



## DRUG AND ALCOHOL POLICY

### Introduction

Taupo District Council is committed to a healthy and safe environment. The use of alcohol and/or the use of other drugs in the workplace can adversely affect health and safety of workers, and the overall wellbeing of employees and others entering Taupo District Council sites. This policy is an integral part of Taupo District Council's commitment to ensuring a safe and healthy working environment pursuant to the Health and Safety at Work Act 2015 (HSWA).

Drugs and alcohol may affect a person's judgement, ability and skill and that impairment is a workplace hazard. Taupo District Council is dedicated to ensuring healthy and safe working conditions, and the safe operation of all equipment in the workplace and on any worksite in the community. Employees and contractors may, if affected by alcohol or drugs, expose themselves or others in the workplace to the risk of injury.

For these reasons Taupo District Council has adopted the following Drug and Alcohol Policy, which prohibits all workers from conducting Taupo District Council business under the influence of drugs and/or alcohol.

### Application of this policy

This policy applies to:

- All of Taupo District Council's workers (as defined in this policy);
- Those at Taupo District Council sites obtaining work experience; and
- Any Taupo District Council contractor.

Some aspects of this policy may only be applicable to employees, such as Rehabilitation, Employee Assistance Programs (EAP), and the disciplinary process for employees. It should be noted that nothing within this policy is intended to create an employment relationship between Taupo District Council and its contractors.

### Purpose

The primary purpose of Taupo District Council's Policy on alcohol and other drugs is to ensure that employees or contractors under the influence of alcohol and/ or other drugs do not affect or compromise the safety of any person in our workplaces (in the community and at its premises) or when carrying out operations or work on behalf of Taupo District Council.

The purpose of this policy is to:

- Ensure a safe and healthy work environment for all Taupo District Council workers and visitors.
- Ensure the safe operation of all equipment in the workplace and community.
- Promote employee wellbeing, and health and safety on Taupo District Council sites.
- Set out clearly Taupo District Council's expectations and requirements of its employees and contractors around drugs and alcohol.
- Manage the adverse impact of drugs and alcohol on safety, performance and reputation.
- Encourage employees and contractors to report risks or hazards arising out of impairment or potential impairment of themselves or others, due to drugs or alcohol.
- Provide for processes and procedures aimed at treating Taupo District Council's employees as fairly as possible (including, as much as possible, providing confidentiality and respecting their privacy).
- Where possible, provide an opportunity and support to employees with a substance abuse problem to get well.

### **Obligations on workers**

All Taupo District Council workers must maintain a drug free level and a zero alcohol level which is 100 micrograms per litre of breath when performing their duties. This rule is implied:

- At all times while on duty (i.e. from when you start work to when you complete work each day, including breaks); or
- When at Taupo District Council's premises.

**Please note** that under certain circumstances the drinking of alcohol is acceptable as long you comply with the alcohol limit for drivers under the Land Transport Act and its Amendments, (please read page 10 and the Social Drink Policy on page 14).

At work functions (including events organised by Taupo District Council and functions the employee attends on behalf of or in association with Taupo District Council), employees must ensure they behave appropriately and responsibly.

Workers are responsible for ensuring any prescription or other medications they are using do not result in any risk of impairment. If there is any such risk, the worker must notify their manager of the details as soon as possible and before commencing work.

Workers must not use, consume, sell, transfer, distribute or possess drugs while at work or on Taupo District Council premises. Workers must not use or consume alcohol on Taupo District Council premises unless it is at a pre-approved event or function at which alcohol may be consumed.

If a worker is aware of any potential hazard arising from alcohol and/ or other drug use or abuse, including any worker who is or may be in breach of their obligations stated in this policy (even if this person is the employee), this must be reported to a Manager.

Depending on the circumstances and seriousness of a breach of policy, employees failing to meet the above obligations or breaching any other aspect of this policy may be provided with EAP counselling, a rehabilitation program, and/or subject to disciplinary action, up to and including summary dismissal (dismissal without notice).

