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Drugs and Alcohol: Good Practice Guide and Policy for Fitness to Work

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Contents

Introduction

This Alcohol and Other Drugs Good Practice Guideline is published by the Forest Industry Safety Council (FISC) and is the result of the revision of the previous 2015 Code of Practice.

Since the 2015 Code of Practice was published, new drug testing Standards (AS/NZS4308:2023; AS/NZS4760:2019 and AS 3547:2019) have been published and relevant NZ Case Law has prompted a timely review of the guidance for the forestry sector. We have also seen the emergence and acceptance of new drug testing products and methodologies. Notably the planned 2025/26 launch by NZ Police with oral fluid roadside drugged driving testing, reflecting the evolving drug testing landscape.

Therefore, this review of guidance is timely if we are to ensure our policies and practices remain contemporary and fit for purpose. However, the need for guidance remains the same – people affected by alcohol and other drugs pose a hazard to health, safety and performance.

It is important that forest owners and industry employees use this guide to develop their own company drug and alcohol policies, easily deployed to operate and support operations and maintain a drug and alcohol-free safe workplace environment.

This guidance has a policy template and is intended for you to adapt or edit to your own specific workplace needs or preferences. The template policy and procedure cover three critical areas:

- Education for those affected by the policy, and those administering it.
- Process that shows current good practice applied using New Zealand and or Australian Technical Standards requirements.
- Follow up actions, with guidance on return to work, medication and/or rehabilitation options.

All these elements are essential to be contained in a company's policy for it to be effective, enduring, and compliant within our industry and the law.

However, if after reviewing this guidance and template you feel your current policy is still robust and your practices around educating staff, providing training, testing regimes and options for rehabilitation remain compliant and effective – then you should document that you have reviewed your policy and continue with current arrangements.

Purpose of the Guide

This guide is for forestry businesses, helping them to create or update Drug and Alcohol Policy to address workplace safety, meet legal obligations, and reflect current standards and best practices. It replaces the 2015 Code of Practice and includes a policy template that can be tailored to specific needs.

Key elements of a Drug and Alcohol Policy

1. **Provide education**: The importance of informing workers and managers about the requirements and their responsibilities under the Policy and what risks there are from drugs and alcohol effects. Training of managers on how to manage the policy expectations.
2. **Testing**: Set out guidelines for what fair, legally compliant and fit for purpose drug and alcohol testing will be conducted.
3. **Rehabilitation**: Describe a process and options to support workers dealing with substance issues, including return-to-work processes.

Who Should Use This Guide

- **Forestry Contractor**: To develop and implement their own policy.
- **Forest Managers**: To ensure their contractors have up-to-date policy that aligns with their own good practice policy and needs.
- **Workers**: To understand the risk to their safety and workplace drug and alcohol can pose and what they need to do to comply with the policy.

Why Include Education and Rehabilitation

- **Education**: To help workers understand risks and policy expectations. Training for managers to support their safety leadership by fair and consistent application of the policy.
- **Rehabilitation**: Support of skilled workers in overcoming substance issues, reducing turnover, and promoting best safety practices.

Testing Methods Available

1. **Urine Testing**: Supports a zero-tolerance of drug use based policy. Detects some drug classes for a longer period than acute impairment is present, especially Cannabis, where a positive result cannot be directly associated with recent use or being under the influence at the time of testing.
2. **Oral Fluid (Saliva) Testing**: Supports a "fit for work" policy. Targets drug classes used recently with detection times linked to likely acute impairment. Oral Fluid Testing provides an indication that the worker is at risk to safe working and under the influence of the drug at the time of testing. Used for that purpose in road policing/drug driving testing and prosecutions.
3. **Combined Approach**: A workplace may use either or both test methods depending on the reason to test (e.g., random testing with saliva, pre-employment testing with urine).

