
Our Drug & Alcohol Policy

Ports of Auckland Ltd

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Our Drug & Alcohol Policy

1. Purpose

The purpose of this policy is to:

- Clearly emphasise Ports Of Auckland Limited's (POAL's or the Company's) commitment to health and safety for employees, casual workers, contractors, visitors and others working at, or using, POAL's premises or other areas where POAL Personnel are working.
- Ensure our practices reflect our commitment to providing a workplace that is free from the risks associated with drugs and alcohol for all those working at, or visiting, the Ports.
- Outline the specific practices POAL uses to identify and eliminate drug and alcohol misuse among those working at POAL.

Key principles are:

- All have a right to work in a safe workplace.
- POAL will recruit only employees who agree to comply with POAL's policies.
- POAL will create and maintain a drug and alcohol free workplace.
- Education/training will be provided to ensure people are aware of the dangers of drug and alcohol abuse, why it is a health and safety issue and how the policy will be applied.
- Individuals have a right to confidentiality and privacy. Discretion is to be exercised in relation to this policy's implementation so as ensure that confidentiality is maintained and all rights and obligations under the Privacy Act are met.
- Where there is a commitment from an individual to address a drug or alcohol problem, POAL will provide rehabilitation support where appropriate.

2. Application

This policy applies to:

- All POAL Personnel and Other Parties using the Port. Personnel are defined to include all Managers, Employees, Contractors and Employees of Contractors when performing duties for or on behalf of the Company.
- Other Parties is defined to include visitors to the Ports and employees and agents of other companies while present on Company property.

All POAL Personnel are prohibited from:

- Reporting to work with drugs or alcohol their system at levels in excess of the tolerance levels defined within this policy.
- The use, sale, transfer or possession of prohibited substances or alcohol while on company property or a company worksite.
- Using or consuming drugs or alcohol (including prescribed medication) which is known to impair performance (e.g. reaction time, judgement, motor function).
- Working under the influence of drugs or alcohol of any kind anywhere on POAL premises.
- Driving a company vehicle under the influence of drugs or alcohol at any time.
- Using or consuming drugs or alcohol when off-duty if it would result in any POAL Personnel reporting to work or performing duties under the influence of drugs or alcohol.

Other Parties visiting or operating on Ports premises and visitors to the Ports may not be present in POAL controlled areas at any time when under the influence of drugs or alcohol.

Supporting procedures, information and examples are provided in Appendices to this policy

3. Non-Compliance

Failure to comply with any aspect of this policy may result in disciplinary action up to and including dismissal (with or without notice) or, in the case of a Contractor, termination of their engagement, or in the case of Other Parties, eviction from POAL premises.

4. Your Responsibility

This policy is to be applied fairly and consistently. Managers are directed to apply all aspects of this Policy in an unbiased and impartial manner, and only for the purpose of establishing and dealing with impairment.

Managers are expected to monitor their own staff and any other POAL Personnel, and Other Parties when at the Ports to ensure that they are not under the influence of drugs and/or alcohol or in any other way in breach of this policy. They are also expected to investigate situations that may breach this policy. Appropriate steps should be taken to deal with anyone on Ports premises if the Manager:

- observes the use of Prohibited Substances or Impairing Substances, including alcohol, or finds evidence of usage.
- detects the odour of Prohibited Substances or Impairing Substances, including alcohol, on an individual.
- suspects that an Employee/Casual Worker/Contractor is working under the influence of Prohibited Substances or Impairing Substances, including alcohol (having regard to the reasonable cause indicators).
- learns from a credible source that a member of POAL Personnel has consumed Prohibited Substances or Impairing Substances within a timeframe that could be reasonably considered as likely to result in impairment for carrying out work.

All individuals, including all POAL Personnel and Other Parties, are responsible for ensuring their own compliance with this policy.

