

<b>POLICY</b>	<b>ROBY COUNCIL</b>	Responsible Department	Executive
		Original Adoption Date	30.11.2017
		<b>Current Adoption Date</b>	<b>27.07.2022</b>
		Date of Next Review	30.07.2025

<b>FIT FOR WORK POLICY</b>	
<b>Latest Review Changes</b>	Minor formatting and edit changes
<b>Previous Council Reviews</b>	30.11.17, 29.05.19

**Applicable Legislation**

<p><i>Work Health &amp; Safety Act 2012</i></p> <p><i>Work Health &amp; Safety Regulations 2012</i></p>
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**Related Policies**

<p>WHS &amp; Return to Work Management Policy</p> <p>Code of Conduct for Local Government Employees</p> <p>Privacy Policy</p>
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**Related Procedures**

<p>Fit for Work Procedure</p>
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**Reference Documents**

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## 1. INTRODUCTION

The Municipal Council of Roxby Downs ("Council") recognises its responsibility to ensure the health, safety and welfare of workers (including volunteers, contractors and sub-contractors) and is committed to providing a safe, healthy and productive workplace by preventing or minimising the potential for alcohol and other drug work-related injuries.

A fundamental premise underpinning this policy is that workers should be fit for work and not endanger their own safety or the safety of any other person through the use of alcohol or drugs in the workplace.

All workers are required to report to work in a fit state at all times, unimpaired by any substance, so they can perform their work safely, competently and professionally.

## 2. SCOPE

This policy applies to all workers, which are defined as Council employees, trainees, work experience students, volunteers, contractors and sub-contractors engaged to provide services on behalf of the Council.

## 3. OBJECTIVE

- To prevent all workers who are affected by fatigue, drugs and/or alcohol from being a risk to themselves or others at work
- To ensure all workers are fit for work by eliminating unacceptable alcohol and/or other drug use in the workplace.
- To provide guidelines for early intervention where illicit drug use, or excessive use of alcohol is suspected or identified and to assist affected workers to receive treatment with a view to rehabilitation.
- To provide an appropriate disciplinary framework and process for managing drug or excessive alcohol use in the workplace.

## 4. STATEMENT

- The Council is committed to ensuring all workers are fit for work. While the Council accepts that staff may engage in the responsible use of alcohol, the Council maintains a zero tolerance to the use of illicit drugs and excessive alcohol in the workplace.
- The Council expects that all workers adhere to this requirement. All workers are also expected to report to their Group Manager or supervisor any person they believe to be affected by illicit drugs or excessive alcohol while at work or appears to be fatigued.
- It is also incumbent on all Group Managers, Supervisors and Team Leaders to take appropriate action where they believe a person working for the Council is not fit for work due to fatigue and/or has an issue with drugs and alcohol, which may be impacting their safety, the safety of others and the safety of Council assets. This includes the application of procedures associated with the use of "prescription medication".
- The Council recognises that employees with alcohol and drug related problems may be treated successfully and rehabilitated. This policy commits the organisation, as part of providing a drug free workplace, to support any employee with an alcohol or other drug problem through its Employee Assistance Program (EAP). However, where an employee refuses help, or continues to be affected by alcohol and/or other drugs, disciplinary action will be taken to prevent adverse effect on work performance and safety.

- The Council will provide education awareness sessions regarding the dangers of working whilst under the influence of illicit drugs, impairing pharmaceutical medication, alcohol and fatigue.
- The Council will implement a program of cause drug and alcohol testing, administered by an independent service provider where there is a reasonable belief that a person on duty is affected by drugs or alcohol, or where they have been involved in an incident. All testing must be in accordance with the appropriate Australian Standard for workplace drug and alcohol testing. Testing at the workplace will be noninvasive swab (saliva) and/or breath tests.
- Where a worker tests positive for either an illicit drug and/or excessive alcohol use in the workplace for a second time within a period of 12 months, their employment will be immediately terminated.
- A worker may be summarily dismissed where it is established that they have been engaged in the use, sale, distribution or possession of illegal drugs at the workplace or during work hours.
- Whilst the use of alcohol is generally not permitted at any Council worksite, an exemption allowing the consumption of alcohol at a specific Council event may be obtained, but only with the knowledge and consent of the Chief Executive and under the following circumstances:
  - Suitable range of food and drinks shall be available including low alcohol and non-alcoholic beverages;
  - Following consumption there shall be no undertaking of High Risk Activities (HRA) until the next shift day by that person/s
  - It is the sole responsibility of each individual person to ensure that any alcohol intake remains within the limits set by South Australian legislation for driving a vehicle or cycling on public roads for those returning to work;
  - Workers that have had an alcohol intake that is above the limits set by South Australian Legislation are not permitted to return to work;
  - The event must have a defined start time and end time; and
  - Appropriate standards of behaviour can be maintained at all times consistent with the Council's Code of Conduct.
- Legal drugs (including prescribed medication) reasonably required by a person for medicinal purposes may be brought to and consumed at a Council site or facility. Any consumption of legal drugs must be in accordance with the recommended dose or the prescribed dose of the person's doctor. This does not imply that a person may take prescribed drugs regardless of their impact. They may only attend work where the medication does not cause them to react unsafely.

