

Controlled Document – refer to Intranet for latest version

Category: Health and Safety

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Responsibility: Health & Safety Manager

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Approval: Chief Executive

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Purpose

The purpose of this policy is to:

1. Show our responsibility and commitment to ensuring a safe and healthy workplace for all staff, students, contractors, visitors and members of the general public;
2. Ensure, as far as is reasonably practicable, a safe and healthy workplace;
3. Ensure that the staff, students and contractors at UCOL can work in an environment free of alcohol and drug use or abuse;
4. Outline UCOL's expectations and requirements for creating and maintaining an alcohol and drug free work environment, and for dealing with substance abuse in the workplace;
5. Provide, at our discretion, a rehabilitation opportunity to staff members with a substance use problem to get well.

Scope

This policy applies on all UCOL campuses, to all staff and contractors. All individuals working at UCOL are expected to report fit for work and be able to perform assigned duties safely and acceptably without any limitations due to the use or after-effects of alcohol, illicit drugs, non-prescription drugs, or prescribed medications or any other substance.

Out of work and work involvement with alcohol or drugs can have adverse effects upon the workplace, the integrity of our work delivery, the safety of other staff, students, contractors and visitors, the well-being of our staff families, and the ability to accomplish the goal of an alcohol and drug free work environment.

UCOL, therefore, emphasises that it will not tolerate staff or contractors who:

1. arrive at work under the influence of alcohol or drugs; or
2. whose ability to work may be impaired in any way by the consumption of alcohol or drugs; or
3. who consume alcohol or drugs on UCOL campuses or within property owned or leased by UCOL (including vehicles).

The exceptions to point (3) above is that alcohol may be permitted and supplied for:

1. the sale of alcohol to clients of the UCOL restaurants (Ambitions Palmerston North and Visions Restaurant Whanganui) provided that at all times it complies with the requirements of the Sale and Supply of Alcohol Act 2012 (and any subsequent amendments) and any relevant local authority bylaws; and/or
2. hospitality courses that require the tasting of alcohol, provided that at all times it complies with the requirements of the Sale and Supply of Alcohol Act 2012 and any subsequent amendments (including that persons under the age of 18 are not to be given any alcohol, even if they have enrolled in the hospitality courses).

UCOL reserves the right to undertake testing for alcohol and drugs in accordance with this Policy.

Duty to Maintain a Safe Workplace

Staff, and contractors are prohibited from:

- a) working or conducting UCOL business under, or at the risk of being under, the influence of drugs or alcohol (which is demonstrated by returning a positive result for alcohol or drugs); or
- b) using, making, possessing, distributing, selling, purchasing or consuming drugs or alcohol on a UCOL Campus (including a UCOL vehicle); or
- c) being in possession of any paraphernalia used for drug consumption, whether drugs are present or not, including but not limited to glass pipes, bongs and syringes (unless medically permitted); or
- d) driving a UCOL vehicle having consumed alcohol or drugs (i.e. if the person's breath or blood contains any alcohol or drugs); or
- e) using or consuming drugs or alcohol when off-duty if it would result in the staff member/contractor reporting to work or performing duties under, or at the risk of being under, the influence of drugs or alcohol.

Other than where it is provided for in this Policy, any breach of (a) to (e) above by staff will constitute serious misconduct and may result in disciplinary action, up to and including dismissal.

Other than where it is provided for in this Policy, any breach of (a) to (e) above by a contractor will result in the contractor being permanently banned from UCOL campuses and may result in the contract being terminated.

Roles and Responsibilities

All staff, and contractors are responsible for the implementation of this Policy. If a staff or contractor considers that there may have been a breach of this Policy, they must refer the matter to a senior staff manager, Head of School, Director or Team Leader.

It is the responsibility of all staff and contractors to identify concerns about any individual's immediate ability to perform their work/tasks which may be as a result of alcohol or drugs and take appropriate action. Where necessary, they will advise a senior person or their manager, who will take action such

as stopping staff or a contractor who is suspected of breaching this policy from performing his or her work/tasks, pending testing and a decision on the result including potential disciplinary action.

