Alcohol and other drugs policyA blue and black background

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**Acknowledgement**

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We acknowledge Aboriginal and Torres Strait Islander people as Australia’s first peoples and as the Traditional Owners and custodians of the lands and waters on which we rely. We pay respect to Elders past and present of the lands where we conduct our work and recognise their ongoing contributions as the first educators on the land now known as Victoria.

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1. Overview

The *Occupational Health and Safety Act 2004 (Vic) (OHS Act)* requires employers, so far as is reasonably practicable, to provide and maintain a safe and healthy work environment for their employees (section 21 of the OHS Act). While the VCAA does not intend to intrude into the private lives of employees, if alcohol or drugs have a direct impact on an individual’s work performance or on the VCAA’s health, safety, and wellbeing standards, it is the responsibility of the organisation to mitigate and manage potential risks.

This policy applies to all employees within the Victorian Curriculum and Assessment Authority (VCAA). For the purposes of this policy, the term 'employees' encompasses VCAA employees of the direct workforce, as well as any individuals or groups undertaking an activity for or on behalf of the VCAA, including:

* all employees (fixed term, casual, sessional) employed under Ministerial Order No. 1451 – Victorian Curriculum and Assessment Authority employees (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2023 (referred to as ‘The MO’)
* Board members.

1. Objectives

The objectives of this policy are to:

* provide employees with an understanding of the requirements and expectations of them during working hours, thereby reducing the likelihood of injury and damage resulting from the misuse of alcohol and/or drugs (including prescription drugs)
* ensure that employees who are consuming alcohol or other drugs out of work hours have access to support and assistance with comprehending the effects of substance use (and/or abuse) on personal health, safety and job performance
* prioritise the maintenance of employees’ health and safety without compromise through organisational procedures for handling incidents when an employee is demonstrating signs and symptoms that may deem them to be unfit for work
* promote a workplace environment where employees are informed, physically capable, and execute their work duties and responsibilities safely without impairment from drugs or alcohol.

1. Principles
   1. Outline legal obligations and consequences

Outline the employer's (VCAA) obligations and responsibilities concerning health, safety, and legal compliance according to the OHS Act 2004. Highlight the repercussions for employees in case of policy violation.

* 1. Ensure fair and equitable application

Implement the policy with impartiality and consistency, devoid of any discrimination or bias. Foster a supportive atmosphere for employees seeking assistance.

* 1. Confidentiality and privacy

Manage employee information and associated discussions, ensuring that confidential data is disclosed solely to authorised delegates and for valid reasons.

* 1. Prevention and information

Offer employees access to services and support, including resources detailing alcohol and other drugs, as well as drug prevention and harm reduction strategies.

1. Roles and responsibilities
   1. The employer

The employer (VCAA) holds the responsibility to provide and maintain a safe and healthy work environment, so far as reasonably practicable, including:

* providing and maintaining a safe workplace and procedures that ensure employees are not exposed to unnecessary risks
* providing information, training or supervision to employees as is necessary for them to carry out their work duties safely
* consulting and cooperating with employees to reduce alcohol and drug-related harm
* identifying hazards associated with alcohol and drug use in the workplace
* ensuring that this policy is applied on a consistent and fair basis.
* ensuring all employees are informed about the provisions outlined in this policy
* ensuring that prompt and suitable measures are implemented to address any arising issues effectively
* maintaining a safe work environment that intends to minimise risks to the health and safety of employees, as is reasonably practicable
* managing changes in an employee’s work performance that may be due to alcohol or other drug use issues.
  1. Employees
* taking reasonable care for their own health and safety in the workplace, and the health and safety of other individuals who may be affected by their acts or omissions
* ensuring they are not, affected in a way that may put themselves or others at risk from a result of alcohol and/or other drugs use
* identifying and managing risks associated with alcohol and other drugs
* cooperating with the VCAA with respect to any action taken to comply with the OHS Act or OHS Regulations (see section 25(1) (c) of the OHS Act)
* clarifying with a doctor or pharmacist if any prescribed or provided medication could impair any abilities to safely perform the role
* advising a manager or authorised delegate if you or your doctor believes prescribed/over-the-counter medication may impact work duties or if unexpected side effects occur
* discussing concerns with a manager or authorised delegate if you believe alcohol or other drug use by another employee may affect the safety of yourself and/or others
* informing a manager or authorised delegate if you are taking any prescription or over-the counter drugs/medication which has the potential to adversely affect you, before commencing work duties.

