Including Misconduct\)](#).

The Professional Conduct standards under the [Code of Ethics for the SA Public Sector](#) are also a relevant consideration.

3.3 DCP requirements

This procedure supports the aims and objectives of the [DCP Human Resources Policy](#).

Managers and supervisors should refer to the [DCP HR Delegations and Authorisations](#) regarding authority to direct employees to safely leave the workplace.

3.4 Principles

The safety of children and young people is the paramount consideration in the management of alcohol and/or other drug issues in the workplace, noting the health and wellbeing of employees is also a key consideration.

DCP employees are required to present for duty at all times unimpaired by alcohol and/or other drugs.

DCP is committed to culturally safe workplaces, and the cultural safety of our employees. Central to feeling safe at work is the expectation that a person's cultural identity will not be demeaned or diminished by others. All employees have a duty of care to take reasonable steps to protect their own health and safety in the workplace, and to not adversely affect the health and safety of others in the workplace. This includes cultural safety. A copy of the **DCP Cultural Safety Procedure** is available [here](#).

Any employee who is reasonably suspected of being intoxicated or impaired by alcohol and/or other drugs (licit or illicit) must not be allowed to commence duty, continue duty or return to duty until they are deemed fit to perform their duties safely and without impairment.

Employees who are required to drive government vehicles or a private vehicle during the course of their duties must not:

- do so with a blood alcohol or substance level exceeding any requirements determined by law
- be under the influence of any drug that may adversely affect their ability to drive safely.

The [Road Traffic Act 1961](#) specifies offences of driving under the influence of alcohol or other drugs.

4. Procedure requirements

A line manager who observes or reasonably believes that an employee's ability to perform their duties safely is impaired, must take reasonable steps to determine whether the impairment is due to the use of alcohol and/or other drugs or whether another cause exists that needs to be addressed. Where possible, the line manager should attempt to obtain the relevant information directly from the employee.

4.1 Managing suspected intoxication or impairment in the workplace

Indicators that may suggest the influence of alcohol and/or other drugs include, but are not limited to:

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

Co-workers or other witnesses should document their observations of the incident of possible employee intoxication at work and refer their observations in writing to line managers or supervisors.

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

4.1.1 Address the concerns with the employee

Note - any action taken to address concerns with an employee should be undertaken in a manner which is safe for all people involved and free from behaviours, practices and processes that may threaten cultural safety. Further information about Cultural Safety is available in the [SA Public Sector Work Health and Safety \(WHS\) Framework for Cultural Safety \(Framework\)](#).

If it is reasonably suspected that an employee is unfit to perform their duties safely due to alcohol and/or drug use, the following actions are recommended:

- the employee should be requested to accompany the line manager to a private location and be advised that there is a reasonable suspicion that they are under the influence of alcohol and/or other drugs and that this may create a safety risk to themselves, their colleagues, others in the workplace or the community
- the employee should be given an opportunity to provide an explanation for the observations that have been made
- if an acceptable explanation is not provided, it may be reasonably surmised that the observed behaviour may be due to the use of alcohol and/or other drugs
- the employee should be advised that they may voluntarily attend an examination by an available General Practitioner (GP) located in the near vicinity (to ensure timeliness) at DCP's expense. The employee may choose any medical practitioner available at the time for this examination. The medical examination may include referral for a drug and/or alcohol test, such as a breath, saliva, or urine test, as is considered appropriate. Clinical Labs Pathology Collection Centres are preferred locations where such testing is undertaken.

To enable the medical examination, the line manager must:

- ensure the employee understands that taking the test is voluntary and that they are not directed or obliged to take the test
- provide the employee with an 'Authority to Exchange Information Form' for signing (a copy should be kept and the original sent with the employee to the GP)
- provide the employee with taxi vouchers to attend the GP and to travel home safely afterwards
- arrange that the employee is accompanied by a support person if it is necessary to ensure they arrive safely at the GP
- the line manager must document the events and actions taken, and seek advice from Human Resources as soon as practical.

4.1.2 Direct the employee to safely leave the workplace

Regardless of whether the employee consents to be examined by a GP or not, or provides an alternative reason for the observed behaviour, they must (for safety reasons) be directed to leave work for the remainder of the day or shift if it is reasonably believed that they present a risk to the health and safety of themselves or others.

If the employee needs immediate medical attention, line management should facilitate this.

Appropriate arrangements should be made for the affected employee's safe transport home (for example by taxi at DCP's expense or by other appropriate means). The employee should be instructed not to drive a vehicle. If the employee attempts to drive, their line manager should contact SA Police (SAPOL) immediately.

If management is of the view (based on reasonable grounds) that an employee is unfit for duty and the employee is directed to remain absent from the workplace (with advice from Human Resources and consistent with delegated authority as described in the [Department for Child Protection HR Delegations and Authorisations](#)), the employee must access paid leave entitlements in order to receive remuneration. If these entitlements have been exhausted, the employee may be granted leave without pay whilst medical information is obtained and management determines an appropriate course of action.

