

Fitness for duty: Alcohol and other drugs

Policy Number: E16 (QH-POL-440)

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Purpose: Queensland Health is committed to providing a safe, healthy and productive workplace and is focused on eliminating risks associated with the adverse effects of alcohol and other drugs in the workplace.

Application: This policy applies to all employees working for Queensland Health (including permanent, temporary, full-time, part-time and casual employees), students, volunteers and contractors in all work locations, for example in a Queensland Health building, telecommuting, or work from home; and includes work endorsed events, work social functions, and whilst operating Queensland Government vehicles.

Delegation: The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, or Hospital and Health Human Resource (HR) Delegations Manual, as amended from time to time.

Legislative or other authority:

- *Anti-Discrimination Act 1991*
- *Health Practitioner Regulation National Law Act 2009*
- *Human Rights Act 2019*
- *Public Sector Ethics Act 1994*
- *Public Service Act 2008*
- *Work Health and Safety Act 2011*

Related policy or documents:

- Workplace conduct and ethics HR Policy E1 (QH-POL-113)
- Discipline HR Policy E10 (QH-POL-124)
- Mental or Physical Incapacity of Employees HR Policy E11 (QH-POL-170)
- Grievance resolution HR Policy E12 (QH-POL-140)
- Suspension HR Policy E14 (QH-POL-400)
- Reasonable adjustment HR Policy G3 (QH-POL-210)
- Performance and Development HR Policy G9 (QH-POL-189)
- Performance Improvement HR Policy G11 (QH-POL-190)
- Work health and safety Policy (QH-POL-401)
- Code of Conduct for the Queensland Public Service
- Commission Chief Executive Guideline 03/13: Mental or physical incapacity
- Workplace rehabilitation host employment placement guideline (QH-GDL-401-5-1)
- Fitness for duty: Alcohol and other drugs guideline (QH-GDL-440)
- Absence Management guideline (QH-GDL-094)
- National Code for Conduct for Health Care Workers (QLD)
- National Safety and Quality Health Service Standards (NSQHS)
- Queensland Health WHS Risk Profile



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1 Objectives

As an organisation, Queensland Health is committed to providing a safe, secure and supportive workplace for all employees. In accordance with this commitment, no employee can attend the workplace whilst under the influence of alcohol or illicit drugs. This eliminates the risk of an employee's work performance being adversely affected or the safety of the employee or others being compromised in any way as a result of alcohol consumption or illicit drug use.

The objectives of this policy are to:

- define clear expectations in relation to expected standards of behaviour when attending work, particularly in relation to the expectation that employees are not under the influence of alcohol or illicit drugs whilst attending work
- provide appropriate support to employees who identify a health problem related to the use of alcohol or other drugs
- ensure the organisation meets its statutory obligations and duty of care to provide a safe working environment and to keep all employees free from harm
- provide line managers with the skills to identify and manage issues in the workplace related to alcohol and other drugs through appropriate training, education, support, tools and resources.

2 Expected behaviour

Queensland Health has an obligation to ensure that an employee can perform the inherent requirements of their role safely and productively and has a positive duty to meet its obligations in relation to work health and safety.

Queensland Health expects all employees to act in a responsible manner consistent with the Code of Conduct for the Queensland Public Service if they are on work premises or whilst representing the organisation.

Any employee who is under the influence of alcohol or illicit drugs must not present for work.

If an employee is currently taking any medications that may affect their ability to safely perform their duties, the employee should consult with their treating medical practitioner about their capacity for work.

3 Responsibilities

Everyone in the workplace has a responsibility for maintaining a safe working environment. Under the *Work Health and Safety Act 2011*, Queensland Health has a primary duty of care towards employees and others who may be present at the workplace including contractors, service providers, clients and visitors.

Queensland Health is responsible for:

- providing a safe workplace and safe systems of work to minimise the risk of employees and others in the workplace being exposed to hazards or risks to their health and safety
- providing information, instruction, training and supervision to enable employees to work in a safe manner.

