**Drug and Alcohol Testing Policy**

# Policy statement

## [Insert Company Name] is committed to ensuring, so far as reasonably practicable, the health and safety of workers while they are at work.

## Impairments due to drug or alcohol use and abuse are hazards within the workplace. Workers must not attend work under the influence of alcohol or drugs.

# Purpose

## The purpose of this policy is to allow for the drug and alcohol testing of people who, if impaired by drugs or alcohol, may put at risk their own health and safety or that of other workers, other people on our premises or client premises or involved in our business operations.

# Application

## This policy applies to all [Insert Company Name] employees and contractors. In applying this policy ‘***worker****’* includes all employees, contractors, sub-contractors carrying out work for [Insert Company Name] and any employee employed by a labour hire company to perform work for [Insert Company Name].

## Some elements of this policy may apply only to specific groups of workers. Where this is the case, it is clearly indicated in the applicable section.

# Definitions

## **Safety sensitive position**means:

### a position which has a key and direct role in work where impaired performance could result in injury to the employee or contractor or to co-workers or visitors to [Insert Company Name]’s premises, and has no direct or only limited supervision available to provide frequent operational checks; and

### any management or supervisory role where the person is required to make decisions on matters involving the safety of others.

# Medications

## Any worker taking medication, whether or not prescribed by a medical practitioner, which is known to possibly impair the ability to work in a safe and productive manner (for instance, due to impaired co-ordination or concentration, fatigue or drowsiness) must advise their manager or supervisor before carrying out work duties.

## The manager or supervisor will decide whether the worker can remain at work or whether a temporary transfer to other duties or work restrictions is required and will discuss this with the worker. The manager or supervisor may seek information from a medical practitioner in making such a decision.

## If in doubt about the possible side effects of medication, the worker must seek advice from a medical practitioner.

# Encouragement of self-reporting and communication

## So long as the worker does not come within either of the exceptions referred to in [6.2](https://www.westlaw.co.nz/maf/wlnz/app/document?&src=rl&docguid=I52bd86001fcb11e18eefa443f89988a0&hitguid=I524597201fcb11e18eefa443f89988a0&snippets=true), they will not be at risk of disciplinary action for disclosing any personal substance abuse problem or potential problem to their manager.

## The exceptions to [6.1](https://www.westlaw.co.nz/maf/wlnz/app/document?&src=rl&docguid=I52bd86001fcb11e18eefa443f89988a0&hitguid=I524597261fcb11e18eefa443f89988a0&snippets=true) are:

### where the worker is already under investigation for a possible breach of this policy at the time of making the disclosure; or

### where the worker engages in actions involving either intentional harm to people or property, or a reckless disregard toward the safety of the employee, his or her co-workers, or visitors to the workplace.

## Where a worker in a safety sensitive position discloses substance or alcohol abuse, they may be redeployed to a non-safety sensitive position pending satisfactory completion of a rehabilitation programme, after hearing from the worker.

# Circumstances where testing can be required

## [Insert Company Name] may require a worker to undergo alcohol and/ or drug testing in the following circumstances:

### **Pre-employment testing** – [Insert Company Name] may require applicants for any safety sensitive position to undergo a medical examination by a medical practitioner appointed by [Insert Company Name], including testing for alcohol and drugs, as a precondition to consideration for appointment to the position.

### **Post-accident/incident and near miss testing –** Workers involved in an accident, or a significant incident or near miss may be asked to take a test.

### **Random Testing –** Workers in safetysensitive positions will be subject to unannounced random testing.

### **Reasonable cause testing –** Workers may be asked to take a test where there is reasonable cause to suspect the worker is under the influence of drugs or alcohol.

### **Testing prior to return to work –** Workers may be asked to take a test as a condition of returning to work where the worker has been absent in circumstances that give [Insert Company Name] reasonable cause to suspect the absence is due to the misuse of alcohol or drugs.

### **Testing at request of regulatory authority –** Employees may be tested at the request a regulatory authority. Employee consent will be sought as set out in this policy. Results of such testing will be shared with the regulatory authority on receiving the employee’s consent.

## Visitors to safety sensitive areas of [Insert Company Name] may be asked to take a random drug/alcohol test. Visitors do not have to take a test, if requested. However, if they refuse, they will have to move to a non-safety sensitive area or leave the premises immediately.

