

Smoking, Alcohol and Drugs in the Workplace

Operating Policy



Purpose

Arts Centre Melbourne (**ACM**) is committed to providing a healthy, safe and productive environment for team members and all other users of ACM including hirers, contractors and patrons.

People who misuse alcohol or other drugs pose a risk to themselves and to other people. Substance use and misuse can impact on a person's health and wellbeing and/or the health and wellbeing of others. This Operating Policy is intended to provide ACM Team members and other key users of ACM with a guide to what is acceptable behaviour relating to smoking and the use of alcohol and drugs in or in connection with the workplace, as well as ensuring a welfare-oriented approach to managing issues as they arise and ensuring team members can access the range of supports available where necessary.

This is to ensure a safe, healthy and productive workplace, free of hazards or risks that may be created through smoking and the use or consumption of alcohol and drugs.

Scope

This Operating Policy applies to:

- ACM Team Members
- Contractors and their Team Members
- Hirers/ACM Presents Contractors and their Team Members.

Note: ACM's Conditions of Entry continue to apply to all users of ACM including all Team Members listed above and members of the public who access ACM buildings.

Procedure

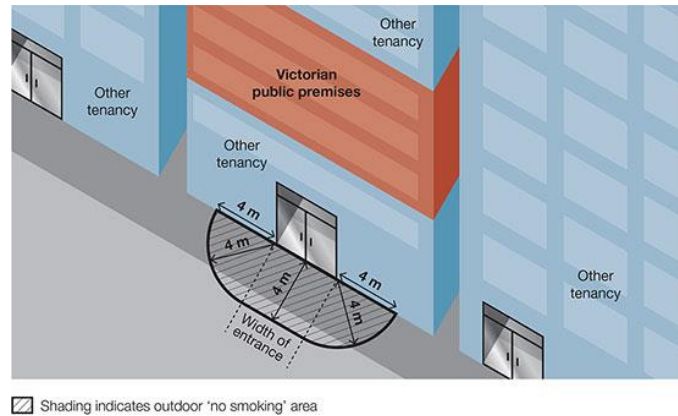
1 ACM Team Member Support

ACM encourages any Team Member who wants more information about drug, alcohol or smoking minimisation or elimination programs to contact the Employee Assistance Program, their Manager or a member of Human Resources or Health Safety and Environment team.

Specifically, ACM has a provision in the Enterprise Agreement which allows for eligible employees to be granted leave to undertake an approved rehabilitation program.

2 Smoke Free Workplace

ACM buildings are designated as public buildings and as such are required by legislation to be smoke free. In addition smoking is banned within four meters of all entrances as per the below image.



Note: ACM tenants are responsible for enforcing legal requirements within their tenanted spaces.

Maintaining a smoke free environment is the responsibility of all Team Members when performing their duties at ACM.

2.1 Designated Smoking Areas

2.1.1 Team Member Designated Smoking Areas

Team Members may only smoke in designated smoking zones and may not smoke in patron designated smoking areas

The team member designated smoking zones are:

- Level 5 of the Theatres Building, between stage door and the loading dock
- Level 5 of Hamer Hall outside Stage Door
- Top of the loading dock and stage door driveway of the Sidney Myer Music Bowl (SMMB)

Smoking is not permitted within the grounds of the SMMB, except where designated smoking areas exist. Depending on the nature of the event, a designated smoking area will be available external to the venue or internally where deemed appropriate.

2.1.2 Patron Designated Smoking Areas

Smoking is not permitted in outdoor dining areas when food is available for consumption.

When food is available for consumption the only patron designated smoking zones are:

- Far side of the NGV gate and wall near the Barre backyard
- On the riverside pedestrian pathway of Bombini Buzz

3 Alcohol

3.1 ACM Team Members

3.1.1 General obligations

ACM Team Members are responsible for maintaining a safe, healthy and productive environment for themselves and others.

As such:

- ACM Team Members must be fit for work, that is, they must not commence or resume work activities if their sense of judgement, concentration, co-ordination or decision making is adversely affected by alcohol or other drugs.
- The additional requirements set out in section 3.1.2 apply to ACM Team Members involved in High Risk Work Activities.