## 5. EMPLOYEE ASSISTANCE PROGRAM

Council will provide balanced lifestyle and wellbeing support to employees including access to an Employee Assistance Program for counselling and other relevant assistance.

Only direct employees of the Council and their partners or spouses can be supported through the EAP.

## 6. AVAILABILITY OF THE POLICY

This Policy will be available for inspection at the Council Office at 6 Richardson Place during ordinary business hours and a copy will be available from Council's website [www.roxbydowns.sa.gov.au](http://www.roxbydowns.sa.gov.au).

## 7. REVIEW

This Fit for Work Policy shall be reviewed by the Council within three (3) years of the issued date, (or on significant change to legislation of aspects included in this policy that could affect the health and safety of workers).

## **APPENDIX A: Fit for Work Procedure**

<b>PROCEDURE</b>		Responsible Department	Executive
		Original Adoption Date	18.03.2019
		<b>Current Adoption Date</b>	<b>27.07.2022</b>
		Date of Review	30.06.2025

FIT FOR WORK PROCEDURE	
<b>Latest Review Changes</b>	Updated to reflect fatigue management and cause testing
<b>Previous Council Reviews</b>	14.09.13, 14.09.15, 30.11.17

**Applicable Legislation**

**Related Policies**

Fit For Work Policy

Code of Conduct for Local Government Employees

**Related Procedures**

**Reference Documents**

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## 1. PURPOSE

The Municipal Council of Roxby Downs (“Council”) is required, under the provision of Work, Health and Safety legislation and regulations to provide for the health, safety and welfare of workers. These procedures provide guidance in the implementation of Council’s Fit for Work Policy.

## 2. OBJECTIVES

To ensure any worker whose performance may be impaired as a result of fatigue, drug or alcohol use does not endanger their own safety or the safety of any other person in the workplace.

To provide guidance to supervisors and workers on the procedures used for preventing and/or managing fatigue, drug or alcohol use in the workplace.

## 3. PRINCIPLES

A fundamental premise underpinning this procedure is that workers should always be fit for work and not endanger their own safety or the safety of any other person through fatigue and/or by the use of alcohol or drugs.

All workers are required to report to work in a fit state at all times, unimpaired by fatigue or any substance, so they can perform their work safely, competently and professionally.

The use of alcohol and other drugs in the workplace or when working fatigued can potentially lead to an increased likelihood of job related accidents and injuries, increase absenteeism and affect job performance and workplace morale.

The Council is, therefore, committed to ensuring, so far as is reasonably practicable, that all appropriate actions, including the provision of appropriate levels of supervision, worker advice, counselling, education and awareness programs, will be taken, to minimise the negative impact of alcohol and other drugs in the workplace. In support of this an educational awareness program will occur as part of an approach to ensure a safe workplace.

All workers, have a responsibility to comply with legislative and Council requirements.

## 4. CORE COMPONENTS

The core components of the Fit for Work Procedure aim to ensure:

- Clarity of expectations around behaviour and consequences that may arise from attendance at work where such substances may be present or when fatigued
- Provision of information and training to workers about the potential dangers and consequences of fatigue and the consumption of drugs and alcohol.
- Identification of the range of supportive mechanisms available to workers who may face issues around substance use.
- Clarify the testing regime that Council will apply to identify those that may pose a risk to themselves or others.