If any member of POAL Personnel feels unsafe working with one of their colleagues because they suspect s/he is in breach of this policy, they should refer the matter to a supervisor or manager at the first available opportunity.

5. Definitions

Prohibited Substance

Defined as:

- any controlled drug as defined in the [Misuse of Drugs Act 1975](#) (MODA), except when possessed or used in accordance with the MODA; or
- any prescription medicine, except when used or possessed consistently with a prescription (in accordance with the Medicines Act 1981); or

- any psychoactive substance, other than an approved product, as defined in the [Psychoactive Substances Act 2013](#).

No Prohibited Substances may be used or possessed by POAL Personnel on POAL premises or off site when carrying out POAL work.

Impairing Substances

Any substance which may be lawfully sold, possessed or used, but which has the ability to compromise safety by impairing the judgement, physical coordination, reaction time or concentration levels of those consuming, ingesting or otherwise taking the Impairing Substance, including, without limitation:

- medicines and/or controlled drugs (when used in accordance with the Medicines Act and/or the MODA); or
- approved products as defined in the [Psychoactive Substances Act](#); or
- alcohol.

Safety Sensitive Area

Within POAL premises, areas within the boundaries of the Ports and its associated areas are automatically considered to be Safety Sensitive Areas.

In addition, any place within or outside the Ports' premises where there is the opportunity for exposure or interaction with heavy or hazardous items and equipment including, but not limited to:

- Large vehicles and vessels, e.g. trucks, trains, ships, cruise liners, etc.
- Operational machinery e.g. straddles, hoists, cranes etc.
- Cargo e.g. containers, bulk or break bulk, etc.
- Other, e.g. chemicals, electrical currents and equipment, fumigation tools etc.

Exposure or interaction includes, but is not limited to:

- operating, handling and servicing heavy or hazardous items and equipment.
- preparing systems, equipment, documents and other information for use by those by those operating, handling and servicing heavy or hazardous items and equipment.
- providing instructions and advice which impacts on the work of those operating, handling and servicing heavy or hazardous items and equipment.

For the avoidance of doubt, POAL Personnel may only be deemed to be in a Safety Sensitive Area outside of the Port's premises when they are undertaking the business of POAL.

SAP (Substance Abuse Professional)

A counsellor or medical professional, who has been specifically trained in substance abuse issues, management, and personal support.

Zero Tolerance Levels

Zero tolerance levels are defined in this policy as the measures for testing whether a person has consumed a dangerous amount of a Prohibited or Impairing Substance.

The zero tolerance level for alcohol is defined as having a breath alcohol reading more than or equal to 21 milligrams/100 millilitres of blood or 100 micrograms/litre of breath.

The zero tolerance level for other Prohibited and Impairing Substances will mean a level not exceeding the levels outlined in:

Drug Tolerance Cut-Off Levels: AS 4760: 2006 and AS/NZS 4308:2008. (See Appendix 1)

These levels may be further reduced for those participating in a rehabilitation programme with the assistance of appropriately qualified medical advisors.

Negative test

A test where the result indicates the level of alcohol and/or drugs in a person's system do not exceed permissible levels.

Non-negative test

A test which indicates that the level of alcohol and/or drugs in a person's system has exceeded permissible levels but where confirmation testing has not yet been completed. After confirmation test are complete the test result will be reclassified as either negative (not confirmed) or positive (confirmed).

Positive test

A test which indicates that the level of alcohol and/or drugs in a person's system have exceeded permissible levels where confirmation testing has been completed.

In the case of alcohol, confirmation testing would involve a second breath test. In the case of drugs, confirmation testing would involve testing of the split urine sample by an accredited testing laboratory.

6. Use of Prohibited Substances

Reporting to work impaired by the use of Prohibited Substances or Impairing Substances is prohibited at all times whilst a member of POAL Personnel is on POAL premises, using POAL vehicles and/or is representing the company on official business.