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- Except as permitted under section 3.1.3 or section 3.1.4, ACM Team Members must not consume alcohol while at work, including while on a meal or other break, or while representing ACM in connection with their work.
 - For the purposes of this policy “at work” means engaging in work activities whether or not within your usual hours of work or on ACM premises.
 - For the avoidance of doubt, except as permitted under section 3.1.3 or section 3.1.4, team members must not consume alcohol when identifiably in uniform. In such cases, simple practical measures such as covering any ACM logo would be considered a reasonable measure.

3.1.2 High Risk Work Activities/ High Risk Work Areas

If an ACM Team Member is required to perform any High Risk Work Activities (which includes occupying High Risk Work Areas) as defined by this policy, then they must have a 0.00 Blood Alcohol Concentration.

3.1.3 General Work Activities

Some work activities may specifically require that ACM Team Members taste alcoholic food or beverages (e.g. a chef cooking food containing alcohol or a Food and Beverage attendant tasting and serving wine or cocktails). When this is a requirement of the job it is expected that ACM Team Members remain under a 0.05 Blood Alcohol Concentration and where practicable, use a spittoon to release the alcohol after tasting the alcohol.

3.1.4 Other Activities

ACM Team Members may represent ACM at functions and events both on site and off site where alcohol may be available. These occasions may include onsite ACM social functions, entertaining / hosting clients and opening night activities. ACM Team Members are not under any obligation to consume alcohol and should consider consuming non-alcoholic beverages served at the event or function.

In certain situations it may be appropriate to consume alcohol, should this **not** be the case, the Executive Director responsible for each Pillar / Business unit will advise relevant ACM Team Members accordingly.

When alcohol is permitted or not expressly prohibited to be consumed by ACM Team Members while representing ACM, it is each ACM Team Member's responsibility to ensure they drink responsibly and are not affected by alcohol to the extent it impacts in any way on their work performance. As a guide, to ensure that an ACM Team Member's sense of judgement, concentration, co-ordination or decision making is not adversely affected, it is expected that ACM Team Members remain under a 0.05 Blood Alcohol Concentration.

ACM encourages the use of safe transport to and from events where alcohol is consumed. It is the ACM Team Member's responsibility to make arrangements to get to and from events safely and to ensure they are not driving over the legal limit.

If an ACM Team Member's duties include any High Risk Work Activities then the ACM Team Member is not permitted to return to work following the consumption of alcohol.

For the purposes of this policy, ACM Team Members are considered to be representing ACM when attending work functions or official meetings onsite or external to but on behalf of ACM even if outside ordinary working hours. ACM Team Members will also be considered to be representing ACM when attending conferences and industry events in an ACM capacity.

3.2 Contractors and their Team Members

The requirements set out in section 2.1 also apply to Contractors and their Team Members as though they were ACM Team Members, when they are working at ACM premises or undertaking ACM-related work.

Where a Contractor or a Contractor Team Member is representing ACM at functions and events (for example, where a Contractor is providing creative producer services to ACM and represents ACM at an event in that capacity), the provisions of section 3.1.4 of this policy will apply to the Contractor or their applicable Team Member as though they were an ACM Team Member. The Contractor or Contractor Team Member will comply with any direction given by ACM regarding the appropriateness of consuming alcohol at particular events or functions.

The ACM Team Member responsible for a contract must take reasonable steps to ensure that Contractors under their responsibility are aware of this policy and the ACM Team Member must take action to enforce the policy where practicable.

3.3 Hirers / ACM Presents Contractors and their Team Members

The requirements set out in sections 3.1 also apply to Hirers and ACM Presents Contractors and their Team Members as though they were ACM Team Members, when they are working at ACM premises or undertaking ACM-related work or otherwise representing ACM in a particular capacity.

To avoid doubt, section 3.1.4 is not intended to apply to Hirers, ACM Presents Contractors and their Team Members when attending post-show events and functions at ACM premises. These events/functions are governed by ACM's Conditions of Entry and applicable laws and regulations relating to the responsible consumption of alcohol. Hirers and ACM Presents Contractors are responsible for ensuring that their Team Members comply with these requirements and drink responsibly.