## 5. DEFINITIONS

<b>Cause Testing</b>	Criteria/basis on which a reasonable belief exists so as to demand action to require a worker to undertake a drug and/or alcohol test
<b>High Risk Activities (HRA)</b>	High risk activities are defined as those that require a higher degree of concentration of dexterity and which could lead to dangerous consequences if not able to be undertaken with the required skill and care. They include activities such as operating any machinery and food preparation. It also includes the use or mixing of chemicals, undertaking work on computers that requires “case off” or any other electrical installation or maintenance work; working in confined spaces and working at height. Activities that involve managing safety of the general public (e.g. crèche, swim school, gym, and aquatics) are also included.  Note: this list is not exclusive.
<b>Illegal / Illicit Drugs</b>	Any drug legislated within Australia as illegal (such as but not limited to heroin, cocaine, methamphetamine, amphetamine, and cannabis and or derivatives) is prohibited from the Councils workplaces (including any vehicle or machinery owned or operated by Council).  The use of these drugs can significantly affect an individual’s work productivity, performance, and decision making, and substantially increase the likelihood of a workplace accident.
<b>Independent Testing Technician</b>	A representative from a Roxby Downs based General Practice (GP) who is trained and authorised to undertake drug and alcohol testing
<b>Pharmaceutical Medication</b>	This medication can be purchased over-the-counter from a pharmacy (or supermarket in some instances). Some of this medication can contain chemicals that affect an individual’s ability to drive vehicles and / or operate equipment and machinery (e.g. pseudoephedrine and codeine).  A worker is responsible for checking the instructions on the medication to ascertain if the medication carries a warning, and if it does, notify their line manager.
<b>Prescription Medication</b>	These medications can only be obtained with a written prescription from a Doctor and may only be used in the workplace in accordance with the instructions provided by the prescribing doctor. Sometimes this medication can impair an individual’s ability to drive vehicles and / or operate equipment and machinery in a safe manner.
<b>Workplace</b>	Any location where workers are working (including areas beyond Council’s geographical boundary). It includes Council’s office, external work sites, and other facilities. It also includes Council vehicles where workers are driving a vehicle.
<b>Worker</b>	Includes employees, trainees, work experience students, volunteers and contractors and subcontractors engaged to provide services on behalf of the Council

## 6. PROCEDURE

### 6.1. Expectations

Council is committed to providing and promoting a safe and healthy work environment for all workers and visitors to Council workplaces consistent with its responsibilities under relevant Workplace Health and Safety legislation.

Council is committed to a drug free and alcohol restricted workplace with a zero tolerance to illegal / illicit drug taking as follows:

- A zero tolerance to prescription and pharmaceutical medications for workers operating plant and machinery where the medication carries a warning that it may affect the ability to operate equipment and machinery (such as pseudoephedrine, codeine, panadeine forte);
- Alcohol level for staff involved in undertaking identified High Risk Activities (HRA's – see definitions for guidance) (this limit includes any activity where legislation or licensing requires a 0.00 alcohol limit)
- A maximum blood alcohol content level limit shall be 0.05% for workers generally (i.e. other than those undertaking High Risk Activities)

These restrictions are in line with Council's commitment to ensure that the impact of alcohol and other drugs is managed to minimise the consequences on the health, safety and environment for all workers and visitors to Council's facilities and workplaces.

Workers using prescribed medication that may affect their ability to undertake High Risk Activities, make decisions, drive vehicles and / or operate equipment and machinery, must request a letter (and if necessary, a sick certificate) from their Doctor advising the nature of the affect.

### 6.2. Sanctioned Alcohol Consumption

From time to time, it is recognised that the consumption of alcohol may occur as part of celebratory events and civic functions. Where this is to occur the following procedure shall be followed:

- The Chief Executive shall give authorisation.
- Suitable range of food and drinks shall be available including low alcohol and non- alcoholic beverages.
- Following consumption there shall be no undertaking of High Risk Activities until the next shift day by that person/s.
- This procedure does not remove the individual's responsibility to monitor their own consumption and ensure that they are within all legal requirements.
- The event must have a defined start time and end time.
- The Chief Executive will also be responsible for ensuring that such sanctioned events are adequately supervised.

