

# ALCOHOL IN THE WORKPLACE - GUIDELINES FOR DEVELOPING A WORKPLACE ALCOHOL POLICY

1ST EDITION

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The information presented in this guide is intended for general use only. It should not be viewed as a definitive guide to the law and should be read in conjunction with the *Occupational Health and Safety Act 2004*.

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# INTRODUCTION

This guide aims to assist employers to establish a workplace alcohol policy so that the issue can be dealt with ethically, legally and to the benefit of both the organisation and the employee.

The harmful use of alcohol in the workplace is a reflection of general community use, adding costs to injuries, absenteeism, lost production, workers compensation and rehabilitation.

Harmful use of alcohol in the workplace creates a range of problems. Where there is harmful use of alcohol, employees can cause injury to themselves and others, can lose their job or family and damage their physical and mental health.

Workmates of an alcohol user are faced with risks to their health, safety and welfare, covering for poor work performance, disputes and the need to 'dob in' a mate for their own good. Employers are faced with lateness and absenteeism, lost time and production from accidents, inefficiency, and damage to plant, equipment and other property.

The workplace is an ideal place to run effective alcohol prevention programs because the peer support network in a workplace can be used to shape behaviour. Workers have a better chance of recovery from alcohol problems if they can continue working.

## DUTY OF CARE

The issue of the adverse effects of alcohol consumption is covered under the *Occupational Health and Safety Act 2004 (OHS Act 2004)*. The Act requires:

- employers to provide and maintain a working environment that is safe and without risks to health (Section 21). Without in any way limiting the generality of this duty, employers have duties with respect to plant, substances and systems of work; providing facilities for and information, instruction training and supervision to their employees; monitoring their health and safety and so on (Sections 21(2) and 22).
- employers and self employed persons to ensure that persons other than employees (which would include the public) are not exposed to risks to their health or safety arising from the undertaking of the employer or self-employed person (Sections 23 and 24); and
- employees to take reasonable care for their own health and safety and that of others (for example, ensuring they are not, by use of alcohol, affected in a way that may put themselves or others at risk); and to co-operate with employers in their efforts to comply with OHS requirements (Section 25).

# ALCOHOL IN THE WORKPLACE

## OCCUPATIONS AND ALCOHOL

The harmful consumption of alcohol is more prevalent in some industries than others, pointing to environmental, cultural and workplace stressors as factors. The highest rate of drinking is among administrative and executive staff. Other heavy drinking occupations include mine workers, salespersons, clerical staff, professionals, transport workers, tradespeople and labourers.

## CAUSES

Genetic factors, unemployment and boredom have been linked to the harmful use of alcohol. Stressors at home and at work can also contribute to the extent to which alcohol is used. These may include:

- shiftwork
- high risk of personal injury or illness
- dirty, noisy work environment
- poorly designed, difficult to use equipment
- poor job design, including boring or extremely demanding work
- unrealistic deadlines and performance targets, or inadequate resources
- lack of opportunity to participate in decision making
- inadequate training and supervisory support
- bullying, harassment or victimisation in the workplace
- access to alcohol at work or a culture tolerating or encouraging alcohol use during or after work hours
- fear of losing job
- conflict with peers or supervisors
- discrimination or prejudice
- peer pressure
- marital or personal relationship problems
- grief and bereavement
- trauma or stress
- health issues or concerns
- gambling or financial problems, and
- habituation or addiction.

Studies into harmful use of alcohol indicate that this may be less likely if employees have:

- a safe and healthy workplace
- well organised, adequately supervised work they find challenging and rewarding
- proper support to help with problems or pressures at work, and
- restricted access to alcohol at work.

# ALCOHOL POLICY AND PROGRAM DEVELOPMENT

*The first step for employers in dealing constructively with alcohol problems in their workplace is to formulate a policy.*

A workplace alcohol policy should be a written document which applies to all workers at the workplace. It should be developed by management and workers or their representatives (health and safety representative (HSR) or union) working together. To be effective it needs to have the total commitment of management.

The workplace occupational health and safety committee can be used to help develop and monitor the implementation of the policy. If there is no health and safety committee in the workplace it may be a good time to establish one. It is the responsibility of the employer to administer the policy.

The aims of any workplace policy and procedures should be prevention, education, counselling and rehabilitation and it should be a part of an organisation's overall occupational health and safety strategy.

The focus of the policy should be to reduce or eliminate the hazards associated with alcohol use in the workplace in a way that is consistent and fair to all employees. The aims and objectives of the policy, the need for provision of information in relation to it and those persons covered by it need to be clearly stated.