Each ACM Presenter representative i.e. Account Manager or Production Manager is to ensure that Hirers and ACM Presents Contractors under their responsibility are made aware of this policy and the ACM Presenter representative must take reasonable action to enforce the policy where necessary.

Hirers and ACM Presents Contractors may have their own policy related to Alcohol, Drugs and Smoking. Where these requirements are more stringent than this policy, the higher requirement will continue to apply.

4 Illicit Drugs

No person should be under the influence of or have illicit drugs in their system while working at ACM premises or undertaking ACM-related work or otherwise representing ACM in a particular capacity.

The possession, soliciting, selling, distribution and consumption of illicit drugs, or the abuse of prescription drugs on ACM premises or whilst conducting ACM business or representing ACM is strictly forbidden and could result in disciplinary consequences for the individual (and where the individual is a Team Member of a Contractor, Hirer or an ACM Presents Contractor – termination of their contract with ACM). Information relating to illicit or illegal drugs may be provided to Victoria Police in line with ACM's People Delegations.

5 Medication or any legal substances

If an ACM Team Member is taking medication or any legal substance that may impair their sense of judgement, concentration, coordination and or decision making or their fitness to perform their role, they must advise their supervisor.

Prescription medication should be taken in accordance with recommendations from the doctor and/or manufacturer. ACM Team Members must report any side-effects from medication or any legal substance to their supervisor immediately and seek advice from their medical practitioner. They must not commence or resume work activities if their sense of judgement, concentration, co-ordination or decision making is adversely affected by alcohol or other drugs.

If an ACM Team Member advises their supervisor that they are taking medication or a legal substance or reports any side-effects from the same, the supervisor or a member of the ACM Health and Safety team, may require the ACM Team Member to seek a medical certificate from a doctor regarding their fitness for work (and any work restrictions imposed) before returning to work.

Should this be requested, the Team Member must outline their duties at work to the doctor or pharmacist, provide them with a copy of a position description and additional details of the job function requirements (if any) for the work activities and seek advice as to whether their sense of judgement, concentration, co-ordination and or decision making will be impaired by the medication or legal substance the Team Member is taking.

Contractors, Hirers and ACM Presents Contractors are expected to follow these requirements in relation to their own Team Members who are working at ACM premises or undertaking ACM-related work or are otherwise representing ACM in a particular capacity.

6 Issue/Incident Management

6.1 Responding to Persons who may be Affected by Drugs or Alcohol

6.1.1 General Principles

Approaching a person whom you think is affected by drugs or alcohol can require sensitivity. It is important to recognise that factors other than alcohol and drug use may cause or impact on a person's capacity or observable behaviour. The focus of the response should be around health, safety and wellbeing.

6.1.2 Observation and Escalation

Observable behaviours (refer Attachment B) which may indicate alcohol or drug use include, but are not limited to, unsteady balance, speech change, aggressiveness, mood swings, bloodshot eyes, smell of alcohol or drugs, poor coordination, poor concentration, confusion etc. Guidance can also be sought from someone trained in Responsible Service of Alcohol.

Where a person (Observer) is reasonably concerned that another person to whom this policy applies is under the influence of alcohol or other drugs (**Affected Person**), and that the Affected Person:

- is suffering adverse impacts to their health or wellbeing; or
- is working or about to work while under the influence of alcohol or drugs; or
- poses a risk to themselves or others,

the Observer should immediately notify the Affected Person's supervisor/manager. Where an Observer suspects that supervisor/manager is adversely affected, they should advise the next level manager. If the Affected Person's supervisor/manager is not available the Observer should notify their own supervisor/manager. The supervisor/manager to whom the report is made is required to assess the situation and observable behaviours in order to determine if the Affected Person appears to be adversely affected by alcohol or drugs.

The delegated authority to effect stand down procedures will be in accordance with the People Delegations. This delegation sits with the CEO and Executive Directors, but also with Directors and the Associate-Director Human Resources. Noting that where all reasonable attempts have been made to contact the relevant Director and Executive Director without success, and a health and safety risk has been determined, this authority will be transferred automatically to the relevant People Manager (as defined in the [People Delegations](#)) who is best-placed to respond to the situation.