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## Definitions

<b>Adulteration</b>	Deliberate use of a substance to compromise, or attempt to compromise, the integrity of a urine sample in order to attempt to “beat” the drug test: e.g. specimen dilution, using a masking agent, or providing a substitute urine specimen.
<b>Alcohol</b>	Includes any substance or beverage that contains ethyl alcohol including, but not limited to, beer, wine, Ready to Drink (RTDs), spirits, medication that contains alcohol and any new introduced alcoholic beverage.
<b>Breath Alcohol Testing Device (breathalyser)</b>	A Breath Alcohol Testing Device is a unit designed to accurately measure breath alcohol content. The unit must meet the Australian Standard: AS 3547-1997/ Amendment 1-2000 (Type 2) “Breath Alcohol testing devices for Personal use”.
<b>Collector</b>	<p><b>Drugs</b> A person who has successfully completed and received a statement of attainment in accordance with NZQA qualifications demonstrating compliance with AS/NZS 4308: 2008 for:</p> <ul style="list-style-type: none"> <li>• specimen collection, handling, storage and dispatch of specimens,</li> <li>• “on-site” screening</li> </ul> <p>The two unit standards required are:</p> <ol style="list-style-type: none"> <li>1. US 25458 “Perform urine specimen collection in the workplace for drug testing.”</li> <li>2. US 25511 “Perform urine drug screening in the workplace.”</li> </ol> <p><b>Alcohol</b> A person who has been trained to use a Breath Alcohol Testing Device in compliance with the testing procedures. The person can be either an authorised Taupo District Council employee or a third party.</p>
<b>Cut-off Concentration (drugs)</b>	<p>a. A urine level of a drug and/ or metabolite, dictated by AS/NZS 4308:2008, at and above which the confirmed result will be reported by the laboratory as “positive” and below, which will be reported as “negative”.</p> <p>b. A urine level of a drug and/ or metabolite, not listed in the Table of AS/NZS 4308:2008, at and above which the laboratory will report the result as “positive” and below which it will be reported as “negative.” The laboratory is required to determine the appropriate level.</p>
<b>Drug(s)</b>	Substances which are illicit or restricted drugs, drugs covered by Psychoactive Substances Act and some currently legal drugs which have the potential to cause impairment. The term “drug” includes (but is not limited to) cannabis and hashish, opiates (such as heroin, morphine, desomorphone (krokodil)) cocaine, amphetamine type substances (speed, “P”, ecstasy and party pills containing benzylpiperazine), synthetic cannabinoids (e.g. Kronik, K2, spice, fake weed), cathinone derivatives (bathsalts), kava, LSD, NBOMe and other phenylethylamine psychedelic substances. The term also includes misuse of some prescription drugs (e.g. tranquillisers, sedatives, oxycodone) and other currently legal party pills and herbal highs. Other “mind altering” substances can be added to the testing suite as they become available and are misused.
<b>Drug Testing Standards</b>	AS/NZS 4308:2008 “Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.” <i>NB: any updated version will replace the 2008 version.</i>
<b>Employee</b>	This policy covers those employed as permanent (part time or full time), casuals, work experience or fixed term staff.

<b>Integrity Testing</b>	Testing for substances that affect the detection or quantitation of drugs or metabolites in the specimen.
<b>Laboratory</b>	A testing facility accredited against AS/NZS 4308:2008 (or any updates) at which the analytical procedures are carried out to screen for and/or confirm the presence of a specific drug or its metabolite(s) and report positive results only if the drug/ metabolite is at or above the confirmatory cut-off concentration.
<b>Legal Drugs &amp; Medications:</b>	Legal substances available used by employees to assist with recognised medical conditions, including both prescription and over the counter drugs/medication. <b><i>Employees need to declare this medication when there is a potential risk of side effects.</i></b>
<b>Metabolite</b>	A metabolite is a breakdown product of a drug that may be less toxic and easier to excrete than the substance taken. Some drugs are not broken down, but they are converted into a form that is more water-soluble. They are also metabolites.
<b>Negative Alcohol Test</b>	Means a level of alcohol below 100 micrograms per litre (µg/litre) of breath or level of alcohol below 250 micrograms per litre (µg/litre) of breath as per our Social Drink Policy.
<b>Negative Drug Test</b>	Means that as the result of a urine screening test (on-site or laboratory) and/ or a confirmed laboratory testing, either no drug(s) and/ or metabolite(s) are detected or the concentration(s) of drug(s) and/ or metabolite(s) detected are either: <ul style="list-style-type: none"> <li>• below the screening or confirmatory cut-off concentration(s) specified in AS/NZS 4308:2008, or</li> <li>• below the confirmatory cut-off concentration determined by the laboratory for those substances not tabled in AS/NZS 4308: 2008.</li> </ul>
<b>Not Negative Drug Screening Test</b>	If the on-site screening device indicates the possible presence of a drug class (using the screening test cut off concentration(s) as defined by Table 1 of AS/NZ 4308:2008) or if the specimen integrity is in question, the result is reported as not negative. The collector shall dispatch the specimen (split into more than one sample) to the laboratory for confirmatory testing.  An interim report may be issued that can only advise that the specimen requires further laboratory testing, <b><i>i.e. no indication of what caused the not negative.</i></b>
<b>On-site Screening Test</b>	An Immunoassay device used to exclude the presence of drugs and/or metabolites in urine at the site of specimen collection and which has been verified in accordance with AS/NZS 4308:2008 (or any updates).  This test must be carried out by a NZQA qualified collector. In the event that the specimen gives a not negative screen it must be sent to a laboratory for confirmatory testing.
<b>Positive Alcohol Test</b>	Means a level of alcohol in the breath at or above 100 micrograms per litre (µg/litre) or 250 micrograms per litre (µg/litre) of breath as per our Social Drink Policy.
<b>Positive Drug Test</b>	Means that as a result of laboratory confirmatory testing of the urine the concentration(s) of drug(s) and/ or metabolite(s) recorded are either: <ul style="list-style-type: none"> <li>• at or above the confirmatory cut-off concentration(s) specified in the table of AS/NZS 4308:2008 (page 14); or</li> <li>• at or above the confirmatory cut-off concentration determined by the laboratory for those substances not tabled in AS/NZS 4308: 2008.</li> </ul>
<b>Safety Sensitive</b>	There are areas of work carried out by Taupo District Council which are deemed “safety sensitive”. This means a person carrying out a role that may, if affected by drugs or alcohol, expose them or another person to the risk of injury. Safety

