

## Substance and Alcohol Abuse Policy

### Rationale

Carterton District Council (CDC) believes employees who come to work with alcohol and performance impairing drugs in their system have a high risk of causing an accident or injury to themselves, their co-workers or the general public. They may also make inappropriate judgements or decisions and their overall performance may also be adversely affected.

### Application

This policy applies as follows:

1. In terms of random testing to all staff in safety sensitive areas or positions as detailed in Schedule 3,
2. To all staff where there has been an accident and management determines that drugs or alcohol may be a factor, and
3. To all staff where management determines that there is reasonable cause to suspect the staff member may be under the influence of drugs or alcohol (see Schedule 2).

### Discretion

Nothing contained in this policy will prevent management from exercising its discretion on whether or not to apply any of the provisions detailed in the policy depending on the particular circumstances involved.

### Purpose

1. To promote the prevention of drug and alcohol related problems in the workplace.
2. To maintain a focus on eliminating the unacceptable risks that drug and alcohol abuse brings to the workplace.
3. To protect the privacy and confidentiality of all staff in the operation of the policy.
4. To ensure that all drug and alcohol tests administered under the policy are legally defensible.

### Definitions

**“a hazard”** from H&S at Work Act 2015 includes:

a person’s behaviour where that behaviour has the potential to cause death, injury, or illness to a person (whether or not that behaviour results from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person’s behaviour)

**“alcohol”** the term “alcohol” refers to any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.

**“drugs”** the term “drugs” refers to any substance (legal or illegal) that may cause impairment. The term includes illicit drugs such as cannabinoids (marijuana, hashish, hash oil), opiates (heroin,

morphine, codeine), cocaine, amphetamines (ecstasy, speed, P) and benzodiazepines (tranquillisers, sedatives, antidepressants). Other drugs can be tested if required including methadone, barbiturates, synthetic drugs, party pills and herbal highs. Other “mind altering” substances will be added to the testing suite as they become available and are misused.

**“safety sensitive positions”** are those positions that involve the health and safety, and sometimes, the lives of the employees, their fellow workers and members of the general public. (Outdoor work, Handles dangerous goods, Operates machinery, etc.). See Schedule 3.

## Legislative Responsibilities

Workplace drug and alcohol testing must take account of a number of common laws and statutory duties including:

- The general statutory duties on PCBU’s, Officers, Workers and Other persons at workplace under Health and Safety at Work Act 2015, along with any subsequent amendments and the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.
- Privacy Act 1993 – All information gathered as a result of testing and/or participation in CDC’s Drug and Alcohol Programme is collected for the purpose of implementing this policy and achieving its objectives. The Human Resource (HR) Manager or delegated representative may disclose relevant information from an employee’s file to the Manager of the employee, or Chief Executive, in consultation with the employee
- NZ Bill of Rights Act 1990
- Human Rights Act 1993

## Procedures

### 1. Drugs Testing

Random on-site drug testing for staff in safety sensitive positions will be conducted in accordance with relevant procedures for specimen collection and the detection and quantification of drug presence in the testing of hair, oral fluids, or urine specimen.

This may be a three-step process:

- The first is a screening process that gives either a negative or a presumptive result. No further action is required with negative results
- A presumptive not negative result will initiate a second on-site test
- If this is also not negative the samples will be sent to an accredited laboratory for laboratory confirmation.

All aspects of the testing procedure will be carried out in a confidential and private manner under supervised conditions.

The employee is required to comply with the following:

- A drugs testing custody and control form will be completed.
- An oral fluids or urine sample will be provided in private.
- The employee will (in so far as is practicable) be able to observe the entire collection, processing and chain-of-custody procedure of the specimen.
- The employee will be asked to read, sign and date the chain-of-custody statement certifying the specimen is that individual’s and has not been changed or altered at the time of collection.
- The sample will be despatched to the accredited Laboratory.

- The laboratory completes the analysis in accordance with relevant procedures.
- A not negative test will be reported by the accredited laboratory if confirmed levels of drug residue exceeded cut-off levels. Where the amounts are under the cut off levels but are still detected these results will be reported. *Refer Schedule 1 and See 6 below regarding follow-up testing.*

In all cases the staff member is to advise the tester of the prescription drugs that they are taking and this will be taken account of when the tests are analysed.