6.1.3 Approach and Assessment

The Observer and the notified supervisor/manager must ensure the safety and wellbeing of persons directly or indirectly affected, and determine whether urgent first aid or other medical support or security is required

If they feel comfortable and equipped, either the Observer or the notified supervisor/manager can approach the Affected Person, discreetly. Accusations should be avoided, rather identify behaviours of concern and state them. For example, “I am not sure what is wrong, but I am concerned by your slurred speech and bloodshot eyes”. These behaviours should be documented when practicable.

Ascertain, as far as reasonably practicable, whether the person is capable of performing their work safely and in compliance with this policy. The Affected Person should be provided with an opportunity to disclose any information they wish to in a supportive and confidential environment.

If an Affected Person is displaying aggressive or violent behaviour, the response should be consistent with health and safety and risk management policy and procedure.

6.1.4 Reasonable Suspicion

If after the immediate response, the Affected Person is reasonably suspected of being adversely affected by drugs and/or alcohol and is an ACM Team Member, the Affected Person’s supervisor/manager will:

- request the Affected Person to cease work;
- ensure the Affected Person is located in a suitable area;
- consider whether to require the Affected Person to submit to a mandatory saliva drug test and/or alcohol breathalyser test with ACM’s preferred medical clinic or testing provider at the time as a confirmatory test; and
- seek guidance from the relevant Pillar Executive Director or the Executive Director Human Resources.

If the Affected Person’s behaviour is placing them and/or others at risk, ask the Affected Person to relocate or leave the premises, with rights to drug test reserved. If they refuse to cooperate, ACM Security will be contacted for assistance and if required Victoria Police will be contacted.

6.1.5 Contractors, Hirers and ACM Presents Contractors

If after the immediate response, the Affected Person is reasonably suspected of being adversely affected by drugs and/or alcohol and they are a Contractor, Hirer or ACM Presents Contractor:

- The responsible Executive or Director (or their delegate) (**Responsible Person**) will notify the Contractor, Hirer or ACM Presents Contractor (as applicable) and request they take steps to ensure a safe environment in accordance with this policy. The Responsible Person will ensure appropriate actions are implemented to ensure a safe environment which may include immediate removal of the Affected Person from site. The Responsible Person must complete an incident form.

- If the Affected Person's behaviour is placing them and/or others at risk, ask the Affected Person to relocate or leave the premises, with right to drug test reserved. If they refuse to cooperate, ACM Security will be contacted for assistance and if required Victoria Police will be contacted in line with ACM's People Delegations.
- In the case of a Worksafe Notifiable or serious health and safety incident, ACM reserves the right to require anyone involved to submit to a saliva drug test and/or alcohol breathalyser test with ACM's preferred medical clinic or testing organisation at the time as a confirmatory test; and

6.2 Post Incident

If an ACM Team Member is involved in a WorkSafe Notifiable or serious health and safety incident (i.e. an incident where the individual had acted unsafely, negligently, carelessly or caused injury), they may be requested to undertake a saliva drug test and alcohol breathalyser test to confirm their compliance with this policy. In this case, the same procedure will be followed as is applied if the person is suspected of being adversely affected as per clauses 6.1.1 - 6.1.4 above.

The manager must complete an incident form.

6.3 Process for Conducting a Drug and Alcohol Test

- A. The Manager (or next most Senior Manager) will contact the relevant Pillar Executive Director or the Executive Director Human Resources to seek approval to undertake a drug and alcohol test.
- B. The relevant Pillar Executive Director or the Executive Director Human Resources will consider all available information and determine if a drug and alcohol test should be conducted.
- C. The Manager will call the approved Drug and Alcohol Screening Clinic to request on-site testing by a Drug and Alcohol Screener.
- D. The person suspected of being adversely effected by drugs/alcohol will be asked to wait in the First Aid Room and required to fill in a Consent Form consenting to the test.
- E. The waiting time may be up to two hours. Should a Team Member's rostered shift finish before the test is completed, they will be paid for the additional time in line with overtime allowances.
- F. The person suspected of being adversely effected by drugs/alcohol will be provided a copy of the Alcohol, Drugs and Smoking in the Workplace Operating Policy and reminded of item 6.3.3.