Legal and Privacy Requirements

- Testing must comply with New Zealand laws, including the Health and Safety at Work Act 2015, the Privacy Act 2020, relevant drug testing standards, and general employment law principles.
- Results must be confidential, securely stored, and the policy should state who may see results i.e. only shared on a need-to-know basis. It is advisable to also enable sharing records with WorkSafe for investigations or if required to, name other reasons to disclose results.
- Policy must state what is classified as a breach of policy and possible disciplinary actions for breaches mindful of fairness and non-discrimination.

Responsibilities

- **Employers**: Provide a safe workplace, inform and educate workers, and train their managers to ensure fair testing processes.
- **Workers**: Report fit for work and notify the employer of any personal issues or medications that may affect safety at work.
- **Managers**: Apply the policy consistently, ensure informed consent for testing is understood and obtained from workers prior to testing, and maintain confidentiality.

Policy template fundamentals

1. **Purpose**: To ensure a safe, drug-free workplace and support workers with substance issues.
2. **Scope**: To state who the policy applies to i.e. all employees, contractors, and visitors.
3. **Expectations**: or aims of the policy, for example, zero tolerance for being unfit for work due to drugs or alcohol.
4. **Testing**: Describe reasons for testing which may include but not limited to pre-employment, random, return to work, post-incident, rehab monitoring or reasonable cause testing.
5. **Education**: Allow for regular education of workers and training for managers on policy and drug and alcohol risks.
6. **Rehabilitation**: State that there may be support for workers seeking help, with conditions for returning to work. Policy should state that offers for rehabilitation will be at the sole discretion of the employer.
7. **Privacy**: State that test results are confidential and used only to meet the aim of the policy and only shared as set out in the policy.

Consequences of Policy Breaches

- To explain that Positive test results, refusal to test, or other breaches may lead to disciplinary actions, including warnings, suspension, or termination. Policy must state whether any stand down resulting from the policy conditions will be paid or unpaid.
- That Workers may be offered rehabilitation support at the company's discretion.

Record Keeping

- Detail that Employers will keep records of training, policy communication, and testing process and results to demonstrate policy compliance and the policy must detail how long records are kept.

Final Note

This good practice guide ensures forestry businesses are aware of and can maintain safe workplaces to meet their legal and ethical obligations. Regular reviews and updates of policies should be documented and are recommended to stay aligned with current standards and good practice.

Policy Template

Drugs and Alcohol: Policy for Fitness to Work

1) Purpose of this policy

This policy is designed to ensure a safe, healthy, and productive workplace for everyone. It aims to:

- *Prevent harm caused by the risks from those affected by drugs and/or alcohol while at work.*
- *Clearly explain the company's rules and expectations regarding drug and alcohol in a safety sensitive workplace.*
- *Provide support for workers with substance use issues and are willing to face the challenges to stop.*
- *Comply with legal obligations under the Health and Safety at Work Act 2015 and other relevant NZ laws.*

2) Who this policy applies to

This policy applies to everyone working for or with the company, including:

- *Employees (full-time, part-time, and casual)*
- *Contractors and subcontractors*
- *Temporary workers*
- *Visitors to our worksites*

3) Definitions

***Alcohol**: Any alcoholic beverage or product that contains ethyl alcohol including, but not limited to, beer, wine, spirits, and ready-to-drink beverages (RTDs).*

***Drugs**: Drugs and any other substance illegal or legal which when ingested, inhaled, or otherwise taken may cause impairment, including, but not limited to, cannabis, opiates (such as heroin and morphine) cocaine, amphetamine type substances. This includes any drugs listed in the Misuse of Drugs Act 1975. Drugs are not limited to illegal substances and include prescription drugs/medications (e.g., pain relief, tranquillisers and sedatives).*

***Workplace**: Any of the company's premises (factories, offices, establishments and company premises in their entirety); the premises of the company's*

customers and suppliers; the premises of a company function or event; company owned or leased motor vehicles; any venue at which the worker is acting as a representative of the company (including attached car parks, offices and vehicles); construction or worksites; and any place where work is being carried out, or is customarily carried out, and includes any place where a worker goes, or is likely to be, while at work, including in a vehicle and on the road during work hours or whilst working.