	sensitive refers to any area or role that contains a hazard or potential for an accident or incident where a consequence could be serious injury, harm, or death. Please note this includes driving a Taupo District Council vehicle and a personal vehicle for work purposes.
<b>Sample</b>	A portion or aliquot taken from the specimen on which the test or assay is actually carried out.
<b>Serious Misconduct</b>	<p>The following circumstance are strictly prohibited and will be deemed to be <i>Serious Misconduct</i>:</p> <ol style="list-style-type: none"> <li>The use, sale, transfer or possession of drugs and/or alcohol while on Taupo District Council property or a Taupo District Council worksite (excluding alcohol at approved functions)</li> <li>Reporting to and/or undertaking work with a risk level of drug(s) in the system</li> <li>Having any level of alcohol at or above 100 micrograms of alcohol per litre of breath or 250 micrograms of alcohol per litre of breath in accordance with Social Drink Policy (page 14).</li> <li>Having a urine level of drug and/ or metabolite at or above the confirmatory concentrations in Table 2 of the Australian/New Zealand Standard, AS/NZS 4308:2008: "Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine".</li> <li>Having an unacceptable urine level of a drug of abuse (and/or its metabolite) which is not listed in the AS/NZS 4308: 2008</li> <li>Compromising or attempting to compromise the integrity of the urine specimen or the testing process.</li> </ol>
<b>Taupo District Council Premise(s)</b>	A reference to a workplace and includes all premises (whether owned by Taupo District Council or leased) and includes offices and operational sites.
<b>Testing Procedures</b>	<p><b>Drug Testing AS/NZS 4308: 2008 compliant</b></p> <p>Urine specimens shall be collected by a NZQA qualified collector qualified to collect urine specimens (US 25458) and conduct "on-site" drug screens (US 25511). The screen is conducted using an AS/NZS 4308: 2008 verified "on-site" screening device or at an accredited screening laboratory. Dilution and other specimen integrity tests shall also be undertaken. Any specimen resulting in either 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.</p> <p><b>Alcohol Testing</b></p> <p>Breath alcohol tests will be conducted using an Approved Testing Device which meets the Australian Standard: AS3547:1997/Amendment 1-2000 (Type 2) "Breath Alcohol Testing devices for Personal use".</p>
<b>Worker</b>	<p>A worker includes employees, contractors, subcontractors, labour hire workers, apprentices, trainees and volunteer workers.</p> <p>Contractors are required to comply with this policy and are included in the term "employee and worker." The only exception is that the rehabilitation section does not apply to contractors.</p>
<b>Workplaces/ Sites</b>	A reference that includes the definition of a "premise" but also Taupo District Council vehicles, Taupo District Council property and any other designated site.

## Testing Situations

### 1.1 Reporting

Taupo District Council encourages the open reporting of all incidents and risk exposures relating to alcohol and/ or other drugs that relate to or could impact on Taupo District Council's workplace or operations.

All workers must report to their Taupo District Council Manager any work related incident or risk exposure relating to alcohol and/ or other drugs, large or small, that is or may be a hazard to any person. For example, if the worker has an alcohol or other drug abuse problem or the employee or contractor notices another person is showing signs of being under the influence of alcohol or another drug at work, this should be reported to their Taupo District Council Manager.

If a worker reports any such incident or risk, including self-reporting any alcohol or drug use or abuse problem the worker has, and that worker is an employee of Taupo District Council, that employee will not be subject to disciplinary action, or if that worker is a contractor, the contractor will not have their contract terminated, for taking the reporting action or for that incident or risk unless one of the exceptions below applies.

Some exceptions may be where:

- The worker self-reports in a situation where they are already under investigation for a possible breach of this policy or is potentially about to be discovered as in breach of this policy (for example, they have been requested to take an alcohol and/ or other test and believe it may be not negative).
- Actions involve pre meditated or intentional harm to people or property or a reckless disregard for the safety or security of any persons.
- There has been a failure to report safety or security incidents, risks or accidents in accordance with the requirements of this policy or Taupo District Council's other policies.
- A worker makes a false and malicious report regarding another person.
- If one of the above exceptions apply, disciplinary action up to and including summary dismissal (for an employee) or termination of contract (for a contractor) may still occur. However, Taupo District Council will take into account in making its decision, any compliance with reporting requirements.
- If the worker self-reports alcohol and/or other drug use or an abuse problem they have and Taupo District Council is not intending to take any disciplinary action or terminate the contract, Taupo District Council will still need to take appropriate steps to ensure the relevant person is safe to work.

### 1.2 Testing Situations

Testing for the presence of drugs and/or alcohol may be conducted:

- a) As part of pre-employment screening.
- b) Where there is reasonable cause to suspect fitness for work is affected by the consumption of alcohol or other drugs.
- c) Post-incident, accident or near miss, such as but not limited to an incident:
  - involving death or a lost time injury
  - requiring treatment by a medical professional



- involving a near miss that had the potential to cause serious harm or loss
  - involving damage to vehicle, property, plant or equipment
- d) During-rehabilitation treatment.
- e) Follow-up testing post rehabilitation.

Here is an explanation of the different types of testing situations:

a) **Pre-employment Testing**

Employment with Taupo District Council may be conditional on an applicant for employment undergoing and obtaining a not negative drug test result and a negative breath test. The costs of such testing will be borne by Taupo District Council.

b) **Reasonable Cause or Suspicion**

In the event where an employee, volunteer, or contractor is feeling unsafe because they suspect another is in breach of this policy, they must report this to their manager. Should a member of management suspect an employee, contractor or volunteer's performance or safety may be demonstrating the effects of drug and/or alcohol use, that person suspected of demonstrating the effects of drugs or alcohol may be requested to undergo a drug and/or alcohol test.

