

WE KNOW

# HUMAN RESOURCES

## DRUG TESTING

QUICK GUIDE

This Quick Guide provides summarised information about drug and alcohol testing in the workplace.

### WHY DRUG TEST?

Drug testing can be used to help assess compliance with a drug and alcohol policy or with the terms of an employment agreement that defines the use of alcohol and drugs as serious misconduct. When combined with effective policies, rehabilitation programs and education, drug testing can help to significantly reduce drug and alcohol abuse in the workplace.

It is important to note that drug tests do not detect abuse, merely use. Drug tests do not measure impairment or whether someone was impaired at the time the sample was taken, nor do they indicate when a drug was used, or how much was used. Drug tests merely identify the past use of drugs. Over reliance on drug testing can detract from other ways of detecting impairment. Managers and supervisors should be trained in understanding and detecting other symptoms of drug and alcohol related issues, such as increased absenteeism, a sudden change in performance levels, mood swings and general physical symptoms of impairment.

### CAN I REQUIRE ALL MY EMPLOYEES TO UNDERGO A DRUG TEST?

No. Consent is always required before any drug or alcohol testing is carried out. Consent can be obtained by including a clause in an employee's individual employment agreement, by an employee signing the company's drug testing policy, or on a case by case basis.

### HOW DO I IMPLEMENT DRUG/ALCOHOL TESTING IN THE WORKPLACE?

Drug testing in isolation will generally not be justifiable. Drug testing in the workplace should be part of a comprehensive programme including a clear policy, consultation and education. Before introducing drug testing in the workplace, employers need to work through the following steps:-

#### Step 1 – Access the Benefits

Employers need to consider why drug/alcohol testing would be beneficial in their workplace. Drug testing will generally only be justifiable when carried out for health and safety reasons. An employee under the influence of drugs or alcohol in a workplace can be a significant hazard to themselves or to others, particularly in 'safety sensitive industries'.

#### Step 2 – Implement a Drug and Alcohol Policy in Consultation with your Staff

All drug testing policies must be fair and reasonable in order to be enforceable. A policy should:

- Set out the employers' tolerance to drugs and alcohol
- Explain what type behaviour the employer considers to be unacceptable
- Set out the circumstances in which the employer will require the employee to undergo a drug/alcohol test
- Clearly explain the consequences of a breach of the policy.

*A sample alcohol policy is available from the Chamber*

**Step 3 – Employee Consent**

Consent can be obtained prior to employment and included in employees' employment agreements. A drug and alcohol policy can also operate on an ad-hoc basis.

**Step 4 – Select a Testing Organisation**

Drug and Alcohol testing should be carried out independently and comply with the Australian/New Zealand 4308:2001 standard. Different testing methods apply to alcohol and other drugs. Breathalysers are the preferred method for detecting alcohol. For drugs other than alcohol, the procedure normally requires the collection and analysis of a urine sample. Testing results should be open to medical review.

**Step 5 – Rehabilitation and Education**

Staff and contractors should be educated with the facts about alcohol and drugs and their effect on health and safety. Managers/supervisors should be trained to intervene constructively where they have reasonable cause to believe that a worker is under the influence of drugs/alcohol. Employers should also select an Employee Assistance Programme (EAP) and direct employees to seek help from it in the event of a positive test result.

**WHERE CAN I DRUG TEST EMPLOYEES?**

Employers can drug test employees (with their consent) in the following circumstances:

- Pre-employment and prior to transferring employees to a safety sensitive area
- Post accident/incident
- On reasonable suspicion (e.g. where the employee is displaying physical symptoms of being under the influence of drugs or alcohol)
- Randomly, in 'safety sensitive' industries only

**WHAT IS A SAFETY SENSITIVE INDUSTRY?**

A 'safety sensitive industry' has not been defined by the courts or by legislation. Safety sensitive industries are likely to include forestry, construction/engineering, transport, aviation, dairy, fishing/shipping, roading, meatworks, mining, manufacturing and education. A safety sensitive position will be a position, which involves the health, safety and sometimes the lives of employees, their fellow workers and members of the public.

**WHAT IF AN EMPLOYEE REFUSES TO BE TESTED**

Employees must consent to being tested for drugs and/or alcohol. The employer cannot force an employee to undergo a test. Furthermore, a refusal to be tested cannot result in the presumption that the test would have been positive. A refusal to be tested can be investigated by an employer and may justify disciplinary action, particularly where the employer has a clear and reasonable drug and alcohol policy in place.

**DEALING WITH A POSITIVE TEST**

If a drug and alcohol test yields a positive result, the employee must be given an opportunity to explain that positive result. It is important to remember that a positive result only indicates the presence of drugs/alcohol in a person's system, not abuse or impairment. A positive test result on its own will generally not be enough to justify dismissing an employee without further investigation.

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For further information on Drug Testing in the Workplace, or other aspects of Employment Relations, please contact the Canterbury Employers' Chamber of Commerce, email Keith Woodroof; [keithw@cecc.org.nz](mailto:keithw@cecc.org.nz) or phone 03 366 5096.

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