4) Our Expectations

- ***Fit for Work**: Everyone must report to work in a condition that allows them to perform their duties safely and effectively. This means being free from the effects of drugs, alcohol, including impairing medications.*
- ***Zero Tolerance**: The company strictly prohibits:*
    - *Reporting to work unfit for work due to drugs, alcohol, or medications that affect safety.*
    - *Using, selling, buying, or possessing drugs or alcohol on company property or worksites.*
    - *Refusing to comply with testing requests or breaching this policy in any way.*
    - *Driving a company vehicle having consumed any alcohol (a zero drink-drive tolerance), and/or under the influence of prohibited drugs or prescription medication that may impact performance, judgement, or behaviour.*
    - *Using or possessing Drug-related paraphernalia, or the possession, consumption, trade, sale, or storage of drugs or drug paraphernalia in the workplace.*
    - *Bringing, selling, dispensing, possessing, distributing, or transferring Drugs and/or Alcohol at the company's premises, and on any company premises at any time, including at social functions during or outside of work hours.*
- ***Reporting Concerns**: Workers are encouraged to report concerns about others who may not be fit for work. Reports can be made confidentially or anonymously.*

5) Education and Training

a) For new workers:
    i) The policy will be explained during onboarding, and workers will confirm they understand and agree to it as a condition of employment.
b) For all workers:
    i) Regular health and safety meetings will include reminders about the risks of drugs and alcohol and policy rules.
c) For Managers and Supervisors:
    i) Training will be provided to help them understand their responsibilities, apply the policy fairly, and manage testing and results to meet the policy requirements.

6) What If You're Taking Medication?

Some medications can affect your ability to work safely and may be detectable in routine testing. If you're taking medication, you must:

a) *Ask your doctor or pharmacist if it could affect your work or show up in a drug test.*
b) *Inform your manager before starting use of the medication and before work if there's any of the above is a risk. You may need to provide:*
    i) *A copy of your prescription.*
    ii) *Proof the medication was legally dispensed (e.g., a photo of the pharmacy label showing your name, date of dispensing and instructions for use).*

The company will treat this information confidentially and may seek advice from an independent medical expert to assure them that safety isn't affected by use of the medication and the worker will be fit to work. If necessary and where possible, alternative work arrangements may be possible to reduce risk if temporary i.e. when starting the medication.

7) Drug and Alcohol Testing

The company may test workers for drugs and alcohol in the following situations:

a) ***Pre-employment**: Tests performed in the recruitment process as a condition of a job offer.*
    i) *If an applicant does not provide a negative result when tested, the applicant may not be considered for appointment or, if the applicant has already been appointed, the employment/engagement may be cancelled or terminated*
b) ***Post-incident/accident**: Any worker may be tested following a workplace incident or accident.*
c) ***Reasonable cause**: If there's a valid and genuine reason to believe someone may be unfit for work.*
    i) *A worker can be tested for the presence of alcohol or drugs where their actions, appearance, behaviour or conduct suggests drugs or alcohol may be impacting on their performance or safety, in accordance with the reasonable cause indicators outlined at Appendix 2.*
    ii) *Where Drugs and/or Alcohol (or evidence of its presence) are found either in or around the workplace.*

iii) *Where the company's clients or customers, or prospective clients or customers, reasonably request or require that a worker of the company submit to Alcohol and/or Drug testing.*

iv) *The worker being observed using, possessing, distributing or consuming drugs and/or alcohol during breaks, regardless of whether this occurs at the workplace or not.*

d) ***Random testing**: Workers may be randomly selected for testing using a random selection method. The selection of the worker to be tested is random which can mean some selected and tested more frequently than others.*

e) ***Return-to-work**: After a non-negative/positive test/stand down or rehabilitation.*

i) *Before the worker returns to work, a further negative drug test will be required. Randomly timed unannounced test requests may also be undertaken for an agreed period of time (e.g. 12 or 24 months) as a condition of return to work or following rehabilitation undertaken.*

Tests may be completed by an NZQA qualified manager, or by a third-party testing provider engaged by the employer.

