

# STAFF POLICY

## DRUG AND ALCOHOL



**Approved:** Management Team May 2018

**This is a new policy**

**Background**

The Council has a duty to take all reasonably practicable steps to ensure a safe workplace for all staff. Council recognises that staff being under the influence and/or impaired by drugs and/or alcohol is a significant health and safety risk. This Drug and Alcohol Policy is in accordance with the Health and Safety at Work Act 2015.

**Intent/Scope**

This is a Council-wide policy and applies to all Council employees, when staff are undertaking planned work, including any approved overtime and being on-call. For unscheduled or unplanned work, staff have a right to refuse to attend work based on unfitness without penalty or redress.

This policy does not apply to Council sanctioned social events such as Social Club events, Christmas staff functions or other events where alcohol consumption is permitted. If staff return to work duties after a social event, this policy resumes its application.

**Definitions**

For the purpose of this policy, the following definition shall apply:

**Alcohol** is any beverage that contains ethyl alcohol (ethanol). It includes but is not limited to beer, wine, distilled spirits and any medication containing alcohol.

**Drugs** include Legal Drugs, Illegal Drugs, Controlled Drugs and Legal Drugs of Abuse.

There are a wide range of controlled and illegal drugs, which the Misuse of Drugs Act 1975 classifies according to the level of risk of harm they pose to people misusing them.

Examples<sup>1</sup> of classification are:

- Class A (very high risk): methamphetamine, magic mushrooms, cocaine, heroin, LSD
- Class B (high risk): cannabis oil, hashish, morphine, opium, ecstasy and many amphetamine-type substances
- Class C (moderate risk): cannabis seed, cannabis plant, codeine

**Controlled Drugs** means any substance, preparation, mixture or article specified or described in Schedule 1, Schedule 2, or Schedule 3 as defined under the New Zealand Misuse of Drugs Act 1975, and its amendments. It also includes some types of Legal Drugs

defined under the New Zealand Misuse of Drugs Act 1975, and its amendments, if they are misused or illegally obtained e.g. tranquillisers and sedatives

**Drug Test** is a term used to describe a scientifically reliable method for determining the presence of Controlled Drugs in a urine specimen that meets the requirements of AS/NZS 4308 (or successor standard) Procedures for Specimen Collection and the Detection and Quantitation of Drugs of Abuse in Urine.

Drug Tests are made up of three sub-processes:

Drug Screening Test,

Confirmatory Test; and

B Sample Test.

The Standard AS/NZS 4308 (or successor standard) (Procedures for Specimen Collection and the Detection and Quantitation of Drugs of Abuse in Urine) will be used by accredited collection agencies to determine the confirmatory cut-off concentration of having a negative or 'Pass' or non-negative or positive 'Fail' result. The Council reserves the right to amend these requirements in the light of new research or recommended drug testing guidelines.

**Alcohol Test** refers to a breath test using a breath testing device that meets the requirements of AS 3547 Breath and Alcohol Devices for Personal Use. The Council will use a reading of 100 micrograms of Alcohol per litre of breath as the 'Pass' or cut off level recommended by the Institute of Environmental Science and Research (ESR) for 'zero tolerance'.

**Impairment** refers to be being under the influence of drugs and/or alcohol to the extent that the ability to perform an employee's normal work duties is affected and poses a health and safety risk to themselves and/or others. Please refer Appendix A: List of Reasonable Cause Indicators.

## Policy

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Staff are required at all times to be free from the influence of drugs and /or alcohol. This means that the ability of staff to perform their normal work duties is not impaired.

### Responsibilities

Staff have a responsibility to ensure any legal drugs that they use will not impact upon their fitness for work, for example impair judgement and/or slow reaction times. The Council requires all staff to declare any prescription drugs or medicines they are taking that may affect their ability to perform their roles safely at the following times:

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- Before accepting an offer of employment
  - If they start taking medication prescription drugs during employment
  - If their drugs/prescription changes in any way whilst in employment

All staff have a right and responsibility to note and report any behaviour by others that indicates that an employee is under the influence of drugs and /or alcohol. Staff should report drug and alcohol incidents to their Team Leader, Manager and Team Leader Human Resources and any complaint about such behaviour will be investigated.

Any employee who is aware of any incident involving the use/misuse of drugs and/or alcohol should discuss this with their Team Leader, Manager or Team Leader Human Resources. The Team Leader, Manager or the Team Leader Human Resources will record the incident on the Council's Injury and Incident form and advise the Chief Executive. The staff member's Manager, Team Leader and the Team Leader Human Resources will investigate the incident and implement steps to prevent a recurrence of the situation identified as a result of the investigation.

