**HR9 Drug and Alcohol Policy**

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| **Policy owner** | HR Manager |
| **Version no** | V2 |
| **Version issue date** | 30 May 2022 |
| **Original issue date** | August 2021 |
| **Review date** | December 2023 |

# Policy statement

This policy covers the steps and the outcome which may result should an employee be found to be under the influence of drugs or alcohol in the workplace or while visiting customers. The workplace includes the use of company vehicles.

# Scope

This policy covers all employees of ATNZ including employed apprentices.

# Purpose

ATNZ is committed to taking all reasonably practicable steps to ensure a safe working environment. The presence and/or effects of drugs and/or alcohol can constitute a workplace hazard or risk. This policy outlines the rights and obligations of all workplace participants regarding drugs and alcohol in the workplace, relevant processes, and consequences of breaches of this policy. ATNZ requires that all workplace participants adhere to this policy at all times.

Where work is performed on external worksites (for example, a client, customer, supplier, or distributor site), workplace participants will also be subject to any health and safety requirements (including any drug and alcohol policy) that applies at such site. Employees’ breaches of an applicable external policy in this respect may result in disciplinary action by ATNZ.

This policy applies to all ATNZ’s employees who perform any work of any kind for or on behalf of ATNZ at any work site (including vehicles used for work-related purposes).

This policy also applies to other workplace participants who are not employed by ATNZ to the extent outlined in Section 7.

# Definitions

Definitions of relevant terms used in the context and for the purpose of this policy are set out in **Appendix 1**.

# Policy

# Responsibilities and Obligations

1. ATNZ is responsible for ensuring that this policy (and any future changes thereto) is appropriately implemented and communicated to all workplace participants, and that the policy is applied fairly and consistently.
2. ATNZ will take reasonable steps to ensure that sensitive medical and other personal information is appropriately safeguarded as required under this policy and/or the Privacy Act 2020.
3. All workplace participants must abide by this policy at all times. In particular they:

3.1 Must immediately and actively seek any clarification on this policy from ATNZ, if in doubt about any of this policy’s terms and procedures.

3.2 Must not have detectable levels of prohibited drugs and/or prohibited levels of alcohol in their system while present at any worksite of ATNZ (including external worksites and vehicles used for work-related purposes).

3.3 Are strictly prohibited from possessing, consuming, or distributing drugs on any of ATNZ’s worksites (including any vehicles used for work-related purposes).

3.4 Are strictly prohibited from possessing, consuming, or distributing alcohol on any of ATNZ’s worksites, unless specifically authorised by ATNZ (for example, at functions during which, however, the principles of responsible service and consumption of alcohol apply).

3.5 Must ensure that any prescription or non-prescription medication is taken safely and strictly in accordance with the registered health practitioner’s and/or manufacturer's recommendations. They must discuss with the prescribing registered health practitioner the nature of their duties to ascertain any possible side effects of the medication that may impact on their safety or safe performance of duties at work. They must inform ATNZ/their manager that they are taking medication which could potentially impact on their safety and/or the safety of others at work, and/or their ability to safely perform their duties. They must, without delay, report any adverse side effects to their registered health practitioner and their manager where their safety, their ability to safely perform their duties, or the safety of others may be affected due to the medication;

3.6 Must, without delay, report a breach of this policy, including genuine circumstances that may give rise to a reasonable suspicion that someone in the workplace may possess, consume, distribute drugs or be affected by drugs or alcohol while being at work.

# Drug and Alcohol Testing

# Testing Scenarios

Employees (and other workplace participants) may be tested for drugs and/or alcohol in the following circumstances:

1. **Post-accident/incident testing:** Employees (or other workplace participants) may be required to undertake a drug and/or alcohol test if and when they are involved in any incident (for example, accident, near-miss, etc.) involving death, injury, harm, damage to/loss of property or risk of death, injury, harm, damage to/loss of property.
2. **Reasonable cause testing**: If ATNZ has genuine and reasonable cause to suspect that an employee (or other workplace participant) may be in breach of this policy, ATNZ may require the employee (or other workplace participant) to undertake a drug and/or alcohol test. A non-exhaustive list of reasonable causeindicators is provided in **Appendix 4**.

**Drug Testing**

# Drug testing will be conducted by an accredited, independent testing agency, by way of collection and analysis of a urine sample using a verified urine testing device, and laboratory confirmative testing in accordance with AS/NZS 4308:2008 (or as amended), and the employee (or other workplace participant) being tested will be required to provide written consent to the Collector of urine.