It is preferable (where possible) that two persons agree on these observations and one of these persons should be a manager who has completed Managers' training which covers Reasonable Cause Recognitions or similar. Suspicion may be based on the person's actions, behaviour or appearance.

Examples of reasonable cause include, but are not limited to the following:

- i. Physical signs and symptoms consistent with excessive alcohol or drug use such as blood shot eyes, odour of alcohol or drugs.
- ii. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
- iii. Fights, assaults, disregard for and/or violations of established safety, security, or other operating procedures.
- iv. Involvement in accidents or near misses.
- v. Motor skills demonstrating the effects of drugs or alcohol or reduced ability to perform tasks normally expected of the employee, volunteer or contractor.
- vi. Learning and memory, perception and judgement that demonstrate the effects of drugs or alcohol.
- vii. Perceived personality changes.
- viii. Excess lateness.
- ix. Changes in levels of alertness.
- x. Difficulty with attention.
- xi. Sudden changes in appearance, such as clothing, hair, and hygiene.

***Refer to Appendix 5 for reasonable cause indicators and process template.***

c) **Post Incident/Accident Testing**

If you are involved in an incident/accident or have a serious near miss, you may be asked to subject yourself to a drug and/or alcohol test. Where practicable post-incident drug and alcohol tests must be conducted as soon as possible after the incident. It should be noted consuming alcohol or drugs post-accident could influence your test results.

Should the worker be involved in a vehicle accident while driving for Taupo District Council business purposes, and that worker is hospitalised in an unconscious state, Taupo District Council may be able to rely on any result of blood alcohol testing obtained by the Police post-accident.



d) **Post-treatment testing**

Where the employee or contractor has returned a not negative test or shown other risk indicators for impairment (including self-reporting drug or alcohol abuse), or where an employee is subject to or has completed a Drug and Alcohol Rehabilitation Programme, they may be required to undertake further testing to ensure they have a zero alcohol level and drug free level before they return to work and/or unannounced testing over a period of time to reduce any risk of future incidents of impairment at work.

### **1.3 Privacy**

All information gathered as a result of drug and/or alcohol testing is collected for the purpose of implementing Taupo District Council's policy and achieving its objectives and will comply with the Privacy Act. The People and Capability section will hold the information in a secure filing system. Information maybe disclosed only to managers who "need to know." Disclosure of this information to other parties (including future employers) will require the consent of the employee. The information shall be destroyed 3 calendar months after termination of employment with Taupo District Council.

### **1.4 Education**

To assist staff with education on drug use and this policy, training will be provided as required by expert trainers who are qualified in the relevant specialist fields. Training may include general awareness training and/or E-Learning training modules covering:

- drugs and alcohol trends and their adverse effects
- use/ misuse/ abuse/ dependency
- the implications of Taupo District Council's Drug and Alcohol policy
- the testing options
- how drug and alcohol tests are conducted
- how long substances can be detected for after use
- how to access the drug and alcohol rehabilitation programme

#### **Reasonable cause recognition (managers/ supervisors)**

Training workshops for managers and supervisors will cover in more detail the topics above and will also focus on:

- sign and symptoms of drug and alcohol misuse: how to recognise
- reasonable cause for testing
- understanding Taupo District Council's Drug and Alcohol Policy and how to manage it
- understanding the testing processes

## Drug and Alcohol Testing Overview

### 2.1 Alcohol Testing

Taupo District Council's policy is for zero alcohol tolerance at any time during work hours except when approved as per the Social Drink Policy. For the test to be positive there must be a level of alcohol in the worker's breath at or greater than 100 micrograms per litre (100 µg/L) OR at or greater than 250 micrograms per litre (250 µg/L) after an approved drinking event and you are returning to work or driving a Taupo District Council vehicle.

If a test is to occur, a Manager will advise the employee or contractor that they are required to undergo the test. The employee or contractor must be accompanied until either the test is carried out or they refuse consent. *(NB: If possible, the Alcohol test should be conducted within 1 hour and the urine specimen collected for the Drug test within 2-3 hours).*

All aspects of the testing procedure will be carried out as much as possible in a confidential and private manner. Testing will only be carried out by a suitably trained person using an approved breath screening device (which meets the Australian Standard: AS 3547-1997/ amendment 1-2000 (Type 2) "Breath Alcohol Testing Devices for personal use" or successor Standard).

All workers who undergo alcohol testing will be informed of:

- The purpose of the testing;
- Who the testing information will go to;
- The name and address of the testing organisation; and
- The likely consequences for the employee if they refuse to participate.

### 2.2 Drug Testing

#### **Medication: Prescribed, Pharmaceutical or Other**

Please refer to the definition of Drug(s) on page 4 of this document.

If your medical practitioner has prescribed you medication or you purchase over-the-counter or on-line medication, you must advise the medical practitioner, pharmacist or other authoritative source of the nature of your work so that appropriate medical information on possible side effects and their possible impact on safety can be given.

