

1. Introduction

- 1.1. There is concern in New Zealand over the inappropriate use, consumption, sale, purchase, or possession of, alcohol and drugs in the workplace and the consequent risk such activities pose to the PCBU and workers alike.
- 1.2. As a responsible PCBU, Air Conditioning Services (NZ) Ltd (hereafter referred to as ACS in this policy) has developed this Drug and Alcohol Policy to protect, where possible, any ACS worker, contractor, consultant and their workers (hereafter referred to as ACS Worker in this policy) from the risks and welfare issues arising from the inappropriate or illegal use, consumption, sale, purchase, or possession of, alcohol and/or illicit or controlled drugs by an ACS worker, whilst they are engaged on ACS business.
- 1.3. The term “Drug” includes (but is not limited to) cannabis and hashish, opiates (such as heroin, morphine, desomorphone (krokodil) cocaine, amphetamine type substances (speed, “P”, ecstasy and party pills containing benzyloperazine), synthetic cannabinoids (e.g. K2, kronic, spice, fake weed), cathinone derivatives (bath salts), kava, LSD, NBOMe and other phenylethylamine psychedelic substances. The term also includes misuse of some prescription drugs (e.g. tranquillisers, sedatives and oxycodone) and other currently legal party pills and herbal highs. Other “mind altering” substances can be added to the testing suite as they become available and are misused.

For the purposes of this policy, the word “Drug” does not include any medicines prescribed to a worker by a registered medical practitioner, when they are used strictly in accordance with the medical practitioner’s and/or manufacturer’s strict instructions. However where these instructions state that driving or working competence may be affected when a person is taking, or under the influence of, the prescription medicine, then ACS workers are required to inform an ACS Director or PCBU Nominated Officer, in confidence, that they are using such prescription medicines.

- 1.4. ACS workers are required to carry out duties that are, at times, safety sensitive. The performance of such duties by individuals who are impaired by alcohol or drugs could jeopardise their personal safety and the safety of other ACS workers and/or any other person in their proximity. When alcohol or drugs affect individuals, their judgment and work performance is impaired, as is the quality of their workmanship and productivity. This may lead to significant errors or safety issues arising that may have a detrimental impact on ACS, ACS workers, clients and the general public.
- 1.5. Management of ACS believe that all ACS workers are entitled to work in an alcohol and drug free environment. All ACS workers must abide with the drug and alcohol prohibitions contained within this policy.
- 1.6. All ACS approved contractors and consultancy companies shall adopt their own Drug and Alcohol policies to assure a drug and alcohol-free workplace when working on behalf of ACS.

2. Prohibition

- 2.1 The possession, use, consumption, transportation, promotion, supply, sale or purchase of drugs or alcohol by any ACS worker whilst they are a work, or on ACS premises or workplaces, or travelling in any company vehicle (whether or not on ACS business), or whilst they are on ACS client’s property is absolutely prohibited.
- 2.2 It is prohibited for all ACS workers to report to work, be at work, conduct work, travel in any company vehicle (whether or not on ACS business), or be on ACS client’s property, when they are affected, or impaired by drugs or alcohol.
- 2.3 No alcohol or drugs are to be carried anywhere in any company vehicle, at any time, whilst the users of the company vehicle are engaged on any ACS work. This Prohibition applies to all ACS workers whilst they are engaged on ACS work.

2.4 ACS prohibits the possession, carriage, use, or sale and purchase of any drug paraphernalia by any ACS worker whilst they are engaged on ACS work.

3. Workers Responsibilities

3.1 All workers are responsible for reporting any situations where they observe or suspect that any ACS worker is under the influence of drugs or alcohol. Such cases must be reported immediately to a company Director or PCBU Nominated Officer.