8) Testing Procedures

Tests may use:

- ***Breath**: For alcohol.*
- ***Urine**: For drugs.*
- *Oral fluid (saliva): For drugs.*

The company will decide which type of test to use which may be based on the reason to test, worksite requirements, or contract terms. More than one testing method may be used at one time. Testing will be conducted in accordance with relevant Australian/New Zealand Standards including AS/NZS 4308:2023 for urine testing, AS/NZS 4760:2019 for oral fluid testing, and AS 3547:2019 for alcohol breath testing.

9) What Happens During Testing?

a) Before Testing:

You'll be told why the test is needed (see clause 7 'Drug and Alcohol Testing'), that the tester is qualified and how it will be done, and what happens if the result isn't negative. You must sign a consent form before testing starts.

b) During Testing:

A qualified person will collect the specimen to be tested (breath, urine, or saliva) and follow strict procedures to protect your privacy and the legality of the test result.

c) If the Test is Negative:

You may return to work.

d) If the Test is non-negative:

Specimens collected will be processed in front of you and samples will be sent to a lab for confirmation. If the lab confirms a positive result, disciplinary action may follow.

The confirmation will identify and name the drug that caused the non-negative result. If identified and confirmed this is a positive result

e) If the worker refuses to consent to the test or cooperate with the process?

If a worker is asked to undertake a substance test but refuses to do so, the worker will be required to provide an explanation for the refusal, which will be

taken into consideration. If the company does not find the grounds for refusal are valid, that worker will be in breach of this policy and subject to disciplinary procedures.

10) Interpreting Test Results

Negative Result: *A result where no drug tested for is detected at or above the drug levels tested for. This result may be from the onsite screen of the confirmed result. The worker may return to work.*

Non-Negative Result: *Non-negative results will require confirmation by an accredited laboratory. Initial not negative alcohol screen results will be confirmed on site using a new mouthpiece following a 15-20 min wait.*

Positive Result: *The result of a drug or alcohol confirmation test –*

- *Drug confirmation by an accredited laboratory.*
- *Alcohol confirmation will be confirmed on site using a new mouthpiece following a 15-20 min wait.*

Where a positive result is returned, the company should follow its disciplinary process and consideration whether rehabilitation should be offered

11) What Happens If You Breach the Policy?

Breaching the policy includes:

- *Testing non-negative/positive for drugs or alcohol.*
- *Refusing to take a test or follow instructions during the test.*
- *Not reporting medications that could affect your safety at work.*
- *Avoiding testing or leaving the worksite to avoid testing.*

12) Consequences of a breach of this policy may include:

a) ***Warnings***: *You may be suspended (state if paid/unpaid) until you provide a negative test result if offered return to work.*
b) ***Rehabilitation***: *The company may offer support or counselling; this may include conditions like follow-up testing (see clauses 7e 'Reasonable cause' and 7d 'Return to work').*
c) ***Medication Safety Plan***: *If medication is confirmed as the cause of the non -negative/positive result, you may need to follow a plan to monitor and*

ensure safety while working. This may require a medical review opinion (MRO) sought by the employer.

d) ***Disciplinary procedures**: All facts and circumstances will be considered following a breach of this policy through a fair investigation process to determine what consequences are applied. The disciplinary process may result in dismissal, or in the case of contractors, termination of the engagement.*

13) Rehabilitation

The company recognizes that drug and alcohol issues are health problems. If you're committed to getting help, the company at its sole discretion may support you with:

- *Counselling or rehabilitation services where available and accessible.*
- *Conditions for returning to work, such as providing a negative test result which may also require agreeing to a series of follow-up testing (see clauses 7e 'Reasonable cause' and 7d 'Return to work').*

14) Privacy

- *Test results are confidential and will only be shared with those who need to know (e.g., your manager or health and safety staff, Worksafe investigations or legal challenge) in accordance with the Privacy Act 2020.*
- *If requested by Forest managers, they may be told of a non-negative/positive result and its consequences but will not know the identity of the drug or worker.*
- *Results will be securely stored in accordance with the Privacy Act 2020 and kept for the period required by law or company policy, typically up to 12 months after employment/engagement ends.*
- *Any other use of your test results requires your signed permission.*

15) Reporting Obligations

The company and its workers recognise the importance of preventing and not enabling addiction or substance dependence or taking a medication that may cause them to be unsafe or fail a drug test, while at work.

If you suspect that another worker is under the influence of Drugs or Alcohol in contravention of this policy, you must immediately report this information to your manager, HR, Health & Safety, or any line manager.

All workers are required to report any violation of this policy by themselves or any other worker.

16) Record Keeping

The company will keep records to show:

- *Workers understand the policy and have agreed to it.*
- *Training(managers) and education (all workers) sessions were provided.*
- *Testing was done fairly and followed proper legally compliant procedures i.e. a copy of Test/chain of custody records. Not negative/positive results will be retained on employment records while the person remains employed and for 12 months following them leaving employment.*

17) Other relevant documents

a) *Procedures, Health and Safety Guide: Fitness for work testing programme*
b) *Managers guide to policy and procedure for fitness to work*

Procedures Health and Safety Guide: Fitness for work testing Programme

Educating Workers About Impairing Substances

- *Provide access to and knowledge of policy and standards (e.g., Fitness for Work Policy, NZ technical Standard NZS 4308:2023, NZS4760:2019) to employees, contractors, and visitors upon request. This knowledge can be delivered through tailgate /toolbox Health and safety meetings.*
- *Supervisors get training on recognising signs of drug/alcohol use recognising reasons to test and managing testing and affected workers.*

Managing Legal Impairing Substances - Medications

Workers must:

- *check with their doctor or pharmacist if medication proposed by the doctor could affect their safety at work or be detected in routine drug testing.*
- *Tell their doctor or pharmacist what their job is describing their tasks and risks.*
- *Notify their Supervisor/Manager about any impairing medication before using it or starting work.*
- *With their manager complete a Medication Declaration Form to support decisions about medication safe use while working.*
- *Provide copy of the prescription and evidence of the pharmacy dispensing (photo or the medication packet with date, place and name of patient)*
- *An independent medical review may be sought by "the company".*

Drug Detector Dog Inspections (if planned or delete if not applicable)

- *Drug dogs may conduct unannounced inspections on work sites to detect illegal drugs or paraphernalia.*
- *If a dog indicates drugs on a person, object or item, testing (reasonable cause) or further inspection will be required.*

Fitness for Work Testing

- ***Pre-Employment:*** *Negative oral fluid test required for job offers.*
- ***Post-Incident:*** *Test after accidents.*
- ***Random Testing:*** *Unannounced tests using a random selection process.*
- ***Rehabilitation:*** *Monitor during rehabilitation.*
- ***Return to work:*** *a negative oral fluid drug test is required before return to work*

Post-incident Testing

- *Test workers involved in incidents to rule out influence of drug and alcohol as a cause.*
- *Testing is done as soon as possible; however medical attention is priority. If testing delayed for medical attention, then urine test within 12 hours of the event.*

Random Testing as a deterrence

- *Random tests are unannounced and will be selected using a random testing method.*
- *Selected workers not present when selected will be tested when next at work or sent for testing at first available opportunity.*

Reasonable Cause Testing

a) *A pattern of behaviours or any concern over safety and fitness for work. Signs include poor performance, memory issues, or indication of substance use. See reasonable cause triggers detailed on Appendix 2 form.*
b) *Where Drugs and/or Alcohol (or evidence of its presence) are found either in or around the workplace.*
c) *Where the company's clients or customers, or prospective clients or customers, reasonably request or require that a worker of the company submit to Alcohol and/or Drug testing.*

d) *The worker being observed using, possessing, distributing or consuming drugs and/or alcohol during breaks, regardless of whether this occurs at the workplace or not.*
e) *Supervisors complete an assessment (Appendix 2) and may request a reasonable cause test.*

Return to work

A negative result is required before return to work. Payment of test cost by the worker may be applied if a scheduled return to work test is non-negative/positive.

Issues During Testing

- ***Refusal to Test:*** *Not providing a saliva or breath specimen within 30 minutes or 3 hours for a urine drug test following a request or failing to comply with all requests made for and during a test will be treated as serious misconduct and result in disciplinary procedures*
- ***Attempts to evade, tamper with or avoid a test:*** *leaving the workplace or scene of an incident or when routine random testing is to be done, drug dog detection or other anticipated reasons for a test is a breach of policy.*

Rehabilitation Program

- *The offer to enter any rehabilitation may be offered for volunteered substance use disorders or following a positive test result at the sole discretion of the company*
- *May include counselling sessions and require a series of follow up testing.*
- *Workers must follow program rules, which will likely require they abstain from use of any impairing substances. Subsequent return to work tests if not negative may be at their cost.*

Safety-Sensitive Roles and Sites

- *Safety-sensitive sites include all sites and forestry plantations where forestry work is conducted including company vehicles travelling to and from sites.*

- *Safety sensitive roles include but are not limited to machinery operators, drivers and those exposed to critical risks.*

Fitness for Work Testing table (change this to suit your policy requirements)

Reason to test	*Urine*	*Oral Fluid*	*Accredited Laboratory Confirmation Test*
Pre-Employment	*Yes*	*Yes/No*	*Yes, if the screen results are non-negative and disputed* *(If confirmed, the cost may lie with the job applicant)*
Permanent employment in safety sensitive role	*Yes*	*No*	*Yes, if the screen results are non-negative* *(If confirmed, the cost may lie with the worker)*
Reasonable cause	*Yes*	*Yes*	*Yes, if the screen results are non-negative*
Post incident/accident	*Yes*	*Yes*	*Yes, if the screen results are non-negative*
Random testing	*No*	*Yes*	*Yes, if the screen results are non-negative*
Rehabilitation or return to work	*yes*	*Yes*	*Yes, if the screen results are non-negative*

Urine testing may be applied as a test specimen method if:

1. *Extended testing (tests for other drugs, i.e. Benzodiazepines, synthetic Cannabis, Kava, ketamine). This test requires a urine specimen sent to the Lab and may be applicable following an incident, accident or based on reasonable cause to rule out the potential for drugs other than those routinely onsite tested for to have contributed.*
2. *If unable to provide a specimen of oral fluid for testing.*
3. *Applied if a preferred option or optional for specified test reasons i.e. for pre -employment testing*

Oral fluid testing may be applied as a test method if:

1. *Applied if a preferred or available option for specified test reasons as detailed in your policy i.e. random testing, post incident*

The choice of what test method to be applied is at the sole discretion of the employer or site

Alcohol Breath Testing

It is recommended where possible to include a breath test for alcohol with all routine reasons to drug test and using a breath tester within calibration and certified to AS3547:2019. This may use a rapid passive test initially and if no alcohol detected no further action. If Alcohol detected this will require an alcohol screen conducted using a new mouthpiece. The first measured screen test will then be followed by another measured (active) test conducted with a new mouthpiece 15 – 20 minutes later and this level will be recorded as a confirmed positive if above the level applied

Managers guide to policy and procedure for fitness to work

Managers should manage affected workers by following these steps:

1. ***Training and Recognition:***
    - *Managers and supervisors should use their training (provided by the company) to recognise signs of drug or alcohol use and or unsafe behaviours, such as poor performance, memory issues, or other behavioural patterns indicating the worker may be a risk to workplace safety.*
2. ***Assessment:***
    - *Conduct an assessment if there is reasonable cause to believe a worker may be unsafe. This includes observing behaviours and completing a formal assessment to determine if testing is necessary. See appendix 2*
    - *The same as reasonable cause tests- post-incident, the decision to test is to rule out any influence from drugs or alcohol being a factor in the accident or incident. Events requiring a test will be events where people, property or process have been harmed, may have been harmed, or a near miss has occurred. Consider lack of focus, concentration, poor or delayed decision making or when actions or inaction may have contributed to the event. Also consider requesting extended testing for additional drugs following a serious accident that may require extra due diligence, i.e. potential for WorkSafe investigation.*
3. ***Testing:***
    - *If the reason to test under post incident or the reasonable cause is validated using the RC assessment form, managers can then action testing based on that reason. If practical, you may wish to seek a second responsible person's opinion to confirm your decision to test.*
    - *Random testing. Ensure a true random selection process is conducted (Apps are available for this. Testing can be conducted at times to suit the work hours; processing needs and the time and*

date may be randomly selected also. You may have set targets for % of workers to be tested and time/date.

- *The manager or supervisor should arrange for the worker to be accompanied to the place of testing and be available to manage consequences in the event the worker fails to comply with testing procedures.*

4. Medical Attention:

- *Prioritise medical attention if the worker is involved in an incident or accident before organising for tests to be conducted. Arrange for a test to be conducted as soon as possible following medical attention.*

5. Notification of Medication Use:

- *If the worker notifies you of a prescription or proposed use of a medication/ legal impairing substances, take expert advice or consult with your Health and safety supervisor/manager. You will need to complete a Medication Notification Form (see appendix 3). Consider obtaining a medical review opinion of fitness to work independent of the prescribing doctor to support any decision on whether the person is a safe to continue working while under the influence of the medication.*

6. Rehabilitation Support:

- *If a worker tests positive or voluntarily discloses a substance use disorder (SUD is any dependence on, addiction or resulting personal or performance issues from use of a substance), managers may offer/ propose rehabilitation programs at the company's discretion. Have any potential rehab programmes in your region that could be acceptable and accessible already identified. If rehab offered and accepted, you need to ensure the worker follows program rules and conditions contained in the signed rehabilitation agreement and*

any testing required is done. Promote the worker accessing the Employee Assistance Programme (EAP) if you have one available.

7. Disciplinary Actions:

- *For refusal to test, attempts to evade testing, or confirmed positive test results, or any other breach of policy, follow the company disciplinary procedures and company policy for serious misconduct.*

By adhering to these steps, managers can best manage and support affected workers while maintaining and protecting workplace safety and policy compliance. ***What should be done if a worker refuses to test?***

If a worker refuses to test, the following actions should be taken as outlined in the document:

1. *Treat as Serious Misconduct:*
   - *Refusal to provide: an oral fluid or breath specimen within 30 minutes/ urine <3 hours or failure to comply with all requests during testing will be treated as serious misconduct.*
2. *Document the Incident:*
   - *Ensure the refusal is documented, including the circumstances and any reasons provided by the worker at the time.*
3. *Disciplinary Action:*
   - *Follow the company's disciplinary procedures. This may include suspension, termination, or other actions as per company policy. See consequences section 7 of Policy*
4. *Address Attempts to Evade Testing:*
   - *If the worker attempts to avoid or evade testing (e.g., leaving the scene of an incident or avoiding random selection, drug dog searches), this is a breach of the policy and handled accordingly or you may elect to conduct a urine drug test when they do return to work as a "reasonable cause".*

Appendices

Appendix 1: Informed consent form

This informed consent process is recommended to be spoken aloud to the worker to improve understanding. They must sign it before testing can commence:

- I understand the reason for the test is: (Circle one) pre-employment/ random /post incident/ reasonable cause/ return to work and that it's part of my job requirements.
- I know a sample of my urine/oral fluid/breath is needed, and the tester is qualified to perform the test.
- I agree to this test as part of my workplace's drug and alcohol policy, which I know and have signed.
- I have shown my ID to the tester.
- I know I need to be present all throughout the test, and my privacy and rights under NZ Law will be protected.
- The results will only be used for their intended purpose and will be reported to the person named on the test record.
- I understand what will happen if the test isn't negative and that I can dispute the results using one of the samples sent to and kept by the lab for any challenge I make, and if my challenge is successful, I will be reimbursed for the cost.

