

# Workplace Drug and Alcohol Policy, Procedures and Guidelines.

This policy has been adopted by:

(Name of Company)

NB: A copy of this policy should be provided to all workers and potential workers as soon as they are likely to be engaged.

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|----------------|-----------|
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## Drug and Alcohol Policy

We are committed to creating a drug and alcohol free workplace to safely achieve our business objectives. This policy is intended to:

- promote and safeguard employee's health, safety and wellbeing; and
- create a work environment where employees, sub-contractors and others working with us feel safe; and
- improve business performance including productivity, managing business risks including costs; and
- supports requirements that may be placed upon the business from contractual requirements.

The Drug and Alcohol Policy will apply to every individual working under the direction of this company including staff and contractors.

We will support staff in achieving this goal through the following initiatives:

- **Pre-employment Testing**  
Applicants may be tested for the presence of drugs and/or alcohol prior to employment. The company reserves the right to decline employment for an individual that refuses testing or fails to return a not negative result.
- **Trial period Testing**  
Employees may be tested for the presence of drugs and/or alcohol while undergoing a 90-day trial employment. The company reserves the right to not continue employment for an individual that refuses testing or fails to return a not negative result.
- **Incident Testing**  
Incidents that cause serious harm or significant damage to persons or property will require compulsory testing for the presence of drugs and/or alcohol. Employees may be tested for the presence of drugs and/or alcohol when they are involved in any incident or accident where their actions may have contributed to the event.
- **Reasonable Cause Testing**  
Employees may be tested for the presence of drugs and/or alcohol where their actions, appearance, behaviour or conduct suggests drugs and/or alcohol may be impacting on their ability to work effectively and safely
- **Random Testing**  
Employees will be subject to be randomly selected for testing for the presence of drugs and/or alcohol
- **Serious Misconduct**  
Employees observed taking, selling, supplying or being in the possession of drugs and/or alcohol at work will be disciplined as per serious misconduct procedures. Employees refusing to consent to undertake drug/alcohol testing will be treated as serious misconduct.

# Guide to Drug and Alcohol Procedures

## 1. Purpose

The purpose of this Drug and Alcohol policy and procedures is to address the possibility that workplace and business safety may be adversely affected by individuals who have an unacceptable level of drug and/or alcohol in their systems.

## 2. Aims

- To provide a clear message that it is unacceptable to have knowingly ingested any substance or toxin that can pose a risk to the safety or productivity of the company and its employees; and
- To provide clear processes on when and how to test for the presence of drug and alcohol in employees or contractors that do not cause unnecessary disruption of an individual's rights; and
- To provide guidance on any employment or contractual relationship that may require to be managed because of drug and alcohol testing.

## 3. Definitions

### 3.1 The Company

The company is the entity described on the title page of this document and includes actions carried out on its behalf by its representatives.

### 3.1 Worker

A worker is an individual that carries out work in any capacity for the company, including work as an employee; contractor/subcontractor, an employee of a labour hire company that has been assigned to work in the business, an out worker, an apprentice or trainee, a person gaining work experience or undertaking a work trial, or a volunteer worker

### 3.2 New Employee

A new employee is an individual that is employed by the company under an employment agreement with a 90-trial period and whose employment has commenced within the last 90 days.

### 3.3 Incident

An incident is an event or occurrence that has or had the potential to cause harm or loss of any kind to the company, its workers or any individual or organisation that the company has an obligation to.

### 3.4 Adulteration

Deliberate use of a substance to compromise, or attempt to compromise, the integrity of a urine in order to attempt to “beat” the drug test: e.g. specimen dilution, using a masking agent, or providing a substitute urine sample

### 3.5 Alcohol

Refers to any beverage that contains ethyl alcohol including but not limited to beer, wine, pre-mix drinks and other spirits.