If you are taking prescription or non-prescription legal drugs that may affect your work performance, or have been identified by your medical adviser as affecting your work performance, you must report this usage to your immediate supervisor before beginning your shift. You consent to provide further information about the drugs from the prescribing medical practitioner on request from Taupo District Council at your cost. Taupo District Council reserves the right to, at its cost, obtain an alternative professional opinion on whether the prescription or non-prescription legal drugs will affect job performance or safety. Any medical information disclosed by you will be kept strictly confidential.

Where the use of drugs demonstrates the effects of drugs or alcohol and affects an employee's job performance or safety, the Manager will determine whether the employee will be assigned to other duties, be required to take sick leave, or consider other options as appropriate.

### Testing Standard: AS/NZS 4308:2008

All aspects of the testing procedure will be carried out in a confidential and private manner. The procedures will comply with the strict criteria dictated by AS/NZS 4308: 2008: "Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine."

Observed or monitored collections will only be considered if the individual has previously been suspected of compromising the specimen integrity and is being given a second opportunity to provide a specimen.

NZQA qualified collectors will collect specimens, conduct an "on-site" screening test using a fully verified device and processes which comply with AS/NZS 4308: 2008, and forward any "not negative" specimens to the accredited laboratory for confirmation testing.

### Confirmatory Test Cut-off Concentrations (as total drug): AS/NZS 4308:2008

Compound	Cut-off level (micrograms/litre)
Morphine	300
Codeine	300
6-Acetylmorphine	10
Amphetamine	150
Methyl amphetamine	150
Methylenedioxymethamphetamine	150
Methylenedioxyamphetamine	150
Benzylpiperazine*	500
Ephedrine*	500
Phentermine *	500
Pseudoephedrine*	500
11-nor- Δ9- tetrahydrocannabinol-9- carboxylic acid	15
Benzoylcgonine	150
Ecgonine methyl ester	150
Oxazepam	200
Temazepam	200
Diazepam	200
Nor diazepam	200
α-hydroxyl-alprazolam	100
7-amino-clonazepam	100
7-amino-flunitrazepam	100
7-amino-nitrazepam	100

\* These drugs may be optionally tested within each class and the specified cut-off levels shall apply.

For the drugs/ metabolites not listed in AS.NZS 4308: 2008, the laboratory will determine what the appropriate cut-off concentration is and advise the client. The table may be updated should the standards change.

## 2.3 Adulteration/Cheating

Any attempt by a worker to cheat or avoid a test, tamper with or adulterate a specimen is considered to be serious misconduct and may lead to summary dismissal of any employee, and is a serious breach of contract by a contractor justifying immediate termination by Taupo District Council.

## Rehabilitation

### 3.1 Rehabilitation Support

Taupo District Council offers an Employee Assistance Programme (EAP). EAP is confidential and offers support with alcohol & drug counselling, anxiety & depression, emotional stress, work & family pressures, trauma and more. Please visit [www.eapservices.co.nz](http://www.eapservices.co.nz) or phone **0800 327 669** anytime (24/7).

If you have concerns that you have a problem with alcohol or drug use, misuse, abuse, or dependency, Taupo District Council encourages Employees to ask for help from their Manager at an early without fear of reprisal, discussions will be kept confidential. Taupo District Council will try to help the Employee resolve the problem, including referring the Employee to appropriate community resources and/or the Employee can take advantage of the EAP services. Confidential referrals and voluntary participation in the programme is desired. All employees are encouraged to use the EAP resource before their employment is affected by drug and alcohol use.

#### Voluntary rehabilitation

Those who voluntarily seek assistance for substance abuse problems may request to utilise some of their entitlement to sick and unpaid leave to participate in a rehabilitation programme without jeopardising their continued employment. The amount of leave (paid or unpaid) will be agreed with your Manager. Taupo District Council supports a goal of “total abstinence” for those diagnosed as substance dependent. However voluntary participation treatment programmes will not prevent disciplinary action for any breaches of operating procedures or employment that may already have occurred or may occur during rehabilitation.

#### Taupo District Council Referred Rehabilitation

Current employees returning a positive test for the first time, who want to continue employment, may be given the opportunity to join Taupo District Council's supported drug and alcohol rehabilitation programme. Failure to take part or complete the programme may result in disciplinary action including dismissal. *NB: Taupo District Council reserves the right not to offer rehabilitation in situations where it can justify taking disciplinary action including dismissal.*

#### Rehabilitation Financial Support

Taupo District Council will fund rehabilitation as follows:

- Initial assessment by a substance abuse professional.
- Up to 6 sessions with a drugs and alcohol substance abuse specialist.
- Comparison testing during rehabilitation
- Up to 6 unannounced follow-up tests per year over 2 years.

You need to be aware, that should rehabilitation be the preferred path for both parties, failure to participate in rehabilitation will result in disciplinary procedures being initiated and may result in your dismissal.

### 3.2 Return to Work Decision

On advice from the rehabilitation service provider and drug testing provider Taupo District Council will make a return to work decision, based upon:

- a) Comprehensive drug and/or alcohol assessment report from the rehabilitation service provider. This report will indicate the employee's ability and readiness to change. Note that in some instances, the rehabilitation service provider will recommend that the employee abstains from drugs and/or alcohol as part of their treatment programme. In such circumstance, a 'zero' result for drugs will be expected which is a higher standard than that required for 'return to work.'