If an employee is observed to be impaired (regardless of the cause), but refuses to leave the workplace, they should be directed to a non-public and confidential environment and advice should immediately be sought from senior management or Human Resources.

4.1.3 Document observations of impairment at work

Any observations pertaining to the employee's suspected intoxication/observed impairment must be documented and confidential records of the following documents (where relevant) must be kept:

- observations regarding impairment or suspected intoxication (observed by the line manager, WHS representative and/or other witnesses), including information such as the date, time and details of the witnesses of the occurrence
- a record of meetings, actions taken by management and the employee's response to these actions
- records of any other notices to appropriate authorities, for example Office for Public Integrity or SAPOL.

4.1.4 Actions following direction to safely leave the workplace

Following a decision to direct an employee to leave the workplace, it is essential that Human Resources is contacted to determine a suitable action plan. Consideration will be given to matters such as:

- follow-up meetings with the employee
- advice about further management of any concerns
- process to return the employee to work including an assessment of the safety risks to the employee, children/young people, others in the workplace and to DCP as related to the employee being impaired while on duty
- the appropriate steps to consider if the employee discloses that the cause of the observed impairment is of a medical nature
- referral to Employee Assistance Counselling (EAC) should be considered as part of this process.

4.1.5 Alcohol and/or other drug testing of individual employees

Alcohol and/or other drug testing of individual employees (by an independent party) may occur where:

- SAPOL requires that the person be tested before driving
- testing is a condition of a managerial response following a disciplinary process whereby a formal arrangement is instigated by DCP with the employee in agreement (an employee voluntarily agrees to undergo testing)*
- testing is a requirement of a registered professional body in order for the employee to continue to practice
- testing is indicated or necessary following a specific incident or accident.

*Each matter will rely on its own facts and DCP will determine whether it is reasonable and practicable to return the employee to the workplace, taking into account the health, safety and wellbeing of the employee, other employees and children and young people.

4.2 Unsatisfactory performance of an employee suspected to be related to alcohol and/or other drug use

Advice should be sought from the Human Resources Directorate as to whether an affected employee's conduct should be managed as unsatisfactory performance or misconduct.

The normal processes for management of unsatisfactory performance of employees are outlined in [The Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance \(including Misconduct\)](#).

4.3 Medication that may impact safety at work

Employees who are taking medication (to manage a medical condition), which may affect their behaviour, work performance or ability to work safely, must:

- outline the duties of their role to their treating practitioner/pharmacist and obtain written advice that their ability to safely perform these duties will not be affected
- advise their manager/supervisor accordingly (the employee 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).

4.4 Confidentiality

To protect the privacy of employees, confidentiality regarding matters relating to their use of alcohol and/or other drugs or medications is essential, including having all discussions in private and keeping documentation relating to these matters confidential.

Line management must respect employees' privacy regarding their use of EAC or other counselling services, and communicate these rights to the employee.

4.5 Work related social functions

For work related social functions, while there is no absolute prohibition on the consumption of alcohol on work premises, functions should be approved at director level and managers should ensure the incorporation and use of alcohol in such settings is responsible.

Employees have a responsibility to be aware of their own level of alcohol consumption when attending a work-related social function or social club event and abide by the Code of Ethics for the South Australian Public Sector, that is behaving in a professional, respectful and responsible manner.

5. Compliance, monitoring and evaluation

Line managers are required to ensure that processes are in place to monitor the application of this procedure and address any performance or conduct issues identified.

The Human Resources Directorate is responsible for managing compliance with the procedure in the event of incidents warranting performance management or disciplinary action. Evaluation shall occur through case review of incidents following resolution.

6. Related documents

Related documents, forms and templates
Human Resources Policy
Commissioner for Public Sector Employment Guideline: Managing Unsatisfactory Performance (Including Misconduct)
Department for Child Protection HR Delegations and Authorisation
Code of Ethics for the SA Public Sector

7. Glossary

Term	Meaning
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, for example 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. These can include prescription medication; non-prescription medications (such as codeine, cough syrups and similar); and illicit/recreational drugs (such as heroin, amphetamines, LSD, cocaine, ecstasy or marijuana).
illicit drugs	means unlawful and recreational drugs, such as heroin, cocaine, marijuana and methamphetamines.
impairment (at work) due to alcohol and/or other drugs	means the employee's work performance is impaired to the extent that it may result in an increased risk of endangering the safety of the employee, co-workers, or other people in the workplace, including clients, or an increased risk of damage to property.
intoxication/intoxicated	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 under the influence of alcohol and/or other drugs.
licit drugs	means lawful drugs, which could include prescription medication.
line manager/supervisor	means the person who is responsible for overseeing the department, work unit and/or area, and/or is responsible for the employees working for them and the management of the day-to-day activities of a group of employees.

Term	Meaning
workplace	means the work environment where DCP employees perform their duties, whether on DCP premises or elsewhere in the community.

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