Encouraging of Self-Reporting and Candour for Staff Members

So long as staff do not come within either of the exceptions referred to in the below paragraph, they will not be at any risk of disciplinary action for disclosing to their manager any substance abuse problem or potential problem in the work place, including self-reporting, but cannot be at work under the influence of alcohol and/or drugs.

The exceptions to the above are:

- Where staff are already under investigation for a possible breach of this policy at the time of making the disclosure;
- Actions involving either intentional harm to people or property, or a reckless disregard toward the safety of the staff member themselves, co-workers, students, or visitors to the campus.

UCOL recognises that drug or alcohol dependence is an illness and a major health problem. If staff wishes to voluntarily seek rehabilitation assistance then UCOL aims to be sympathetic and may, at its sole discretion, grant paid or unpaid leave for the purpose of attending a drug and alcohol rehabilitation or treatment programme. Return to work following the successful completion of any such treatment will be based on the recommendation of our nominated medical practitioner. We may, at our sole discretion, also request that the staff member attends a course of follow up treatment.

UCOL's EAP Service is available to all staff for drug and/or alcohol counselling. All EAP services are confidential.

Alcohol and Drug Training and Awareness

UCOL will ensure that all staff are provided with training and awareness regarding this policy, upon their induction and from time to time subsequently, including any subsequent amendments to the policy should amendments occur.

Prescription/ Over the Counter Medicine

All staff and contractors taking medication, whether prescription or over the counter, must be reasonably satisfied that the medication will not have a negative effect on job performance, including the ability to work safely. If there is any risk, then the staff and contractor must immediately report the matter to their manager or supervisor so that UCOL can, as far as reasonably possible, minimise the risk of harm to staff and other people at a UCOL campus and on UCOL activities wherever they are. UCOL may, as a result, modify the staff / contractor's duties or temporarily reassign the staff / contractor.

If UCOL asks, staff and contractor must provide appropriate medical information so that UCOL can understand the potential risk. All declarations and medical information provided will be treated in the strictest of confidence as per the requirements of the New Zealand Privacy Act 1993.

External contractors providing services on any UCOL campus/site are required to ensure that their staff are not affected by prescription drugs or over the counter medication prior to commencement

of work on any UCOL campus or site. In the event of an incident it will be expected that the company carry out a drug/alcohol test and declare the result as part of any investigation.

Circumstances where testing can be required

Drug and alcohol testing may occur in the following circumstances:

Pre-Employment/Engagement/Internal Transfer Testing into Safety Sensitive Positions

Applicants for safety sensitive positions at UCOL, and internal transfers/promotions from a non-safety sensitive role to a safety sensitive role will be required to undertake drug and alcohol testing as part of the employment screening process. Returning a non-negative result or positive result test in itself may result in an employment offer not being made or if already made – withdrawn. Internal candidates who refuse or produce a non-negative or positive test could be subject to disciplinary action in respect of the refusal/failure.

The applicant will be verbally informed, in a confidential manner, of the date, time and location of the test. The testing date will usually be within two days of the notification

The applicant has the right to decline testing however this may impact UCOL's ability to transfer or employ personnel in safety sensitive areas.

If any staff decline to undertake a drug and alcohol test then they will be given the opportunity to explain the refusal. Until this process is completed no offer of employment will be made.

Reasonable Cause Testing

All staff and contractors may be tested for alcohol and drugs where it is believed on reasonable grounds that they are under the influence of alcohol and/or drugs. Reasonable grounds include situations when the behaviour, actions or conduct and/or appearance of the staff or contractor suggests that they are at risk of impairment.

Examples of behaviour, actions or conduct and/or appearance which may establish reasonable cause for testing include, but are not limited to:

- excessive lateness
- absences often on Monday, Friday or in conjunction with holidays
- increased health problems or complaints about health
- emotional signs – outbursts, anger, aggression
- changes in personality
- changes in alertness – difficulty with attention span, less energy
- changes in appearance – clothing, hair, personal hygiene, skin condition
- involvement in various minor accidents
- regularly leaving work early
- going to the bathroom more than normal
- defensive when confronted about behaviour

- dizziness
- slurred speech
- hangovers
- violent behaviour
- impaired motor skills
- bloodshot eyes
- impaired or reduced short term memory
- reduced ability to perform tasks requiring concentration and co-ordination
- intense anxiety or panic attacks
- impairments in learning and memory, perception and judgement
- irritability
- depression
- odour of alcohol or drugs
- an indication of drugs by a drug detection dog or other detection technology

Reasonable grounds testing may also take place where UCOL receives information from a credible source, identifiable to UCOL, relating to an observation of suspected alcohol or drug use by staff or contractor which breaches, or has the potential to breach, this Policy.