1. Expectations
   1. Legal obligations

Occupational Health and Safety (OHS) laws are designed to ensure the health and safety of employees and others in the workplace. The Occupational Health and Safety Act 2004 (Vic) (OHS Act) requires employers, so far as is reasonably practicable, to provide and maintain a safe and healthy work environment for their employees (section 21 of the OHS Act).

The VCAA’s duty to provide and maintain a safe and healthy work environment and the duty to consult with employees extends to all employees engaged by the VCAA.

* 1. Alcohol and other drugs in the workplace

As an employer, the VCAA will take all appropriate measures to reduce the risk of harm to all employees. All employees also have a responsibility when it comes to identifying and managing risks associated with alcohol and other drugs. Employees should be aware of the risks to our workplace environment. These risks include but are not limited to:

* risk taking behaviour and dangers caused by other individuals
* use of IT, computer equipment and appliances in VCAA workplaces
* employee fitness for work while driving on the road
* handling of materials
* the integrity and reputation of the organisation.

The effects of alcohol and drug use can be long lasting. Employees have obligations under the Victorian Public Sector Code of Conduct, the OHS Act and the VCAA Fitness for Duty Policy in relation to ensuring they are fit for work. In relation to drugs and alcohol, this means that they must attend with a BAC of 0.000% and concentrations not exceeding the levels defined in Standards Catalogue AS/NZS 4760:2019 (the Standard).

* 1. Prescription and over-the-counter drugs/medication

Employees must inform their manager or authorised delegate if they are taking any prescription or over-the-counter drugs/medication which has the potential to adversely affect them, before commencing work. It is important that employees make sure they understand the potential side effects of their medication, for example by asking their General Practitioner (GP) or pharmacist about side effects. Employees are not required to reveal the nature of their condition, only inform their manager or authorised delegate how their performance may be adversely affected. It is the responsibility of the employee to ensure they:

* take the prescription or over-the-counter drugs/medication in accordance with the instructions as prescribed by their GP or pharmacist.
* don’t misuse the medication, including taking more than recommended or drinking alcohol while taking the medication (if it is not advised).
* are aware of their limitations while taking the medication (e.g. side effects that affect driving ability).
  1. Illegal drugs

Illegal drugs are not permitted on workplace premises or to be used during working hours. If an employee is found in the possession of an illegal drug or is deemed not fit for work by a manager or authorised delegate as the result of the consumption of an illicit substance, this could result in consequences for their employment.

Employees should be aware that the coming down effects of illegal drugs can last for several days and that this may impact their performance at work and cause safety issues. It is the employee’s responsibility to ensure they are fit for work.

The sale, distribution, or manufacture of illegal drugs in the workplace is a criminal offence and will be referred to Victoria Police for investigation and will result in instant dismissal. This includes prescription or over-the-counter drugs/medication that are being distributed or consumed not for medical purposes, including ‘synthetic’ drugs.

* 1. Liability and workers’ compensation

The VCAA will not accept liability for any damage to workplace property, injury to an employee or injury to another individual if an employee’s use of alcohol and/or other drugs contributed to the incident.

The employee will be personally liable in such circumstances. Employees should be aware that under the *Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)* they might not be entitled to workers’ compensation if they sustain an injury while being under the influence of alcohol and/or drugs.