3.1 Employees

- All employees have a responsibility to read and understand this policy. Any questions about this policy should be clarified by the employee with their line manager.
- Under work health and safety legislation, employees must take reasonable care for their own health and safety while at work and ensure their acts or omissions do not adversely affect the health and safety of other workers in the workplace.
- Employees must not present for work whilst under the influence of alcohol or illicit drugs, and at all times carry out their duties and responsibilities in a safe manner. This includes the recognition of the potential negative effects and performance impacts associated with a 'hangover' after alcohol use or the 'coming down' effects after the use of other drugs.
- Employees who have been prescribed any medication that may impact on the safety of themselves or others in the workplace and/or affect their work performance are required to inform a manager about the likely potential effects before commencing any duties. 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 impact upon safety.
- Employees must behave responsibly when consuming alcohol or prescription medication while attending a work endorsed event, work social function, or when taking prescription medication while attending work. Refer to section 5 of this policy for further information regarding work endorsed events and work social functions.
- Employees should be aware of their own ability to work. They should carry out a self-assessment and inform a manager if they believe they are affected by alcohol or other drugs. This also applies to employees who are performing work from home/telecommuting.
- Registered health practitioners have additional responsibilities in relation to mandatory reporting and must advise the Australian Health Practitioner Regulation Agency (AHPRA) if they have formed a reasonable belief that a registered health practitioner has behaved in a way that constitutes notifiable conduct. Notifiable conduct by registered health practitioners includes practising while intoxicated by alcohol or drugs.
- A registered health practitioner must immediately advise their manager/clinician manager when the status of their professional registration with the registration board or membership of the professional association changes. A change to the status of the health practitioner's registration includes, but is not limited to suspension, conditions, restrictions and undertakings. Refer Health professionals registration - Medical officers, nurses, midwives and other health professionals HR policy B14.

3.2 Managers

- Managers are employees of Queensland Health and as such have the same personal conduct responsibilities as detailed in section 3.1 of this policy.
- Managers are responsible for proactively managing the work performance and conduct of their employees, and are required to take appropriate action if unacceptable work performance or conduct issues arise, which may include directing an employee to cease work if there is a reasonable concern for their immediate or imminent health or safety, and/or the health and safety of other persons.
- Managers should not assume that physical or cognitive issues are necessarily related to alcohol or other drug use. Other causes may include head injuries, fatigue or a medical condition.
- Where a manager has a concern about an employee's conduct or performance, they should provide the employee with an opportunity to discuss the concerns in a supportive environment.
- A manager may request the employee obtain written confirmation from their treating medical practitioner certifying their ability to work whilst taking medication; however, the manager must not request details regarding the nature of the condition being treated or the type of medication the employee has been prescribed.
- In all instances where an employee's performance, conduct or behaviour suggests that the employee is affected by alcohol or other drugs in the workplace, the manager is to inform their local human resources/occupational health and safety team providing details about the situation/incident and what action has been taken to support the employee.
- Managers have particular responsibilities in relation to mandatory reporting. Managers must inform AHPRA if they have formed a reasonable belief that a registered health practitioner has behaved in a way that constitutes notifiable conduct. Notifiable conduct by registered health practitioners includes practising while intoxicated by alcohol or drugs.

4 Escalation of matters

Where an employee's performance, conduct or behaviour suggests the employee is affected by alcohol or other drugs, the relevant manager will undertake an initial assessment based on the employee's work performance.

The manager should consult with their local human resources/occupational health and safety team to discuss options for providing support to the employee and to ensure the most appropriate course of action is taken to address any conduct and/or performance issues in the workplace.

Whilst a manager should ensure an employee is provided with a supportive environment to discuss any conduct or performance concerns, there may be a requirement to consider a formal performance and/or disciplinary process if the matter is unable to be resolved informally.

If an employee attends a workplace and is considered by a manager to be unfit for work, suitable transport will be arranged to the employee's residence or chosen medical facility at the expense of the Department/Hospital and Health Service.

Further information is available to provide support and assistance to managers and employees in the Fitness for duty: Alcohol and other drugs guideline.

If an employee has reason to believe they have not been managed in accordance with this policy, they are able to escalate their concerns in accordance with the Grievance resolution HR Policy E12.

5 Work endorsed events and work social functions

Responsible service of alcohol practices will be observed at all work endorsed events and work social functions. These practices include but are not limited to:

- appropriate serving sizes
- choice of non-alcoholic drinks
- availability of food
- safe transport options.

It is illegal to provide any person under the age of 18 with alcohol, and it is also illegal to provide any person with illicit drugs.

Any employee attending a work endorsed event or work social function where the consumption of alcohol is permitted and the employee chooses to consume alcohol, must abide by the following restrictions:

- Employees must consume alcohol responsibly.
- Employees must not become inebriated.
- Employees must uphold an appropriate standard of behaviour at all times.
- Employees should arrange a safe means of transport to and from such functions when transport has not been provided. This includes not driving while under the influence of alcohol in accordance with policy and road transport laws.

Employees must not attend work endorsed events or work social functions while affected by illicit drugs.

6 Support

A range of support options are available to employees and managers.

As a general principle, employees are able to request support from a union representative or support person to accompany them during any discussion with management.

The employee assistance service (EAS) offers a confidential counselling service which is free of charge to all employees for up to six sessions per calendar year. Access to this service is by self-referral to the relevant provider.

Further information on EAS providers can be accessed on QHEPS at:

<https://qheps.health.qld.gov.au/csd/employee-centre/workhealth-safety-wellbeing/employee-assistance-service-providers>.

Additional support options include:

General /treating practitioner

For support and treatment options

Queensland Health resources

www.health.qld.gov.au/public-health/topics/atod/default.asp

Alcohol and Drug Information Service (ADIS)

Confidential and anonymous 24-hour counselling service
1800 177 833

Other information and resources include:

Australian Drug Foundation (ADF)

www.adf.org.au

Australian Drug Information Network (ADIN)

www.adin.com.au

Family Drug Support Australia

www.fds.org.au

Substance Abuse and Addiction

www.lifeline.org.au

Definitions:

Coming down	<p>Coming down refers to the period after taking a drug when your body is trying to process the substances that have been taken. The duration of a drug comedown, and how bad it is, depend on a number of factors including the type of drug that was taken and the age, sex and tolerance of the person who took it.</p> <p>Each drug has its own unique after effects, and there are likely to be differences in what you feel based on whether you took a stimulant or depressant, with some effects lasting for several days. Nevertheless, there are some similarities between many drugs, such as episodes of feeling flat or depressed and feeling physically exhausted. People experiencing comedowns might feel:</p> <ul style="list-style-type: none"> • shaky • headaches • nauseous • low energy • sleep a lot or be unable to sleep • loss of appetite.
Drug use	<p>Drug use refers to consumption of a psychoactive legal or illicit drug or substance whether for recreational or therapeutic purposes.</p>
Hangover	<p>A hangover refers to the experience of various unpleasant physiological and psychological effects following consumption of alcohol. The specific effects of a 'hangover' will depend on what and how much was consumed and how your body responded. A hangover is partly the body's reaction to the toxic effects of alcohol and the withdrawal from alcohol. The following day, the effects of a hangover may be experienced, including:</p> <ul style="list-style-type: none"> • headache • diarrhoea, vomiting and nausea • tiredness and trembling • increased heart rate and blood pressure • dry mouth and eyes • trouble concentrating • anxiety • restless sleep.

Health practitioner	The <i>Health Practitioner Regulation National Law Act 2009</i> defines health practitioner as an individual who practises a health profession.
Illicit drug/s	<p>Illicit drugs are illegal substances that can be classified into three main groups depending on the way they affect the brain:</p> <ol style="list-style-type: none"> 1) stimulants – including speed (amphetamines), cocaine and ecstasy 2) depressants – including cannabis, heroin, and opium 3) hallucinogens – including lysergic acid diethylamide (LSD), magic mushrooms. <p>Illicit substances may include legal, prescription medications that have not been prescribed for the user by a medical practitioner.</p>
Other drug/s	Other drug/s refers to all legal and illegal substances, including performance and image enhancing drugs (PIEDs), tobacco, pharmaceutical substances, and illicit drugs and 'new psychoactive substances' or 'synthetic' drugs (excluding alcohol).
Under the influence	<p>An employee who is adversely affected by alcohol or illicit drugs will be considered to be under the influence if they are unfit to perform their duties and responsibilities safely and productively.</p> <p>The effects of alcohol or drug consumption can lead to:</p> <ul style="list-style-type: none"> • increased risk of incidents • impaired coordination • decreased ability to concentrate and communicate • lack of thoughtful decision making • impairment of memory and other cognitive functions • delayed reaction time. <p>The term 'under the influence' includes impaired performance related to coming down from illicit drug use or experiencing the effects of a hangover.</p>
Work endorsed events and social functions	<p>An event organised or supported by the Department/Hospital and Health Service where an employee is considered to be representing the Department/Hospital and Health Service. Events include but are not limited to:</p> <ul style="list-style-type: none"> • training sessions and workshops • conferences • networking events • social club events • Christmas parties or similar functions.

History:

July 2020	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – updated to amend references and naming conventions – application amended as a result of changes outlined in the Hospital and Health Boards (Changes to Prescribed Services) Amendment Regulation 2019.
January 2020	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – formatted as part of the HR Policy review – updated to include reference to the <i>Human Rights Act 2019</i>, and employee assistance provider naming convention.
March 2017	<ul style="list-style-type: none"> • New policy developed to reinforce the Department of Health's commitment to providing a safe, healthy and productive workplace for all employees.