During the development of the policy identify the cultural and workplace stress factors which can contribute to excessive alcohol use and aim to reduce those stress factors. Look at the organisation's general health and safety, management style, work practices, shift work and deadlines, equipment design and whether there are issues of discrimination and/or harassment.

## **INFORMATION AND TRAINING**

It is important to develop a workplace culture through the provision of information and education, so all workers are aware of the issues associated with harmful alcohol use and how it may impact on health and safety.

The policy should be well publicized within the workplace and provide for a suitable information and education program for all staff.

Include details of the policy in induction and on-going training. Post the policy on noticeboards for all staff to refer to and include on electronic networks where available. Training should cover:

- what constitutes harmful alcohol use
- dealing with the long term user and those intoxicated in one-off situations
- the effects of alcohol on health, safety and work performance
- general statistics on workplace alcohol use and related accidents
- the consequences for employees who fail to comply with company alcohol guidelines

# ALCOHOL POLICY AND PROGRAM DEVELOPMENT

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- workplace and personal lifestyle stressors that can contribute to alcohol use
- personal stress reduction methods
- ways of dealing with problem drinking
- who to approach in the workplace for assistance with an alcohol problem
- skills for managers, supervisors and OHS committee members in identifying alcohol use and in how to manage the issues in the workplace
- the legal position (rights and penalties) of staff and management in relation to alcohol use, and
- the counselling, treatment and rehabilitation services available in the workplace and externally. Post contacts with phone numbers on noticeboards.

## EMPLOYEE ASSISTANCE PROGRAMS (EAPS)

EAPs provide a confidential service to assist employees to resolve personal issues which may affect their work performance, and can add to the effectiveness of a workplace alcohol policy. Workers who are identified by supervisors or themselves as having an alcohol problem should be assisted through recognized treatment or an EAP. (See pages 7 and 8 for more detail).

Workplaces that use an EAP often show indirect benefits with a reduction in accidents, sick leave and absenteeism. A workplace alcohol policy must deal directly with unsafe conditions, stressors and one-off situations and not rely solely upon an EAP.

### Approaching a worker under the influence

Designated persons who should approach workers who appear to be affected by alcohol, may include managers, supervisors, OHS representatives and fellow workers. They should all be properly trained in the most effective style of approach. Care needs to be taken when making this judgement in case the worker is ill or injured, taking prescribed medication or in some other form of distress, which may account for their behaviour.

The approach taken when dealing with an employee whose work performance is affected by alcohol depends on:

- the industry
- the workplace culture and structure
- the position of the employee
- the personality of the employee, and
- whether it is a case of long-term harmful use, or a 'one-off' situation.

Options for approaching the employee include:

- by their supervisor or more senior manager
- by a person designated in the workplace policy, and
- by a fellow employee or peer.

The policy should state the chain of responsibility for making approaches if initial contact produces a negative or hostile response.

When approaching an affected employee it can be more effective and less confronting to talk in terms of their approach to safety and general work performance rather than their alcohol use.

# ALCOHOL POLICY AND PROGRAM DEVELOPMENT

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## COUNSELLING AND DISCIPLINE PROCEDURE

The procedure for the counselling and if necessary disciplining employees whose work performance indicates there may be a problem at work with alcohol use should be consistent with existing awards, agreements and other established counselling and disciplinary measures which apply in the workplace.

The outline below is a sample counselling/disciplinary procedure which can be adapted by organizations with no formal procedure or those wishing to revise their procedure. This procedure uses a series of four interviews to assist an employee to recognise their harmful alcohol use, and take steps to address the issues contributing to their behaviour.

### Interview one

The first interview should be held between the employee and supervisor (and an OHS representative if requested by the employee) where the following is discussed:

- details of unsatisfactory work performance
- the standard of performance required
- the employee should be asked if there are any workplace factors contributing to poor work performance. If any workplace factors are raised, these should be referred to the employer, the relevant OHS representative and the OHS committee, if appropriate, for consideration
- the employee should be offered professional counselling (through an EAP if one is available) with time off work to attend, and
- an agreement should be reached about the time it will take for the employee to return to satisfactory performance. If in reviewing performance it is found that the employee has regained satisfactory performance there is no need to go any further.

An essential part of the interview process is to maintain confidential records.

### Interview two

The second interview should be held between the employee, supervisor and union and/or OHS representative. At the second interview:

- any additional details of unsatisfactory performance and the standard of performance required should be stated
- inform the employee of the risk of discipline and possible dismissal for failing to improve performance, and
- repeat the offer of assistance through professional counselling.

If in reviewing performance it is found that the employee has regained satisfactory performance no further interviews will be required subject to continued good performance.