4. Drug & Alcohol Abuse Impairment

4.1. For the purposes of this Policy “affected or impaired” means:

- 4.1.1. The ACS worker being impacted by the use of illicit or controlled drugs or mood or mind-altering substances;
- 4.1.2. The ACS worker being impacted by the use of any medicines, including those they have been prescribed, when they are not used strictly in accordance with the practitioner’s and/or manufacturer’s strict instructions; and in particular when such practitioner’s and/or manufacturer’s instructions state that driving or working competence may be affected when a person is taking, or under the influence of, the prescription medicine;
- 4.1.3. The ACS worker being impacted by the use of any other medicine or substance outside of the manufacturers’ strict instructions; and in particular when such manufacturer’s strict instructions state that driving or working competence may be affected when a person is taking, or under the influence of the medicine or substance; or
- 4.1.4. The use of or presence of any other substance that affects an ACS worker’s awareness, coordination or competence in any detectable manner;

5. Drug & Alcohol Testing

5.1. The Health and Safety at Work Act 2015 requires a PCBU to take reasonably practical steps to ensure that the working environment is made as safe as practical by eliminating and/or minimising the effects of hazards. ACS may test its workers for alcohol or drugs under the following circumstances:

5.1.1. Pre-employment

Drug and Alcohol testing will be undertaken in the ACS pre-employment medical as appropriate and in accordance with the current New Zealand laws and legislation.

5.1.2. Pre-Deployment On Safety Sensitive-High Risk Tasks

Drug and Alcohol testing may be undertaken on any ACS workers, prior to them being engaged in safety sensitive-high risk tasks. Safety sensitive/high risk tasks are those which contain a hazard or give rise to potential for an accident or incident to cause injury, harm, serious harm, or damage to property, plant or equipment, such as, working at heights, working with machinery, confined space work or crane operations.

5.1.3. Accident or Near Miss Incidents

Drug and Alcohol testing may be undertaken on any ACS worker involved in an accident or near miss incident which gave rise to an actual or potential risk to the health and safety of any person.

5.1.4. Reasonable Grounds

Drug and Alcohol testing may be undertaken if ACS has reasonable grounds to consider an ACS worker appears to be impaired by drugs or alcohol whilst they are at any ACS workplace or, engaged on any ACS business. Examples of reasonable grounds include, but are not limited to the following:

- Excessive lateness;
- Absences often on Monday, Friday or in conjunction with holidays;
- Increased health problems or complaints about health;
- Emotional signs – outbursts, anger, aggression;
- Changes in personality;
- Changes in alertness – difficulty with attention span;
- Changes in appearance – clothing, hair, personal hygiene;
- Less energy;
- Involvement in various, minor accidents;
- Feigning sickness or emergencies to get out of work early;

- Going to the bathroom more than normal;
- Defensive when confronted about behaviour;
- Dizziness;
- Slurred speech;
- Violent behaviour;
- Impaired motor skills;
- Bloodshot eyes;
- Impaired or reduced short term memory;
- Reduced ability to perform tasks requiring concentration and co-ordination;
- Intense anxiety or panic attacks;
- Impairment in learning and memory, perception and judgement;
- Irritability;
- Depression;
- Concern expressed by fellow worker;
- Odour of alcohol

5.1.5. Random Safety Sensitive Area

Random Drug and Alcohol testing of any ACS worker may be conducted on any ACS worker engaged in Safety Sensitive work, as part of our random testing programme.

5.1.6. Random Testing Selection

The random selection process shall be applied so that all ACS workers are tested at least every two years.

5.1.7 Testing at Request of Customers

An ACS worker may be required to submit to drug and/or alcohol testing if one of ACS' customers or prospective customers requests that ACS' workers submit to drug and/or alcohol testing, including on their worksites.

- 5.2. An ACS worker's failure or refusal to undergo a test, failure to co-operate with a testing agent, or interference with a test, may result in ACS taking disciplinary action up to and including dismissal without notice.
- 5.3. The testing procedure shall be performed under a controlled environment by the ACS preferred supplier, being a New Zealand licensed, drug testing agency.
- 5.4. All costs associated with drug testing will be the responsibility of ACS or (in the case of contractors), the contracting company.
- 5.5. The individuals' privacy considerations under the Privacy Act 2020, as well as an individual's basic rights under the Human Right Act 1993 and the New Zealand Bill of Rights 1990 will be taken into account.