### 3.6 Drugs

Refers to illicit, restricted and some currently legal drugs which have the potential to cause impairment, e.g. cannabis and hashish, opiates (such as heroin and morphine) cocaine, amphetamine type substances (speed, “P”, ecstasy and party pills containing benzylpiperazine), synthetic THC, cathinone derivatives. The term also includes misuse of some prescription drugs (e.g. tranquillisers, sedatives) and other currently legal party pills and herbal highs. Other “mind altering” substances can be added to the testing suite as they become available and are misused.

### 3.7 Metabolite

A metabolite is a breakdown product of a drug that may be less toxic and easier to excrete than the substance taken. Some drugs are not broken down, but they are converted into a form that is more water soluble. They are also metabolites.

### 3.8 Collector

A person who has successfully completed NZQA qualifications demonstrating compliance with AS/NZS 4308: 2008 (or similar) for:

- specimen collection, handling, storage and dispatch of specimens, and
  - “on-site” screening
- and has received a statement of attainment in accordance with NZQA.

## 4. Grounds for Testing

### 4.1 Pre-employment testing

#### 4.1.1 When applied

4.1.1.1 Appointment of a new employee or contractor may be conditional upon returning a negative drug and/or alcohol test.

4.1.1.2 Pre-employment testing must be carried out prior to the employment or contract commencing.

#### 4.1.2 Procedure

4.1.2.1 Prospective workers should be advised of the company’s policy to conduct drug and alcohol testing prior to employment as early in any engagement as possible.

4.1.2.2 Prospective workers should inform the company of any reason that they may be aware of that may result in a not negative drug and/or alcohol testing result such as the use of prescription medications tested.

4.1.2.3 The company may require urine, oral and/or breath testing.

4.1.2.4 The prospective worker is required to complete a 'Drug and alcohol testing consent form'. A sample of this form is available under schedule one of this policy.

4.1.2.5 A prospective worker who refuses permission to undertake drug and alcohol testing will not be offered employment.

4.1.2.6 The testing procedures for this company are set out under schedule two 'Testing procedures'.

4.1.2.7 The prospective worker must not commence employment or work under a contract until a negative test result is returned to the satisfaction of the employee.

4.1.2.8 The company reserves the right to refuse employment or a contract to any prospective worker who returns a not negative result.

## 4.2 Trial period testing

### 4.2.1 When applied

4.2.1.1 Trial period testing may be conducted with new employees if a written employment agreement that includes a 90-day trial period is in place prior to employment commencing.

### 4.2.2 Procedure

4.2.2.1 New employees should be advised of the company's policy to conduct drug and alcohol testing during their 90-day trial period as early in any engagement as possible.

4.2.2.2 New employees should inform the company of any reason that they may be aware of that may result in a not negative drug and/or alcohol testing result such as the use of prescription medications tested.

4.2.2.3 The company may require oral and/or breath testing.

4.2.2.4 The new employee is required to complete a 'Drug and alcohol testing consent form'. A sample of this form is available under schedule one of this policy.

4.2.2.5 A new employee who refuses permission to undertake drug and alcohol testing will have their employment terminated subject to their employment agreements 90-day trial clause.

4.2.2.6 The testing procedure for this company is set out under schedule two 'Testing procedures'.

4.2.2.7 If a new employee returns a not negative test result then they will be asked to take annual (if available) or unpaid leave for the remainder of the day and shall attend a disciplinary meeting the following day or as soon as possible (but not the same day as the testing).

4.2.2.8 The company reserves the right to terminate employment to any new employee who returns a not negative result.

## 4.3 Incident testing

### 4.3.1 When applied

4.3.1.1 Incident testing may be undertaken when there is an unplanned incident (including near missed) that may have resulted in loss or harm to the company including its workers and fellow PCBUs on site.

4.3.1.2 This testing is supplementary to any testing undertaken by any government agency or similar organisation that has legislative responsibilities to investigate an incident.

#### 4.3.2 Procedure

4.3.2.1 Workers should be advised of the company's policy to conduct drug and alcohol testing following an incident as soon as possible.

4.3.2.2 Workers should inform the company of any reason that they may be aware of that may result in a not negative drug and/or alcohol testing result such as the use of prescription medications tested.

4.3.2.3 The company may require urine; oral and/or breath testing.

4.3.2.4 The worker is required to complete a 'Drug and alcohol testing consent form'. A sample of this form is available under schedule one of this policy.

4.3.2.5 It is considered serious misconduct for a worker to refuse to consent to drug and alcohol testing following an incident (whether serious harm or loss has occurred or not). The parties should refer to the company's 'Serious misconduct policy'.

4.3.2.6 The testing procedure for this company is set out under schedule two 'Testing procedures'.

4.3.2.7 If a worker returns a not negative test result then they will be asked to take annual (if available) or unpaid leave for the remainder of the day and shall attend a disciplinary meeting the following day or as soon as possible (but not the same day as the testing).

### 4.4 Reasonable cause testing

#### 4.4.1 When applied

4.4.1.1 Reasonable cause testing may be undertaken when a workers' actions, appearance, behaviour or conduct suggests drugs and/or alcohol may be impacting on their ability to work effectively and safely.

#### 4.4.2 Procedure

4.4.2.1 Workers shall be reminded of the company's policy to conduct drug and alcohol testing if they have reasonable cause.

4.4.2.2 Workers should inform the company of any reason that they may be aware of that may result in a not negative drug and/or alcohol testing result such as the use of prescription medications tested.

4.4.2.3 The company may require oral and/or breath testing.

4.4.2.4 The worker is required to complete a 'Drug and alcohol testing consent form'. A sample of this form is available under schedule one of this policy.

4.4.2.5 It is considered serious misconduct for a worker to refuse to consent to drug and alcohol testing when the company believes that there is reasonable cause. The parties should refer to the company's 'Serious misconduct policy'.

4.4.2.6 The testing procedure for this company is set out under schedule two 'Testing procedures'.

4.4.2.7 If a worker returns a not negative test result then they will be asked to take annual (if available) or unpaid leave for the remainder of the day and shall attend a disciplinary meeting the following day or as soon as possible (but not the same day as the testing).

## 4.5 Random testing

### 4.5.1 When applied

4.5.1.1 Random testing may be undertaken periodically as a deterrent to drug and alcohol misuse. A randomly selected sample, representing a cross section of the workers, will be notified that they are to participate in a drug and alcohol test

### 4.5.2 Procedure

4.5.2.1 Workers shall be reminded of the company's policy to undertake random drug and alcohol testing.

4.5.2.2 Workers should inform the company of any reason that they may be aware of that may result in a not negative drug and/or alcohol testing result such as the use of prescription medications tested.

4.5.2.3 The company may require oral and/or breath testing.

4.5.2.4 The selection of worker(s) for random testing may be carried out by public or private ballot as determined by the company.

4.5.2.5 The worker selected for random testing is required to complete a 'Drug and alcohol testing consent form'. A sample of this form is available under schedule one of this policy.

4.5.2.6 It is considered serious misconduct for a worker to refuse to consent to drug and alcohol testing when the company believes that there is reasonable cause. The parties should refer to the company's 'Serious misconduct policy'.

4.5.2.7 The testing procedure for this company is set out under schedule two 'Testing procedures'.

4.5.2.8 If a worker returns a not negative test result then they will be asked to take annual (if available) or unpaid leave for the remainder of the day and shall attend a disciplinary meeting the following day or as soon as possible (but not the same day as the testing).

## 5. Prescription Drugs

5.1 A drug does not have to be illegal to have an unwanted effect on a Workers' fitness.

5.2 A worker is expected, in consultation with the prescribing medical professional, to determine whether any prescription medication that they have been instructed to take could have an adverse effect on their ability to undertake their duties safely.

5.3 A worker should discuss with the company any potential adverse effects to any prescription medication they are required to take. The company may consider whether alternative duties or leave is appropriate.

5.4 It is considered serious misconduct for a worker to fail to inform the company of any potential risks from their prescription medication they are required to take.

## 6. Rehabilitation

6.1 The company agrees to support the Worker undertake reasonable proven rehabilitation methods through the following concessions:

- a. Taking all reasonable steps to provide a drug and alcohol free workplace; and
- b. Providing a safe environment for the worker to inform the company of any rehabilitation programs they are undertaking and to enable the safe reporting of progress; and
- c. Providing reasonable unpaid leave to enable the Worker to attend any rehabilitation program unless it is not reasonably practicable to;

6.2 Failing to attend and complete a Drug and Alcohol programme that has been agreed to by the Worker as part of disciplinary matters is considered Serious Misconduct.

## 7. Privacy

- 7.1 Drug and alcohol testing can be invasive. The company shall take all reasonable steps to ensure that it does not unnecessarily infringe on the Workers' rights to privacy - this includes making sure not to undertake testing when not necessary; ensuring that the worker is provided with as much dignity as possible during the testing phase and keeping test results as confidential as possible.
- 7.2 Where a Worker has been engaged via a contract with a labour hire company or through a contractor, it is not considered a breach of privacy to providing test results or advice of refusal to comply with this drug and alcohol policy to the Workers employer or main contractor.

## 8. Serious Misconduct

- 8.1 The following actions or inactions are considered serious misconduct under this policy:
- a. Consuming, selling, sharing or having possession of any illegal drug or substance at any place of work or in any vehicle under the control of the company.
  - b. Refusing to undertake drug and alcohol testing under any circumstances listed in this policy; or
  - c. Reporting to work with risk levels of drugs in the system; or
  - d. Having any level of alcohol above 100 micrograms of alcohol per litre of breath. (This is equivalent to zero alcohol tolerance); or
  - e. Having a urine level of drug and/ or metabolite that exceeds the confirmatory concentrations in Table 2 of the Australian/New Zealand Standard, AS/NZS 4308:2008: "Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine"; or
  - f. Having an unacceptable urine level of a drug of abuse (and/or its metabolite) which is not listed in Table 2 of AS/NZS 4308: 2008.
  - g. The adulteration of any test or process set out in this policy; or
  - d. Any attempt to adulterate any test or process set out in this policy; or
  - e. Sharing, discussing or in any way publishing results of any other Workers' drug and alcohol test without their consent; or
  - f. Failing to attend or complete a Drug and/or rehabilitation programme that has been agreed to as part of a disciplinary investigation.
  - g. Falsifying or using information that you know to be untrue that relates to the use of prescription medication or rehabilitation program.

## 9. Future Employment

9.1 Nothing in this policy prohibits the Company from considering any future employment or contractual relationship with the Worker.

## Schedule One: Drug and alcohol testing consent forms.

### A. Consent for Urine Drug Testing

I consent to undergo a urine drug test, to be undertaken by a NZQA qualified collector & urine drug screener or an accredited laboratory appointed by [The Company] which I acknowledge is for determining whether I have a level(s) of a drug(s) (as defined by [The Company]'s Policy) higher than:

- the accepted international standard as defined by the Australian/ New Zealand Standard AS/NZS 4308:2008, or
- the level determined by the laboratory

I understand that a urine specimen will be collected and the drugs being tested for are cannabinoids, opiates, amphetamine type substances (including benzylpiperazine), cocaine, benzodiazepines, and others if applicable. I understand that other illicit drugs (e.g. LSD, synthetic THC, cathinone's), restricted and legal party substances, misused prescription drugs and other mind altering substances can also be tested for.

I undertake to advise the collector of any medication that I am taking. I also agree to provide the collector with verification of my identity (either photo ID or an alternative proof) and two unique identifiers (e.g. full name and date of birth).

I consent to the confidential communication of the drug test(s) results to [The Company].

I understand that I may request a second test be conducted on the reserve specimen which was split from the original urine and is stored at the laboratory. This request must be made within 5 days of receiving the result. For the second test to be positive there need only be the presence of drug or metabolite detected (i.e. not cut off limits). This will be accepted as a conclusive result and costs associated with this test will be borne by me. If the second test proves negative this will be accepted as a conclusive result and costs associated with this test will be reimbursed by [The Company].