# If the initial drug test is ‘non-negative’, ATNZ may:

* Immediately prohibit the employee to operate a vehicle (or machinery, if any), and/or assume any responsibility for clients;
* Suspend the employee on pay until ATNZhas received a laboratory confirmation report of either a positive or negative drug test result.

##### If the laboratory confirmed drug test is ‘positive’, ATNZ may:

##### Suspend the employee without pay (including changing a previous suspension on pay to a suspension without pay);

##### Commence a disciplinary process.

# Disciplinary Action and Suspension (Employees Only)

##### 1 ATNZ will regard the following conduct as serious misconduct which may result in disciplinary action up to and including dismissal without notice:

1. The possession, consumption, or distribution of drugs on any of ATNZ’s worksites (including vehicles used for company purposes);
2. The possession, consumption, or distribution of alcohol on any of ATNZ’s worksites, unless specifically authorised by ATNZ;
3. Attending work with detectable levels of prohibited drugs in the system, or with a prohibited level of alcohol;
4. Returning a positive drug test or an alcohol test that shows a prohibited level of alcohol;
5. Withholding/refusing written consent to the test without reasonable grounds that are acceptable to ATNZ;
6. Failing to undertake a drug or alcohol test without reasonable grounds that are acceptable to ATNZ;
7. Any unreasonable interference with the testing process, including but not limited to refusing to follow the tester’s reasonable instructions, or tampering with the testing process, or dilution/adulteration of test samples, or unreasonably failing to provide a test sample;
8. Failing or refusing to participate in a drug or alcohol rehabilitation programme, or breaching any term of a rehabilitation agreement, if and when rehabilitation has been made available and a rehabilitation agreement has been entered into.
9. ATNZ will be entitled to suspend an employee with or without pay in relation to any of the conduct referred to in clause 5.1, above.

# Support and Rehabilitation (Employees Only)

ATNZ may at its absolute and sole discretion on a case by case basis agree with an employee on an appropriate rehabilitation arrangement as an alternative to termination of employment. Any terms and conditions of such potential arrangement may be determined on a case by case basis. For the avoidance of doubt, nothing in this policy is intended to create any entitlement or expectation on part of any employee that a rehabilitation arrangement will be made available as an alternative to termination of employment.

# Other Workplace Participants

# The provisions of this policy regarding drug or alcohol testing will apply to other workplace participants (for example temporary employees from labour hire/recruitment companies, independent contractors, volunteers, etc.) with the exception that none of ATNZ’s statutory or contractual obligations that ordinarily apply towards its employees will apply in relation to such other workplace participants.

# If such other workplace participants returns a non-negative drug test and/or a positive alcohol test, or engages in any of the conduct outlined in section 5.1, above, ATNZ may:

1. Immediately and temporarily or permanently ban the other workplace participant from the workplace (including from any work-related vehicle/machinery used on any of ATNZ’s work sites);
2. Notify any relevant party (for example, the contractor’s employer/principal, labour hire/recruitment company, etc.)
3. Immediately suspend, cancel, or terminate the relevant arrangement with the other workplace participant (for example, contract for services, volunteer agreement, etc.).
4. ATNZ will not consider or make available any rehabilitation.

# Management of Results and Information

##### Results of tests will be conveyed by the laboratory to the nominated representatives of ATNZ. These results will only be released to those who have a legitimate "need to know" interest.

##### ATNZ will take reasonable steps to ensure its compliance with the Privacy Act 2020 (or any substituting legislation).