# Further provisions relating to applicants for safety sensitive positions

## An applicant for a safety sensitive position must provide a signed acknowledgment that they have read and understood this policy and will comply with it.

## An applicant for a safety sensitive position who is already an employee, but who is excluded from consideration by reason of testing positive during testing in accordance with clause 7.1(a), or declining to sign an acknowledgment under [8.1](https://www.westlaw.co.nz/maf/wlnz/app/document?&src=rl&docguid=I52bd86001fcb11e18eefa443f89988a0&hitguid=I524597051fcb11e18eefa443f89988a0&snippets=true), will be entitled to remain in their present role without any disciplinary consequences.

# Suspension from work

## In a situation where an employee undergoes a drug and/or alcohol test following an accident or near miss, or due to the reasonable suspicion the employee is under the influence of drugs or alcohol, [Insert Company Name] may suspend the employee on full pay pending the outcome of the test.

# Selection for random testing

## Where random testing is to be carried out, a random sample of workers in safety sensitive positions will be selected electronically.

## The workers selected will be notified of their selection to take part in the testing and will be supervised between the time of notification and the carrying out of the test.

# Alcohol testing

## Testing for alcohol will be carried out by using a breath alcohol testing device which meets the Australian Standard AS 3547-1997, Type 2 Quantitative Breach Alcohol Testing Device for Personal Use, or the current AS/NZS standard. Testing will happen in a private location.

## Any person required to undergo an alcohol test must complete a consent form (**Schedule A**) agreeing to the test, the analysis of the test, and the release of the test results to [Insert Company Name]’s relevant manager(s).

## Before taking a sample the independent third party conducting the testing will verify the individual’s identity through photo identification, or identification by the appropriate manager. If neither of these options are possible, the independent third party conducting the testing may take a photo of the individual to confirm their identity at a later time.

## A person who refuses to sign a written consent form, or provide suitable identification, will be treated as refusing to test under this policy.

## If the result is negative no further test will be required.

## If the result is positive, a second test will be taken on the same device after an interval of 10 to 20 minutes. During that interval the worker will be accompanied and may not leave the testing area other than in an emergency.

## If the second test is positive the worker will be advised of the result and the potential consequences.

## The time and result of both tests will be recorded.

# Drug testing

## Testing for drugs will be carried out in accordance with the Australian and New Zealand Standard Procedures for the collection, detection and quantisation of drugs of abuse in urine: AS/NZS 4309-2008, or the current AS/NZS standard.

## The drugs [Insert Company Name] may test for are:

### sympathomimetic amines (including speed, “P”, pseudo ephedrine and ecstasy);

### opiates (including morphine, heroin, homebake and codeine);

### cannabis metabolites; and

### benzodiazepines.

## The testing will happen either:

### at a private designated on-site location; or

### at the premises of an independent provider engaged by [Insert Company Name] to conduct the testing, in which case the employee will be accompanied to those premises.

## Subject to this policy, the independent third party responsible for testing, may recommend the most appropriate method of sampling and testing depending on the particular circumstances. The ultimate decision as to the method of testing rests with [Insert Company Name].

## Any individual required to take a drug test must complete a consent form (**Schedule B**) agreeing to the collection of samples, the analysis of the samples, and the release of the test results to [Insert Company Name]’s relevant manager(s).

## Before taking a sample the independent third party conducting the testing will verify the individual’s identity through photo identification, or identification by the appropriate manager. If neither of these options are possible, the independent third party conducting the testing may take a photo of the individual to confirm their identity at a later time.

## An appropriate chain of custody procedure will be followed by the independent third party conducting the testing. This means samples will be sealed and are to be signed by the individual and a witness. A consent form and custody in control form must be completed. Every effort will be made to minimise the number of people handling the sample. Where a breach of custody is confirmed, the sample will be excluded from testing.

## A person who refuses to sign a written consent form, or provide suitable identification, will be treated as refusing to test under this policy.

## If the initial test is negative, the worker will be informed and will be free to return to work duties.

## If the initial test returns a ‘*non-negative result’* the sample will be separated into two samples and sent to an accredited laboratory for confirmatory testing in accordance with AS/NZS 4308-2008 or the current AS/NZS standard. While [Insert Company Name] waits for the result of the confirmatory test, workers may be stood down. This means they may not be allowed to perform their usual duties and responsibilities due to health and safety concerns. Employees may be given alternative duties or required to take leave on pay. [Insert Company Name] will consult with the worker as necessary.

## If the confirmatory test result is negative for the presence of drugs, this will be communicated to the individual and they will be free to resume work duties.

## A drug concentration at or above the confirmatory cut-off concentrations of AS/NZS 4308-2008, or the current AS/NZS standard will be a positive test result.

## Any positive result will be communicated by the laboratory to [Insert Company Name]’s medical adviser, who will advise [Insert Company Name] of the result and provide any clarification or interpretation that may be required.

## [Insert Company Name] will inform the worker of a positive result and the potential consequences.

## An employee may then be suspended from duty on full pay pending a review of the results in terms of the split sample process. A contractor may be suspended from work. If the result is confirmed as positive the worker will remain suspended from duty until a specialist assessment (if any) and pending the outcome of a disciplinary investigation.

## If a worker’s or visitor’s first test result is inconclusive, they will be promptly advised that the integrity of their first sample has been compromised. They will then be directed to give a fresh sample without delay. If they refuse to give a fresh sample, it will be treated as a refusal to test under this policy.

# Refusal to test

## If an employee or contractor refuses to take a test when required to do so in accordance with this policy, the reason for refusal will be investigated. The worker may be stood down on pay until they agree to be tested or return a negative test result, or may be transferred to a non-safety sensitive area, at [Insert Company Name]’s discretion, after consultation with the worker as necessary. A disciplinary process may commence against the worker, possibly resulting in a disciplinary outcome up to and including summary dismissal.

## [Insert Company Name] is conscious that a worker may have good reason to refuse a test. [Insert Company Name] will carefully consider all facts and examine each incident on a case by case basis.

## Where a contractor or visitor refuses to test under this policy, the person may be escorted out of the safety sensitive area or asked to leave the premises.

## Contractors may need to perform alternative services or temporarily cease services, without [Insert Company Name] having any ongoing obligation to pay for services that would have been carried out. Managers should refer to any applicable contractual arrangements before taking any action in relation to a contractor.

# Tampering with samples

## Any attempt by a worker to interfere with the integrity of the testing process (e.g., by dilution, substitution, using flushing or masking agents) will be treated seriously. A disciplinary process may be commenced under [Insert Company Name]’s disciplinary policy which may result in disciplinary action taken against an employee up to and including summary dismissal.

## Managers should refer to any applicable contractual arrangements before taking any action in relation to a contractor.

# Positive test result

## Where an employee or contractor tests positive for drugs or alcohol the following process will apply:

### The worker may be referred to a rehabilitation program, at [Insert Company Name]’s discretion.

### [Insert Company Name] may start an investigation into the matter. The extent of the investigation (if any) will be at [Insert Company Name]’s sole discretion.

### A disciplinary process may be commenced under [Insert Company Name]’s disciplinary policy. The worker will be given an opportunity to review all relevant information and provide explanations/feedback to the decision maker. The company will give genuine consideration to any explanation given before making a preliminary decision, which the worker will have an opportunity to comment on before a final decision is made. Disciplinary action may be taken against an employee up to and including summary dismissal.

### During any investigation or disciplinary process, if the worker usually works within a safety sensitive area, they may be transferred to a non-safety sensitive area of the business or an employee may be suspended on full pay. However, [Insert Company Name] reserves its right to take such action as it deems appropriate in the circumstances, after consulting with the worker as necessary.

## Subject to the terms of the commercial agreement between the parties, contractors, sub-contractor, labour hire employees, or visitors who test positive for drugs, or alcohol, may be:

### immediately escorted to a non-safety sensitive area or asked to leave [Insert Company Name]’s premises;

### directed to perform alternative services;

### directed to temporarily stop services;

### directed to stop all or some services;

### without [Insert Company Name] having any ongoing obligation to pay for services that would have been carried out.

## Re-entry is at [Insert Company Name]’s sole discretion, and will require prior submission of a negative result.

# Employee Assistance Programme

## Any worker who considers they may have a drug or alcohol problem may join the drug and rehabilitation programme, being part of [Insert Company Name]’s confidential employee assistance programme (**EAP**).

## The EAP will provide help and information to workers who suffer from alcohol or substance abuse problems, and will arrange or provide assessment, diagnosis, treatment and follow-up counselling or support from appropriate agencies as required. However, it is the responsibility of the worker to seek assistance before impaired performance or drug and alcohol testing leads to disciplinary action.

# Privacy

## All information gathered as a result of drug and alcohol testing under this policy is collected for the purposes of implementing [Insert Company Name]’s policy and achieving its objectives, including compliance with health and safety obligations.

## The information may be used to take appropriate action, including suggesting or requiring rehabilitation, or involving a disciplinary investigation, which may result in a disciplinary sanction when considered appropriate and justified in all the circumstances.

## Any information obtained will be held in a secure system. Information will only be disclosed for reasons in connection with this policy. The information held on an employee’s personnel file will be destroyed within [12] months of termination of employment with the company. Information relating to a contractor or visitor will be retained for as long as it is necessary for the purpose it was collected.

## Access to copies of results of all drug and alcohol testing will be made available on the individual’s request. The individual may request correction of this information.

## Information collected in accordance with this policy will be treated in the strictest confidence. Except as may be permitted or required by law, test results will not be released to anyone who is not directly involved in the testing process or the process of determining any appropriate next steps (including rehabilitation and/or disciplinary investigation) without a specific written authorisation from the individual concerned.

## [Insert Company Name] will, as far as reasonably practicable, treat the information obtained under this policy in a manner which respects the dignity and privacy of those involved will comply with [Insert Company Name]’s obligations under the Privacy Act 2020.

**Schedule A**

Consent for breath alcohol testing

I consent to take a breath alcohol test, to be collected and undertaken by a certified collecting agent in accordance with the **Australian Standard 3547:1997**.

I have read the testing procedure and had it explained to me.

I understand the collection, storage or exchange of information concerning the alcohol test will be in accordance with the requirements of the Privacy Act 2020 and results will only be used for the purposes for which they were obtained.

If the test result is positive, [Insert Company Name] will require a second test to be taken. I consent to confirmatory testing in accordance with [Insert Company Name]’s Drug and Alcohol Testing Policy.

I understand the consequences of refusing to sign this form and the possible outcomes of a positive result, as set out in [Insert Company Name]’s Drug and Alcohol Testing Policy.

I authorise the release of the test results to the authorised representative of [Insert Company Name].

| Signature: | ………………………….. |
| --- | --- |
| Name: | ………………………….. |
| Date: | ………………………….. |

| Test administered at (time and date): | ………………………….. |
| --- | --- |
| Test administered by (name and signature): | …………………………..  ………………………….. |
| First reading: | ………………………….. (microgram / litre) |
| Result of first reading: | * Positive * Negative |
| Second reading: | ………………………….. (microgram / litre) |
| Result of second reading: | * Positive * Negative |

**Schedule B**

Consent for drug testing

I consent to take a drug test, to be collected by a certified collecting agent and undertaken by the accredited laboratory as appointed by [Insert Company Name].

I understand testing will be done in accordance with [**Australian/ New Zealand Standard AS/NZS 4308:2008 (for urine testing)**], [**the Australian Standard 4760:2006 (for saliva testing)**].

I have read the testing procedure and had it explained to me.

I understand that a sample will be collected and the drugs being tested for include cannabinoids, opiates, amphetamine type substances (including benzylpiperazine), cocaine, benzodiazepines, and others if applicable. I understand that other illicit drugs (eg LSD, synthetic THC, cathinones), restricted and legal party substances, misused prescription drugs and other mind-altering substances can also be tested for. I also understand testing is likely to reveal whether the sample has been compromised.

I agree to advise the certified collecting agent of any medication that I am currently taking upon being directed to take a test. I also agree to provide the agent with verification of my identity (photo ID).

In addition to signing this form, I agree to sign the laboratory’s consent form which accompanies my specimen to the laboratory.

I understand the results of the test will be made available to me promptly after the test, and consent to the confidential communication of the drug test(s) results to [Insert Company Name].

If the test result is non-negative, [Insert Company Name] requires confirmatory testing of the sample. I consent to confirmatory testing in accordance with this policy.

If the test result is inconclusive, indicating that the integrity of the sample has been compromised, I agree to provide a fresh sample in accordance with this policy.

I understand the collection, storage or exchange of information concerning the drug test will be in accordance with the requirements of the Privacy Act 2020 and results will only be used for the purposes for which they were obtained.

I understand the consequences of refusing to sign this form and the possible outcomes of a positive result, as set out in [Insert Company Name]’s Drug and Alcohol Testing Policy.

| Signature: | ………………………….. |
| --- | --- |
| Name: | ………………………….. |
| Date: | ………………………….. |