6.3.1 Process for a Confirmed Positive Result

A positive result will be regarded as a BAC reading of anything greater than 0.00 for any High Risk Work Activities, or a BAC reading 0.05 or greater for other activities as described in Section 3.1. The detection of any illicit drugs in a person's system will be regarded as a positive result. Confirmatory results will be verified in writing by the approved Drug and Alcohol Screening Clinic. During the waiting period for the confirmatory results, which may be up to three days, the team member will be stood down on full pay.

The process following a confirmed positive result is as follows:

- A. The person tested and their manager will be informed of the result;
- B. A formal discussion will take place with the person tested, their manager and Human Resources to understand the circumstances relating to the confirmed positive result and determine what level of action will be taken;

- C. The person will need to undergo a saliva drug test and alcohol breathalyser test showing a negative result before returning to work and may be required to undergo further testing;
- D. Professional counselling may be suggested or required to assist with any alcohol or drug use.
- E. Where appropriate, an employee, other than a casual employee, may be granted leave with or without pay to undertake an approved rehabilitation program in accordance with Enterprise Agreement provisions (Clause 10.22).

6.3.2 Process for a Negative Result

Where a negative result has been confirmed the person may be required to return to work.

6.3.3 Process for Refusal of Testing

If a person refuses to participate or co-operate with an alcohol and drug test, they will be counselled and encouraged to participate. If the person continues to refuse, the process for returning a positive result will apply.

7 Breach of Policy

7.1 ACM Team Members

If an ACM Team Member does not comply with their responsibility or fails to act as required under this policy it may result in disciplinary action in accordance with ACM's Performance and Conduct Improvement procedure. Consequences relating to a breach of this policy may include (depending on severity or circumstances): informal disciplinary discussion; formal disciplinary discussion; written warning; final written warning; suspension with or without pay; or termination of employment.

7.2 Contractors, Hirers, ACM Presents Contractors

If the person who fails to act as required under this policy is not an ACM Team Member, depending on the severity or circumstances:

- the person may be denied access to ACM premises;
- the person's employer may be requested to prevent the person from working at ACM premises or in ACM-related work;
- their contract with ACM may be terminated.

8 Confidentiality of Records

All records pertaining to drug and alcohol testing procedures will be handled in accordance with Arts Centre Melbourne's Privacy Policy and procedures.

Supporting Documentation

a) Forms and Records Management

Forms or records that are generated by the Procedure are as follows:

Form	Retention Period	Location
N/A		

b) Related Policies and Operating Procedures

<ul style="list-style-type: none"> • Arts Centre Melbourne Code of Conduct • Code of Conduct for Victorian Public Services Employees • The Role You Play • Fairness, Respect and Diversity Policy • Performance and Conduct Improvement Procedure • Arts Centre Melbourne Enterprise Agreement 2018 • People Delegations Instrument and Schedule

c) Legislation

<ul style="list-style-type: none"> • Occupational Health and Safety Act 2004 (Vic) • Tobacco Act 1987 (Vic) • Tobacco Amendment Act 2016 • Liquor Control Reform Act 1998 (Vic) • Privacy and Data Protection Act 2014 (Vic)

Governance

a) Responsibility

Procedure Owner	Health, Safety & Environment team
Approving Executive	Executive team

b) Version Control and Change History

Version Number	Approval Date	Approved by	Amendment
1.0	November 2012	Executive, Corporate Services	First version
2.0	December 2015	Executive Director, Human Resources	Second version
3.0	March 2017	Executive, Operations and CFO	Third version – draft
3.1	April 2019		Third version – final edits
3.2	June 2019	Executive team	Third version – approved with edits
3.3	July 2019	Executive team	Minor edit – update to patron designated smoking area
3.4	August 2019		Minor edits
Post Implementation Review			
Due Date:			June 2020