* 1. Assumption of alcohol or other drug use

Managers and authorised delegates should not assume employees who show difficulties in talking, lack of balance or coordination are necessarily related to alcohol and/or other drug use. Other causes of impairment may include:

* head injuries
* fatigue
* a medical condition.

When employees are demonstrating these sorts of unsafe, concerning behaviours and there is no clear sign their behaviour is the result of alcohol or other drugs, appropriate medical intervention should be sought prior to arranging safe transport home for the employee.

* 1. Suspicion an employee possesses alcohol and/or illegal drugs

If a manager or authorised delegate suspects that an employee has alcohol and/or illegal drugs in their possession at work, they may take any or all the following steps:

1. investigate the matter to attempt to determine whether the employee does have such substances in their possession
2. should illegal drugs be found, the manager or authorised delegate is required to inform Victoria Police
3. upon request, some or all employees may be required to undergo a medical examination to test for the presence of alcohol and/or illegal drugs.
   1. When an employee may be intoxicated, hungover or coming down from drugs

Managers and authorised delegates should be proactive if they suspect, or another employee suspects, an employee in the workplace is intoxicated, has a hangover or is coming down from drugs, thereby making the employee unfit for work. It is the responsibility of managers and authorised delegates to make themselves aware of the signs and symptoms and remember that fitness for work involves the physical, mental, and emotional state of an employee. Below are some symptoms a manager or authorised delegate should be aware of to help determine if an employee is not fit for work.

If a manager or authorised delegate has reasonable suspicion that an employee is not fit for work, they must:

* stop the employee from carrying out further work
* remove the employee from any position of risk (if this isn’t possible due to the individual becoming threatening or violent, remove all other individuals from the area, and call Victoria Police)
* organise suitable transport for the employee to their residence at the expense of the organisation
* Inform the individual that they will not be allowed to return to work until deemed fit to perform their work duties safely and productively. If a medical certificate is required prior to returning to work, this must be explained before the employee returns – with a reasonable time to visit a doctor. Offer them information on assistance and support services.
  1. Returning to work after being deemed not fit for work

If an employee is sent home by a manager or authorised delegate because they are deemed not fit for work due to alcohol and/or other drug consumption, prior to returning to work, the employee is to report to their manager or authorised delegate.

A medical certificate may be required from a GP or medical practitioner prior to resuming work. Employees are required to cooperate in any investigation of such matters. Failure to cooperate or provide false information in an investigation may result in action being taken against the employee, as set out in the information below under the heading ‘Breach of the policy’.

* 1. Managing the return-to-work process

When an employee returns to work, after being sent home because they have been deemed not fit for work, the manager or authorised delegate must assess whether they are now fit for work. If the manager or authorised delegate suspects the employee has a medical condition or an ongoing problem with alcohol and/or other drugs, the employee may be required to provide a medical certificate to prove they are fit for work.

* 1. Workplace functions and events

The obligations contained in this policy extend to all work-related functions and events. Alcohol must be consumed responsibly when drinking at work-related functions and events where alcohol is available. Employees must:

* uphold an appropriate standard of behaviour at all times
* ensure consumption of alcohol won’t affect their work (e.g. a hangover)
* not drive a vehicle if they are over the legal BAC
* not return to the workplace if they have consumed alcohol and/or are under the influence of alcohol or drugs.
  1. Concerns about another employee

Employees who have concerns about any other employee not fit for work should inform their manager or authorised delegate immediately.

* 1. Confidentiality

The VCAA will take all reasonable steps to ensure that any information concerning an employee, and subsequent investigations, if any, in relation to association with alcohol and other drugs, and participation in counselling or rehabilitation services if any, will, to the extent reasonably practicable, remain confidential between the employee and their manager. However, the VCAA may disclose the outcome of any such information and investigation to relevant persons as required by law.

* 1. Breach of the policy

Employees must always comply with this policy. If an employee is found to have breached this policy, they may be subjected to disciplinary action in accordance with the appropriate VCAA policies and procedures. In circumstances where an employee’s behaviour may involve a breach of any Victorian laws, the VCAA will notify Victoria Police.