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

I understand that refusing to sign this form, or failing to comply with reasonable request from the collector, or the return of a positive result, may mean that:

**pre-employment:** the job offered/ applied for may not be confirmed or offered to me

**current employee:** a disciplinary investigation into serious misconduct may occur which could result in the termination of my employment or contract.

I agree that if I return a positive result that I may be required to take annual or unpaid leave from the time the urine test is taken until I can provide a negative drug test result.

**I have read and understood the terms of this consent form.**

**Signature of Applicant/ Employee:** ..... **Date:**.....

**Applicant/ Employee Name:** .....

**Witnessed:** ..... **Date:**.....

**Witness Name:** .....

## B. Consent for Breath Alcohol Testing

I consent to undergo a breath alcohol test, which I acknowledge is for determining whether I have a level of alcohol in my breath higher than that 100 micrograms of alcohol per litre (zero alcohol tolerance).

I understand that a breath alcohol test will be conducted using an Approved Testing Device which meets the Australian Standard: AS3547:1997/Amendment 1-2000 (Type 2) "Breath Alcohol Testing devices for Personal use".

I understand that the threshold level will be the equivalent of zero alcohol tolerance, i.e. 100 micrograms of alcohol per litre of breath.

Results of the breath alcohol test will only be used for the purposes for which it was obtained, as set out in [The Company]' Drugs and Alcohol Policy.

I understand that a positive test result is likely to lead to a disciplinary investigation into serious misconduct which may result in the termination of any employment or contract.

I understand that a refusal to sign this form and undergo a breath alcohol test will be regarded as serious misconduct and is likely to result in a disciplinary investigation into serious misconduct which may result in the termination of any employment or contract.

I agree that if I return a positive result that I will take annual or unpaid leave for the remainder of the day.

I hereby authorise the collection and testing of a breath sample for alcohol, and the release of the test results to the authorised representative of [The Company].

I have read and understood the terms of this consent form.

Signature of employee:.....

Date:.....

Employee's Name:.....

Witness' Signature:.....

Date:.....

Witness' Name: .....

Test administered at ..... (time & date)

by.....  
(name & signature)

Reading: .....**Result – negative / positive (circle the one that applies)**

### C. Consent for Oral Fluids Drug Testing

I consent to undergo an oral fluids drug test, to be undertaken by a NZQA qualified collector & oral fluids drug screener which I acknowledge is for determining whether I have a level(s) of a drug(s) (as defined by [The Company]'s Policy) higher than:

- the accepted international standard as defined by the Australian/ New Zealand Standard AS/NZS 4308:2008, or
- the level determined by the laboratory

I understand that an oral fluids specimen will be collected and the drugs being tested for are cannabinoids, opiates, amphetamine type substances (including benzylpiperazine), cocaine, benzodiazepines, and others if applicable. I understand that other illicit drugs (e.g. LSD, synthetic THC, cathinone's), restricted and legal party substances, misused prescription drugs and other mind altering substances can also be tested for.

I undertake to advise the collector of any medication that I am taking. I also agree to provide the collector with verification of my identity (either photo ID or an alternative proof) and two unique identifiers (e.g. full name and date of birth).

I consent to the confidential communication of the drug test(s) results to [The Company].

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

I understand that refusing to sign this form, or the return of a positive result, may mean that:

- pre-employment:** the job offered/ applied for may not be confirmed or offered to me
- current employee:** a disciplinary investigation into serious misconduct may occur that could result in the termination of my employment or contract.

I agree that if I return a positive result that I will take annual or unpaid leave for the remainder of the day.

**I have read and understood the terms of this consent form.**

**Signature of Applicant/ Employee:** ..... **Date:**.....

**Applicant/ Employee Name:** .....

**Witnessed:** ..... **Date:**.....

**Witness Name:** .....

Schedule Two: Testing procedures.