Worker's signature _____

Date _____

Appendix 2: Reasonable Cause Assessment Form

A worker can be tested for the presence of alcohol or drugs where their actions, appearance, behaviour or conduct suggests drugs or alcohol may be impacting on their performance or safety.

Please tick indicators that apply from the list below:

Worker's Name		Worker's Position	
	Excessive lateness		Emotional signs – outbursts, anger, aggression
	Increased health problems or complaints about health		Absences often on Monday, Friday or in conjunction with holidays
	Changes in personality		Less energy, slow responses
	Changes in appearance – clothing, hair personal hygiene.		Changes in alertness – difficulty with attention span
	Reduced ability to perform tasks requiring concentration and co-ordination		Feigning sickness or emergencies to get out of work early
	Unexplained absences during work or going to the bathroom more than normal		Defensive when confronted about behaviour
	Dizziness, drowsy, sleepy		Slurred speech
	Hangover symptoms		Violent behaviour
	Impaired motor skills		Bloodshot eyes, dilated pupils
	Forgetful/poor memory		Involvement in various minor accidents/incidents
	Intense anxiety or panic attacks		Impairment in learning and memory, perception and judgement
	Irritability, stressed		Depression
	Presence of odor/indicators of alcohol or drugs		Concerning Social Media activity
	Other (details):		
Person Conducting Reasonable Cause Assessment			
Signature		Date	

Appendix 3: Medication notification form

- This form documents a proactive notification from a worker prescribed medication/s, that may affect their capacity to conduct work safely, or has the potential to return a non-negative drug test result when D&A testing under the workplace fitness for work policy, or on behalf of (employer) (see additional note below)

- It is the responsibility of the notifying worker **prior to starting any work** to meet/discuss and complete the notification process using this form with their manager/supervisor/leader.

- If a worker is prescribed new medication during employment, it is their responsibility to ask their doctor or another suitably qualified medical practitioner whether the medication could affect their work or show up in a drug test.

- If the form is completed and approved by the manager/supervisor/leader/designated person. The notifying worker shall retain the original completed/approved form, until the agreed end date.

- The manager/supervisor/leader/designated person shall maintain the copy of this record in accordance with privacy requirements until the agreed end date, at which point the copy shall be destroyed. Unless the record is required as part of an incident investigation.

- If the notifying worker is selected for a drug test/screen then this completed/approved form must be presented to the person conducting the test/screen. The test will be performed.

- Notifying the employer before starting the medication or any request for test and presentation of this form may prevent the notifying worker being stood down, if a subsequent drug screen test provides a non-negative result. The drug class detected must be consistent with the reported medication and this may still require confirmation to be performed although this may be on an ad hoc basis.

- Upon (employer) receipt of the **Chain of Custody** confirmatory test results from the laboratory: If results are consistent with the reported medication no further action may be required. If the result is not consistent with the reported medication or subsequently proven to be inconsistent with the prescribed medication dosage, the disciplinary process shall be followed i.e., disciplinary action

Proactive Notification Date.	
Notifying Person.	
Approving Supervisor/Manager/Leader.	
Name/Type of Medication.	

Medical restriction advice (see prescription, med certificate, or packaging)	
Medical advice/information on risks associated with work and medication effects/restrictions provided by workers doctor	
Job Task Analysis completed for role and attached	
Additional Conditions, if required	
Copy of legal prescription provided- Conditions- to notify employer of future changes made	
Proof of legal dispensing provided. State if this requirement is an "ongoing" requirement (monthly)	
Medical Review Officer opinion requested	
Agreed end date of medication approval: Max.12 months before next review	
Approving Supervisor/Manager/Leader sign	
Worker taking medication sign.	