

# Alcohol, Drugs, Gambling and Smoking Policy: HRP 002

## 1 Overview

This policy outlines CYP requirements in regards to alcohol, drugs, gambling and smoking.

## 2 Compliance

This policy applies to all CYP Employees, board members, volunteers, secondees, fellows and contractors, consultants, partners and 3<sup>rd</sup> party providers acting on behalf of CYP.

## 3 Policy

### 3.1 Overview

CYP supports the principles of the Cape York Peninsula Substance Abuse Strategy (CYPSAS) developed by Apunipima Cape York Health Council. Employees are encouraged to read this document.

CYP rejects abuse of legal addictive substances and processes such as alcohol and gambling, and rejects any use of or contact with illicit drugs. Non-compliance with these principles is not compatible with employment by or association with CYP.

CYP also has specific Cape York requirements that apply to all employees placed by CYP into a Cape York community. CYP has an expectation that our business partners and associated individuals that we engage with to work or visit in Cape York appreciate the intent of this policy and apply it to their own behaviour.

Tackling the chronic alcohol and substance abuse epidemic among Aboriginal people in Cape York Peninsula is a core part of CYP's work. CYP actively seeks to advance the implementation of the strategy outlined in CYPSAS.

It is CYP's policy that employees not gamble, smoke tobacco or consume alcohol in Cape York, and not associate with people who are gambling or consuming alcohol. It goes without saying that any use or possession of illicit drugs is prohibited in Cape York as it is everywhere else.

CYP employees are asked to notify law enforcement agencies if they encounter illegal handling of alcohol, illegal gambling, or any use or possession of illicit drugs.

CYP recognises the disproportionate and devastating effects illegal drugs have on Aboriginal people in Cape York. Social health issues resulting from drugs can include suicide, family breakdown, family violence, child abuse or sexual abuse, poor educational opportunities, socio-economic depression or repression and difficulty obtaining satisfying employment or financial security (*ANCD Report into Cape York Indigenous Issues – 2002*). CYP recognises the disproportionate economic and health harm done to Aboriginal people from smoking. Nationally, approximately 54% of Indigenous people smoke, compared with 22% of non-Indigenous Australians (*ANCD Report into Cape York Indigenous Issues – 2002*).

CYP seeks to proactively support leaders who take a stand against smoking, alcohol, drugs and gambling. This, in turn, supports the young children who are most vulnerable to the effects of smoking through poverty and health related issues and alcohol consumption and substance abuse through parental neglect and abuse.

Smoking is very addictive. CYP supports young children, who are most vulnerable to taking up smoking, by being smoke free role models. Young people who do not start smoking in their teens stand a good chance of remaining smoke free. On the other hand, young people in the communities who start smoking are likely to become addicted and smoke for the rest of their lives. This policy asks employees not to smoke in Cape York Peninsula, and not to smoke or handle tobacco in the presence of Indigenous minors anywhere.

The responsibilities of CYP employees are not limited to personally abstaining from illegal or inappropriate use of addictive substances and gambling. This policy prohibits CYP employees from visiting pubs, clubs or other licensed premises or gambling agencies.

CYP recognises that being present in a tavern, hotel or drinking circle, does not infer a person is drinking or is intoxicated. However, community leaders may consider this normalising, condoning and even encouraging alcohol consumption by problem drinkers. It also leaves employees vulnerable to false perceptions that they may be consuming alcohol.

It also sends a message to children that “everybody drinks and everybody goes to the pub”. They may conclude that associated behaviours – neglect and abuse – are accepted by most adults. No child should feel like this.

Such settings are often the prelude to violent behaviour. Some people may consume alcohol without incident, however those who abuse alcohol may continue to drink and become victims or perpetrators of violence.

Employees are not allowed to dine in licensed premises or clubs or where gambling is occurring (e.g. poker machines). Should an employee not be able to prepare their own meal, have alternative meal arrangements, or have access to meals in non-licensed premises, they can eat in licensed premises but should do so in a dining room and avoid the public bar or gambling area.

Should an employee be invited to a business event at licensed premises, they should discuss their attendance with their manager.

There may also be circumstances where an employee is visiting a private residence (a business partner or an employee of another organisation) where alcohol is being consumed. While this is not a breach, there is always a risk of the employee being implicated in the behaviour of the drinker. To protect everyone, employees are encouraged to err on the side of caution and exercise their discretion in such circumstances.

Intoxicated people are known to act erratically and be violent. CYP cannot guarantee the personal safety of employees who are interacting with intoxicated people. If an employee suspects that an individual is intoxicated they should avoid all contact and remove themselves from the situation.

Because of the trauma associated with alcohol and substance abuse, many individuals and families in remote communities do not want to socialise around alcohol and appreciate CYP's policy. Such families tend to prefer alcohol free social events like afternoon barbecues, dinners or weekend trips on outstations and homelands.

Employees are encouraged to seek out such individuals and families for rewarding social interaction. There are many appropriate and effective ways that team members can socialise and develop friendships in the community (For more information, see the CYP Working with Aboriginal People in Aboriginal Communities information booklet).

### **3.2 Promoting CYP's Smoking, Alcohol, Drugs and Gambling Policy**

CYP recognises that employees may come across people who do not support, and even strongly oppose, the smoking rules and alcohol, drug and gambling free position of CYP. CYP encourages employees to see this as an opportunity to reflect their personal leadership and positively promote CYP policy and the devastating effect that alcohol and substance abuse has had on Aboriginal people.

### **3.3 Addictive substances and the workplace**

CYP has a legal requirement to provide a safe working environment to protect the health of staff. Exposure to environmental tobacco smoke (passive smoking) is a health risk so CYP is a smoke free workplace.

CYP is committed to a safe, healthy and productive workplace for all employees and recognises that substance abuse by employees will impair their ability to perform effectively and have serious adverse affects on the safety, efficiency and productivity of the workplace.

Being unfit at work as a result of substance abuse is strictly prohibited and is grounds for dismissal.

CYP does not consider abuse of legal substances and gambling and use of illicit drugs to be just health issues or issues of workplace safety and productivity. However, workplace legislation puts constraints on CYP's powers to intervene at an early stage against substance abuse or use of illicit drugs that is not yet affecting an employee's performance during work hours, if these behaviours become known to CYP after the employee has commenced employment.

Alcohol, drug dependency and smoking addiction are treatable conditions. Employees are encouraged to seek advice and to follow appropriate treatment before it results in employment performance problems. If an employee suspects they have an alcohol or drug dependency they should discuss this with the CYP HR Manager can provide referral information.

### **3.4 Transitional CYP smoking policy**

CYP recognises that it is not legally possible to require of staff who were employed before this policy was adopted on 7 October 2008 to comply with a ban on smoking in Cape York that was not in place when they commenced their employment. The following smoking policy applies to employees who commenced work before 7 October 2008. Such employees are asked to:

- only smoke in private spaces and areas that are identified as smoking areas and are not visible to children in Cape York;

- not reveal to children, directly or indirectly (for example by visibly handling tobacco) that they smoke;
- not smoke in public places in communities in Cape York;
- not smoke on CYP premises (except in designated smoking areas away from public view);
- not smoke in CYP vehicles, or other forms of transport owned, hired or chartered by the employer or the employee on behalf of CYP;
- only smoke in areas outside private residences or workplaces;
- not smoke while working on any activities involving children or carrying out duties with children or young people present; and
- not smoke on any grounds covered under any law in relation to smoking.

Staff who commenced work after 7 October 2008 are asked to comply with the more restrictive smoking policy outlined in the section “Alcohol, drugs, smoking and gambling” below.

CYP would also like to reiterate that existing staff are encouraged to give up smoking. Smokers are encouraged to discuss this with Human Resources, who can provide referral information.

### **3.5 Alcohol, drugs, smoking and gambling**

CYP employees must adhere to the following and a breach of these may amount to serious misconduct or dismissal. Employees must agree as a condition of employment to:

- not be involved with the unlawful use, possession, sale, or transfer of illicit drugs;
- not condone, or be perceived as condoning, the use of illegal drugs;
- not consume alcohol, publicly or privately in Cape York;
- not possess alcohol in Cape York;
- not visit pubs, clubs or other licensed premises or gambling agencies in Cape York;
- not be involved in situations where alcohol is being consumed or where people are clearly intoxicated in Cape York;
- not dine in licensed premises when other dining options are available in Cape York;
- not gamble (legally and illegally) or visit premises where gambling is taking place (including clubs) in Cape York; and
- not smoke in Cape York.

The following points, which reflect state laws and workplace regulations, are mostly covered by the general points listed above. However, they are listed here for completeness and clarity. Employees must agree as a condition of employment to:

- comply with any alcohol regulations of Aboriginal communities;
- not transport alcohol or prohibited drugs in any vehicle or other form of transport owned, hired or chartered by CYP or the employee in Cape York;
- not purchase or supply alcohol or prohibited drugs to any Aboriginal people;

- not possess or consume alcohol or prohibited drugs during working hours or while engaged in any work activity on behalf of CYP;
- not attend work in a state of intoxication or be demonstrably affected by alcohol or prohibited drugs;
- not drive a CYP vehicle, or other form of transport owned, hired or chartered by the CYP or the employee on behalf of CYP whilst under the influence of alcohol or prohibited drugs;
- not smoke on CYP premises;
- not smoke in CYP vehicles, or other forms of transport owned, hired or chartered by the employer or the employee on behalf of CYP;
- not smoke while working on any activities involving children or carrying out duties with children or young people present; and
- not smoke on any grounds covered under any law in relation to smoking.

Please note: Although alcohol and illicit drugs are mentioned in the same context in the conditions listed above, CYP makes a clear distinction between alcohol, which is legal, and illicit drugs. The references to working hours, CYP premises and CYP vehicles do not carry any implication that CYP considers substance abuse issues to be primarily workplace issues.

### **3.6 Compliance with laws, regulations, contracts and CYP policies pertaining to smoking, alcohol, drugs and gambling**

In addition to CYP penalties, there are legal sanctions for breaches of the conditions of use of smoking, alcohol, prohibited drugs and gambling.

Failure to abide by this policy may result in suspension and/or disciplinary action and/or dismissal and, if necessary, a report to the relevant law enforcement authority as authorised by CYP's Business Manager or the CEO.

## **4 Related documents**

Code of Conduct Policy HRP036

## **5 References**

Workplace Health & Safety Act 1995

Workplace Health & Safety Regulations 1997

Cape York Peninsula Substance Abuse Strategy 2002