- b) Comparison drug and/or alcohol test results report is used to monitor the employee's pattern of use since the initial test. The urine specimens are sent to the laboratory and the request is made to conduct comparison testing. The laboratory will then compare the result with those from the initial urine tested which is referred to as the base line drug test result. Recent alcohol testing results are compared to the last results taken.

**Follow-Up Testing**

On completion of the programme the employee will be subject up to six unannounced follow-up drugs and/or alcohol tests per year over the next 2 years.

- a) These tests will be laboratory base testing only. The laboratory will be requested to test for the extended range of drugs and may look for the presence of any amount of a drug (i.e. it is not restricted to cut-off levels).
- b) A second positive test outside the treatment period may result in disciplinary action including dismissal.

## Social Drink Policy

Alcohol may be consumed in moderation on Taupo District Council premises at pre-approved work functions or other events that are sanctioned by the Chief Executive or Group Manager (such as significant events, team social gatherings, business meetings, leaving functions or other work related functions).

Drugs may not be possessed or consumed on Taupo District Council premises or at these work functions or events at any time.

Workers adversely affected by alcohol and/or under the influence of illegal drugs, are not permitted to return to work to collect their personal property outside of work hours after drinking at an external function.

### 4.1 Host Responsibility

Managers and employees are encouraged to exercise "host responsibility" in situations where alcohol is served at work functions, events on or off Taupo District Council premises. Examples of host responsibility can include:

- Providing food and/or nibbles
- Having non-alcoholic and/or low-alcohol drinks available
- Ensuring that service of alcohol is in compliance with the law, such as those which apply to people under 18 years-of-age and not serving people who are intoxicated
- Having a manager present to supervise the event

For further information on host responsibility refer to the Alcohol Advisory Council's website - [www.alac.org.nz](http://www.alac.org.nz).

### 4.2 Work-Related Gatherings away from Taupo District Council Premises

Workers adversely affected by drugs and/or alcohol at a work function or events can bring Taupo District Council's name and reputation into disrepute. Alcohol may be consumed at work/ business functions or events held away from Taupo District Council premises that are sanctioned by your Chief Executive Officer or Group Manager which can include but are not limited to business lunches, conferences, team meeting lunches and dinners, client functions, team-building events and Christmas parties. However unreasonable intoxication resulting in inappropriate behaviour and driving a workplace vehicle over the prescribed limit set in the Land Transport Act and its Amendments may result in a disciplinary process.

Illegal drugs may not be possessed or consumed at any work functions or events held away from Taupo District Council premises.

### 4.3 Licensing Requirements

A liquor licence is required for the sale and supply of alcohol on Taupo District Council premises. This can include situations where a Social Club sells alcoholic drinks to its members. Alcohol is a prohibited prize for raffles. The manager authorising the event is responsible for ensuring that a suitable licence is obtained.

The Sale of Liquor Act provides heavy penalties for failing to have an appropriate licence.

Licensing laws do not apply where alcohol is provided free of charge (either by Taupo District Council or, for example, where employees take it in turns to buy "rounds" of drinks for each other on a Friday night).

The situation where a group of employees puts money into a "kitty" for one person to go out and purchase alcohol on their behalf on a non-profit basis isn't a "sale" situation requiring a licence.

All workers should be aware that they could be prosecuted by the Police for allowing people to use Taupo District Council premises as a "place of resort" for consuming alcohol. This means that the occupier of any premises can be prosecuted for allowing alcohol to be consumed there; even when the liquor licence is not required (this does not apply to residential situations where the person living at the address provides the alcohol). This can be a relevant factor when considering whether to allow alcohol to be consumed on Taupo District Council premises and what sort of function to allow (e.g. a party with a lot of alcohol and not a lot of food is probably more likely to attract attention from the Police than a smaller function with nibbles that finishes at 7.30pm).

It is illegal to sell or supply alcohol to persons under 18 years of age.

#### **4.4 Taupo District Council Vehicles**

Alcohol and/or drugs may not be consumed in Taupo District Council vehicles at any time and operating a Taupo District Council vehicle whilst adversely affected by alcohol and/or drugs is not permitted and may result in the commencement of a disciplinary process.



## Additional Advice for Staff and Contractors

### Is someone adversely affected?

Signs that could demonstrate the effects of drugs or alcohol can include:

- A change in the person's mood (i.e. are they more aggressive, happy or depressed than usual)
- They talk loudly, slurring their words, babbling incoherently or using foul language.
- Their motor skills and/or dexterity may have decreased.
- Their ability to safely operate a motor vehicle is in question.
- They appear drowsy and/or unable to concentrate.
- The person's breath or clothes may smell strongly of alcohol, cannabis smoke, solvents etc.

### What to do when you suspect someone is adversely affected by drugs and/or alcohol.

1. Do not compromise your own or others safety, particularly if the person is or they are becoming violent, aggressive or agitated.
2. If possible remove the substance from the person and take it to management.
3. Ensure the person is monitored, while appropriate assistance is obtained.
4. If a manager is unavailable make arrangements for the person to get home as necessary (e.g. call their spouse/partner, call them a cab, drop them off yourself etc).
5. Report the incident to management.

## Reasonable Cause Indicators

### Process Form

When assessing “reasonable cause”, physical symptoms and/or unusual out of character behaviours must be considered. There will usually be more than one indicator present.