Attachment A – Definitions

Key Term	Definition
ACM Presents Contractor	Means a person who has entered into an agreement with ACM to deliver a performing arts product for ACM at an ACM venue.
Contractor	Means a person (including an individual or company) engaged by ACM to perform services or to supply goods. For the purposes of this Procedure, it does not include a ACM Presents Contractor.
Drug	Drug is any substance that, when absorbed into the body of a living organism, alters normal bodily function.
Hazard	Hazard is defined as a situation that poses a level of threat to life, health, safety, property or environment.
High Risk Work Activities	<p>Means work activities that may give rise to a Hazard as defined in the Occupational Health and Safety Act 2004 and Occupational Health and Safety Regulations 2017, including but not limited to:</p> <ul style="list-style-type: none"> • Working at Heights; • Plant operation; • mobile equipment operation; • Hazardous Manual Handling; • Hazardous Substances/Dangerous Goods; • Confined / Restricted Spaces; • Asbestos; • Construction work, and; • Any activities that require a high risk work licence as applicable to ACM, for example scaffolding, rigging, crane and hoist operation, elevated work platforms, forklifts, pressure equipment operation, etc. <p>In addition to the above, ACM includes the following activities in the definition of High Risk Work Activities:</p> <ul style="list-style-type: none"> • driving an Arts Centre Melbourne vehicle; • working in the kitchens; • working in areas where mobile plant and equipment is in use such as loading docks, SMMB grounds etc.; • working in back of house areas e.g. stages, technical grids, fly floors, workshops and associated back of house preparation areas; and • Operating theatrical control systems e.g. flying systems, automation controls, stage elevators etc.
High Risk Areas	<p>Means ACM locations that pose a high risk of a hazard, including:</p> <ul style="list-style-type: none"> • Kitchens • Loading docks • Back of house areas including stages, technical grids, fly floors, workshops preparation areas and stage elevators.
Hirer	Means a person who has entered into an agreement with ACM for the use of an ACM venue for a hiring period.
Illicit Drug	Substances or medications capable of causing dependency, alteration of mood or impairment of judgement, concentration or coordination. These include but are not limited to illegal drugs, prescribed medications used without prescription or contrary to the manufacturer's instructions and/or dosage, and other psychoactive substances such as kava, synthetic cannabis and other synthetic

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	drugs or inhalants.
Impaired	Includes when a person is functioning poorly or inadequately.
Positive Result	<p>A positive result will be regarded as:</p> <ul style="list-style-type: none"> • A Blood Alcohol Content (BAC) reading of anything greater than 0.00 for any individuals engaged in High Risk Work Activities or working in High Risk Work Locations, • A BAC reading of 0.05 or greater for other activities as described in Section 3.1. • The detection of any illicit or illegal drugs in a person's system will be regarded as a positive result.
Smoking	Means the inhalation of the smoke of burning tobacco enclosed in cigarettes, pipes and cigars, or the use of e-cigarettes.
Team Member	<p>Includes:</p> <ul style="list-style-type: none"> • employees • volunteers • individuals working as independent contractors under a contract of services • work experience students/interns/secondees <p>In the case of Hirers and ACM Presents Contractors, it also includes:</p> <ul style="list-style-type: none"> • contractors, agents, licensees, invitees or guests of the Hirer/ACM Presents Contractor, including any persons selling or offering for sale programs or merchandise on its behalf; • artists, performers, musicians, dancers, assistants, producers, technicians and anyone else involved in the staging of the particular production or event • persons granted access passes at the request of the Hirer/ACM Presents Contractor.
Workplace	Means a place, whether or not in a building or structure, where people work, and extends to work related activities off site or during functions and events.

Attachment B – Behavioural Indicators for Reasonable Suspicion Evaluation

The following list provides examples of behaviours which may indicate that an individual is under the influence of drugs or alcohol:

- observed use of drugs or alcohol
- smell of alcohol or drugs on breath and/or clothing
- unusual or aggressive or abnormal behavior i.e. threatening, hostile, insulting, profanity, hypoactive, avoiding people, emotional, nervousness etc.
- difficulty in maintaining normal balance e.g. unsteady gait, stumbling, unsteady, unable to stand, swaying, holding onto things etc.
- poor condition and slowed reactions
- slurred speech
- fluctuating mood
- illogical or unrelated responses to questions
- confusion, inability to understand and connect thoughts
- appearance e.g. pale, sweaty, bloodshot eyes, dilated eyes, glassy eyes etc.

Observe the actions of the person, document any observations and follow procedures in Section 6.1.