6. Testing Results

6.1 Negative Result

- 6.1.1 If a drug and/or alcohol test returns a negative result, the ACS worker will be allowed to return to work if no other conditions exist.
- 6.1.2 In some cases where the test result is negative, ACS may still in its discretion elect to send the specimen for further laboratory testing.

6.2 Returning a Positive result

- 6.2.1 The ACS worker may be stood down on paid suspension, in which case they will be immediately sent home.
- 6.2.2 The ACS worker will then be requested to attend a disciplinary meeting and provide the reasons for the result. Depending on the circumstances, ACS may take disciplinary action up to and including dismissal without notice.

6.3 Returning non-negative or compromised specimen integrity result

6.3.1 If the test returns a non-negative result, then the ACS worker may be stood down on paid suspension, in which case they will be immediately sent home while ACS awaits the results of further testing/ a confirmation test.

6.3.2 If a worker returns a compromised test result where, in the opinion of the testing agency, the result has been deliberately tampered with or it is considered that cheating may have been involved, the ACS worker may be stood down on paid suspension and may be subject to a disciplinary procedure up to and including dismissal without notice.

7. Counselling and/or Rehabilitation Programme

7.1. ACS will be as supportive as possible to their workers who admit to a drug and/or alcohol problem prior to a situation-giving rise to disciplinary action. Anyone who feels he/she has a drug or alcohol problem should inform an ACS Director or its PCBU Nominated Officer to discuss the situation and consider the appropriate steps to take in the circumstances. It is strongly recommended that any ACS worker in this predicament brings a support person with them to their meeting with the ACS Director.

7.2. If any ACS worker, who has reported a drug or alcohol use problem, wish to seek help, then ACS will assist by referring him/her to an organisation or person that may help him/her to select an appropriate counselling or rehabilitation programme. ACS may authorise sick leave when available or unpaid medical leave.

7.3. No ACS worker will be disciplined for admitting a drug and alcohol problem or for seeking the companies' help with a drug and alcohol problem. However, this concession will only apply, where the affected ACS worker asked for help, before a drug and alcohol situation occurred that lead to disciplinary measures being required.

7.4. ACS shall remain entitled to address the matters arising after any drug and alcohol problem admissions and this may include taking disciplinary action during or after a counselling and/ or rehabilitation programme should the worker; fail to properly participate in the programme, engage in inappropriate behaviour, be involved in misconduct, or fail to perform their duties in a safe and/or satisfactory manner.

8. Disciplinary Action

8.1. This ACS Drugs and Alcohol Policy is an important part of our company's safety, welfare and health plans for the continuous improvement of company standards and individuals' performance. All ACS workers are required to follow the intent of this document whilst engaged on ACS business.

8.2. Violation of this drug and alcohol policy is cause for disciplinary action, up to and including immediate termination of employment; if a worker is believed to have engaged in any of the activities that are prohibited by this policy.

8.3. ACS is also likely to involve the Police (who may proceed under the Misuse of Drugs Act 1991 or other relevant laws and legislation) particularly if drugs are involved and consequent illegal activity is apparent or suspected.

8.4. Privacy and basic human right considerations of the individual/s form part of ACS disciplinary procedures, however refusal, without reasonable cause, to take a drug and alcohol test as required and outlined in this policy, will be taken to have produced a non-negative result, for the individual/s, for that test. Appropriate disciplinary action may then be actioned against the individual/s concerned.

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(PCBU Nominated Officer – Director)

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(Date)



ACKNOWLEDGEMENT OF RECEIPT AND CONSENT TO THIS POLICY

- 1: I acknowledge that I have received a copy of the Drug & Alcohol Policy from ACS (NZ) Ltd.
- 2: I confirm that I have read and understood this Drug & Alcohol Policy.
- 3: I acknowledge that ACS does not tolerate the use of illicit drugs, alcohol or the misuse of other drugs that may affect my ability to work safely (as referred to in this policy).
- 4: I consent to being tested for drugs and/or alcohol in accordance with this Drug & Alcohol Policy.
- 5: I confirm that I will comply with the terms of this Drug & Alcohol Policy.

Workers Signature:

Workers Name:

Date:/...../202....