

NAPIER PORT DRUG AND ALCOHOL POLICY 2022



Napier Port Drug and Alcohol Policy

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1. Purpose

Port of Napier Ltd / Napier Port [the Company] believes all its Employees, Temporary Employees, Contractors, Tenants, and any others who perform work on behalf of Napier Port, or Visitors to Napier Port, are entitled to work in a drug-free and alcohol-free environment and that their safety and that of others is paramount. It is committed to providing a safe and healthy workplace for all workers and visitors that are free from the unnecessary risk associated with drug and alcohol.

2. Scope

This policy applies to all Employees, Contractors, Tenants, Visitors, and Port Users of Napier Port, regardless of the status of work undertaken and including when Employees, Contractors, Tenants, Visitors, and Port Users attend work or non-work activities.

The scope of the policy included all Napier Port property and sites, (including car parks), Company vehicles, and other locations while undertaking Company business.

3. Responsibilities

The Board of Directors, Senior Managers, Supervisors, all Employees, Contractors, Tenants, Visitors, and Port Users are responsible for complying with this policy.

4. Frequency of Review

This policy will be reviewed if processes change or legislation and /or relevant standards are amended.

5. Company Legal Obligations

The Company also recognises its obligations, under the Health and Safety at Work (HSWA) Act 2015, to take all steps so far as reasonably practicable to protect the health and safety of its employees, customers, and the public. The Employer as well as Employees have a duty to ensure that the workplace is safe.

6. Drug and Alcohol Workplace Policy

Napier Port holds a zero-tolerance approach for the use or possession of illicit drugs (substances) including the misuse of prescription drugs (medication) and alcohol, while at work and on the Port and associated work sites.

A person who is under the influence of drugs, including prescription drugs or alcohol in the workplace is placing themselves and others at risk. Employees who consume or are under the influence of drugs and alcohol including prescription drugs while at work are a hazard to themselves and other Employees and genuine effective steps are required to eliminate such a hazard.

Breaches of this policy including intoxication or impairment from drugs or alcohol; or possession, supply, and distribution of drugs or alcohol may result in disciplinary action up to and including dismissal for Employees or removal from duties from Napier Port site or associated sites for Contractors, Port Users, and Visitors, unless a reasonable explanation or evidence is provided i.e. a medical certificate can be provided.

7. When can a Drug or Alcohol Test Occur?

A drug and/or alcohol test may occur for the following reasons:

- Pre-employment (this includes internal promotions or transfer to safety-sensitive positions)
- Reasonable Cause
- Post Incident / accident / near miss
- Random
- Voluntary testing (i.e. voluntary basis, as part of annual medical checks)
- Random Rehabilitation
- NZ Customs Initiated (upon Search operations at the Ports entrance gates or via Ships)

8. Employee Obligations

Employees have the following obligations:

- Hold a duty to be, and remain, alcohol and drug-free at all times while on duty, including upon arrival at work
- To maintain a zero-breath alcohol level and drug-free level at all times while on duty
- Not to attend work under the influence of alcohol or drugs.

The Port will take into consideration all circumstances surrounding non-compliance with these obligations as reasonably necessary.

9. Company Assistance and Support for Employees

The Company believes that the successful operation of any policy is providing knowledge and understanding of the reasons for the policy and the responsibilities of all those involved.

Therefore, Napier Port will provide information to ensure that Employees are equipped to take responsibility for their compliance with this policy.

Within the constraints of its obligations under the HSW Act, the Company is committed to supporting employees who have alcohol and drug-related problems. Accordingly, where appropriate, it will provide Employee assistance and rehabilitation programs to Employees in need.

Any agreement to participate in a rehabilitation program does not preclude disciplinary action being taken.

10. Definitions

“Drugs”

This means any mind-altering or legally controlled substance unless it is prescribed by a doctor and used in accordance with medical directions. This includes any drugs listed in the Misuse of Drugs Act 1975 and any drugs listed in the AS/NZ 4760:2019 – Procedures for specimen collection and detection and quantitation of drugs in oral fluid & AS/NZS 4308:2008 - Procedures for specimen collection and quantitation of drugs of abuse in urine (or successor Standards).

Napier Port may also include drugs other than those listed in the Standards, such as those drugs referred to as “designer drugs”, including (but not limited to) synthetic cannabinoids and herbal highs, as well as other synthetic drugs such as opioids, hallucinogens, piperazines, stimulants and sedatives in the definition of “drugs”.

