

DRUG AND ALCOHOL RISK MANAGEMENT

Policies and Procedures



The Kind
Foundation™

Mō tātou katoa. For all of us.

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1 POLICY STATEMENT

The Kind Foundation is committed to:

- Promoting workers wellbeing, health and safety
- Creating a work environment where workers feel safe
- Minimising alcohol and other drug related harm to individuals, property and the reputation of The Kind Foundation
- Encouraging moderation and a responsible attitude toward the consumption of alcohol
- Meeting legal and compliance responsibilities across all The Kind Foundation related activities

2 POLICY CONTENT

2.1 Risk Level

The Kind Foundation's normal operation includes a large variety of work tasks, activities and programmes. The risk to staff and participants from impairment from drugs or alcohol will be different depending on the activity being undertaken and the staff involved.

2.1.1 Nature of Activities

Activities that have a high level of physical risk that cannot be entirely eliminated would be further compromised with impairment from drugs and/or alcohol. Within The Kind Foundation these activities are any adventure activities and driving.

A number of the activities that are undertaken at The Kind Foundation have a low physical risk, but have high level of social and behavioural risks which would also be further compromised with impairment from drugs and/or alcohol. These risks are most prevalent within our Youth Investment area which includes at risk youth and disabled adults.

2.1.2 Nature of the Workforce

The Kind Foundation has a diverse workforce. A portion of this workforce are in the 18 to 25 year old bracket and are also seasonal staff therefore are potentially at a greater risk of drug and alcohol use. These staff members are predominantly involved with adventure and outdoor activities and also work with children and young people.

2.1.3 Areas of Risk

From the above considerations the following have been deemed to be significant areas of risk:

- Driving
- Adventure activities

2.2 Safety-Sensitive Roles

From the areas of significant risk identified above, the roles that are considered safety-sensitive are:

- Wainui Park instructional staff (includes managers that oversee safety systems)
- Adventure Centre instructional staff (includes managers that oversee safety systems)
- Staff members that routinely drive with passengers as part of their work role

2.3 Pre-employment Testing

Appointment of a new employee for some roles within The Kind Foundation maybe conditional on the applicant returning a negative drug test. The applicable roles are given under *Section 2.2*.

2.3.1 Procedure for pre-employment testing:

- 1) Applicant is informed that any offer of employment is subject to a drug test.

- 2) Where an applicant is to be offered a position, they will be required to sign an informed consent form (see Appendix 2)
- 3) Initial screening will be undertaken using a suitable drug screening system on site.
- 4) If initial screening gives either a “not negative” result for a drug class or there is an indication that the integrity is suspect then the employee will be sent to be tested by an accredited laboratory for confirmatory testing. The expense of this testing will be the responsibility of the employee in question.
- 5) The applicant must not commence employment until a negative drug test has been returned.
- 6) Any applicant refusing to take the drug test will not be considered for a position.
- 7) An applicant returning a positive test will not be considered for a position.

2.4 Post-Accident / Incident Testing

Where practicable employees will be tested for the presence of drugs and/or alcohol when they are involved in an incident or accident where their actions may have contributed to the event.

2.4.1 When Applied

An employee/contractor will be tested for the presence of drugs and/or alcohol where they have been involved in any of the following circumstances:

- An incident involving death.
- An incident involving a notifiable injury, illness or incident (see *Section 6* for a definition of these terms).
- An incident or near miss that had the potential to cause a notifiable injury, illness or incident.
- An incident involving serious damage to vehicle, property, plant or equipment.