Medicines

Any member of POAL Personnel whose medical practitioner has prescribed medication or who purchase over the counter medication from a pharmacy must advise the medical practitioner or pharmacist of the nature of their work so that appropriate information on possible side effects and their possible impact on safety can be given.

Any members of POAL Personnel who are taking prescription or non-prescription medicines that may impair their performance on the job must report such usage to their immediate supervisor before beginning their workday. Such medicines may be allowable, if POAL considers that they are consistent with safe performance of the employee's duties and are being used at the prescribed dosage. The Company reserves the right to obtain an alternative professional opinion on whether the prescription or non-prescription medicines will impair job performance or safety.

Where the usage of medicines will impair job performance or safety, the Supervisor or Manager of the individual concerned will then determine whether the member of POAL Personnel will be assigned to other duties, be required to take sick leave or otherwise remain away from work, or consider other options as appropriate.

Should a member of POAL personnel not wish to discuss their medication with their manager, they should report such usage, in confidence to the HR Manager.

Impairing Substances

Any members of POAL Personnel who use Impairing Substances, other than alcohol, that may impair their performance on the job (other than medicines as described in Section 6A above) must report such usage to their immediate supervisor before beginning their workday.

The usage of Impairing Substances may be allowable, if POAL considers that they are consistent with safe performance of the individual's duties and are being used at the prescribed dosage, if any. The company reserves the right to obtain a professional medical opinion on whether the substance will impair job performance or safety.

The consumption of alcoholic beverages while on POAL premises and in POAL vehicles is not permitted, except in circumstances where a Temporary Exclusion Notice is in effect, in which case the consumption of alcohol is permitted in accordance with the

terms of the notice. Otherwise, there will be zero tolerance for alcohol consumption while on POAL premises.

Consumption of alcohol in a manner that results in a member of POAL Personnel reporting to work impaired (which means a breath alcohol reading greater than or equal to 21 milligrams/100 millilitres of blood or 100 micrograms/litre of breath as per the policy definition 'Zero Tolerance Levels (on page 7) is also prohibited.

Temporary Exclusion Notice

POAL may deem a specific area on POAL premises as being temporarily non-operational, to permit the consumption of alcohol for a specific occasion. In that event, a Temporary Exclusion Notice, signed by the Chief Executive Officer of POAL, will be issued as follows:

- the notice will set out the following information:
 - it will describe the geographical area which is deemed to be temporarily non-operational;
 - it will state when the area will become subject to the notice (the notice must not come into effect until at least 72 hours after it is issued) and when the notice will expire; and
 - it will identify the sections of this policy, concerning the consumption of alcohol, which will not apply, or which will be limited in their application, while the notice is in effect.
- the notice will be made available on the POAL intranet and on noticeboards on POAL premises.

7. Drug and Alcohol Testing

Testing for Prohibited and Impairing Substances may take place on the following occasions:

Pre-employment Testing

Candidates who successfully complete the selection process will be required to undergo a pre-employment test for Prohibited and Impairing Substances. A negative test result will be a condition of any offer of employment/engagement. Candidates will be advised that their appointment will be conditional on returning a negative test.

If a candidate refuses to be tested, or their test returns a non-negative result, they will be advised of the result and that they will not be eligible for employment/engagement at the company.

Confirmation testing may be requested by the candidate and will be carried out at their expense. Should the confirmation testing indicate a negative result, the candidate will be reimbursed.

If they have already been appointed, the employment/engagement may be cancelled or terminated on the grounds of a breach of a condition of employment.

All POAL Personnel, including contractors employed for periods of one month or more on fixed term contracts or through third parties, and those employed as casual workers available for rostering will also be required to undertake pre-employment tests.

Pre-employment testing will also apply when a person is transferred to a new employment status, where the previous status did not require pre-employment testing, e.g. when a person is a short term temporary contractor or casual staff and the contract is extended or changes to a fixed term or permanent position. This will also apply to internal transfer of roles by permanent staff.

Both the initial and confirmatory tests for pre-employment tests will be urine tests.

Post-Accident/Incident Testing

Any POAL Personnel directly or indirectly involved in any accident, incident, near miss or plant, product or property damage may be required to undergo a test for Prohibited and Impairing Substances. Testing will occur in all circumstances when an incident occurs resulting in medical treatment, a serious near miss, equipment or product damage serious enough to warrant a machine being taken out of service or an insurance claim and where equipment failure was not a major factor.

Both the initial and confirmatory tests for post-accident/incident testing will be urine tests.

The decision to test may be made by any manager or supervisor, who has attended Manager Training, providing the circumstances outlined above are met.

Reasonable Cause or Suspicion - Personal

In circumstances where at least two people, one of whom has attended reasonable cause training, suspect on reasonable grounds that a member of POAL Personnel may be unable to perform work properly or that safety may be impaired by use of Prohibited or Impairing Substances, that member of POAL Personnel may be subject to a drug and/or alcohol test. Suspicion is usually based on an individual's actions, behaviour or appearance.

Examples of reasonable cause indicators are set out in **DA03: Checklist for the Effects of Drugs or Alcohol** form.

Both the initial and confirmatory tests for 'reasonable cause or suspicion' testing will be urine tests.

Reasonable Cause or Suspicion – General

In circumstances where at least two people, one of whom has attended reasonable cause training, suspect on reasonable grounds that there has been unauthorised use of Prohibited or Impairing Substances, POAL reserves the right to conduct searches using trained dogs. POAL also reserves the right to access CCTV footage and work rosters and logs to identify individuals who may have been in breach of this policy and use any evidence obtained to conduct Reasonable Cause or Suspicion testing for individuals as per Section 7C.

Examples of reasonable cause indicators are set out in **DA03: Checklist for the Effects of Drugs or Alcohol** form.

Random Testing Following a Failed Test

If this policy is breached by an Employee, and the Employee returns a positive test result, that employee may be subject to a random testing regime of up to 16 tests in 24 months from the date of the positive test result. The details of the testing regime to apply to that employee will be outlined in the rehabilitation agreement between the employee and the company.

Random testing will occur, following a breach of this policy, whether or not the Employee has been required to attend counselling, rehabilitation or treatment for any drug or alcohol-related problem. Any Prohibited or Impairing Substances may be tested for.

For these follow-up tests, the zero tolerance will be applied for all testing for alcohol as defined in section 5G. Also POAL reserves the right to reduce the cut-off levels for drug testing as outlined in **Appendix 1 – Drug Tolerance Cut-Off Levels AS4760:2006 and ASNZ4308:2008** and the laboratory may be instructed to test for lower levels of drugs. The lower levels to apply during the follow-up period will be confirmed in writing in the rehabilitation agreement and the employee and their support person/union representative will be provided with guidance as to what the employee will need to do to ensure that they comply. Other Prohibited or Impairing Substances may be included under the follow-up testing regime at any time, or as legislation dictates.

Failure to comply with the follow-up testing regime, or returning a positive test for Prohibited or Impairing Substances, may result in disciplinary action, up to and including dismissal (with or without notice) Both the initial and confirmatory tests for random testing following a failed test will be urine tests.

Random Testing - Other

Due to the potentially dangerous nature of many aspects of the company's work, random testing will be conducted for all POAL Personnel.

The selection process for random testing will be completed by an independent authorised service provider. POAL will provide a full list of all POAL Personnel to the independent service provider in a coded form, so that individual employees are not identifiable.

The selections for which members of POAL Personnel will be subject to random testing will be carried out by the independent authorised service provider.

Please note that this means that some POAL Personnel may not be picked to be tested at all, some may be tested once, and others may be tested more than once in any year.

For random testing – Both the initial and confirmatory tests for random will be urine tests.

8. Education / Training

The implementation of this policy will be supported by the following training.

Policy Implementation and Drug Testing Education

During policy implementation, and whenever amendments are made to this policy, all members of POAL Personnel will be required to attend workplace drug testing educational seminars. These sessions will include at a minimum: familiarisation of current policy; information on the substances tested for and at what levels; times taken to clear Prohibited and Impairing Substances from the body, the testing processes and the quality and integrity of the policy. How to access the Company's EAP/ rehabilitation programme will also be covered.

Education material, which supports the policy, will be available to staff.

General Drug and Alcohol Education Sessions

All POAL Personnel will be invited to attend substance abuse educational sessions. These sessions will provide general information on the effects of drugs and alcohol, and ensure employees are aware of the internal support systems available to them at the company.

Reasonable Cause Training

Reasonable cause training will be provided to managers, supervisors and others who have responsibility for overseeing a discrete work area. This will provide information and training on the indicators of reasonable cause and the type of assistance available to employees at the Company. Training will also include information on factors to be taken into account when determining whether post-incident testing would be appropriate.

Following the training participants will be required to complete an assessment for certification. Those who pass the assessment will be certified as POAL “Reasonable Cause Assessors”.

Certification is required to be revalidated by assessment every two years, preceded by appropriate refresher training if/when required.

When applying this policy, the Reasonable Cause Trainer must be a POAL certified ‘Reasonable Cause Assessor’ as defined in this clause.

Use of Breath Testing Device

Training will be provided to managers, supervisors and others who have responsibility for overseeing a discrete work area, on the proper use of a breath testing device. Following the training, participants will sit an assessment for certification.

Certification is required to be revalidated by assessment every two years, preceded by appropriate refresher training if/when required.

Managerial Training

Training will be provided to managers and supervisors to ensure they are fully informed of this policy and their responsibilities under it. This will be included in the Health and Safety Module of the Leadership Programme with refresher/update training occurring at least every two years.

Staff General Briefings

Following their own training, managers will deliver briefings to their team on this policy. Materials and support to enable them to do this effectively will be provided.

9. Agreement to be Tested

Informed Consent

A member of POAL Personnel who is required to undergo testing under this policy will be advised:

- why they are being tested
- who the results of that test will be provided to
- the name and address of the testing organisation
- the likely consequences if they refuse to undergo the test
- that they have the right to have a support person or union representative present with them throughout the testing.

Consent to be Tested

Prior to undergoing any testing for Prohibited or Impairing Substances, the testing provider will require each individual to complete and sign the appropriate consent form, an example of which is attached to as the **DA02: Agreement to undergo Drug and Alcohol Testing** form.

Managerial Responsibility

The Manager or Supervisor of the individual affected will arrange for the member of POAL Personnel to be escorted or transported to the collection site.

Refusal to Test

A member of POAL Personnel who refuses to submit to a test for Prohibited and Impairing Substances when required to do so should first explain the refusal to the Manager or person in charge of the workplace. The company will consider any explanation provided.

If the company considers that the explanation is reasonable, the test will be postponed or cancelled. POAL reserves the right to seek professional and/or medical advice when assessing whether the explanation is reasonable.

If the company considers that the explanation is unreasonable, then it may take disciplinary action, up to and including dismissal (with or without notice) or, in the case of a contractor, termination of his/her engagement.

Behaviour that constitutes a refusal to submit to a test includes, but is not limited to, the following:

- Refusal to take a test.
- Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation. If this occurs the individual will be referred to the company doctor.
- Not reporting to the collection site at the allotted time.
- Leaving the scene of an accident without a valid reason before the test has been conducted.
- Intentionally breaking supervision (chain of custody)
- Evidence of tampering or adulteration of samples.

10. Testing Standards

Testing will be performed at the company's expense by *The Drug Detection Agency (TDDA)*, or an equivalent provider, or by its nominated registered medical practitioner. Testing will be carried out in accordance with the applicable testing procedures set out in Procedures attached to the Policy.

Testing will be done in such a way as to respect the member of POAL Personnel's privacy and confidentiality. Test results will be treated as highly confidential.

POAL will implement the most effective testing available in line with developments in testing and any law changes.

Use of New Zealand and or Australian Standards in testing processes

At all times the company will adhere to the applicable New Zealand and or Australian standards specific at the time, or outlined in the Misuse of Drugs Act 1975.

The methods and standards relating to the collection, transportation, chain of custody and testing of samples for testing purposes may vary; however, the company will endeavour to meet the requirements of international standards, as defined by the relevant Australian/New Zealand Standards, including but not limited to:

- AS 4760:2006 for oral fluid tests (or any updated versions); and
- AS/NZS4308:2008 for urine tests (or any updated versions).

Breath Testing Devices

The breath alcohol test will be carried out in accordance with, and using an approved testing device which meets the requirements of Australian Standard AS3547:1997(or any updated versions). Breath tests will require the individual to blow into a breath testing device using a disposable mouthpiece in accordance with the alcohol testing procedure.

Suitably trained and certified POAL Personnel will have the responsibility to administer breath testing.

For the avoidance of doubt, in the case of post-accident/incident testing, the person administering the test must not have been involved in the accident/incident which led to the test being administered.

11. Confidentiality and the Privacy Act 1993

All information gathered in connection with testing for Prohibited or Impairing Substances, or participation in a rehabilitation or treatment policy is collected for the purpose of implementing this policy and achieving its objectives including ensuring compliance with this policy. All information will be held by Human Resources and/or Health and Safety Manager and will be held for the duration of the individual's employment/engagement or longer where deemed necessary by the company.

Relevant information may be disclosed to the supervisor and/or line manager of the member of POAL Personnel.

No information relating to any testing or rehabilitation will be disclosed to an external party without the written consent of the member of POAL Personnel concerned.

12. Emergencies

On occasions, an emergency situation may arise, requiring a manager to request that a person or persons come on to the Ports of Auckland work site.

The manager requesting the return to work will ask the person/s if they have any reason to believe that they are not fit to come in under the terms of the Drug and Alcohol Policy. If it is believed that the person/s may be over the limits proscribed in the Policy, the manager will make a decision on whether the situation is critical enough to continue with the request.

If the decision is made to continue to call in the person, the manager is responsible for managing the health and safety of the person and others by ensuring:

- the person does not drive to work if over legal limits and provide alternative transport if necessary.
- the person has no access to areas where heavy machinery and vehicles are in operation.
- the person is not making decisions that have a direct impact on health and safety.
- the person is not so impaired that any decisions made are irrational.
- the person leaves the Ports' premises as soon as the emergency is over, providing transport if required.

In the event that the person/s is asked to undergo a "reasonable cause" test, the individual may refuse the test and must give as the reason that they have been specifically requested to come back to work by the manager. Health and Safety and/or HR will confirm this with the manager and no action will be taken against the Individual, and the refusal will not be recorded on the persons Personnel file.

13. Policy Reviews

This policy will be reviewed the earlier of every two years or whenever there is a change to any significant factor impacting this policy, e.g. legislation changes, technology advancements, etc.

14. Appendix 1: Drug Tolerance Cut-Off Levels

Mouth swab testing

AS 4760:2006 levels for initial on-site testing

Compound	Cut off level (µg/L)
Opiates	50
Amphetamine-type stimulants	50
Δ ⁹ -tetrahydrocannabinol (THC)	10
Cocaine and metabolites	50

Urine testing

AS/NZS 4308: 2008 levels

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
Benzoyllecgonine	150
Ecgonine methyl ester	150
Diazepam	200
Nordiazepam	200
Oxazepam	200
Temazepam	200
α -hydroxy-alprazolam	100
7-amino-clomazepam	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.**