### 6.3. Education and Support

The Council will provide educational awareness and training sessions and information to staff in relation to the consequences of using drugs and alcohol and for management of fatigue including:

- the dangers of working whilst under the influence of drugs, including prescription or pharmaceutical medication, and alcohol; and
- The specific effects of drugs and alcohol on individual judgement, decision making and behaviour.

- The increased risk to the safety of themselves, other workers and the general public.
- The effect that continued use of drugs or alcohol may have on their job and their family.
- Council's procedures (including any testing regime)

Employees can also access Council's confidential Employee Assistance Program, for non-judgmental assistance to emotional and interpersonal issues including self-referred alcohol and other drugs concerns. To access the service, employees can:

- Contact Council's Employee Assistance Provider – Access Programs on 8215 6799 or 1300 667 700 to make a confidential appointment or
- ask an immediate Supervisor/Manager to make a referral for you.

#### 6.4. On Call

This procedure applies to workers who are rostered to attend to Council related matters after business hours. In the event that the On Call Worker requires the assistance of another worker due to their expertise and that other worker is not rostered to work the other worker must confirm that they are Fit for Work (as per clause 4.1). If the other worker advises that he/she is not Fit for Work the On Call Worker must contact an authorised Contractor for assistance.

## 7. BREACHES OF PROCEDURE

The following acts or actions are considered a breach of this procedure:

- The use, sale, transfer or possession of illegal drugs whilst at Council workplaces or during working hours;
- Reporting to or being at work:
  - under the influence of alcohol; and/or
  - under the influence of illegal / illicit drugs; and/or
  - under the influence of prescription / pharmaceutical drugs which affect an employee's ability to operate systems, plant and machinery or otherwise undertake their duties in a safe manner.
- Returning a positive test result from a Critical Incident or Cause Drug and Alcohol Test.
- Any such breach shall result in disciplinary action up to and including termination of employment.
- The sale or transfer of illicit drugs will also include notification to police of the activity.

## 8. FATIGUE PREVENTION IN THE WORKPLACE

Fatigue affects a person's health, increases the chance of workplace injuries occurring and reduces performance and productivity in the workplace.

The factors contributing to fatigue include:

- The mental and physical demands of work
- Work scheduling and planning
- Working time
- Environmental conditions
- Individual factors

**Effects of fatigue:** the effects of fatigue on health and work performance can be short term and long term. Short-term effects on an individual include impaired work performance, such as reduced ability to:

- Concentrate and avoid distractions
- Think laterally and analytically
- Make decisions
- Remember and recall events and their sequences
- Maintain vigilance
- Control emotions
- Appreciate complex situations
- Recognize risks
- Coordinate hand-eye movements
- Communicate effectively

Fatigue can also:

- Increase error rates
- Slow reaction times
- Increase the likelihood of accidents and injuries
- Increase instances of micro-sleeps

Long term effects on health that are associated with shift work and chronic sleep loss may include:

- Heart disease
- Diabetes
- High blood pressure
- Gastrointestinal disorders
- Depression
- Anxiety

#### **Identifying if fatigue is a hazard:**

1. Mental and physical demands of work: Concentrating for extended periods of time, performing repetitious or monotonous work and performing work that requires continued physical effort can produce mental and/or physical tiredness which increase the risk of fatigue. Mental and physical fatigue are different and a worker can experience them at the same time.
2. Work scheduling and planning: The way work is planned and scheduled can increase the risk of fatigue. When scheduling and planning work, Group managers shall ensure that diligence is shown when rostering work including contingency for call/out and/or rostered overtime.
3. Working time: The time work is performed and the amount of time worked can impact on the risk of fatigue.
4. Environmental conditions: Working in harsh and/or uncomfortable conditions can contribute to risk of fatigue. Heat, cold and vibration are some of the environmental conditions that can make workers tire quicker and impair performance.
5. Individual factors and factors outside of work:
  - Lifestyle factors such as voluntary work, having more than one job, level of fitness, social life or diet
  - Home environment such as noisy neighbours or a bedroom that is too hot or not dark enough

- Health conditions such as insomnia, sleep apnoea, or alcohol or drug dependence

## 9. DRUG AND ALCOHOL TESTING

Council shall utilise a suitably qualified and experienced, independent Testing Technician to conduct non-invasive Incident and Cause Testing for drugs and alcohol.

### Incident Testing

Only Group Managers and the Chief Executive may authorise Incident Testing. This type of testing may occur where there is an incident involving:

- injury to a worker
- injury to a member of the public
- damage to Council property
- damage to other property
- near miss incident

### Cause Testing

Only Group Managers and the Chief Executive may authorise Cause Testing.

This type of testing will occur where there are reasonable grounds to suspect that a worker is affected by ingestion or effects of drugs or alcohol. A criteria that may lead to cause testing includes, but is not limited to:

- repeated unexplained absence or lateness
- repeated management concerns about poor performance or achievement
- a series of small accidents/incidents
- a worker's behaviour, actions, appearance or conduct suggests that they may be under the influence of drugs or alcohol
- fighting or arguments in the workplace
- an unexplained drop in performance
- physical signs and behaviour such as dilated pupils, droopy eyelids, bloodshot eyes, slow and slurred speech, slow gait, unusually high energy levels or disorientation;
- changes in alertness (falling asleep, attention span difficulty, problems with short term memory)
- changes in personality from previous history
- emotional signs such as mood swings; or
- any other unusual or out of character behaviour

## 10. ALCOHOL AND OTHER DRUG TESTING PROCESS

The screening procedure will be carried out by a qualified Testing Technician. The Technician has no discretion to amend test results and will not enter into discussion with any worker regarding results or disciplinary action, which may result from testing.

Equipment used for the initial screening process will be a non-invasive mouth (saliva) swab and a breath analyser.

The testing process will be conducted:

- Off-site at the Doctor's Surgery
- in private, individually. The worker is able to select a witness to the process if desired.

Council will organise transportation to/from the off-site location.

A worker is asked the following six questions prior to their individual screening:

1. Have you taken anything orally in the previous 10 minutes?
2. Have you consumed any alcohol in the previous 8 hours?
3. Have you taken any illegal / illicit drugs in the previous 24 hours?
4. Are you currently under the effect of any illegal / illicit drugs?
5. Are you taking any pharmaceutical drugs?
6. Are you presently on any medication?

Should a worker answer 'yes' to any of these questions then further information will be sought, such as, type of drug / medication, time taken, quantity consumed, and whether medication taken has been prescribed by a doctor.

The screening mouth swab used on the worker is called a primary sample. Workers will be informed of the test results immediately.

#### Test Refusal

Should a worker refuse to take a screening test, this will be considered as a positive result, the result will be noted in the worker's personnel file, and disciplinary action (including the possibility of dismissal) may ensue as a result. Should the worker decide to take the test after this has been explained to them, and the test result is negative, no mark relating to this decision will be made in the worker's file and the worker will resume normal duties after the screening procedure.

### 10.1. POST-SCREENING PROCEDURES

#### Negative Result

In the event of a 'Negative' result, the:

- result will be documented by the Testing Technician and a copy made available to the worker;
- sample will be immediately disposed of by the technician in the presence of the worker; and
- worker will return to the workplace.

#### Non-Negative Result

In the event of a non-negative result, the worker, their relevant Group Manager and the Chief Executive will be immediately advised of the result. No opinion, discussion or amendment to the result is possible by the Testing Technician.

The Testing Technician will record the result, which includes the time and date of screening, worker's details, screening number and result. The worker will be invited to sign the documentation. The Testing Technician will forward documentation for all non-negative tests to the relevant Group Manager who will keep these records in a separate secure location.

The worker is able to offer comment on the non-negative screening result, should they choose. Any discussion on the non-negative result is strictly between the worker and the Testing Technician.

Any worker that has a non-negative screening result from an Alcoholizer breath analysis (ie. result exceeds the required alcohol levels as set out in this procedure) will be asked to wait a further twenty minutes before a further breath analysis will be undertaken.

If a worker returns a non-negative drug screen, a second screen will be undertaken and prepared for dispatch to a nominated laboratory for analysis.

The worker will be stood down on sick leave until he/she is fit to resume work. In the unlikely event that the pathology laboratory and/or hospital subsequently deems the samples to be negative and therefore “overturns” the initial screening result, the worker will be permitted to return to work and any sick leave deducted will be restored.

#### Positive Result

If the confirmatory test from the laboratory confirms the non-negative screening result, then this will become a ‘positive’ result.

If the second result from an Alcoholizer breath test exceeds the required alcohol levels, then this will become a ‘positive’ result.

In the event of a ‘positive’ result, the worker, their relevant Group Manager and the Chief Executive will be immediately advised of the result.

## 10.2. POSITIVE SCREENING TEST OUTCOMES

### First Positive Test

An employee will be stood down until he/she is fit to resume work. Permanent employees will be able to access sick leave entitlements. If sick leave entitlements are insufficient, annual leave must be taken provided there is annual leave available. If leave entitlements are insufficient, this absence will be taken as leave without pay.

Upon the employee’s return to work, a further test will be conducted to determine that the employee is no longer under the effects or influence of alcohol and other drugs.

Employee will be subject to at least a further two tests within the next 12 months.

Employee will have access to Employee Assistance Program sessions (at Council expense) to initiate behavioral change in the workplace.

The employee will be issued with a final written warning stating that any future positive results within the next 12 months will result in the employee being dismissed.

### Second Positive Test

Employee will be dismissed.

A second confirmed positive test result within a 12-month period will result in dismissal. The Council, however, reserves the right on compassionate grounds to provide further warnings in special case circumstances only with such approval to be provided by the Chief Executive.

## 11. CIRCUMSTANCES WARRANTING SUMMARY (INSTANT) DISMISSAL

An employee’s employment may be summarily terminated for incidents where the employee is under the influence of drugs and/or alcohol and their behaviour or actions represent serious misconduct.

An employee's employment may be summarily terminated where it is established that they have been engaged in the use, sale, distribution or possession of illegal drugs at the workplace or during work hours.

## 12. CONFIDENTIALITY

Protection of worker privacy and confidentiality is respected in the operation of this procedure (in particular, the testing aspect of the procedure). Management will be informed of a worker's participation in alcohol and other drug testing where a 'non-negative and/or positive reading occurs in order that they are able to manage the situation.

## 13. VOLUNTEERS

Volunteers are required to adhere to this procedure. If a volunteer is suspected of being impaired by drugs, prescription / pharmaceutical medication or alcohol the volunteer will be asked to undergo Cause and/or Incident Testing.

### First Positive Test

Volunteer stood down until no longer under the effects or influence of alcohol and other drugs.

Volunteer will be encouraged to seek professional assistance.

### Second Positive Test

The Volunteer will be notified that he/she will no longer be required to provide voluntary service to Council.

## 14. REVIEW

This Procedure shall be reviewed by the Council's Senior Management Team, in consultation with workers at a minimum of three (3) years of the last review date.



## APPENDIX 6 – Contact Details

### EMPLOYEE ASSISTANCE PROGRAM

<b>Provider</b>	Access Programs
<b>Address</b>	45 Wakefield Street Adelaide SA 5000 Service locations: Port Augusta, Whyalla, Port Pirie <b>Telephone</b> 08 8215 6799 or 1300 667 700
<b>Email:</b>	<a href="mailto:enquiries@accesssa.com.au">enquiries@accesssa.com.au</a>
<b>Website</b>	<a href="http://www.accesssa.com.au">www.accesssa.com.au</a>
<b>Services</b>	Employee counselling for: <ul style="list-style-type: none"><li>• Emotional stress</li><li>• Work – related difficulties and stress</li><li>• Anxiety</li><li>• Career concerns</li><li>• Marital or family problems</li><li>• Coping with change</li><li>• Alcohol and other drug issues</li><li>• Interpersonal conflict</li><li>• Grief and loss</li><li>• Depression</li><li>• Mental Health Wellbeing</li></ul>

### ACCREDITED EXTERNAL PROVIDER FOR DRUG AND ALCOHOL SCREENING

*(Information for Group Managers and Chief Executive)*

<b>Provider</b>	Roxby Downs Family Practice Contact: Jason Lockwood
<b>Address</b>	24 Gregory Street, Roxby Downs
<b>Telephone</b>	8671 3231
<b>Opening Hours</b>	Monday: 9am – 5.30pm Tuesday to Friday: 8am – 5.30pm Weekends and Public Holidays: Closed Thursday Evening After Hours Clinic: 6pm- 8.30pm
<b>After Hours</b>	Phone Roxby Downs Family Practice (on call) 8671 3231 or Roxby Downs Health Service on 8671 9020