### Interview three

Interview three should be held between the employee, supervisor and union and/or OHS representative. At the third interview:

- all details of unsatisfactory performance should be stated
- inform the employee that they risk losing their job if their performance continues to be unsatisfactory, and
- repeat the offer of professional counselling.

The performance of the employee should then be reviewed on an on-going basis.

### Interview four

Interview four should be held between the employee, a union representative and the supervisor with the authority to take disciplinary measures and terminate employment. It is convened to arrange appropriate disciplinary measures which may include termination of employment.

# EMPLOYEE ASSISTANCE PROGRAMS (EAPS)

An EAP is a confidential service to assist employees resolve personal issues that may be affecting their work performance such as marital, legal and financial problems and the use of drugs and alcohol. An EAP may assist an individual to regain satisfactory job performance.

Establishing an EAP may not be appropriate for many small workplaces although it is recommended that all workers with drug and alcohol problems are referred for professional help. Where an employer does not establish an EAP, he/she should investigate appropriate services to which employees can be referred.

Below is an outline of how to establish and run an EAP.

## ESTABLISHING AN EAP

An EAP should be established by management in consultation with workers and/or their representatives. It is management's responsibility to administer an EAP. Agreement must be reached and documented about the following issues:

- sick leave benefits for EAP clients
- referral procedure
- disciplinary provisions, and
- confidentiality.

Organisations can establish in-house counselling services or refer employees to external counselling services provided by either private consultants or community based organisations. Organisations with less than 2000 employees usually employ external counselling services.

EAP counsellors should have skills in psychological assessment and referral. Clinical psychologists, psychiatrists and social workers are suitably qualified to be EAP counsellors. EAPs should be accredited members of the Employee Assistance Professionals Association (EAPA).

Employers can assist employees in accessing the EAP by displaying and distributing lists of EAP counsellors and their specialist areas. Employees may prefer to choose a counsellor of their choice from outside the organisation.

A supervisor who believes that an employee's work performance is alcohol affected and raising safety or production concerns can suggest that the employee see an EAP counsellor. The employee is free to reject the offer.

## CONFIDENTIALITY

The credibility of an EAP depends on a code of strict confidentiality. EAP counsellors may inform employers that an employee will be attending a counselling session between certain times. No other information about an employee's personal problems may be passed to any person without the written permission of the employee.

# EMPLOYEE ASSISTANCE PROGRAMS (EAPS)

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An employee can be referred to an EAP by a supervisor or on their own initiative. Employees can refer themselves to a counsellor by contacting the counsellor personally.

If an employee visits a counsellor during working hours they should advise their supervisor that they are using the service but do not have to give the reason for the visit. If they use the service outside of working hours they do not have to tell anyone.

## PUBLICITY AND TRAINING

All employees should be made aware of the EAP and how to make use of its services. Information booklets and/or brochures and videos should be made available explaining EAP policy and procedures and the range of assistance offered. Posters are a useful reminder of the existence of the services of the EAP.

All on-going training courses such as supervisor skills courses, staff inductions and management development courses should include modules about the functioning of the EAP.

## EVALUATION

Evaluation of an EAP is essential to ensure that it is meeting the needs of the organisation. Data should be kept about:

- the on-going costs of running the EAP
- injury and fatality rates
- absentee and sick leave rates, and
- production statistics.

A confidential survey of employees can establish:

- the numbers of employees using the service
- the type of problems they present with, and
- the rate of success in improving work performance.

The EAP should provide regular reports to the company outlining any work-related OHS matters which may be increasing the risk of harmful alcohol consumption by employees (see list of factors, page 4).

## TESTING

Workplace testing should only be undertaken where there are existing legislative provisions or where employers, health and safety representatives and workers and unions formally agree that it is warranted or where it might be held to be reasonable in the circumstances. Where workplace parties are in agreement that making testing available may be appropriate in certain circumstances (where for example, a risk assessment has identified high risks involved in undertaking certain activities whilst under the influence of alcohol), this should be implemented as part of a comprehensive alcohol program with appropriate safeguards, clear policy and procedures, and provision of education and counselling.

There are legislative provisions currently in place for specific occupational groups in relation to alcohol consumption in the workplace. For example, there is legislation to protect public safety in transport (covering commercial road transport, the railways, civil aviation, marine transport) through restrictions on the use of alcohol and drugs and mandatory testing. The *Occupational Health and Safety (Mines) Regulations 2002* also require mine operators to introduce strategies to protect persons at the mine from risks associated with consumption of alcohol. The Mines Regulations impose duties on employees regarding alcohol consumption. These regulations are made under the *OHS Act 2004* which has itself no legislative requirement specifically requiring alcohol testing at work.