Employees who are found to have breached this policy will be subject to review and may have their contract terminated.

* 1. Support, assistance, and further information

Support, assistance, and further information is available to all employees. Employees may wish to access free support services, such as:

* **Employee Assistance Program (EAP)**
* **DirectLine:** Confidential alcohol and drug telephone counselling and referral to treatment services. T: 1800 888 236 (24 hours a day, 7 days a week)
* **Beyond Blue:** Support for depression, anxiety and other mental health problems. T: 1300 22 4636 (24 hours a day, 7 days a week) www.beyondblue.org.au (chat online or email 24 hours a day, 7 days a week)
* **Hello Sunday Morning:** Be supported by other people who want to cut back or stop drinking alcohol through an online forum
* **Txt the Effects:** Text the name of a drug, it doesn’t matter if it’s a slang name or not and get an instant text back with its effects. Standard SMS costs apply. SMS: 0439 TELL ME (0439 835 563) (24 hours a day, 7 days a week)
* **1800 Ice Advice:** The help line – 1800 Ice Advice will direct users and families to the treatment and support services they need and provide general information about ice and its effects. T: 1800 423 238 (24 hours a day, 7 days a week).
  1. Definitions

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| Term | Definition |
| **Alcohol** | Alcohol means all intoxicating liquor including Ethyl Alcohol and Ethanol. |
| **Drug** | A medicine or other substance which has a physiological effect when ingested or otherwise introduced into the body. |
| **Illegal drug** | An illicit drug is defined as any drug which is illegal to possess or use or any legal drug used in an illegal manner, for example: a drug obtained on prescription but given or sold to another person to use. |
| **Illicit substance** | Illicit drugs include illegal drugs (such as cannabis, opiates, and certain types of stimulants), pharmaceutical drugs (such as painkillers and tranquillisers) when used for non-medical purposes, and other substances used inappropriately (such as inhalants). |
| **Synthetic drug** | Synthetic drugs refer to substances that are artificially modified from naturally occurring drugs and are capable of exhibiting both therapeutic and psychoactive effects. |
| **Reasonable suspicion** | The term ‘reasonable suspicion’ refers to the fact that Police officers in Victoria cannot search individuals prior to arresting them unless an officer has reason to think that the suspect is in violation of the law. |
| **Not fit for work** | Being able to safely undertake all tasks required for the duration of scheduled worked time at the expected and normal level of concentration and performance. |
| **Physical symptoms** | Physical symptoms include the following:   * shakiness * bloodshot eyes * dilated pupils * uncoordinated movements, loss of balance and problems * walking * irregular breathing * slow reactions and responses * vomiting * slurred speech * hyperactivity * fainting * fatigue |
| **Psychological symptoms** | Psychologicalsymptoms include the following:   * unclear judgement/confusion * aggression * loss of memory * depression * irrational behaviour * hallucinations * anxiety * irritability * appearing ‘high’ or drunk by laughing or talking more than usual |

1. Managing this policy
   1. Authorisation

This policy is issued under the authority of the VCAA Chief Executive Officer.

* 1. Accountability for the policy

The owner for this policy is VCAA Human Resources. The owner reports to the Chief Executive Officer on the management of this policy.

The owner is responsible for:

* development and regular review of this policy
* development of protocols, processes and guidelines to support implementation
* monitoring compliance of applicable employees, organisational units, and/or locations.
  1. Important dates

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| --- | --- |
| Date of adoption: | July 2024 |
| Date of last amendment: | July 2024 |
| Date of next review: | July 2026 |

1. Related documents

* Ministerial Order No 1451
* Victorian Public Service Enterprise Agreement 2020
* Occupational Health and Safety Act 2004 (Vic)
* Victorian Public Sector Code of Conduct
* Standards Catalogue AS/NZS 4760:2019 (the Standard)
* Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)
* VCAA Fitness for Duty Policy