# Associated documents

Individual Employment Agreement

Health and Safety at Work Act 2015

**Appendix 1 - Definitions**

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| Alcohol | Ethyl Alcohol, Ethanol |
| BAC | Blood Alcohol Concentration or its equivalent Breath Alcohol Concentration. The units used for expression of Blood Alcohol Concentration in this policy being per cent (%) with the equivalent breath concentration being expressed as grams to 210 Litres of expired breath. |
| Collector | A person trained to use a breathalyser unit and/or qualified to carry out testing on behalf of a laboratory that has been accredited by a recognised accreditation body to carry out chemical analyses in conformity with the requirements of AS/NZS 4308:2008 (Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine) and any subsequent or substituting AS/NZS standards. |
| Contractor | A person who is engaged by ATNZto perform any agreed services under a contract for services and who is not an employee of ATNZ (including sub-contractors). |
| Initial Positive/ Non-Negative Test | Any test that indicates the presence of drugs or a prohibited level of alcohol. |
| Laboratory confirmed positive test | A test carried out by a laboratory that has been accredited by a recognised accrediting body to carry out mass spectrometry in conformity with the requirements of AS/NZS 4308:2008 (Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine)and any subsequent or substituting AS/NZS standards, which shows the presence of drugs or a prohibited level of alcohol. |
| Metabolite | A substance formed in the human body by a biochemical reaction. For the purposes of this procedure its meaning shall be restricted to metabolites formed from drugs and, as such, the confirmed presence of a metabolite acts as a marker of drug use. |
| Non-prescribed drug | Any drug legally obtained but not prescribed by a medical practitioner including but not limited to *“over the counter”* medication. |
| Non-prohibited drug | Any drug legally obtained and may include either a prescribed or a non-prescribed drug. |
| Positive drug test | Any test that shows a detectable level of prohibited drugs. |
| Prescribed drug | Any substance prescribed by a registered medical practitioner that has restrictions or specific instructions associated with its use. |
| Prohibited level of alcohol | A level of alcohol in the person's system that is higher than 100 micrograms of alcohol per litre of breath. |
| Prohibited level of drug(s) | Any substance, article, preparation or mixture (with the exception of alcohol) whether gaseous, liquid, solid or in any form which, when consumed or used by any person, deprives that person either temporarily or permanently of any of their normal mental or physical faculties. This includes but is not limited to drugs/metabolites set out in **Appendix 2** (Confirmatory Test Cut-Off Levels in AS/NZS 4308:2008; and/or any subsequent or substituting AS/NZS standards), and/or any synthetic or ‘designer’ drugs. |
| Safety sensitive area and/or position and/or work | Areas and/or position and/or work tasks that involves the positions and/or activities and/or material and/or locations/work areas set out in **Appendix 3**. |

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|  | **Appendix 2 - CONFIRMATORY TEST CUT-OFF CONCENTRATIONS (AS TOTAL DRUG)/URINE** | |
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|  | Compound | Cut-off level |
|  |  | µg/L |
|  |  |  |
|  | Codeine | 300 |
|  | Morphine | 300 |
|  | 6-Acetylmorphine\* | 10 |
|  |  |  |
|  | Amphetamine | 150 |
|  | Methylamphetamine | 150 |
|  | Methylenedioxymethylamphetamine | 150 |
|  | Methylenedioxyamphetamine | 150 |
|  | Benzylpiperazine\* | 500 |
|  | Phentermine\* | 500 |
|  | Ephedrine\* | 500 |
|  | Pseudoephedrine\* | 500 |
|  |  |  |
|  | 11-nor-delta-9-tetrahydrocannabinol-9-carboxylic acid | 15 |
|  |  |  |
|  | Benzoylecgonine | 150 |
|  | Ecgonine methyl ester | 150 |
|  |  |  |
|  | Diazepam | 200 |
|  | Nordiazepam | 200 |
|  | Oxazepam | 200 |
|  | Temazepam | 200 |
|  | α-hydroxy-alprazolam | 100 |
|  | 7-amino-clonazepam | 100 |
|  | 7-amino-flunitrazepam | 100 |
|  | 7-amino-nitrazepam | 100 |
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\* These drugs may be optionally tested within each class and the specified cut-off levels shall apply.

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|  | **Appendix 3 – Safety sensitive roles/tasks/areas** |

The following roles/tasks/areas are deemed to be safety sensitive for the purposes of this policy, in that the ordinary and frequent tasks and duties associated with these roles and/or work in these areas carry the inherent risk of harm to persons and/or damage to property:

* Any role in ATNZ which requires the use of an ATNZ branded vehicle

**Amendments**

ATNZ endeavours to ensure the accuracy and consistency of the above assessment. ATNZ will therefore be entitled from time to time, and in its sole discretion, to review its assessment of the activities, areas and/or positions that are deemed safety sensitive for the purposes of this policy and are subject to random testing. In accordance with such assessment, the above examples are not intended to be conclusive and may be subject to change from time to time. ATNZ will notify its employees of relevant amendments to the above assessment that are deemed necessary, and where necessary, ATNZ will consult with affected employees, and/or their nominated representatives, for example relevant unions.