Examples of physical symptoms and behaviour include, but are not limited to the following:

- physical sign
- smelling breath, body odour, clothes
- slurred speech
- unsteady on feet
- eyes: bloodshot, dilated pupils, pin-point pupils
- excessive sweating
- flushed/ red complexion
- loss of weight
- unusual or out of character on-site behaviour
- continual involvement in small accidents or inattention
- obvious continual drop in performance
- changes in personality or mood swings
- excessive lateness
- absences often on Monday, Friday or in conjunction with holidays
- increased health problems or complaints about health
- emotional signs: outbursts, anger, aggression, mood swings, irritability
- paranoia
- changes in alertness – difficulty with attention span
- changes in appearance – clothing, hair personal hygiene
- less energy
- feigning sickness or emergencies to get out of work early
- going to the bathroom more than normal
- defensive when confronted about behaviour
- dizziness
- hangovers
- violent behaviour
- impaired motor skills
- impaired or reduced short term memory
- reduced ability to perform tasks requiring concentration and co-ordination
- intense anxiety or panic attacks or depression
- impairments in learning and memory, perception and judgement

Reasonable grounds for testing may also be applied when:

- Taupo District Council learns, from a credible source, that the Employee/ Contractor is working under the influence of drugs and/or alcohol, or where the Employee/Contractor is observed using, possessing, distributing or consuming drugs or alcohol during work time or during any breaks, whether on or off the Company premises.
- Paraphernalia associated with drug or alcohol use is found on Taupo District Council’s premises/ worksite.

Employee's name: \_\_\_\_\_ Department: \_\_\_\_\_

Date(s): \_\_\_\_\_

Support person: Yes  No

Name: \_\_\_\_\_

Manager/Supervisor's name: \_\_\_\_\_

Department: \_\_\_\_\_

2<sup>nd</sup> observer's name (if relevant): \_\_\_\_\_

Department: \_\_\_\_\_

Date(s): \_\_\_\_\_

Managers/ Supervisor to record below the reasonable cause or reasonable grounds indicators:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments/explanation of Employee/Contractor (if offered)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments of Supervisor/ 2<sup>nd</sup> Observer

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Determining Reasonable Cause**

From your observation is there a potential risk to the health and safety of this person and/or others? Yes  No

Are you satisfied that it is reasonably possible that the risk is a result of the possible misuse of drugs or alcohol? Yes  No

Do NOT proceed with reasonable cause testing unless the above questions are answered with a YES.

**Taking Action**

Reasonable cause established: Yes  No

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

Action taken:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Manager/ Supervisor's signature:

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

2nd person's signature (where relevant): Date: \_\_\_\_\_ Time: \_\_\_\_\_

## Breath Alcohol Testing Consent Form

The Taupo District Council Policy on Alcohol and Drugs provides for breath alcohol testing and drug testing in certain situations, including where an accident or incident occurs, where there is reasonable cause to believe that alcohol or drugs may be impacting on a person's performance at work and random unannounced testing.

The collection, storage or exchange of information concerning the alcohol test will be in accordance with the requirements of the Privacy Act 1993 and results will only be used for the purposes for which they were obtained in accordance with Taupo District Council's Drug and Alcohol Policy. After you have signed this form, you will be given a copy and a copy will also be kept by Taupo District Council.

### Consent for Breath Alcohol Testing

- Pre-employment  
 Post accident/ incident     Reasonable Cause     Random     Follow-up

I consent to undergo a breath alcohol test, which I acknowledge is for the purpose of determining whether I have a level of alcohol in my breath at or higher than 100µg/L or higher than 250µg/L in accordance with Social Drink Policy.

I also agree to provide the collector with verification of my identity (both photo ID and signature) and two unique identifiers (e.g. full name and date of birth).

I consent to the confidential communication of the test results to Taupo District Council. Any collection, storage or exchange of information concerning the drug test will be in accordance with the requirements of the Privacy Act and results will only be used for the purposes for which they were obtained.

I understand that refusing to sign this form, or the return of a positive result means that:

- Pre-employment:** the job offered/ applied for will not be confirmed or offered to me  
 **Current employee:** the company disciplinary procedure will follow which may include dismissal or the requirement to take part in a Rehabilitation Programme.  
 **Contractor:** Taupo District Council may terminate the contract for services.

I hereby authorise the collection and testing of a breath sample for alcohol, and the release of the test results to the authorised representative of Taupo District Council.

**I have read and understood the terms of this consent form.**

**Signature of employee:**.....**Date**.....

**Employee's Name:**.....

**Signature of witness**.....**Date**.....

**Witness' Name:** .....

## Breath Alcohol Test

Employee's verification of ID..... Date of birth.....

Breathalyser model .....Serial #..... Next Recalibration date .....

Test administered at .....Name of Tester.....

1 <sup>st</sup> Test Result (µg/L)		2 <sup>nd</sup> Test Result if required (µg/L)		Time between tests (mins)		<b>RESULT</b> (tick box) <b>Positive</b> <input type="checkbox"/> <b>Negative</b> <input type="checkbox"/>
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Date & time of testing (final test) .....

Signature of Tester ..... Signature of Employee .....

## Drug Testing Consent Form

The Taupo District Council Policy on Drugs and Alcohol provides for drug testing and breath alcohol testing in certain situations, including where an accident or incident occurs, where there is reasonable cause to believe that alcohol or drugs may be impacting on an employee's or contractor's performance at work and random unannounced testing.