“Alcohol”

Means any alcoholic drink, including spirits, wine, or beer – excluding alcohol provided at specific workplace events which have been approved with the express permission of the Chief Executive and where alcohol is reasonably consumed.

“Collector”

A person who has completed NZQA qualifications demonstrating compliance with AS/NZS 4308: 2008 or AS/NZS4760:2019 for:

- specimen collection, handling, storage, and dispatch of specimens, and
- “on-site” screening

and who has received a statement of attainment in accordance with NZQA.

The two-unit standards required are:

- US 25458 “Perform urine specimen collection in the workplace for drug testing.”
- US 25511 “Perform urine drug screening in the workplace.”

11. Safety Sensitive Work

Safety Sensitive work or work areas are considered, but not limited to:

- All areas within the Customs Gazetted boundary or working areas owned and operated by Napier Port,
- All work areas or areas including where a critical risk exists, or high-risk work tasks, activities, and processes take place, but are not limited to (i.e. operation of, working in and around machinery, working in high-risk work areas, locations, or common user areas), and/or undertaking marine-based or, shore-based work activities.

12. Types of Testing and their Processes

The following types of testing are included within this policy:

- Pre-employment
- Reasonable Cause
- Post Incident and Accident
- Random – Blanket Screening and Targeted Screening
- Voluntary
- Rehabilitation

Testing methods include Urine, Oral Fluid, and Alcohol Breath Screening. It is the responsibility of Napier Port (Company) to determine the method of testing required in each case.

13. Procedure for Pre-employment Testing

All job applicants who complete the selection process for permanent/fixed term / casual positions will be requested to undergo drug screening, before being offered employment. Receipt of a negative test result is a prerequisite for employment. The applicant must not have an employment offer confirmed, or commence work until a negative result has been received.

If an applicant refuses to participate in drug screening, or their drug screen indicates a non-negative screen result or the integrity of the drug screen is suspect, then the job applicant will be advised of the result and that they will not be eligible for employment.

An Employee who is being considered for a promotion to a management or supervisory role, or who is being considered for a transfer to a safety-sensitive position will be requested to undergo drug screening using a validated instant drug screening device by the authorized provider or by its nominated registered medical practitioner, before being offered the promotion or transfer of employment. Receipt of a negative screen result is a prerequisite for internal promotion or transfer to a safety-sensitive position. If an employee refuses to participate in drug screening without reasonable excuse then they may be subject to disciplinary proceedings.

14. Procedure for Reasonable Cause Testing

In the situation where at least two people (one must be a Supervisor/senior staff member trained in identifying reasonable cause indicators) form a reason to believe an Employee's performance or

safety may be intoxicated or impaired by drug or alcohol use, that Employee will be subject to a drug and/or alcohol screen. This belief is based on but not limited to an Employee's actions, behavior or appearance.

Refer to Reasonable Cause Indicator Checklist for Drug/Alcohol Impairment (Appendix 2).

Initial Assessment

The Supervisor/Manager will immediately refer to the Reasonable Cause Indicator Checklist for Drug/Alcohol Impairment and determine whether there is sufficient cause to test.

If there is reasonable cause, the Supervisor/Manager will immediately speak to the Employee in question and will contact a member of the Senior Management Team (or Health and Safety Advisor if the SMT is unavailable).

The Employee will attend a meeting (immediately) with the Supervisor/Manager and a witness for the Supervisor/Manager. The Employee will have the option to have a representative or Union delegate present. The Supervisor/Manager will discuss the issue and interview the person concerned. The Supervisor/Manager will document the discussion. The onsite screening will occur as soon as practically able, or arrangements will be made for the Employee to attend drug & alcohol screening offsite, escorted by the Manager and as required representative/union delegate. If the initial drug screen is negative the Employee will be notified and that will be the end of the drug testing process.

If the on-site device indicates the possible presence of a drug(s), the Collector will notify the donor of the initial screening result and prepare and dispatch the specimens to an accredited laboratory for confirmation.

On no account is the person to drive their motor vehicle and a taxi may be provided at the Company's expense, to ensure the employee returns home safely.

Where an Employee of a Contractor or Port User (other PCBU) is perceived to be under the influence of drugs or alcohol, it will be the responsibility of that PCBU to care for that person. The affected person may be removed (excluded) from the Napier Port environment until the person is deemed fit to return. Where a permanent exclusion may be considered for a serious breach of safety or port rules, then this will be to the discretion of the Company.

15. Procedure for Post-Incident /Accident / Near Miss Testing

An Employee or Contractor, whose actions could have contributed to an accident, incident, or near miss, may be required to undergo a drug and/or alcohol test as determined by the Company.

The Supervisor/Manager will arrange for drug and/or alcohol testing as soon as possible after the accident/incident or near-miss situation. If the Employee, or Contractor requires medical treatment, this will be administered first.

Post-accident drug screens/tests and alcohol tests must be conducted as soon as possible after the accident. Using alcohol or drugs before undergoing a post-accident test is prohibited as it can severely influence the test results. Therefore, the Employee or Contractor must be supervised from the time of notification until the breath test or other test has been completed and the urine specimen has been collected and the initial "on-site" screening test has been conducted.

16. Procedure for Random Testing

Due to the potentially dangerous nature of many aspects of the Company's work, random testing may be conducted for anyone employed or engaged in a safety-sensitive position. The term "safety-sensitive position" refers to any area or role that contains any critical risk, hazard, or where there is the potential for an accident or incident to cause injury, harm, serious harm, or damage to property, plant, or equipment.

What Random Testing Means:

Random testing means that an Employee or Contractor can be tested at any time during their work hours without notice. The policy is working towards achieving every Employee or Contractor being randomly tested during 12 months. With the selection methods used this means that some Employees or Contractors will be tested more than once in 12 months, while others may not be tested at all during the same time.

Tenants and port users may be subject to Napier Port Random Testing processes from time to time.

17. Procedure for Voluntary Screening

Drug and alcohol testing may be undertaken if a 'donor' volunteers for a test to be undertaken.

Other testing may include annual occupational medical testing, specific to safety-sensitive positions at the sole discretion of the Company.

18. General Testing Procedures / Confidentiality

Drug and alcohol testing will be performed at the Company's expense by a drug and alcohol testing provider, or by its nominated registered medical practitioner. Testing will be done in such a way as to respect the Employee/Contractor's privacy and confidentiality. Testing will be completed using equipment that is fit for purpose in accordance with relevant testing standards. Test results will be treated as highly confidential.

19. Positive Testing or Refusal to Undergo Testing

For an employee who has tested positive, or who refuses to consent to a request to submit to an alcohol/drug test, the following outcomes may occur;

Of note: If an individual refuses a test, they should be given an opportunity to explain their refusal first, and the Port may consider if it is acceptable or not in the circumstances.

1. May face disciplinary action being taken against them. This may result in termination of employment OR:
2. May be required to undergo Counselling and or rehabilitation under the Employee Assistance Programme (EAP) under conditions set down by the Company. In agreeing to undergo Employee Assistance, the Employee will agree to:
 - Undertake Counselling or rehabilitation as appropriate.
 - Accept monitoring of their attendance at, or involvement in, a counseling or rehabilitation program.

- Undergo regular screening tests to ensure adherence to the program, determined by Napier Port.

The Employee agrees that information can be obtained regarding:

- Whether they have kept their appointments;
- Whether the service provider has recommended a course of treatment;
- Whether they are following that course of treatment;
- Whether a return to work is appropriate and within what timeframe; and
- Whether they have completed the required treatment.

Failure to agree/adhere to any of the above may be regarded as obstructive to this process and purpose and will be considered in this context by the Company when considering an appropriate course of action. This may result in disciplinary action up to and including termination of employment.

20. Refusal to Test

An Employee, who refuses to submit to a drug and/or alcohol test, will have disobeyed an instruction reasonably given, and this may be considered serious misconduct. Failure to comply with the request for drug and/or alcohol testing may be just cause for discipline which may result in dismissal unless a reasonable explanation can be provided.

The Employee/Contractor will provide his/her specimen for drug testing within 2 hours from the time that the request has been made by the authorised collector. In relation to alcohol testing, the Employee/Contractor will comply with a request for an alcohol test within 15 minutes from the time the request has been made by the authorised collector. Unless a reasonable explanation can be provided, failure to comply with such timeframes may result in disciplinary action up to and including dismissal (with or without notice) or, in the case of a Contractor, termination of his/her engagement and removal from the Port or associated work sites.

21. Cheating on a Drug and Alcohol Test

If an Employee "cheats" or attempts to compromise the integrity of a specimen when taking a drug and alcohol test (for example by providing a specimen that is not his or her own, or by use of a masking agent), or the person conducting the testing has reasonable grounds to suspect that the employee has tampered with a specimen, then the Company may take disciplinary action up to and including summary dismissal/termination of engagement (with or without notice). If the Employee provides a specimen that is "cool" (not within acceptable temperature testing range) meaning that the Company cannot verify it was provided by the Employee, or is otherwise compromised, this may be treated as a failed test, resulting in the Company being able to take disciplinary action (up to and including termination).

22. Dilute / Invalidated Samples

If an Employee/Contractor provides a specimen that is "dilute" (i.e. a watered-down sample) the Employee/Contractor will be given one further opportunity to provide a specimen within 24 hours that is not "dilute". If the second specimen is also "dilute" this will be treated as an invalidated test and the Company may make alternative arrangements for further testing.

If the Employee provides a specimen that is "cool" (i.e. not within acceptable temperature testing range meaning that the Company cannot verify it was provided by the Employee/Contractor), or the specimen is otherwise compromised, this will be treated as an invalidated test and the Company may make alternative arrangements for further testing.

In the case of all invalidated samples, the Company 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.

23. Testing Procedure

The taking of urine or oral fluid samples for screening tests will be carried out by an accredited collector and the tests on those samples carried out by a suitable testing Laboratory also nominated by the Company.

All aspects of the testing procedure will be carried out in a confidential and private manner. The procedures will comply with the strict criteria dictated by the AS/NZS 4308: 2008 Standard: "Procedures for Specimen Collection and the Detection and Quantitation of Drugs of Abuse in Urine" and/or AS/NZS 4760:2019 "Procedure for Specimen Collection and the Detection and Quantification of Drugs in Oral Fluid".

An Accredited Testing organisation, with qualified collectors, will conduct an "on-site" screening test using a fully verified device and processes in accordance with AS/NZS 4308: 2008 and/or AS/NZS 4760:2019 standards.

Any "non-negative" samples will be forwarded to an accredited laboratory for confirmatory testing.

24. Education/Training

This Drug and Alcohol Policy may be supported by training for Managers, Supervisors, Health and Safety Committee Members, and other appropriate Employees.

Such training will outline indicators of persons at 'risk', identify reasonable cause indicators, legalities of drug and alcohol testing, processes to manage persons at risk, and identify assistance available for Employees affected by risks of drugs and alcohol.

All Managers/Supervisors will be required to attend workplace drug testing educational seminars so that they are aware of the Company's Drug and Alcohol Policy. Managers (and Employees if required) may be trained on policy issues, information on the drugs tested for, and drug/alcohol testing processes.

25. Social Functions

Any person driving after drinking at social functions including Napier Port functions takes personal responsibility to comply with New Zealand legislative requirements concerning drug and alcohol use, particularly in terms of driving whilst under the influence of alcohol or drugs, including making transport arrangements where essential.

The Company will use its best endeavors to fulfill its host responsibility role including the provision of non-alcoholic beverages, food, and access to alternative transport as appropriate to the social function.

26. Search and Surveillance

In order to further assist with achieving the objectives set out in this policy, the Company may undertake search and surveillance.

In particular:

- The Company may search any property (including Employee, Contractor, Common User work areas, property) located within any area in the Company's possession or control ("Company premises"). This may include offices, vehicles, workstations, production areas, lockers, storage areas, and wharves.
- The Company may operate electronic surveillance equipment (including covertly) within Company premises at any time.
- The Company may employ a specialist drug detection dog team to conduct inspections (including random inspections) within the Company premises or property.

If a drug detection dog or other detection mechanism indicates the recent possession and/or use of drugs by an Employee or Contractor, the Company may require the Employee or Contractor to undergo drug testing in accordance with this policy.

For the avoidance of doubt, by bringing personal property onto Company premises, an Employee or Contractor is deemed to have consented to his or her property being searched or inspected in accordance with this policy.

Where there is reasonable cause to believe an Employee, Contractor, other Port User or Visitor may have drugs/alcohol in his or her possession the Company reserves the right to manually inspect (or use approved detection dogs and/or equipment) an Employee's or other parties' vehicle, workstations, production areas, storage areas, lockers and bags (whilst on Company property), in the presence of the Employee and/or his or her representative.

Where drugs/alcohol, and/or drug paraphernalia is located in an Employee's or Contractor's possession, the Employee or Contractors may be subject to disciplinary processes, and/or drug and alcohol testing and/or removal from site processes may apply.

Napier Port may seek to undertake search and surveillance activities in tenanted or in common user work areas. Persons found in possession of drugs or alcohol; or where drugs or alcohol, tools, paraphernalia, or contraband are found, Napier Port will refer any issues back to the tenant or port user company concerned. Persons found in possession of drugs, alcohol, tools, paraphernalia, or contraband may be subject to Napier Port Maritime Securities Act 2004 provisions which may include suspension or cancellation of access onto Napier Port premises or associated work sites.

27. Prescription Medication

When an employee may be required to take a prescription, drug prescribed by a Registered Medical Practitioner for medical reasons, it is the responsibility of the Employee to be aware of any likely impairment that may result from the taking of the drug and whether this will affect their ability to carry out their duties efficiently and safely, and to inform their manager/supervisor that they are taking prescribed medication which may cause impairment.

It will be the responsibility of the Employee/contractor to take prescribed medication in accordance with medical directions. It will also be the responsibility of the individual to ask their medical practitioner (such as their doctor or pharmacist) whether such medication creates a risk of impairment in the performance of their duties.

28. Rehabilitation

The level of support provided by the Company will be dependent on the specific circumstances of each situation and the nature of employment with the Company.

The terms and conditions of the rehabilitation program will be incorporated in a Health Rehabilitation Contract.

Employees participating in a rehabilitation program will be expected to attain satisfactory work performance levels within a reasonable period and will be subject to compulsory testing at random intervals. Random screening tests will be carried out as considered necessary by the Company to ensure compliance with the rehabilitation program. Up to 6 random screen tests may be undertaken within twelve months. Terms and conditions of random screening and any other condition will be discussed at the commencement of the rehabilitation program. Terms and conditions will be agreed upon based on each individual case.

The Company will take all possible steps to ensure that the rights and privacy of the individual are protected.

The Company recognises that continuity of employment can be an essential factor in the rehabilitation process, and will not put the employment of a participating Employee in jeopardy provided that:

- the Employee admits to any drug/alcohol problem (except where this is for supply); and
- the Employee seeks treatment and the rehabilitation process proceeds satisfactorily; and
- job performance becomes satisfactory within a reasonable time after treatment begins; and
- the Employee is not in violation of any relevant law or other Company policies or procedures; and
- the Employee maintains negative test results for alcohol and drugs for a period of time specified by the Company;
- the Employee returns a negative test result before returning to work.

Where continuation in their assigned position could affect the safety of the individual or other Employees, or risk environmental exposure, the Employee may be temporarily assigned to other duties or required to be on leave using their leave entitlements as appropriate in the first instance, followed by unpaid special leave as necessary.

An Employee temporarily reassigned to other duties whilst undergoing rehabilitation will not incur any loss of base pay and conditions. Should reassignment be of a permanent nature then wages/salary and employment conditions will be subject to review.

The Employee must be re-tested for drug or alcohol use and a negative result must be produced. Further drug testing costs incurred will be covered initially by the Company. The Employee must also be able to return to work within the prescribed time limits, or at an alternative date as agreed by the Employee's Manager and the Rehabilitation Provider.

Rehabilitation does not prevent disciplinary action for procedural violations that have already occurred.

Any Employee who is found in breach of this policy after the completion of a Drug and Alcohol Rehabilitation Programme fails to complete the Rehabilitation Programme or has a further positive test in breach of their Rehabilitation Agreement may be liable for summary dismissal – subject to Company disciplinary proceedings.

29. RELATED DOCUMENTS

Napier Port Employee Handbook

Napier Port Code of Conduct

Schedule A - Reasonable Cause Indicators

Schedule B – Health Rehabilitation Contract

Appendix A – Drug and Alcohol Testing Procedures

Appendix B – Employee Consent and Acknowledgement

30. About this Document

This document is controlled and owned by Napier Port Health and Safety.

Document History

Document Authors: Andrew Morton – Health and Safety Manager
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Document Approved by:

Name	Title	Version	Date
Todd Dawson (SMT)	Chief Executive Officer	2	03.05.2022

Document Change History

Date	Version No	Reason
July 2013	1	Document development
December 2021	2	Current Policy revision due to legislative (HSWA 2015) and Oral Saliva Testing Standard (4760:2019) changes

Document Review Schedule

Review Schedule	Reviewer Name	Date	Version	Review Outcome
1 March 2025				

The document may also be reviewed earlier for any of the following reasons:

- To correct mistakes
- To take account of new factors
- To take account of factors that were missed at the time of writing

Issues identified in related Health and Safety reviews and changes to legislation may also trigger early document revisions.

Please submit a change request in writing to the Health and Safety Manager