Reasonable grounds testing may also take place where paraphernalia associated with drug or alcohol use is found on a UCOL campus, which can be reasonably linked to a staff member or contractor. If staff arrive at any UCOL campus and there is reasonable cause to suspect that they are under the influence of alcohol or drugs, they will be stood down on paid leave from the work environment and asked to leave the campus immediately and will be granted assistance to travel to their residence safely.

If a contractor arrives at any UCOL campus and there is reasonable cause to suspect that they are under the influence of alcohol or drugs, they will be stood down from the work environment and asked to leave the campus immediately. Their company will be contacted as soon as possible advising them of the situation.

If there is any doubt whether they are or are not impaired, UCOL will err on the side of caution in that staff and/or contractor will be stand down until an investigation has been completed by a senior staff manager, Head of School or Director. The staff and/or contractor agrees that in the interests of safety, this is a reasonable step for UCOL to take.

If impairment is suspected testing will be conducted as soon as possible. If initial testing indicates drugs or alcohol may be present, the staff member will be placed on leave without pay while awaiting confirmatory laboratory results.

Staff returning a non-negative result or positive result test or refusing to undertake a reasonable cause drug or alcohol test could be subject to disciplinary action in respect of the refusal/results of testing.

Staff and contractors agree that, in the interests of safety and adopting a cautious approach, the threshold for reasonable cause testing will be low. For example, it will not be necessary for a staff

member to have demonstrated intoxication or impairment for reasonable cause testing to be undertaken.

Post Incident Testing

Any UCOL staff or contractor involved in an accident, incident or near miss, will be tested for the presence of alcohol or drugs that result in:

- a lost time injury
- a Notifiable Event to WorkSafe NZ
- an injury requiring treatment by a medical professional
- damage to plant or equipment including UCOL vehicles
- a near miss that had the potential to have caused harm to themselves or others or loss or damage to property

Testing Procedure

Drug and/or alcohol testing will be carried out at UCOL's expense by an external accredited testing agency chosen by UCOL.

The testing procedures for drugs will be carried out in accordance with the applicable Australian/New Zealand Standard, as defined in this Policy. The method of testing (and therefore the Australian / New Zealand Standard which testing is carried out in accordance with) will be at UCOL's sole discretion.

It may be that UCOL introduces a screening test procedure in the future, to identify the potential presence of drugs or alcohol. An example is oral fluid testing. That test may be used at some stage in the future to identify the presence of drugs or alcohol, which would result in the urine testing set out in this Policy.

A positive test will only be reported by a laboratory accredited under the applicable Australian / New Zealand Standard if confirmed levels of drug or metabolite exceed designated cut-off levels. Cut-off levels will conform to the applicable New Zealand Standard, where such a standard has been issued in relation to the drug concerned.

Outcomes of Testing

For staff:

Staff should note that the test may not measure the degree to which they are under the influence of drugs or alcohol. If a test indicates the presence of drugs or alcohol, then UCOL will presume that the staff member is at risk of being under the influence of drugs or alcohol in breach of this Policy.

If the alcohol test and the on-site drug screening results are negative, the employment relationship may continue as usual provided it is determined that further testing is not required.

If the result is positive for alcohol, it will be treated as serious misconduct and may result in staff being subject to UCOL's Disciplinary Procedures (up to and including dismissal). Further, staff will not be allowed to drive home or continue to work. Staff will be stood down, without pay, while any investigation process works through.

If the result for drug(s) provides a “non-negative” screening result or its integrity is suspect, staff may be stood down from work without pay until the confirmed test results are available from the accredited laboratory. If the confirmed result is a positive for drugs, or the specimen integrity is compromised, it will be treated as serious misconduct and may result in staff being subject to UCOL’s Disciplinary Procedures (up to and including dismissal). Staff will remain stood down without pay during that process.

