

Procedures & Principles

Part B: Drug and Alcohol Policy
Number: OP-16/04

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Drug and Alcohol Procedures & Principles

1. Definitions

Accredited tester	Either an individual who is NZQA qualified to two Unit Standards to collect urine, as set out in AS/NZS 4308:2008 – Procedures for Specimen Collection and the Detection and Quantitation of Drugs of Abuse in Urine, or agency who holds the required accreditation to comply AS/NZS 4308:2008 drug testing standard.
Adulteration/ Adulterated	The deliberate use of a diluting or masking agent, or providing a substitute urine sample, or any other action taken in order to attempt to defeat the drug test.
Agreed Third Person	The Safety and Wellbeing Manager, Member of the Executive, Dean or Head of School / Centre Director will act as the third person to determine whether a person should be subject to reasonable cause testing in those instances where two of the person's manager / supervisor / tutor and the Wintec staff member cannot agree.
Alcohol	Includes any substances or beverage that contains ethyl alcohol including but not limited to beer, wine, or spirits.
AS / NZS 4308: 2008	The AS/NZ Standard "Procedures for specimen Collection and the Detection and Quantitation of Drugs of Abuse in Urine" and any updates.
Drugs	Means any mind altering or legally controlled substance. This includes any drugs listed in the Misuse of Drugs Act 1975 and any drugs listed in the AS/NZS 4308:2008: Procedures for Specimen Collection and Quantitation of Drugs of Abuse in Urine and AS 4760:2006 Procedures for Specimen Collection and Quantitation of Drugs in Oral Fluid (or successor Standards). May also include drugs other than those listed in the Standard, such as those drugs referred to as "designer drugs", including (but not limited to) synthetic cannabinoids and herbal highs, as well as other synthetic drugs such as opioids, hallucinogens, piperazines, stimulants and sedatives in the definition of "drugs".
Evidential Test	A laboratory test that is a urine drug test, undertaken by a laboratory accredited for testing in accordance with AS/NZS 4308:2008 (or any updates).
High Risk	High Risk means a programme, course, area, or activity where there is a significant and foreseeable risk that a person may, if under the influence of alcohol and/ or drugs, expose themselves, and/ or others to the risk of injury or other harm.
Legal Drugs and Medications	Legal substances available for use by a person to assist with recognised medical conditions, including both prescription and over the counter drugs/medication.
Non-negative	If the screening test detects drugs that are above the screening test cut off levels as defined by AS/NZS 4308:2008 or if the sample is diluted or adulterated it is a non-negative test result that may be sent for a laboratory test for confirmation.
Notifiable Event	Defined by the Health and Safety at Work Act 2015. In this Act, unless the context otherwise requires, a notifiable event means any of the following events that arise from work:

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- (a) the death of a person; or
- (b) a notifiable injury or illness; or
- (c) a notifiable incident.

Individual/ Person

Any person undertaking work, study or duties on behalf of or under the guidance of Wintec. This includes but is not limited to staff, students, and contractors.

Workplaces / Sites

A reference to a workplace or site means all places where an individual undertakes or performs Wintec activities including in company vehicles.

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2. Principles

The Drug and Alcohol Policy has been developed to reduce harm and risk from workplace injury, illness, and incidents and to improve overall safety and wellbeing in the workplace.

Wintec is committed to creating an environment that is free from drugs and alcohol abuse and recognises:

- Any person adversely affected by alcohol and/or drugs is a safety hazard to themselves, to others they interact with and to the wider community.
- Approaches used to deal with any person affected by alcohol and/or drugs should, where appropriate, be one of support. This is to encourage self-identification or to identify others with a perceived problem.
- That in all dealings with any person, Wintec must at all times act in accordance with the principles of good faith.
- Wintec believes that the adoption of a responsible policy based on good faith, means that invasive testing programmes (i.e. those that involve blood testing) are unnecessary.

3. Focus

The focus of the policy is:

- Workplace safety and wellbeing.
- Facilitation of reasonable support to rehabilitate a person.
- To provide a clear process so that any person knows what is expected of them in relation to drugs and alcohol, and what the repercussions are should they breach the policy.

4. Information Programme and Objectives

Wintec will develop continuing educational and informational activities designed to meet the following objectives:

- To inform all those affected of this policy.
- To increase awareness of the harmful effects of alcohol and drugs, both in the workplace and society.
- To ensure that the appropriate people are provided with the skills to intervene effectively where there are perceived or real issues involving alcohol and /or other drugs.
- To ensure those affected are informed of the availability of drug and alcohol referral/ assessment and treatment services.

5. Procedures

The excessive or inappropriate use of alcohol, prescribed drugs, medicines, or use of an illegal substance may affect the performance or conduct of a person and may contribute to injury or 'near misses' in the workplace.

In order to respect and support each other it is paramount anyone under the influence of drugs or alcohol refrain from:

- Participating in any activity.
- Operating course-related equipment or machinery.
- Driving a Wintec fleet or hired vehicle.

There are limited exceptions for alcohol-related studies within the Hospitality programme or alcohol at Wintec functions that have been endorsed by a member of the Executive Team.

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6. Responsibility for Enforcement

Under the Health and Safety at Work Act 2015, Wintec is committed to:

- protecting the health and safety of all persons while they are undertaking Wintec business
- taking all reasonably practicable steps to ensure that people are not exposed to a health and safety risk, and to
- ensuring that people affected by alcohol or other drugs are not putting themselves or others in danger.

7. Procedure for Reporting and Identification

If anyone feels unsafe working with any other person because they suspect he/she is in breach of this policy, they should refer the matter immediately to any manager, Head of School / Centre Director or the Safety and Wellbeing Manager.

Individuals are encouraged to discuss in confidence any prescription drugs or medication that they are consuming with their manager, Head of School / Centre Director, Student Health Services or the Safety and Wellbeing Manager at an early stage. This is to ensure that the activities they are undertaking can be assessed and action taken if necessary.

Staff are expected to monitor others as appropriate and investigate situations if / when they arise and take appropriate steps informing their manager or Head of School / Centre Director if they;

- observe any person using drugs or alcohol or finds evidence of usage; or
- detect the odour of alcohol or drugs on an individual; or
- suspect a person is working under the influence of drugs or alcohol (for example through abnormal or erratic behaviour).

8. Education and Training

All those affected will have access to the policy and have an opportunity to attend an information session relating to the use of alcohol and drugs.

- There will be ongoing training where necessary to raise awareness of the issues relating to the use of alcohol, prescription and illicit drugs.
- The introduction of the policy is supported by the provision of an education session to raise awareness of the issues relating to the use of alcohol, and impairing drugs.
- The Managers, Heads' of School, and Centre Directors will be trained in understanding the policy as well as being trained in the reasonable cause process, management and referral of drug and alcohol matters.

9. Pre-Employment / Student Applicant Testing Drug and Alcohol Screening – High Risk Areas

All prospective staff in “high risk” areas will be required to undertake a urine drug and alcohol screening process.

Drug and alcohol screening will be undertaken prior to an individual being engaged to undertake activities at Wintec.

All students accepted into an academic programme identified as high risk may, depending on the programme requirements, be required to submit to an initial drug screen.

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The areas that have been specifically identified as “high risk” are contained in the drug and alcohol guidelines (part C). Wintec reserves the right to review, add and amend the list of “high risk” areas at any time.

10. Drug and Alcohol Testing

Drug and alcohol testing will be performed at Wintec’s expense (except where expressly mentioned below) by an accredited tester.

Testing will be completed in such a way as to respect the individual's privacy and confidentiality. Test results are treated as highly confidential.

Pre-employment and reasonable cause drug testing will involve the testing of a urine specimen, however post incident testing will be conducted using a saliva swab. Wintec will use breath alcohol testing, the testing will be conducted using an approved testing device which meets the Australian Standard: AS 3547-1997 “Breath Alcohol Testing Devices for Personal Use” (or successor Standard).

If required the Manager, Head of School, and/ or Centre Director or the Safety and Wellbeing Manager will act as the agreed third person who determines whether the person should be subject to reasonable cause testing in those instances where two Wintec employees cannot agree.

Reasonable Cause:

Any person may be required to undergo a urine test should Wintec have reasonable grounds for suspecting they are under the influence of drugs or alcohol.

If it is suspected that an individual is under the influence of drugs or alcohol while at work, the list of reasonable cause testing indicators will be used as a guide to record their observations to determine whether reasonable cause testing is appropriate.

Reasonable cause testing will be considered appropriate where the supervisor/ manager and the agreed third person believe that any person is exhibiting any two (2) or more of the signs in the reasonable cause checklist and each answer the four (4) questions under the heading “Determination” in the affirmative.

Where reasonable cause cannot be agreed, the person designated to act as the agreed third person will examine the person’s behaviour in accordance with the list and provide the determining view about whether they should be tested.

Post Notifiable Injury / Incident / Event Testing:

If an individual suffers a notifiable injury, incident, illness or event in the workplace or their actions or inactions may have contributed to the above, they may be required to undergo a drug saliva test or breath alcohol testing as part of the investigation process.

The manager will contact the Safety and Wellbeing Manager immediately when notified of the event to arrange the test.

A copy of the test results are provided to the manager and the results may be used in evidence or disclosed in disciplinary or legal proceedings. In all other respects, material and information used or obtained from testing are kept strictly confidential.

11. Breach of the Drug and Alcohol Policy

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If a test returns a non-negative (indication of possible presence) result, Wintec may send the individual home for such period as may be reasonably necessary for the person to recover from the influence of drugs or alcohol. The individual may be required to remain away from Wintec until the result of the evidential drug/alcohol test has been received.

Please note that if an Employee is suspected of being under the influence of drugs or alcohol, they will not be permitted to drive their personal vehicle, or a Wintec vehicle, from the premises. This is both to protect the Employee's own personal safety, and the health and safety of others.