The collection, storage or exchange of information concerning the drug test will be in accordance with the requirements of the Privacy Act 1993 and results will only be used for the purposes for which they were obtained in accordance with Taupo District Council's Drug and Alcohol Policy. After you have signed this form, you will be given a copy and a copy will also be kept by Taupo District Council.

### Consent for Drug Testing

Pre-employment

Post accident/ incident     Reasonable Cause     Random     Follow-up

I consent to undergo a drug test, to be undertaken by a NZQA qualified collector and urine drug screener and an accredited laboratory appointed by Taupo District Council, which I acknowledge is for the purpose of determining whether I have level(s) of a drug(s) (as defined) higher than:

- the accepted international cut off standard as defined by the Australian/ New Zealand Standard AS/NZS 4308:2008 (or any replacement standard), or
- The level determined by the laboratory for a drug not listed in AS/NZS 4308: 2008

I understand that a urine specimen will be collected and the drugs being tested for are cannabinoids, opiates, amphetamine type substances (including party pills containing benzylpiperazine), cocaine, benzodiazepines I understand that other illicit drugs and psychoactive substances (e.g. LSD, synthetic cannabinoids, cathinone derivatives, NBOMe), restricted and legal party substances, misused prescription drugs and other mind altering substances can also be tested for.

I have been told that I should advise the qualified collector of any medication that I am taking and that this information may be released to Taupo District Council if it matches/relates to any possible result. I also agree to provide the collector with verification of my identity (either photo ID or an alternative proof) and two unique identifiers (e.g. full name and date of birth).

I understand that collection is to be undertaken by \_\_\_\_\_ (name of drug testing agency) and they will also hold information about the results. I consent to the results of the drug test(s) being communicated confidentially to Taupo District Council. I have been advised that, in most cases, I have the right of access to, and to request correction of, information held about me.

I understand that if my urine specimen test is confirmed positive, I may request at my initial cost a second test to be conducted on the reserve specimen which was split from the original urine and retained at the laboratory. This request must be made within 7days of receiving the result. For the second test to be positive, there need only be the presence of a drug or metabolite detected. If this occurs, it will be accepted as a conclusive result and costs of the second test will be borne by me. If the second test proves negative, this will be accepted as a conclusive result and costs of the second test will be reimbursed by Taupo District Council.

I understand that a refusal to sign this consent form, or the return of a positive result means that a disciplinary procedure will follow, which may result in, for an employee, disciplinary action (up to and including summary dismissal) and, for a contractor, termination of contract.

I have been offered a copy of Taupo District Council's Drug and Alcohol Policy and the opportunity to have a support person present, provided that it does not unduly delay the drug test. I have read and understood the terms of this consent form.

Signature of Worker:.....

Date:.....

Worker's Name:.....

Witnesses Signature:.....

Date:.....

Witnesses Name: .....



## **Drug and Alcohol Rehabilitation Contract**

**Taupo District Council**

**Employee Name** \_\_\_\_\_

I acknowledge that I have been entered in the Taupo District Council Drug and Alcohol Rehabilitation Programme ("Programme"), Taupo District Council has agreed to partially fund participation as set out in its Drug and Alcohol Policy on the terms set out in that policy (to the extent not already provided), and my continued employment with Taupo District Council is subject to my full commitment to and completion of the Programme and any Plan on the terms set out below.

I am committed to full participation in the Programme with the service provider(s) specified by Taupo District Council, being \_\_\_\_\_ (*specify service provider(s)*).

I authorise the service provider to report to Taupo District Council on matters relevant to my drug/alcohol problem, its potential impact on my employment and my commitment to the Programme, including releasing the following information to Taupo District Council:

- Whether I have been on time and kept appointments.
- Whether the service provider has recommended a course of treatment.
- Whether I am following that course.
- Whether a return to work is appropriate and within what timeframe.
- Whether return to work is to full or alternative duties.
- Whether I have completed the required treatment.
- Whether I should abstain from Drugs/Alcohol as part of my treatment programme.
- Whether I have the ability and readiness to change.

I authorise Taupo District Council to release to and permit the service provider to discuss results of drug and/or alcohol tests, undertaken during rehabilitation, with Taupo District Council, the accredited laboratory, toxicologist (if any) and medical advisor (if any).

I agree to use leave entitlements or unpaid leave whilst undergoing rehabilitation and until I have both returned a negative test(s) and am considered fit to return to my normal or alternative duties.

I agree to take any comparison drug/alcohol tests required during the Programme.

I agree to take 6 subsequent follow-up drug/alcohol tests per year in the 24 months following treatment and agree that the results are to be released to Taupo District Council.

I accept that the consequences may be suspension and dismissal with or without notice if:

- I do not attend or complete the required course;
- On any future occasion, including the subsequent tests above, I return a positive drug/alcohol test;
- I refuse to take any of the subsequent tests; or
- I otherwise breach the Taupo District Council Drug and Alcohol Policy.

I have been advised of the right to get independent advice (including legal advice) on the terms of this contract and have been given a reasonable opportunity to do so. I accept the terms of this contract, which I acknowledge may be in addition to the terms of my current employment agreement.

Signature of Worker:.....

Worker's Name:.....

Date:

Witnesses Signature:.....

Date:

Signature of Taupo District Council Manager: .....

Taupo District Council Manager Name:.....

Date: