

## PORT USERS' DRUG AND ALCOHOL POLICY and PROCEDURES

HS-POL-029

### PURPOSE

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The use of drugs and alcohol in the workplace is a serious threat to safety at Port Nelson. Port Nelson Limited (PNL) is committed to a work environment where drugs and alcohol do not adversely affect or compromise workplace safety through a fair and consistent Port Users' Drug and Alcohol Policy.

The nature of port operations, multiple hazards and many potential risks make the port environment a safety sensitive work environment. For that reason, it is crucial that people are 'fit for work' whilst working in Common User Operational Areas at Port Nelson or involved in a PNL operation. We believe that people with unacceptable levels of drugs or alcohol in their system while at work or whilst undertaking their duties are at risk of impairment due to these levels and therefore place themselves and others at risk. It is the responsibility of all Port Users to take all practicable steps to minimise those worksite risks. The purpose of this Policy is to ensure Common User Operational Areas at Port Nelson are safe and those using and working in those areas are not affected or compromised by drugs or alcohol.

### SCOPE

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To ensure fairness and consistency, this Policy applies to all Port Users and their Workers (including contractors) using Common User Operational Areas but excludes Visitors, a Ships' Crew and any person on official duties acting under a statutory power to enter Port Nelson to carry out his or her statutory functions or duties. This Policy does not apply to employees of PNL as they are covered by PNL's Drug & Alcohol Policy for employees.

Tests may be conducted at the entrance to Port Nelson sites for safety reasons.

### ALCOHOL & DRUGS IN THE WORKPLACE

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This Drug & Alcohol Policy strictly prohibits:

1. The use, sale, transfer, supply, manufacture or possession of drugs or alcohol in Common User Operational Areas at Port Nelson;
2. Consuming alcohol or drugs while in Common User Operational Areas, unless expressly authorised by PNL under this Policy;

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3. Being impaired or potentially impaired by alcohol or drugs while On-Site in Common User Operational Areas and/or performing work for PNL;
4. Returning a positive result for drugs and/or alcohol in excess of the limits set out in this Policy.

In addition to this Policy, every Port User is required to operate an effective drug and alcohol policy consistent with industry best practice and which, among other things, includes rules consistent with this Policy. Without limitation, each Port User's own drug and alcohol policy will, at a minimum, provide for pre-employment, random, post-incident, and reasonable cause drug and alcohol testing.

## KEY TERMS DEFINED

Alcohol	Refers to any beverage that contains ethyl alcohol including but not limited to beer, wine and spirits.
Drugs	Drugs that cause impairment such as but not limited to: cannabinoids (marijuana, hashish, hash, oil), amphetamines (such as ecstasy, speed, "P"), cocaine, opiates (heroin, morphine, codeine), and benzodiazepines (tranquillisers, sedatives).
Positive Result – includes (but is not limited to):	<ol style="list-style-type: none"> <li>a) returning a positive drug concentration at or above the confirmatory AS/NZ 4308: 2008 cut-off concentrations (or any updated version);</li> <li>b) returning a breath alcohol level above the cut-off levels defined by the New Zealand Transport Agency. Currently, these levels are: <ol style="list-style-type: none"> <li>i) 250 micrograms of alcohol per litre of breath as of 1<sup>st</sup> December 2014 (if you are 20 years of age and over); and</li> <li>ii) 0 micrograms of alcohol per litre of breath (if you are under 20 years of age);</li> </ol> </li> </ol>
Drug Testing	Shall be conducted in accordance with AS/NZS 4308: 2008, "Procedures for the collection, detection and quantitation of drugs of abuse in urine" (or any updated version).
Alcohol Testing	Shall be conducted using an approved testing device, which meets the Australian Standard AS 3547-1997 (Amdt 1-2000), 'Breath alcohol testing devices for personal use' (or any updated version).
Common User Operational Areas	All Port Nelson Limited "operational" land, including operational sites, wharves, berths and the Slipway.
Port Nelson	All Common User Operational Areas and all land owned by PNL.
PNL	Port Nelson Limited the entity.

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Port User	any contractor or any other operator or entity conducting a business or undertaking on or using Port Nelson's Common User Operational Areas.
Worker/s	for the purposes of this Policy, any person who carries out work in any capacity for a Port User at Port Nelson, including work as an employee, contractor or sub-contractor, an employee of a contractor or sub-contractor, an employee of a Labour hire company who has been assigned to work for a Port User, or a volunteer worker.
Policy	The PNL Drug & Alcohol Policy for Port Users.
"On-Site" or Port Nelson site	Refers to Port Nelson's Common User Operational Areas including gate entrances to site, or the service provider's premises or vehicle operated for this purpose.
Port Nelson operation	Refers to any area where a Port Nelson operation is being undertaken such as but not limited to Port Marlborough and Blenheim based operations.
Visitor	Any person other than a Worker who is caused by a Port User to be in a Common User Operational Area at Port Nelson and is on a temporary Visitor access card.
Ships' Crew	Any person who is directly working on the vessel for the ships' master and is only in the Port for the purpose of crewing the vessel.