If the evidential result is positive Wintec is entitled to deduct (if applicable) from the employee's pay, or annual and/ or sick leave entitlements, for any period during which they are stood down.

The individual is entitled to challenge the test results and obtain an independent analysis of the sample within 14 days, the cost of which is at their own expense.

If the policy is breached, in the case of an individual with a serious drug or alcohol dependency who is willing to co-operate with the recommendations in relation to rehabilitation or treatment, Wintec may suspend application of the disciplinary procedure. Wintec will endeavour to facilitate assisting the individual to seek help with their problem – in accordance with the policy. If the individual unreasonably denies having a problem or rejects assistance or fails to co-operate in referral or treatment and continues to abuse then Wintec may initiate further disciplinary procedures.

Cheating a Drug/Alcohol test

If an individual attempts to cheat when taking a drug or alcohol test, or the person conducting the testing has reasonable grounds to suspect that the specimen has been tampered with, Wintec may take disciplinary action against the individual in accordance with Wintec policies.

Refusal to take a Drug/Alcohol test

If an individual is requested to take a drug and or alcohol test in accordance with this policy and refuses to do so, the individual will be required to explain why they are refusing the test. Wintec will consider this explanation. At the sole discretion of the Safety and Wellbeing Manager or their delegate, it may be deemed that the explanation is unreasonable and the individual will be required to take the test/s or face disciplinary action in accordance with Wintec policies.

12. Functions

Wintec functions will be arranged appropriately with a Duty Manager always in place to monitor the consumption of alcohol. Excess consumption will not be tolerated at Wintec arranged functions.

The individual is responsible to ensure that if they are driving that the consumption of alcohol is within the current New Zealand legal requirement.

13. Rehabilitation

Wintec recognises that drug and alcohol dependency and abuse is a treatable and a manageable condition.

Individuals are encouraged to self-identify if they have a problem with drugs and alcohol. Staff can seek help via our Employee Assistance Program (provided by STRATOS) and students from Wintec's Student Support Services. If an individual voluntarily seeks help Wintec will support them as much as it reasonably can.

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If a confirmed evidential test for drugs or alcohol has been returned, a referral for counselling will automatically occur.

Failure to take part or complete the rehabilitation process may result in disciplinary action up to and including dismissal. An individual may be stood down from Wintec if a further evidential positive test is returned at any stage.

14. Rehabilitation Process

An individual must sign the rehabilitation contract consenting to participation in the rehabilitation process and follow up testing.

The person conducting the drug and alcohol assessment will make recommendations about what rehabilitation is required, whether an alternative position needs to be arranged or whether the individual should be stood down for the duration of any treatment.

To ensure rehabilitation completion the individual will be required to complete a drug and or alcohol re-testing program over the next 12 months from the date of the initial test result.

- The individual will be required to return a negative drug or alcohol test (the cost to be met by the staff member) prior to returning to normal duties.
- Continual support through EAP and/ or Student Support Services will be offered while the additional verification testing takes place.
- A non-negative (indication of possible presence) test during that time may result in disciplinary action including dismissal.

15. Rehabilitation Funding

Wintec will provide the following financial assistance:

- The cost of up to three (3) of Wintec's EAP provider sessions.
- The cost of the initial appointment for the individual to meet with the person conducting the drug and alcohol assessment.
- The cost of drug/ alcohol tests that take place during the 12 month period of post treatment testing.
- Staff (if applicable) will be required to use sick leave, annual holiday or other leave available for any absences due to drug and alcohol rehabilitation for no more than two months in total.

16. Confidentiality And Information

- All information that is gathered about an individual for the purpose of compliance with this policy (including test results) will be treated as confidential. The collection, storage and use of such information by Wintec will comply with the Privacy Act 1993.
- The Individual will be provided with a copy of their results of any testing.

Reference Documents

Internal

- Wintec's Safety and Wellbeing Policy
- Wintec's Drug and Alcohol Guidelines
- Wintec's Employee Complaint Management Policy
- Wintec's Staff Disciplinary Policy

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Wintec's Recruitment and Selection Policy
Wintec's Vehicle Use Policy
Wintec's Student Complaints, Concerns and Appeal's Policy

External

New Zealand Bill of Rights Act 1990
The Privacy Act 1993
Health Information Privacy Code 1994 and commentary (2008 edition)
Health and Safety at Work Act 2015
Human Rights Act 1993

17. Measurements of success

- Alcohol consumption on campus occurs within the stated acceptable circumstances.
- Identification and reporting of alcohol and drug abuse on campus via incident forms occurs.
- Drug and alcohol awareness training occurs for staff and students.
- Managers are aware of the issues around drugs and alcohol on site and their management.
- Reporting of successful rehabilitation.

18. Records

In line with the Public Records Act 2005, Wintec is required to provide a records management programme to ensure that authentic, reliable and usable records are created, captured and managed to a standard of best practice and to meet business and legislative requirements. All records relevant to a specific policy need to be listed in every policy in the following format.

Record	Minimum retention period	Disposal action
Meeting notes	7 years	Destroy
Results of Testing	7 years	Destroy