

WE KNOW

HUMAN RESOURCES

DRUG & ALCOHOL POLICY SAMPLE

This Drug & Alcohol policy sample is designed as a guide for use by members of The Chamber. It is part of a suite of resources to help businesses put in place effective practices and procedures for their organisations.

Please be aware that no generic document can cover all circumstances and that you may need to adapt this to the needs of your business.

If you need further assistance with putting this resource into effect, or with other employment or business issues, please call The Chamber Advisors on 03 366 5096.

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[XYZ LTD] DRUG AND ALCOHOL POLICY

1. INTRODUCTION

[XYZ Ltd] is committed to providing an environment that ensures the well being and safety of its employees. We have a clear duty under the Health and Safety in Employment Act to identify and manage hazards. There can be no doubt that the presence of illicit substances or alcohol within the body above the relevant screening cut-off concentrations represents a hazard to the safety of the individual and others within the workplace. The overall objective of this policy is to provide for a drug and alcohol free work environment and through doing so to ensure that employees are not impaired in their ability to perform their duties in a safe, productive and healthy manner, which in turn will reduce/prevent accidents and injuries in the workplace.

The use of drugs (both illicit and prescription) and other substances such as alcohol can affect a person's coordination, concentration, dexterity, and general ability to carry out their work. The use of drugs and alcohol at work can put Employees' and other person's safety at risk.

Drug and alcohol testing pursuant to this policy is an integral part of the employer's comprehensive safety programme.

Acceptance of this policy is considered a pre-condition of employment. If an applicant refuses to comply with the drug and alcohol testing policy, they will not be considered for employment and in accepting employment with [XYZ Ltd] employees acknowledge and agree to comply with the policy in all respects.

2. SERIOUS MISCONDUCT

Drug and alcohol use will be regarded as serious misconduct when it affects an Employee's job performance whether the drug or alcohol use occurs at work or outside of work hours and when it is detected above the relevant screening cut-off concentrations.

Other types of behaviour will be considered serious misconduct, including:-

- Taking, selling, supplying or being in possession of drugs and/or alcohol at work
- Being under the influence of drugs or alcohol while at work, as confirmed by the results of a test in accordance with NZ Standards.
- Unauthorised consumption of alcohol or drugs (except where under the instruction of a physician and there is no potential for adverse effects) during work hours, immediately prior to work, or during rest breaks
- Having any banned substances in the body and confirmed by a positive drugs test conducted in accordance with NZ Standards
- Tampering with samples used for drug and alcohol testing
- Refusing, without good reason, to undergo a drug or alcohol test when required in accordance with this policy.

Where, after a full and fair inquiry, serious misconduct is found to have occurred, appropriate disciplinary action will be taken which may include summary termination of employment.

3. TESTING

The Employer may require the Employee to undergo a drug and/or alcohol test in the following circumstances -

- a) **Pre-employment testing or on transfer to a safety sensitive area of the business:** A successful applicant for a position with the employer may be required to pass a drug and alcohol test following a conditional offer of employment. Where the appointment is to a position within a safety sensitive area or in the case of an existing employee, on transfer to such an area, testing will be required.
- b) **Post accident/incident:** All employees may be subject to alcohol and/or drug testing following an incident or accident regardless of whether harm actually resulted. An 'incident' shall include (but shall not be restricted to) incidents involving damage to a vehicle, property, plant or equipment.
- c) **Reasonable suspicion testing:** An employee will be asked to submit to an alcohol and/or drug test where their actions, appearance, behaviour or conduct reasonably causes their employer or supervisor to reasonably suspect that drugs or alcohol may be impacting upon their ability to work effectively and safely.
- d) **Random testing:** All employees who work in safety sensitive areas are subject to unannounced random testing.

[Note – Random testing will generally be considered as being overly intrusive unless justified by virtue of working in a safety sensitive area]

Testing for drugs and/or alcohol shall be carried out at the employer's expense.

4. PROCEDURE FOR TESTING

The drug and alcohol policy is restricted to testing for substances including alcohol that have the capability to impair the safe performance of work. The employer will take appropriate steps to ensure that the results of any tests carried out under this policy remain confidential to the parties and their representative's.

Testing will be carried out by a NZQA qualified collector and in accordance the appropriate Standards – AS 4760:2006 governing procedures for specimen collection and the detection and quantitation of drugs in oral fluid; AS/NZS 4308:2008 governing procedures for specimen collection and the detection and quantitation of drugs through urinalysis and AS3547:1997 governing breath alcohol testing.

A test resulting in a "not negative" screen for a drug class or an indication that the integrity is suspect will be forwarded to an accredited laboratory for confirmatory testing.

The employee authorises the release of the findings carried out by an appropriately qualified detection agency, to the employer, to the extent that is necessary to determine compliance or otherwise with this policy.

Alcohol

The procedure for alcohol testing will be done by an on-site breath-scan test using an approved and testing device (certified for calibration). This will be administered with two persons (one to supervise the procedure and the second to act as witness) or a single appropriately trained person. Where a positive test is returned a second breath-scan test (the Confirmatory Test) will be carried out after 15 minutes with the donor continuing to remaining in the presence of the person(s) carrying out the test until the

confirmatory test is completed. The threshold level will be the equivalent of zero alcohol tolerance, i.e. 100 micrograms of alcohol per litre of breath.

Drugs

Pre-employment testing shall be carried out using urinalysis. In the case of [random,] 'post incident/accident' and 'reasonable suspicion' testing the procedure used will also be by urinalysis or alternatively by oral fluid testing. In this process an employee is required to accompany a senior staff member to the nearest approved medical facility (if the testing is not carried out on site) where the employee will be required to provide a specimen sample. The employee will be asked to sign a consent form and provide identification.

If an employee receives notice from the employer that the results of the drug and/or alcohol test yielded a "not negative" result, the employee will be given an opportunity to explain the result of that test.

5. **MANDATORY STAND-DOWN.**

In the event that an employee tests positive for either drugs or alcohol or where the employer reasonably believes that the employee's ability to safely perform his or her duties has been compromised by consuming drugs or alcohol the employee shall be immediately suspended on pay pending an investigation of the matter and determination of the course of action to be taken.

6. **REPORTING PROCEDURE**

If an Employee believes a co-worker is abusing drugs or alcohol or is under the influence of drugs or alcohol in the workplace, they should report this as soon as possible to their manager or supervisor. If abuse of drugs/alcohol is alleged against an employee in the workplace the allegation will be treated as confidential.

7. **BREACH OF POLICY**

If, after a full and fair investigation, the employer concludes that this drug/alcohol policy has been breached, the employer may impose whatever disciplinary action, having regard for all the circumstances, is considered appropriate, including: _

- Disciplinary action up to and including summary dismissal
- A referral to an Employee Assistance Programme
- Regular drug/alcohol testing

8. **REHABILITATION (OPTIONAL)**

Employees returning a positive test for the first time who wish to remain in employment may be given the opportunity, at the company's discretion, to join an approved drug and alcohol rehabilitation programme.

Where the employee agrees to undertake such a programme the parties will agree upon a plan setting out –

- The length of the rehabilitation programme
- Who will pay the costs associated with the programme
- A formal commitment from the employee to undertake and successfully complete the agreed programme

Where an employee is offered and accepts a rehabilitation programme the employee will be required to utilise any existing leave entitlement or leave without pay until they have returned a negative drug and/or alcohol test and are considered to be fit to return to work.

Failure to successfully complete the programme will result in the employee being dismissed.

[XYZ Ltd] shall not be obliged to offer rehabilitation in circumstances where disciplinary action would be justified.

SAMPLE