## **2. Alcohol Testing**

HH1 Alcolizer – this model is used in an active mode, which requires blowing into a disposable mouthpiece. This provides a deep lung sample of air for the analysis of alcohol. It provides an ‘on the spot’ reading of the level of alcohol in an employee’s system. It is very reliable and provides an accurate result. The breathalyser is calibrated to measure breath alcohol in *ug/L* of breath. A reading of 400 micrograms of alcohol per litre of breath is equivalent to the legal driving limit for people over 20 years and a reading of zero for people under 20 years. Over these limits is a criminal offence. A reading of over 250 micrograms of alcohol per litre of breath but less than 400 is an infringement offence.

All aspects of the testing procedure will be carried out in a confidential and private manner.

The employee will then be required to comply with the following:

- The first test will require the employee to blow into the device with the mouthpiece attached.
- If the result is negative no further test follows.
- If the result is more than zero micrograms of alcohol per litre of breath, a new mouthpiece is reinserted into the device and the employee blows into this for the second test (this happens after 15 minute rest period).
- The time and result will be recorded.
- The employee, supervisor, and person doing the test will sign acknowledgement of the result and time.
- For the second test to be positive there must be an indicated level of alcohol in the employee’s system above zero.
- Where the second test indicates a level above zero micrograms of alcohol per litre of breath, the employee will be required to leave the worksite and not return until they are fit to do so (generally the next day).

## **3. Blood Test**

In the event that the employee is unable to blow into the Breathalyser, the employee will be escorted to the nearest medical centre for a blood test.

## **4. Post-Incident Testing**

Employees involved in any accident or incident may be tested immediately to identify whether drugs or alcohol were a factor.

## **5. Reasonable Cause Testing**

Employees are tested if there is reasonable cause or suspicion of drug or alcohol use. *Refer Schedule 2*

## **6. Follow-up Testing**

Where an individual returns a negative drugs test but that test shows that there are detectable traces of drugs or alcohol in their system, or returns an alcohol test above zero micrograms of alcohol per litre of breath, the Council reserves the right to perform targeted follow up testing on an ongoing basis.

## **7. Pre-employment Testing**

At the Council's discretion candidates for safety sensitive positions will be appointed on the condition that they do not fail a drug test.

## **8. Procedure for Testing for Drugs and Alcohol**

- Other than for random testing, the manager or supervisor, in consultation with the People & Wellbeing Manager, must determine whether there is sufficient cause to test for drugs or alcohol for example, in the event of an accident or near miss.
- Between the decision to test, and the test being taken, the manager or supervisor or People & Wellbeing Manager, must accompany the employee at all times.
- The employee should be asked to undergo the test and provide consent to the testing.
- If the employee refuses to provide consent or undergo the test (subject to there being no emergency situation that precludes them from doing so), the disciplinary procedure will be followed on the grounds of failing to follow established organisational procedures. The employee will be required to leave the site and to take leave until such time as a disciplinary meeting is arranged.
- Once the employee provides consent, they should be accompanied immediately to the designated site for testing purposes. A negative drugs or alcohol test will result in the employee's employment being continued with no loss of pay.
- Following the collection of samples for drugs testing where the presumptive test indicate a not negative result the employee will be removed from the work site until such time as the employee is cleared by laboratory tests or their employment is terminated whatever the case may be. The employee will be required to take leave without pay (or annual leave if they choose).
- CDC will notify an employee of the drug or alcohol test result as soon as reasonably practicable after the test.
- A not negative drugs or positive alcohol test will result in the employee's employment being terminated as a result of serious misconduct following investigation.

## **9. Disciplinary Procedure**

The CDC Disciplinary Procedure may be followed in any case where the employee:

- Is observed taking drugs or alcohol on a CDC work site and during work hours
- Is observed to have consumed or be in possession of drugs or alcohol on a CDC work site and during work hours.
- Is observed selling or transferring drugs or alcohol on a CDC work site and during work hours.
- The employee refuses to provide consent or undergo a drug or alcohol test.
- The employee undertakes a drug or alcohol test and the result is found to be adulterated.
- The employee returns a not negative drug or positive alcohol test.

Note: The exception to this policy is the consumption or possession of alcohol at approved CDC functions, although if an individual is driving a Council vehicle home, a zero alcohol level must be adhered to.