An employee is considered to be ‘involved’ in the incident if they are:

- One of the participations in the work task or activity that lead to the incident
- Instructing, overseeing or supervising the work task or activity that lead to the incident.
- An injured party

2.4.2 Procedure

The department manager must:

- 1) Determine whether there is sufficient cause to test for drugs or alcohol. If the department manager is unavailable then the onsite supervisor must contact either the Health and Safety Officer or the CEO who will make the decision on whether to test or not in consultation with the supervisor.
- 2) Assess whether it is practical to require a test (see Section 5.3.4 for emergency situations).
- 3) Advise the donor that they are required to undergo the test and advise them that they may consult their representative at this time, but the testing cannot be delayed. (Note: If possible, the alcohol test should be conducted within 1 hour and the urine specimen collected for the drug test within 3 hours).
- 4) Obtain written consent from the donor (Appendix 2 or 3).
- 5) If the alcohol test and the urine “on-site” screening tests are negative, the employment relationship may continue as usual provided it is determined that further testing is not required.
- 6) If the alcohol test is positive, the urine drug screen is conducted and the donor is removed from the employment site until the disciplinary hearing.
- 7) If initial screening gives either a “not negative” result for a drug class or there is an indication that the integrity is suspect then the employee will be sent to be tested by an accredited laboratory for confirmatory testing. The expense of this testing will be the responsibility of the employee in question.
- 8) If the confirmed result is positive for drug(s) or alcohol, or the specimen integrity has been compromised, disciplinary procedures will follow.

2.4.3 Refusal to Test

If an employee refuses a drug or alcohol test the following will be taken into consideration before disciplinary action is taken:

- There is sufficient investigation before any action is taken against the employee (including considering the sequence of events that led to the employee's refusal and their reason for refusing);
- Concerns should be raised with the employee before taking any action against the employee;
- The employee should be given a reasonable opportunity to respond to concerns before any action is taken against the employee; and
- Genuine consideration of the employee's explanation (if any) before taking any action against the employee.

2.4.4 Procedure for Emergency Situations

Where it is not practical for a test to be carried out immediately due to the injuries to the employee or where other corrective actions are required (injury, fire, spill etc.), the manager or supervisor must:

- 1) Attend to the other corrective actions.
- 2) Ensure that a The Kind Foundation representative accompanies the donor to the hospital/doctor so that the required tests can be carried out as soon as practicable.
- 3) If the injuries preclude immediate tests, ensure the tests are carried out at the first practical opportunity.

2.5 Reasonable Cause Testing

An employee/contractor may be tested for drugs/alcohol where a manager/supervisor determines that the person's actions, appearance or behaviour suggest that they may be affected by drugs or alcohol. It is recommended (where possible) that the manager/supervisor obtains a second opinion.

Some reasonable cause indicators and grounds for testing are listed in Appendix 1. Normally there would be more than one indicator to support this judgement.

2.5.1 Procedure

If sufficient cause to test for drugs and/or alcohol is determined, the manager/ supervisor must:

- 1) Advise the donor that they are required to undergo the test and advise them that they may consult their representative at this time, but the testing cannot be delayed. (Note: If possible, the alcohol test should be conducted within 1 hour and the urine specimen collected for the drug test within 3 hours).
- 2) Obtain written consent from the donor (Appendix 2 or 3).
- 3) Follow the same procedures detailed in Section 5.3.2 and 5.3.3.

2.6 Prescription Medicine

The Kind Foundation recognises that people may have legitimate medical reasons for taking some drugs, specifically where a medical practitioner has prescribed lawful drugs for medical purposes or where the drug is lawfully available at pharmacies (with or without a prescription) and is required for medical purposes (referred to in this policy as 'prescription and pharmacy drugs').

Where individuals are taking prescription or pharmacy drugs that contain a warning that the person should not drive a vehicle or operate machinery, that individual must not drive a The Kind Foundation vehicle, operate machinery or be involved in any safety sensitive work tasks or activities.

Further, if individuals taking prescription or pharmacy drugs feel their ability to safely drive a vehicle or operate machinery is affected, they must not drive a The Kind Foundation vehicle or operate machinery and must notify their manager of the situation.

2.7 Supplying or Possession of Drugs

Employees observed taking, selling, supplying or being in the possession of drugs at work will be disciplined according to The Kind Foundation's serious misconduct procedures.

Note: This action does not necessarily require a drug and/or alcohol test regime.

2.8 Managing Drug and Alcohol with Participants, Visitors and Contractors

Participants, visitors or contractors believed be affected by drugs or alcohol, such that they may be a hazard to themselves or others, will be refused entry onto an activity, programme or site and maybe removed from an activity, programme or site if deemed necessary by The Kind Foundation Management.

Furthermore, any The Kind Foundation worker may stop any activity at any time if they believe that any participant, visitor or contractors is affected by drugs or alcohol.

2.9 Privacy

All information gathered for the purpose of implementing and achieving the objectives of this policy will be collected and held in accordance with the Privacy Act 2020. Such information includes consent forms completed prior to testing and test result notifications.

The employee or contractor tested, their representative, their manager and/or authorised The Kind Foundation representative may be informed of not negative or positive test results.

Any documentation supporting a positive or not negative result will be held on the employees file. All information held on a file will be treated confidentially as per normal protocols for personal information and may only be accessed by persons with authorised access for a legitimate purpose.

Information regarding drug and alcohol testing held on an employee's file will not be passed on to future employers without the employees' prior consent.

2.10 Employee or Work Events Involving Alcohol

It is the objective of The Kind Foundation to ensure that impairments due to alcohol use and abuse do not create a hazard within the workplace that may result in harm to the Employee or to others.

The Kind Foundation accepts that:

- Alcohol is a normal part of life for some people
- Excessive use is dangerous
- No person should be under any pressure to drink alcohol

2.10.1 Procedure

- Staff functions with alcohol require the approval of the relevant Executive Manager
- Any alcohol consumption must be confined to the designated area
- Food, and light and non-alcoholic drinks must be available and an environment exist where the emphasis is not on drinking
- An approved person is to be in charge and it is their responsibility to see that the policy is adhered to, that there is not excessive consumption and that behaviour is as expected within the Y

- A reasonable finishing time should be set to clarify when the work function finishes and to avoid excessive drinking
- The amount of alcohol that is available should be limited to a reasonable amount per person
- Ensure alcohol is not consumed by employees, contractors or subcontractors who are required to return to their duties following a social activity that includes alcohol
- When The Kind Foundation staff are away as Y representatives it is expected that they will behave responsibly within the context of this policy and respect others and their property
- Wainui Park Staff:
 - Drinking is permissible by staff when off duty and off site provided that no Wainui Park or Y clothing is worn.
 - Drinking is permissible by staff when off duty and on site if approved by the Manager
 - Drinking is not permitted within eight (8) hours of the staff member coming on duty
 - If a staff member is offered a drink by a client (e.g. teacher or parent), the staff member is expected to politely decline

2.11 The Supply and Sale of Alcohol

The Kind Foundation will abide by the Sale and Supply of Alcohol Act 2012. The object of the Act is that:

- The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
- the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

The Kind Foundation Host Responsibility Policy details what occurs within The Kind Foundation licenced venues.

3 DEFINITIONS

Drugs:

Drugs are defined as any substance that has the potential to impair work performance including:

- Illegal drugs including (but not limited to) cannabis, opiates, cocaine, amphetamines type substances (e.g. P, speed, ecstasy, benzylpiperazine), LSD and Synthetic THC.
- Prescription or “over the counter” medicines that have the potential to impair work performance whether on their own or in combination with another substance e.g. benzodiazepine, other tranquillisers and sedatives.
- Other restricted or legal substances that may impair work performance including (but not limited to) party drug or herbal highs.
- Other “mind altering” substances can be added to the testing suite as they become available and are misused.

Alcohol:

Alcohol is defined as any substance or beverage that contains ethyl alcohol including (but not limited to) beer, wine and spirits.

Notifiable Injury and Illness:

in relation to a person, means—

- (a) any of the following injuries or illnesses that require the person to have immediate treatment (other than first aid):
 - (i) the amputation of any part of his or her body:
 - (ii) a serious head injury:
 - (iii) a serious eye injury:
 - (iv) a serious burn:
 - (v) the separation of his or her skin from an underlying tissue (such as degloving or scalping):
 - (vi) a spinal injury:
 - (vii) the loss of a bodily function:
 - (viii) serious lacerations:
- (b) an injury or illness that requires, or would usually require, the person to be admitted to a hospital for immediate treatment:
- (c) an injury or illness that requires, or would usually require, the person to have medical treatment within 48 hours of exposure to a substance:
- (d) any serious infection (including occupational zoonoses) to which the carrying out of work is a significant contributing factor, including any infection that is attributable to carrying out work—
 - (i) with micro-organisms; or
 - (ii) that involves providing treatment or care to a person; or
 - (iii) that involves contact with human blood or bodily substances; or
 - (iv) that involves handling or contact with animals, animal hides, animal skins, animal wool or hair, animal carcasses, or animal waste products; or
 - (v) that involves handling or contact with fish or marine mammals:
- (e) any other injury or illness declared by regulations to be a notifiable injury or illness for the purposes of this section.

Notifiable Incident:

means an unplanned or uncontrolled incident in relation to a workplace that exposes a worker or any other person to a serious risk to that person’s health or safety arising from an immediate or imminent exposure to—

- (a) an escape, a spillage, or a leakage of a substance; or
- (b) an implosion, explosion, or fire; or
- (c) an escape of gas or steam; or
- (d) an escape of a pressurised substance; or
- (e) an electric shock; or

- (f) the fall or release from a height of any plant, substance, or thing; or
- (g) the collapse, overturning, failure, or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with regulations; or
- (h) the collapse or partial collapse of a structure; or
- (i) the collapse or failure of an excavation or any shoring supporting an excavation; or
- (j) the inrush of water, mud, or gas in workings in an underground excavation or tunnel; or
- (k) the interruption of the main system of ventilation in an underground excavation or tunnel; or
- (l) a collision between 2 vessels, a vessel capsize, or the inrush of water into a vessel; or
- (m) any other incident declared by regulations to be a notifiable incident for the purposes of this section.

4 RELATED DOCUMENTS

4.1 The Kind Foundation Documents

- Safety Management Plan
- Personnel Policies and Procedures Manual
- Privacy policy
- Host Responsibility Policy

4.2 Legislation

- Health and Safety at Work Act 2015
- Health and Safety at Work Adventure Activities Regulations 2016
- Land Transport Act 1998 and amendments
- Misuse of Drugs Act 1975 and amendments
- Privacy Act 1993
- Sale and Supply of Alcohol Act 2012

4.3 Standards and Codes of Practice

- AS/NZS 4308: 2008
- Safety Audit Standard for Adventure Activities (Version 1.1)
- Worksafe. (2013). Guidance for Managing Drug and Alcohol

4.4 Other

- NA

5 DOCUMENT CONTROL

5.1 Policy Owner

- Health and Safety Officer

5.2 Parent Policy

- Safety Management Plan

5.3 Date of Implementation

- November 2023

5.4 Review Date

- June 2024

5.5 Document Control Procedure

This document is considered a 'living document' and as such, regardless of the review date, this document remains relevant until such time as a new version is produced or it is retired.

Documents will be identified by a header and footer that states the version number and total number of pages within the document.

Any previous versions or copies will be removed from circulation if obsolete or marked clearly that they are not current. Archived copies and other safety-related records will be kept for seven years and archived accordingly.

Once printed, documents are uncontrolled.

5.6 Version Table

Version	Amendments made	Approved by	Date
1.0	<ul style="list-style-type: none"> • Original version developed. 	Josie Ogden Schroeder	Aug 2017
1.1	<ul style="list-style-type: none"> • Added to Section 3.1 Risk levels 	Josie Ogden Schroeder	Oct 2018
1.2	<ul style="list-style-type: none"> • General edit 	Josie Ogden Schroeder	Jun 2021
1.3	<ul style="list-style-type: none"> • General edit • Updated Section 3.2 to reflect changes in the organisation • Removed Section 1 • Updated references to the Privacy Act from the 1993 to 2020 version • Added Section 2.11 The Supply and Sale of Alcohol • Removed Section 3.3 	Josie Ogden Schroeder	Jun 2023
1.4	<ul style="list-style-type: none"> • Updated due to change in organisation name and branding 	Crispian Hills	Nov 2023

6 APPENDIXES

6.1 Appendix 1: Reasonable Cause Indicators

When assessing for reasonable cause, there will usually be more than one indicator present. Examples of reasonable cause include, but are not limited to the following:

- Physical signs:
 - smelling breath, body odour, clothes
 - slurred speech
 - unsteady on feet
 - eyes: bloodshot, dilated pupils, pin-point pupils
 - excessive sweating
 - flushed/ red complexion
 - loss of weight
- Unusual or out of character on-site behaviour
- Continual involvement in small accidents or inattention
- Obvious continual drop in performance
- Changes in personality or mood swings
- Excessive lateness
- Absences often on Monday, Friday or in conjunction with holidays
- Increased health problems or complaints about health
- Emotional signs: outbursts, anger, aggression, mood swings, irritability
- Paranoia
- Changes in alertness – difficulty with attention span
- Changes in appearance – clothing, hair personal hygiene
- Less energy
- Feigning sickness or emergencies to get out of work early
- Going to the bathroom more than normal
- Defensive when confronted about behaviour
- Dizziness
- Hangovers
- Violent behaviour
- Impaired motor skills
- Impaired or reduced short term memory
- Reduced ability to perform tasks requiring concentration and co-ordination
- Intense anxiety or panic attacks or depression
- Impairments in learning and memory, perception and judgement

6.2 Appendix 2: Staff Drug and Alcohol Testing

I understand that a urine specimen will be collected and the drugs being tested for are cannabinoids, opiates, amphetamine type substances (including benzylpiperazine), cocaine, benzodiazepines, and others if applicable. I understand that other illicit drugs (e.g. LSD, synthetic THC, cathinones), restricted and legal party substances, misused prescription drugs and other mind-altering substances can also be tested for.

I undertake to advise the collector of any medication that I am taking.
I understand that if the on-site test shows a non-negative result this will provide reasonable cause for an evidential test whereupon an external agency will be used to undertake further testing to AS/NZS4308:2008 standard.

I consent to the confidential communication of the drug test(s) results to The Kind Foundation.

I understand that I may request a second test be conducted. This request must be made within 5 days of receiving the result. For the second test to be positive there need only be the presence of drug or metabolite detected (i.e. not cut off limits). This will be accepted as a conclusive result and costs associated with this test will be borne by me. If the second test proves negative this will be accepted as a conclusive result and costs associated with this test will be reimbursed by The Kind Foundation.

Any collection, storage or exchange of information concerning the drug test will be in accordance with the requirements of the Privacy Act and results will only be used for the purposes for which they were obtained.

I understand that refusing to sign this form, or the return of a positive result, means that:
 Pre-employment: The job offered / applied for will not be confirmed or offered to me
 Current employee: The Kind Foundation disciplinary procedure will follow which may include dismissal.

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

Signature of Applicant/ Employee:_____ Date:_____

Applicant/ Employee Name:_____

Witnessed:_____ Date:_____

Witness Name:_____

6.3 Appendix 3: Consent for Breath Alcohol Testing

I consent to undergo a breath alcohol test, which I acknowledge is for the purpose of determining whether I have a level of alcohol in my breath higher than that 100 micrograms of alcohol per litre (zero alcohol tolerance).

Results of the breath alcohol test will only be used for the purposes for which it was obtained, as set out in The Kind Foundation’s Drugs and Alcohol Policy and Procedures.

I understand that a positive test result is likely to lead to disciplinary action which may include dismissal.

I understand that a refusal to sign this form and undergo a breath alcohol test will be regarded as a serious offence and is likely to result in disciplinary action which may include dismissal.

I hereby authorise the collection and testing of a breath sample for alcohol, and the release of the test results to the authorised representative of The Kind Foundation

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

Signature of employee:_____ Date:_____

Employee’s Name:_____

Witness’ Signature:_____ Date:_____

Witness’ Name:_____

Test administered at (time and date):_____

by (name and signature):_____

Reading:_____ Result (circle the one that applies): Negative / Positive