

Drug and Alcohol - Procedure – Procedure

Document Title	Drug and Alcohol
Document Number	QS101-1
Owner	Human Resources Director
Developer	Health and Safety Advisor

Purpose	<p>EIT recognises that staff or students who are adversely affected by alcohol and/or drugs are a safety hazard to themselves, to others they interact with and to the wider community.</p> <p>For that reason, the primary focus of the policy is workplace safety and wellbeing. This policy aims to reduce harm and risk from workplace injury, illness, and incidents and to improve overall safety and wellbeing in the workplace and to ensure legitimate and responsible use of alcohol and drugs.</p>
Scope	<p>This procedure applies to all workers, students and others.</p> <p>In addition to this policy and procedure, in specific situations staff or students may be required to comply with industry rules and regulations or those of a partner organisation. The relevant manager is responsible for agreeing with the Industry contact person on what policy and procedures will apply, and that staff and students are made aware of these rules and regulations. These apply in addition to and do not replace this policy and procedure.</p>

Procedure

Step	Person Responsible	Evidence
<p>Use of Legal Drugs Staff and students who are taking legal drugs that could affect safety or performance in the workplace must advise their EIT manager or tutor before beginning their workday. Such drugs may be allowable if the prescribing medical practitioner has determined that they are consistent with safe performance of the workers or student's duties. EIT may require the provision of an alternative professional opinion on whether the prescription or non-prescription legal drugs will impair job performance or safety.</p>	Staff and Students	
When the usage of the legal drugs could impair a workers or students' safety or job performance, the manager will determine whether the worker or student can be assigned to other duties or consider other options as appropriate. The worker or student will not commence duties until that decision has been made by the manager.	Manager	
<p>Reporting Concerns Staff and students are expected to advise their tutor or manager if they;</p> <ul style="list-style-type: none"> observe a worker or student using drugs or alcohol or finds evidence of usage; or detect the odour of alcohol or drugs on a worker or student; or believe that a worker or student is working under the influence of drugs or alcohol (for example through abnormal or erratic behaviour) 	Staff and Students	

<p>Safety Concerns</p> <p>If a worker or student feels unsafe working with any other person because they suspect he/she is in breach of this policy, he/she should first attempt to stop the work being undertaken by that person.</p> <p>If the work cannot be stopped, the matter should be referred immediately to the Tutor or manager for the work area.</p>	<p>Staff and Students</p>	
<p>Addressing Concerns</p> <p>If a Tutor or manager has reasonable grounds to suspect that a worker or student has taken or is under the influence of a prohibited substance while they are at work or on a programme related activity, the Tutor or manager should immediately take reasonable and practicable steps to address any health and safety concerns. The Tutor or manager must then advise his/her manager of this.</p>	<p>Tutor/Manager</p>	
<p>Suspension and Disciplinary Action</p> <p>If a worker or student is considered to be in breach of this policy the normal process for staff and student discipline will apply:</p> <ul style="list-style-type: none"> - For students see the Student Handbook - For staff members see the Staff Disciplinary Procedure. The Human Resources team should be consulted before a decision to suspend is made. - For others, such as contractors or visitors, the EIT contact will review the agreement in place. 	<p>Manager</p>	
<p>Reasonable Cause Testing</p> <p>A worker or student may be required to undergo a test if a manager has reasonable grounds for suspecting the worker or student is under the influence of drugs or alcohol and this may affect the safety of themselves or others in the workplace. The process is as follows:</p> <ul style="list-style-type: none"> • The manager must have reasonable grounds based on actions, appearance, or conduct of the person. • The manager will advise the person of the concerns and ask them to stop the work being undertaken. • The person will be given a chance to explain any behaviour and the manager will consider any explanations given before deciding whether to proceed. • If a decision is made to proceed in the testing of Worker or Student, the manager will notify the Health and Safety Advisor who will contact the Drug and Alcohol testing provider. The provider will provide details on test location and time. • The worker or student will be notified of the decision, immediately accompanied to the designated place for testing. • Following a positive test result; <ul style="list-style-type: none"> ○ The worker may be suspended on pay or given alternative duties until such a time as he/she is considered fit to resume work. The normal requirements for suspension will apply. ○ A student may be removed from the work site until considered fit to resume study. The EIT student disciplinary process will apply. 	<p>Manager and HR Director</p>	
<p>Post Incident Testing</p> <p>If a worker or student is involved in an incident in the workplace or their actions or inactions may have contributed to the above, he/she may be required to undergo a drug and/or alcohol test as part of the investigation process.</p>	<p>Manager and Health & Safety Advisor</p>	