## **10. Rehabilitation**

Where an employee acknowledges that they have either a drug and/or alcohol problem, and wish to address this, they may approach their manager, the People & Wellbeing Manager, or the Chief Executive, seeking assistance. In the first instance, they will be referred to our EAP provider for an initial assessment and/or recommendation on what assistance is necessary. Generally, other than the initial assessment/counselling sessions with the EAP provider (up to three sessions) the employee will be required to meet the ongoing cost of support although this does not entirely rule out some contribution from CDC at its discretion.

**This Policy was reviewed in May 2020.**

**This Policy will next be reviewed in May 2024.**

## Schedule 1

### **Drug Information**

Cut-off levels are determined for each drug at both the screening and confirmation phases. This means that even if a drug is detected during either the first or second testing stage, the result will still be reported as negative if the level of the drug recorded is below a set cut-off level.

Those cut-off levels are established because the aim of the workplace drug testing is usually to identify significant residues of the targeted drug, not minute traces.

A person testing not negative to a drug above cut-off levels indicates they have recently used the drug or are a chronic user. Accordingly, if a person tests positive they are more likely than not to be an 'at risk' employee.

The drug cut-off levels are defined by the relevant standards.

#### **(AMP) Amphetamines**

This drug group is also a stimulant of the central nervous system; it may cause similar effects as Cocaine. In addition a user may even suffer the loss of appetite. The half-life of Amphetamines is 4 – 24 hours; approximately 30% of Amphetamines is excreted in the urine in its unchanged form and can be detected 2 – 4 days after use.

#### **(MDMA) Ecstasy**

This drug is also part of the Methamphetamines group. It can be present in urine for up to 3 days and is only detected at levels exceeding 2,000 µg/mL.

#### **(mAMP) Methamphetamines**

Methamphetamines are an addictive stimulant that strongly activates certain systems of the brain. It is a cousin to Amphetamines but the central nervous system effects are much greater. The drug is taken orally, injected or inhaled. An acute condition will produce anxiety, hallucinations and eventually depression and exhaustion. The half-life on mAMP is 9 – 24 hours in the body and is detectable in the urine for 3 – 5 days.

#### **(THC) Marijuana**

This is the primary active ingredient of Cannabis (Marijuana). When smoked or orally administered, users have short term memory and slowed learning. They may also experience confusion and anxiety. It has half a life of around 24 hours and is detectable in urine as soon as a few hours after smoking. However, it remains detectable for up to 10 days and in some cases up to 28 days.

#### **(COC) Cocaine**

This drug is produced from the leaf of the cocoa plant. It is a stimulant of the nervous system and is also used for local anaesthetic. Cocaine is taken typically by smoking, injecting or inhaling. It is a very addictive drug. The most common effects of Cocaine include increased heart rate (pulse), dilation of the pupils, increased energy and alertness. Cocaine has a half-life of 5 – 8 hours and is detectable in urine for up to 48 hours after use.

## **(MOP) Morphine**

Opium is derived from the Opium poppy. This also includes Morphine and Codeine. Opioid analgesics comprises of a large group of substances that are used to control pain by depressing the nervous system. In situations where large doses of Morphine have been used, the effects have tended towards higher tolerance levels and physiological dependency. This can also lead to substance abuse. This drug can be detected in the urine for several days.

## **Synthetic Drugs**

There is no exact definition, because the term is used to describe a wide range of chemical products that are ever-changing. Synthetic marijuana and "bath salts" are the most common of these drugs. Unlike drugs such as marijuana and cocaine, these drugs do not come from plants; they are manmade. Synthetic marijuana consists of drug chemicals that are sprayed on plant materials and sometimes marketed as potpourri. The term "synthetic drugs" usually refers to bath salts and synthetic marijuana and the like that are often sold in stores and online as household items.

## **More Information on Effects Detection Times**

The effects of each drug mentioned above are guidelines only. Some people occasionally may have other effects.

There are a number of factors to consider when trying to analyse how long a drug group will remain detectable for. The breakdown period of each group metabolises (breaks down) in the body at varying rates.

Even the type of user can affect the breakdown rate - the age, height, and size of the person being tested have a big bearing on the speed that the drug is flushed through the body. Another consideration is the amount of drug taken and how it was administered. All these areas mentioned make a difference as to how long the detection times last for.

Below is a general guide of the average detection times.

| <b>Drug</b> | <b>Group</b>                    | <b>Effect Time</b> | <b>Detection Times</b> |
|-------------|---------------------------------|--------------------|------------------------|
| (AMP)       | Amphetamine                     | 3 – 4 hours        | 2 – 4 days             |
| (mAMP)      | Methamphetamine                 | 2 – 4 hours        | 3 – 5 days             |
| (THC)       | Marijuana, Cannabis and Hashish | 1.5 – 20 hours     | 10 – 28 days           |
| (COC)       | Cocaine                         | 3 – 5 hours        | 24 – 48 hours          |
| (OPI)       | Opium, Morphine and Heroin      | 2 – 3 hours        | 2 – 3 days             |

## Schedule 2

### **Reasonable Cause Testing**

Reasonable grounds for testing can be established if the employee's behaviours/actions/conduct warrants warning and are indicative of impairment or abnormal behaviour. Examples of the types of behaviours/actions/conduct that would lead to a test for reasonable cause include, but are not limited to any of the following:

- Smell of alcohol on breath
- Physical signs and behaviour such as dilated pupils, blurred vision, droopy eye lids, slow and slurred speech, slow gait, high energy levels, disorientation
- Continual small accidents
- Fighting or arguments in the workplace
- Delayed reaction

Testing for reasonable cause can also include at least two of the following:

- A sudden unexplained drop in performance
- Changes in alertness (falling asleep, attention span difficulty, problems with short-term memory)
- Emotional signs such as mood swings or bouts of hilarity
- Going to locker, car, lunchroom, or rest room more than necessary or normal
- Feigning sickness or emergencies to get out of work early
- Changes in personality from previous history
- Physical signs of abuse or accidents (bruises, cuts, swelling)
- Any other unusual or out of character on-site behaviour.

## Schedule 3

### **Positions that are Safety Sensitive**

These positions have been selected because they may use machinery, work in confined spaces, work at heights, visit sites that may pose a danger, undertake sampling and work alone.

Operations Manager

Parks & Reserves Manager

Team Leader Treatment & Reticulation

Team Leader Parks & Reserves

Reticulation Service Person

Gardener/Labourer

Water Treatment Plant Operator

Labourer/Handyman

Team Leader Water Races

Building Control Officer

Waste Water Treatment Plant Operator

Asset Management Support Officer

Waste Water Treatment Plant Assistant

Environmental Healthy Officer

Workshop Mechanic

Dog Control Officer

Electrician

Venue Coordinator

Venue Assistants



Schedule 4

**Consent for Drug or Alcohol Testing**

Drug Screening \_\_\_\_\_ (employee's initials)

I consent to undergo a drug test to be undertaken by a qualified professional, which I acknowledge is for the purpose of determining whether I have levels of an illicit drug(s) or of prescribed drug(s) present in my urine, higher than the accepted international standard as defined by Substance Abuse and Mental Health Services Administration (SAMHSA).

- The drugs that may be tested are; Cannabinoids, Opiates, Amphetamines, Cocaine, Benzodiazepines and synthetic drugs (others if applicable).
- I undertake to advise the technician conducting the test(s) of any medication that I am taking.
- I consent to the results of the test(s) being communicated confidentially to the People & Wellbeing Manager.
- I understand that I may request the test sample be re-analysed within 14 days of receiving the result.
- Any collection, storage or exchange of medical information concerning the drug test will be in accordance with the requirements of the Privacy Act. Results of the drug test will only be used for the purposes for which they were obtained.
- I understand that a refusal to sign this form and undergo a drug test means that my employment with the Council may be terminated as a result of serious misconduct following investigation.

Alcohol Screening \_\_\_\_\_ (employee's initials)

I consent to a Breathalyser test for alcohol.

- I understand for the test to be positive there must be an indicated level above zero micrograms of alcohol per litre of breath.
- I understand that if the test is positive, I will be required to leave the workplace and not return until fit to do so (usually the next day). I will need to take leave to cover this absence.
- I understand that a refusal to sign this form and undergo an alcohol test, or the return of a positive result from the alcohol test means that my employment with the Council may be terminated as a result of serious misconduct following investigation.

I confirm that I have been told and fully understand my rights regarding the following:

- Results – I will be advised of the results
- Privacy and Confidentiality – All documentation relating to drugs and alcohol will be treated in the same way as other confidential health data.
- I have not been coerced into giving my consent to participate in the testing.
- I have read and understood the terms of this consent form.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date:

Employees Name: \_\_\_\_\_