## DRUG and ALCOHOL TESTING – REASONS TO TEST

Any Worker may be required to be tested for the presence of drugs and alcohol in any of the following situations:

### Post Incident / Accident Testing

If a Worker is involved in a work-related incident or accident (which includes a near miss) you may be required to undergo a drug and/or alcohol test. Incidents, accidents and near misses include (but are not limited to):

- (i) a 'notifiable event' under the HSAW Act;
- (ii) where there is a serious injury (i.e. requires or is likely to require immediate medical attention beyond first aid);
- (iii) where there is damage to plant, property, product and/or the environment;
- (iv) Near Hit: where there is the potential for serious injury to a person or potential for damage to plant, property, product and/or environment that would not reasonably be expected in the normal course of our operations;
- (v) where the circumstances suggest the worker operated outside of the Port Users Protocols;

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### **Reasonable Cause Testing**

Where a Worker's actions, appearance, behaviour or conduct suggests drugs or alcohol may be impacting on their ability to work safely or effectively.

As a guide, reasonable cause indicators of drug and/or alcohol use may include (but are not limited to):

- (i) numerous/repetitive small incidents/accidents;
- (ii) physical signs and symptoms consistent with alcohol or prohibited substance use (e.g. smell/odour of alcohol/drugs or impaired motor skills, dizziness or slurred speech);
- (iii) fights, assaults, disregard for or violations of established safety, security, or other operating procedures.

### **Random Testing**

Where a Worker has been randomly selected as part of the random testing program. Random testing will be unannounced and will be undertaken by a PNL approved, certified external service provider.

The means for selecting individuals for random testing is at PNL's absolute discretion and may change. These means may include:

- (i) a randomly selected sample, representing a cross section of individuals who will be notified that they are to participate in a drug and alcohol test; or
- (ii) a date and time may be randomly selected for a particular Common User Operational Area and all individuals in or on the Common User Operational Area will be notified that they are to participate in a drug and alcohol test.

Random testing will occur monthly with 15 Workers being randomly selected to undergo a drug and alcohol test on any particular day within the month.

## **DRUG and ALCOHOL TESTING PROCEDURES**

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### **1. Testing Providers**

PNL will use suitably qualified service providers for collecting test samples, undertaking preliminary on-site testing and for off-site confirmation testing where a non-negative result has been returned.

### **2. Alcohol Testing Procedure**

The testing procedure will be carried out in a confidential and private manner and:

- a) The Worker will be asked to sign an alcohol testing consent form.

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- b) The first test will require the Worker to blow into the device with a disposable mouthpiece.
- c) If the result is negative, no further test will follow.
- d) If the result is positive, a confirmatory test on the same device (using a new mouthpiece) will be conducted after a 15 minute period.
- e) The time and result will be recorded.
- f) The person doing the test will sign an acknowledgement form of the result and time.

### 3. Drug Testing Procedure

The testing procedure will be carried out in a confidential and private manner and:

- a) The Worker will be asked to sign a drug testing consent form.
- b) This form should contain the following information:
  - i) verification of donor's identity;
  - ii) two identifiers unique to the donor or PNL verified access card;
  - iii) employer's details;
  - iv) date & time of collection;
  - v) name and signature of collector;
  - vi) declaration by the collector that the specimen has been collected and (if applicable) tested on-site in compliance with AS/NZS 4308:2008 (or any updated version);
  - vii) results of specimen integrity tests carried out at the point of collection; and
  - viii) confirmation by the donor that the specimen was their own and was correctly taken.
- c) The Worker will be asked to voluntarily provide information on drugs/ medication they have used recently.
- d) A urine specimen will be provided affording as much privacy as possible whilst maintaining the integrity of the test.
- e) NNS or TDDA will undertake an "On-Site" screening test and provide the Worker with a preliminary result of a non-negative or negative test result.
- f) If the "On-Site" screening test is non-negative or invalid (e.g. dilute) the specimen will be forwarded to a certified confirmation tester accompanied by the chain of custody

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documentation for confirmatory testing. PNL will receive the results within a 2 – 3 day period.

- g) The Worker will be able to observe the entire specimen collection, processing, “on-site” screening test and chain-of-custody procedure, including the splitting of a specimen.
- h) The Worker will be asked to read, sign and date the chain of custody statement certifying the specimen is theirs and has not been changed or altered at the time of the collection.
- i) If a Worker returns a positive test and disagrees with this test result, they have the option of having the second split sample of their specimen tested at ESR or Canterbury Health Labs. This request should be made within 14 days of receiving the initial result and this re-analysis looks for the presence of any amount of the drug (*i.e.* it is not restricted to cut-off concentrations).
- j) If the second test result proves positive this will be accepted as a conclusive result and costs associated with this test will be borne by the Worker. If the second test result proves negative this will be accepted as a conclusive result and costs associated with this test will be reimbursed by PNL.