# EMPLOYEE ASSISTANCE PROGRAMS (EAPS)

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The reliability of testing may be poor with variable accuracy rates and therefore be subject to legal challenge. Workers may refuse to be tested. However, depending on the nature of the work and any relevant law and/or existing agreement between the employer and an employee, the refusal may or may not have consequences.

If a worker refuses to be tested it should not be assumed that they are intoxicated.

## PRIVACY

Victoria has laws which govern how organisations may collect, use and disclose personal information. These laws are the:

- *Privacy Act 1988* (Commonwealth),
- *Information Privacy Act 2000* (Victoria), and
- *Health Records Act 2001* (Victoria).

You need to be aware of your obligations under these laws. All information concerning an employee is strictly confidential and the *OHS Act 2004* is also careful to protect the privacy of employees. Any medical information collected about an employee should only be divulged to relevant persons in confidence for the purposes of managing health and safety risks. Further, such information should only be given where the employee has agreed or is not identified by the information. In relation to a health and safety representative's access to collected information, a useful reference is available on WorkSafe Victoria's website titled *Privacy laws and the rights of health and safety representatives to information*.

# HOW ALCOHOL AND CHEMICALS AFFECT PERFORMANCE

## ALCOHOL

Alcohol is a depressant drug which slows brain activity and responses. Evidence indicates that impairment of mental and motor functions occurs at a blood alcohol level of about 0.03% which is equivalent to the consumption of two standard drinks per hour. The effects vary depending on individual tolerance and in general women have a lower tolerance than men.

There are many workers who are professionally employed as drivers who are covered by blood alcohol restrictions. The legal blood alcohol limit for driving in Victoria is 0.05% which can be reached by a 70kg individual consuming three standard drinks in one hour. A zero blood alcohol (0.00) limit has been set for drivers of large vehicles, taxi-cab drivers, and driving instructors.

The possible effects of alcohol on performance include:

- initial stimulation, euphoria
- loss of inhibition
- impairment of co-ordination, judgement, intellectual capacity and ability to act quickly
- blurred vision
- slurred speech
- hangover-headache, shakiness, nausea and vomiting, and
- in the longer term, toxic to the brain, liver, heart and stomach.

The effects of alcohol vary according to:

- the amount and the way it is consumed
- gender
- body size, weight, state of health
- built-up tolerance and dependence, and
- combination with food or other drugs.

Alcohol is broken down by the liver at a rate of approximately 0.01% per hour. Nothing can speed up the work of the liver – not black coffee, cold showers, exercise, vomiting or any other remedy.

# HOW ALCOHOL AND CHEMICALS AFFECT PERFORMANCE

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## HAZARDOUS SUBSTANCES

It is important to develop measures for the safe handling, storage and use of hazardous substances. Chemicals such as solvents and pesticides can affect performance in a way similar to alcohol and can make the effect of alcohol more potent.

The *Occupational Health and Safety (Hazardous Substances) Regulations 1999* place duties on employers to protect people at work against risks to their health associated with the use of hazardous substances. For more information on the regulations, or about the correct management of hazardous substances contact the Victorian WorkCover Authority (see Resources).

### Pesticides

#### 1. *Organophosphate pesticides*

These chemicals can produce effects similar to tranquillisers. Effects include drowsiness, slowed reaction time, headache, giddiness, confusion, ataxia (loss of muscle coordination), slurred speech and convulsions. They can also produce 'flu-like symptoms and impairment of vision. When mixed with alcohol the effects are increased.

#### 2. *Organochlorine pesticides*

In high doses these chemicals have a stimulant effect, producing poor coordination and excitability. Over exposure can cause violent convulsions, coma and death.

### Solvents

Solvents are used to dilute solid chemicals and for cleaning. Solvents act as depressants. The effects are very similar to those of alcohol, and include slowed reaction time, poor coordination, dizziness, headache, nausea, tiredness and in higher doses confusion and reduction of muscle strength (peripheral neuropathy).

The effects can be compounded if an individual is exposed to a mixture of solvents. The adverse effects may be increased if mixed with alcohol.

Solvents include:

- hexane
- toluene
- methylene chloride, and
- methyl ethyl ketone (MEK).

# TIPS FOR SETTING OUT A WORKPLACE ALCOHOL POLICY

Use the headings and tips below to formulate an alcohol policy and procedures that are relevant to your workplace.