<p>In this situation the manager will contact the Health and Safety Advisor immediately when notified of the event to arrange the test. The results may be used in evidence or disclosed in disciplinary or legal proceedings.</p>		
<p>Drug and Alcohol Testing The drug and alcohol testing procedures are outlined below.</p>	<p>Health & Safety Advisor</p>	
<p>Next Steps after Testing If a staff or student has returned a positive test result it will be treated seriously and is likely to be considered potential serious misconduct. A disciplinary investigation will normally take place and this could result in a formal disciplinary action, up to and including summary dismissal or exclusion from a programme. In reaching a decision the investigating manager must take into account the relevant circumstances, the worker's explanation and active participation in an agreed rehabilitation programme (where appropriate).</p>	<p>Manager & HR Director</p>	

Testing Procedures

All testing will be performed by an accredited provider and at EIT's expense.

The accredited provider will be compliant with relevant application standards effective at the time of testing (for example, AS/NZ 4308:2008 and AS 3547-2000).

Types of tests

The particular testing method used will be determined by EIT. It will be dependent on the particular circumstances and with reference to the guidance from the accredited provider.

Positive Test Results

In determining a positive test result, EIT will be guided by the process and information from the accredited provider, and relevant application standards, but in general:

- An alcohol test will be considered a positive result if it returns a result of, or is equivalent to, 50 micrograms or more of alcohol per 100ml of blood as per the Land Transport Act (no 2) 2014.
- A drug test will be considered a positive result if 'risk levels' of drugs are detected in the sample tested. Risk levels of drugs are levels in the person's system at or above the AS/NZS 4308: 2008 cut-off levels
- A non-negative result is one where further testing is required to determine if it is positive test result.

Consent / refusal / attempts to cheat

The accredited testing provider will provide information about the particular testing process and will obtain and document the individual's informed consent before carrying out any testing.

Staff and students do not have to give consent and will not be forced to provide a sample for testing. However, a refusal to provide a sample or deliberate attempts to avoid providing the sample (including attempts to unreasonably delay) will likely mean the worker or student cannot continue to work or study in the high risk programme or activity, and this may also be investigated under the relevant disciplinary processes and treated as a serious misconduct issue in and of itself (and EIT may draw an adverse inference based on an individual's refusal or delay). This could result in a formal disciplinary sanction, up to and including dismissal/exclusion from a programme.

Privacy

Testing will be completed in such a way as to respect the worker or students privacy as far as possible.

The personal information that is gathered as a result of the testing process (or from participation in an assistance or rehabilitation programme) is collected for the purposes of implementing this policy and maintaining a safe environment.

All test results will be provided to the relevant managers who arranged the test and to the worker or student who was tested. Any further disclosure of the test results (and other personal information collected during the testing process or otherwise as part of implementing this policy) will only be on a strict 'need to know' basis to achieve the objectives in this policy, to complete the relevant disciplinary or investigative process, or as otherwise permitted or required by law. This may include sharing the information with the Police, WorkSafe NZ or other relevant regulatory authorities.

All information will be held securely by EIT for the duration of the individual's employment/engagement/enrolment, or longer where deemed necessary and appropriate.

Individuals can request copies of their information from Human Resources or the EIT Privacy Officer.

Key Information	
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Related Items	Drug and Alcohol – Policy Consumption of Alcohol – Policy Consumption of Alcohol – Procedure