If the confirmed result is a negative, the period of leave without pay will be treated as annual leave and the employment relationship may continue as usual provided it is determined that further testing is not required.

If any staff disagrees with an initial non-negative test result then they have the option of having the referee specimen independently retested at another AS/NZS 4308 or AS 4760 (**or** successor Standard) accredited laboratory, at their own cost.

For contractors:

Contractors that work on any UCOL campus or site delivering services and:

- are suspected to be affected by drugs or alcohol; or
- return a positive or non-negative result for drugs or alcohol after testing; or
- refuse to take a drug or alcohol test;

Will be required to immediately leave the campus / site on a permanent basis and their engagement will be terminated. UCOL will contact the contractor’s company (if applicable) to advise the company that the contractor has been removed. The contract may be terminated as a result.

Refusal to Undertake Drug /Alcohol Testing

If any staff refuses to take a drug or alcohol test without valid reason (in UCOL’s sole discretion), it will be treated in the same way as if they had returned a positive result for alcohol and / or drugs, because UCOL will not be able to assess impairment and/or the presence of drugs or alcohol, which presents a health and safety risk.

Therefore, a refusal to undergo testing will be treated as serious misconduct and may result in staff being subject to UCOL’s Disciplinary Procedures. The opportunity to explain the refusal will be given prior to any decisions relating to a Disciplinary Procedure.

Attempt to Falsify Tests

If any staff “tampers” with a drug or alcohol test or attempts to falsify or compromise the integrity of a specimen when taking a drug test (for example by providing a specimen that is not his or her own, or by use of a masking agent), or the person conducting the test has reasonable grounds to suspect that the staff member has tampered with a specimen, it will be considered serious misconduct and it may result in the staff member being subject to UCOL’s Disciplinary Procedures.

Rehabilitation (for staff members only)

UCOL may be prepared to support rehabilitation for staff where they demonstrate a commitment to complying with this policy. UCOL will, at its sole discretion, determine whether to provide that assistance or not.

In the event of a positive test, UCOL may, at its sole discretion (where dismissal is not being contemplated) provide assistance/support to affected staff for rehabilitation.

Rehabilitation will generally only be available for staff:

- with Positive results for a Class C drug or alcohol only; and
- when UCOL is satisfied that the drug use was outside of work hours; and
- that were very unlikely to have been impaired at work; and
- that show a high level of remorse and an enthusiasm and willingness to stop all future drug/alcohol use; and
- that have not had a previous positive drug or alcohol test result.

It will be a condition of any rehabilitation agreement that this policy must be immediately complied with in all respects. To be clear, staff must not be at work under the influence of drugs or alcohol.

Staff who have voluntarily agreed to be part of a Drug and Alcohol Rehabilitation Programme will be randomly tested as per the rehabilitation testing programme, at their cost.

UCOL's EAP Service is available to all staff for drug and or alcohol counselling. All EAP services are confidential.

Search and Surveillance

In order to further assist with achieving the purposes of this Policy, UCOL may undertake search and surveillance. In particular:

- UCOL may search any property (including staff member property) located on any UCOL campus. This may include offices, vehicles, workstations, lockers and storage areas.
- UCOL already operates electronic surveillance equipment within its premises and this may be used when investigating suspected drug and alcohol related activity.
- UCOL may employ specialist drug detection technology and/or a drug detection dog team to conduct inspections within the UCOL campuses.
- If a drug detection dog or other detection technology indicates the possession and/or use of drugs by staff, this will amount to reasonable cause and UCOL may require that person to undergo drug testing in accordance with this policy.

Staff and contractors agree that they will give their reasonable consent for their personal property to be searched in accordance with this policy.

Any drugs or alcohol found on UCOL campuses will be confiscated and the user will be subject to disciplinary action, up to and including dismissal/termination of the contract. The finding of illicit drugs may also be reported to the Police, at UCOL's sole discretion.

Confidentiality and Privacy

All information gathered for the purpose of implementing and achieving the objectives of this policy will be collected and held in accordance with the Privacy Act 1993. Such information includes consent forms completed prior to testing and test result notifications and reports.

- The staff or contractor tested, their authorised representative, and/or their manager may be informed of non-negative or positive test results.
- Any documentation supporting a positive or non-negative result will be held on the staff personal file. In the case of a negative result, only the negative result will be recorded.
- All information held on a file will be treated confidentially as per UCOL's Privacy Policy and may only be accessed by persons with authorised access for a legitimate purpose.
- Staff may ask for access to their drug and alcohol test results and may ask that UCOL correct those results depending on the final result from the Accredited Testing Laboratory.
- Staff acknowledge information about them will be collected from them and from testing entities about them and may be used by UCOL for the purposes of this policy and for potential disciplinary matters.
- UCOL also reserves the right to notify external regulatory parties (for example NZ Police and WorkSafe NZ) should it suspect criminal activity or regulatory notifiable events, and as a result will provide any necessary information relating to this notification.

Definitions

"Alcohol" means any alcoholic drink, including spirits, wine or beer.

"Australian / New Zealand Standards" mean the AS/NZS 4308:2008 Procedure for the collection, detection and quantitation of drugs of abuse in urine, or subsequent amendment; and the AS/NZS 4760:2019 Procedure for specimen collection and the detection and quantification of drugs in oral fluid, or subsequent amendment; as applicable for the method of testing chosen by UCOL.

"Drugs" means:

- Illicit drugs
- Any legally controlled substance that it is illegal to possess unless it is prescribed by a doctor and used in accordance with medical directions that when absorbed, inhaled, injected or ingested has a physical or psychoactive effect on the body or mind and has the ability to impair cognitive and or physical capacity.
- Any controlled substance which is not legally obtainable or is legally obtainable but was not legally obtained.
- Prescription drugs or over the counter medications.
- Any psychoactive substance as defined in Section 9 of the Psychoactive Substances Act 2013.

"Illicit Drugs" are those Drugs under New Zealand law that are prohibited.

"Positive and Non-Negative Test Results"

- Any test performed by any person, other than by an accredited laboratory, which returns a positive result, will be known as a non-negative result only. Non-negative means the initial test has indicated that there may be drugs or alcohol present in the sample.

"Notifiable Event" has the meaning provide in Section 25 of the Health and Safety at Work Act 2015.

“Safety Sensitive UCOL Area and/Position and/or Work:

- Is any high-risk area and/or position and/or work (whether carried out by staff or a contractor) where there is significant and foreseeable risk of injury (including workshops operating machinery areas) may be defined by location or by activity. This includes operating any UCOL vehicle or private vehicle approved for work purposes. In respect of staff, safety sensitive positions include those where a staff has contact with other staff and/or students or where their actions or omissions may impact the wellbeing of UCOL students or the safe working of UCOL staff.

Identified Safety Sensitive Areas are:

- Catering, Baking and Cooking
- Construction and Timber Trades
- Electrical Trades
- Engineering & Mechanical Trades
- Exercise & Sport
- Exercise Physiology
- Facilities Management
- Health Science and Science
- Medical Imaging
- Nursing
- Security Training
- Vet Nursing

“Staff” mean employees of the Chief Executive of UCOL, including permanent, casual and fixed-term employees.

“Contractors” means “contracts of the Chief Executive of UCOL” who are providing services to UCOL. This includes all sub-contractors.

“UCOL Campus” means UCOL’s Campuses at Whanganui, Wairarapa, Manawatū, Horowhēnuā, and all other properties that UCOL owns, occupies, or leases.

Policy Acknowledgment for Drug & Alcohol Expectations of Staff Members

I acknowledge that I have read the Drug and Alcohol Policy and understand the content, and agree to abide by the Policy and its statements as a condition of my employment, and continuing employment with UCOL.

Employee Name: _____

Employee Signature: _____

Date: _____

Relevant Legislation

- Health and Safety at Work Act 2015
- Health Information Privacy Code 1994
- Human Rights Act 1993
- Misuse of Drugs Act 1975_(including Regulations)
- Sale and Supply of Alcohol Act 2012
- New Zealand Bill of Rights Act 1990
- Privacy Act 1993
- Psychoactive Substances Act 2013
- Land Transport Act 1998

Related Documentation

- [Drug and Alcohol Testing Procedures](#)
- [Conduct Expected of Employees Policy](#)
- [Privacy Policy](#)
- [Disciplinary Procedure](#)