Complaints about drugs and/or alcohol within the workplace will be investigated in accordance with the Council's Code of Conduct Policy and the Council's Disciplinary Policy.

Drug and/or Alcohol testing may be carried out in the following instances:

*1. Reasonable Cause*

For situations where employees are exhibiting obvious signs of being under the influence of drugs or alcohol. Managers and Team Leaders will use the Appendix B: Reasonable Cause Determination checklist to determine if drug and/or alcohol testing is required.

*2. Post Incident Testing*

To test for drug or alcohol impairment in the case of an incident or injury. As for 1, Managers and Team Leaders will use the Appendix B: Reasonable Cause Determination checklist to determine if drug and/or alcohol testing is required

Staff are required to participate in drug and/or alcohol testing in the above instances if requested to do so. Refusal to undergo reasonable testing will be deemed to be a positive test and therefore may be regarded as Serious Misconduct and result in disciplinary action in accordance with the Council's Code of Conduct Policy.

The Council will meet the cost of carrying out drug and/or alcohol testing and be done in a confidential way that respects the staff member's privacy.

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Staff who are tested and found to have the presence of alcohol and/or drugs at a level that indicates impairment may be subject to disciplinary action that may result in termination of employment under the Council's Code of Conduct.

Breaches of any statute regarding drug and/or alcohol use may be referred to the Police for their investigation.

### **EAP Counselling**

The Council will provide Employee Assistance Programme (EAP) services as a potential alternative to disciplinary action provided staff agree to participate in such a diversionary step. EAP Services could be made available at the Council's discretion depending on the circumstances.

### **Compliance**

Any breach of this Policy by employees may lead to disciplinary action.

### **References**

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Health and Safety at Work Act 2015 (enacted April 4 2016)

Misuse of Drugs Act 1975

Council's Code of Conduct Policy

APPENDIX A: List of Reasonable Cause Indicators

APPENDIX B: Reasonable Cause Determination

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## **APPENDIX A: List of Reasonable Cause Indicators**

This list sets out some common behavioural and physical signs that could suggest that a person is impaired from drugs and/or alcohol. Not all the items on their own indicate impairment from drugs and/or alcohol. It is important for those undertaking the assessment to consider whether the particular behaviour is an 'out of character' significant change in behaviour from how the employee normally presents. Examples include but are not limited to the following:

- 1 Presence of alcohol on their breath or appearing hungover
- 2 Changes in promptness in reporting to work
- 3 Changes in sick leave patterns combined with out of ordinary behaviour
- 4 Changes in behaviour e.g. outbursts, anger, aggressive, suddenly euphoric
- 5 Changes in personality e.g. being less aware, delusions of grandeur
- 6 Changes in alertness or attention span
- 7 Having more or less energy than usual
- 8 Changes in level of work commitment, memory or ability to learn
- 9 Acting in unusually defensive manner when confronted with behaviour
- 11 Violent behaviour
- 12 Increased anxiety, panic attacks
- 13 Increased irritability or depression
- 14 Reduced ability to perform tasks requiring concentration or co-ordination
- 15 Change in motor skills ability
- 16 Increased health problems or health complaints
- 17 Involvement in various minor injuries or incidents
- 18 Going to the toilet more often
- 19 Dizziness, staggering walk, confused disoriented compared to normal behaviour
- 20 Change in speech patterns e.g. slurred speech
- 21 Changes in facial features e.g. bloodshot, glassy eyes, dilated pupils, teeth grinding

## APPENDIX B: REASONABLE CAUSE DETERMINATION

Name of staff member: .....

Has a Manager or Team Leader carried out an initial assessment using Appendix A List of Reasonable Cause Indicators?	Yes/No
Has a second person been consulted and do they agree with the initial assessment?	Yes/No
Are two or more observable signs or examples above present in the employee?  What are those signs?: (continue over page if required)  1.  2.	Yes/No
Are you satisfied the signs noted above may be from the possible use of drugs or alcohol?	Yes/No

**DO NOT** proceed with reasonable cause testing unless all 4 of the determination questions are answered with a 'yes'.

From your observation is there a risk to the health and safety of this person and/or others?  Describe risk:	Yes/No
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Has reasonable cause been established?	Yes/No
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Time: \_\_\_\_\_ Date: \_\_\_\_\_

Action taken:

Manager/Team Leader:

Name and signature: \_\_\_\_\_

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

Time: \_\_\_\_\_

Agreed second person:

Name and signature: \_\_\_\_\_

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

Time: \_\_\_\_\_

## **APPENDIX C: Drug and Alcohol Testing Process.**

This appendix sets out the steps and process when a trained person determines there is reasonable cause to carry out a drug and/or alcohol test of an employee or the employee's acts or omission may have been a direct or indirect contributory factor in an incident. Refer to the process flowchart below

### STEPS:

1. Trained Person determines
  - a. there is reasonable cause to carry out a drug and/or alcohol test or
  - b. an employee's acts or omission may have been a direct or indirect contributory factor in an incident.
2. Trained Person advises the person may consult their representative but that testing cannot be delayed. Arranges employee to be supervised until collection agency arrives on site.