## **STATEMENT**

Use the information contained in this guide to introduce and discuss the problem of alcohol use in the workplace and the need for development of a policy statement for the organisation. State a commitment to provision of a safe, healthy and productive workplace by management and a willingness to consult with employees and their representatives. Consider the stress factors in the workplace that could contribute to harmful alcohol use.

## **AIM**

Clearly state the aims and expected outcomes and standards arising from the policy. The objectives and those persons covered by the policy should be clearly stated; for example, to:

- maintain a safe and healthy work environment
- reduce the costs of alcohol to the organisation and individuals
- link action on alcohol issues with other occupational health and safety initiatives, and
- provide access to information on alcohol use and encourage those with problems to seek assistance.

## **SCOPE**

Specify the name of the company, the branch, the physical location and the staff covered by the policy.

## **CODE OF BEHAVIOUR**

Spell out the code of behaviour required by employees of all levels and work areas. This should include:

- when it is considered appropriate and not appropriate to consume alcohol in relation to work, and
- acceptable standards of work performance.

# TIPS FOR SETTING OUT A WORKPLACE ALCOHOL POLICY

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## **ROLES AND RESPONSIBILITIES**

Specify the scope of everyone's responsibility to contribute to the management of the problem.

Specify whose task it is to:

- monitor work performance
- report incidents and concerns
- investigate and document such reports
- approach an employee who may be intoxicated
- impose a corrective measure
- refer an affected employee to counselling/rehabilitation
- keep records, and
- evaluate the policy.

## **SPECIAL CIRCUMSTANCES**

Some high risk duties or professions may need special requirements. Identify all safety critical positions and special requirements. Specify workers who may require:

- alcohol testing
- training, and
- disciplinary measures for breaches.

## **TESTING**

If alcohol testing is used, specify the following:

- the type of tests used
- accuracy of those tests
- circumstances when tests are carried out
- the consequences (if any) of failing a test or of refusing to take a test
- what will be done with the results of the test, and
- legal rights of those tested.

## **DISCIPLINE**

Specify the grounds for transfer, demotion or dismissal for breaches of the policy and the number of warnings staff will be given before discipline is imposed.

# RESOURCES

This Guidance Note can also be found on the Victorian WorkCover Authority's website: [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au)

Below is a list of the main drug and alcohol information, education, counselling, medical and self-help services available in Victoria.

Visit [www.drugs.vic.gov.au](http://www.drugs.vic.gov.au) where the following information can be obtained:

- Victorian Alcohol Action Plan
- Victorian Alcohol Strategy
- Standard Drinks
- Links to other sites that contains information on alcohol in the workplace information.

*Building and Construction Industry Unions "Not At Work Mate" Program*

*Incolink Alcohol and Drugs Program*

[www.incolink.org.au](http://www.incolink.org.au)

Ph: 9639-3000

*The Building Trades Group Drug & Alcohol Program*

[www.btgda.org.au](http://www.btgda.org.au)

## **On-line services (Government funded):**

*DrugInfo Clearinghouse*

This service is provided by the Australian Drug Foundation to inform and support drug prevention in Victoria. DrugInfo collects, interprets and disseminates information on drug prevention. The service functions as a drug prevention network, providing easy access to information about alcohol and other drugs, and drug prevention. Professional and members of the general community can use the service as their first port of call for information from local, national and international sources.

[www.druginfo.adf.org.au](http://www.druginfo.adf.org.au)

Ph: 1300 858 584

*DirectLine*

This is a 24 hours, 7 days confidential alcohol and drug counselling and referral line run by Turning Point Alcohol and Drug Centre Inc.

[www.turningpoint.org.au](http://www.turningpoint.org.au)

Ph: 1800 888 235

*Family Drug Help*

This is 24 hour telephone helpline for families.

[www.familydrughelp.sarc.org.au](http://www.familydrughelp.sarc.org.au)

Ph: 1300 660 068

*Australian Drug Foundation*

- Effects of alcohol on health, safety and work performance
- How to approach employees under the influence

[www.adf.org.au](http://www.adf.org.au)

[www.alcoholandwork.adf.org.au](http://www.alcoholandwork.adf.org.au)

## WORKSAFE VICTORIA

### Advisory Service

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### Local Offices

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Bendigo . . . . . 03 5443 8866

Dandenong . . . . . 03 8792 9000

Geelong . . . . . 03 5226 1200

Melbourne

(628 Bourke Street) . . . . 03 9941 0558

Mildura . . . . . 03 5021 4001

Mulgrave . . . . . 03 9565 9444

Preston . . . . . 03 9485 4555

Shepparton . . . . . 03 5831 8260

Traralgon . . . . . 03 5174 8900

Wangaratta . . . . . 03 5721 8588

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