*Note: Drug test specimen to be collected as soon as practicable, usually within 2-3 hours.*

*If employee does not verbally agree to drug test, proceed to refer employee to EAP Rehabilitation process and/or disciplinary process.*

3. Trained Person\* summons Collection Agency to site. Refer Appendix for Drug and Alcohol Service Providers and EAP Services.

\* Exception is person reporting after hours drug/alcohol incident will refer matter to Call Care who will advise Collection Agency then Manager/Team Leader of incident

4. Collection Agency obtains written consent to carry out drug test and collects/screens urine specimen.
5. If the drug test is NEGATIVE, employee advised of result as soon as known and confirmed in writing within 5 working days. Documentation of result placed on employee's personal file.

If an employee has been stood down, duties shall be recommenced with no loss of pay.

6. If the drug test is NON-NEGATIVE i.e. presence of drugs and/or alcohol found exceeds confirmatory cut-off concentration as defined by AS/NZ4308 (Procedures for Specimen Collection and the Detection and Quantification of Drugs of Abuse in Urine). Depending on circumstances, employee is stood down on full pay until result is available

7. Collection Agency sends urine specimen to accredited laboratory for confirmatory testing.
8. If Confirmatory test confirms original result, employee may request a second split or B sample from the A sample to be tested within 14 days.
9. Laboratory tests B sample.
10. Employee advised of B sample test result.
11. If B sample test result is NEGATIVE, employee advised of result as soon as known and confirmed in writing within 5 working days. Documentation of result placed on employee's personal file AND THE MATTER IS CLOSED.

If an employee has been stood down, duties shall be recommenced with no loss of pay.

12. If B sample test result is POSITIVE, *employee is referred to EAP Rehabilitation process and/or disciplinary process.*

## **DEFINITIONS:**

### **Drug Screening Test**

The first part of a drug test involves screening urine to detect the presence of a Drug and/or its metabolite. Drug screening test results will be reported as

*Negative Result:* No presence of a Drug and/or its metabolite or a presence below the confirmatory cut-off concentration defined by AS/NZS 4308 (or successor Standard).

*Non-Negative Result:* A concentration of a Drug and/or its metabolite at or above the confirmatory cut-off concentration defined by AS/NZS 4308 (or successor Standard)).

### **Confirmatory Test**

The second part of a drug test that involves sending urine to an accredited laboratory to test for the presence of a Drug and/or its metabolite.

Results shall be reported as follows:

*Negative Result:* No presence of a Drug and/or its metabolite or a presence below the confirmatory cut-off concentration defined by AS/NZS 4308 (or successor standard)).

*Positive Result:* A presence of a Drug and/or its metabolite at or above the confirmatory cut-off concentration defined by AS/NZS 4308 (or successor standard)).



## **Appendix F: Service Providers**

### **On-Site Drug and Alcohol Collection and Screening**

Drug Detection Agency Limited (DDA)

Unit 10-114 Sawyers Arms Road

Telephone: (03) 354-5352

Papanui, P O Box 20469, Christchurch.

Freephone: 0508 DRUGTEST (3784 8378)

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Papanui, P O Box 20469, Christchurch.

Freephone: 0508 DRUGTEST (3784 8378)

### **Off-Site Drug and Alcohol Laboratory Testing**

Canterbury Health Laboratories

Toxicology Department

Telephone: 03 366 4586

Clinical Biochemistry Unit

Mobile: 027 221 1231

PO Box 151, Christchurch.

Email:

### **Employee Assistance /Rehabilitation Provider**

EAP Services Limited

Telephone: 0800-327-669

P O Box 5931, Wellesley Street, Auckland 1141.

### **Education and Training Providers**

Drug Detection Agency Limited (DDA)

Unit 10-114 Sawyers Arms Road

Telephone: (03) 354-5352

Papanui, P O Box 20469, Christchurch.

Freephone: 0508 DRUGTEST (3784 8378)