#### **4. Prescription Medication**

Some medicines, obtained with or without a prescription, may affect work performance. Any persons taking prescribed or "over the counter" medications, should request information from their doctor or chemist about the medicines potential side effects (if any).

If the medication may affect their judgment or safety and/or the safety of others, it is the Worker's responsibility to advise their employer or Port User contractor immediately of this medication.

#### **5. Refusal to Undertake Test**

Where a Worker refuses to comply with a request to undergo a drug and/or alcohol test, this will be grounds for not allowing them access to Port Nelson and they will be refused access until they undergo a drug & alcohol test and receive a negative result. A further test will be required to be undertaken within the next 6 – 12 hours by an accredited provider.

#### **6. Positive Tests**

Where a Worker has returned a non-negative on-site screening test for the presence of drugs or alcohol the following processes will apply:

- a) The Worker will not be allowed at Port Nelson and the Port User they are engaged or employed by will be contacted and informed of the test result. The Worker’s site access pass will be revoked until further notice.
- b) In the case of a drug test, if the result returns the confirmation provider as a negative result then the Worker's site access pass will be returned.
- c) In the case of a drug test, if the result returns as a positive or in the case of an on-site alcohol test where the result was positive, a meeting may be held between PNL and the Port User employer or principal/contractor who engaged the Worker to determine what/if a rehabilitation plan is being put

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in place by the Port User they are engaged or employed by (if any). For the avoidance of doubt, any rehabilitation plan is at the sole responsibility and cost of the Worker and/or the Port User, not PNL.

- d) It will be at PNL's sole discretion as to whether the Worker will be permitted back on a Port Nelson site. PNL reserves the right to ban the Worker from all Port Nelson sites, whether or not a rehabilitation plan may have been put in place by the Worker and/or the Port User that engaged or employed the Worker.
- e) If, at PNL's sole discretion, the Worker is allowed to return to a Port Nelson site for work purposes, the Worker will be required to undertake a further test prior to returning to Port Nelson which must be negative. The Worker may also be subject to additional testing over the following 12 months at PNL's discretion when they come on-site. Any second instance of a positive result would result in site access being permanently revoked.

## **7. Positive Search Results**

Where any search of a person or their property on Port Nelson premises (including but not limited to, a person's bags, locker, vehicle on the site and/or work area) is found to contain drugs or alcohol or returns a positive detection following a dog search then this may result in that person's site access card being revoked permanently.

## **8. Invalid Tests / Samples**

The testing provider may determine that the drug test is 'invalid' either due to the sample being too dilute, or the sample temperature not being consistent with having been recently produced, or the sample is contaminated.

If the sample is 'invalid' due to dilution then the Worker will be able to access the site but must arrange a second sample to TDDA or a certified provider within 4 hours of the original test.

If the sample is invalid due to the sample temperature not being consistent with having recently being produced, or the sample is contaminated the Worker will be advised by the test provider that the sample is invalid, and will be asked to remain On-Site or at the relevant Port User's premises until the Worker is able to produce a valid sample.

If the preliminary test is assessed as valid (and negative) but the confirmation test is invalid the port user will be required to undertake a further test when they next enter the site. Invalid samples that are deemed to have been supplied deliberately will be subject to an investigation with a possible outcome up to and including not being allowed back on any Port Nelson site.

## **9. Alcohol and Drugs on Port Nelson Property**

Taking, selling, supplying, or being in possession of alcohol, or illicit or restricted drugs on Port Nelson premises, sites, and Common User Operational Areas, at the sole discretion of PNL may mean that the Worker's site access is permanently revoked.

Drinking alcohol is not permitted on-site, Common User Operational Areas, or on Port Nelson premises either during or after working hours.

There may be occasional, authorised social functions, either at Port Nelson Visitor Centre or other premises at which alcohol is permitted to be consumed. This consumption must not be excessive to a

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point where the Worker may endanger themselves or others, or behave in a manner detrimental to Port Nelson or PNL's reputation.

The people who may authorise functions on behalf of PNL are the CEO or an Executive Officer.

**10. Privacy**

All information gathered for the purposes of implementing and managing this policy will be collected and held in accordance with the Privacy Act 1993.

Information relating to drug and alcohol testing of any Worker will be shared with the Port User that engaged that Worker, and with other third parties only insofar as is necessary to give effect to this Policy.

**11. Engagement of Workers Previously Employed by PNL**

Any worker employed or otherwise directly engaged (i.e. an independent contractor) by PNL, whose employment or engagement with PNL ceases due to alcohol and/or drug use, will not be permitted to perform work on any other Port Nelson site (for any Port User) for 6 months following their termination (voluntary or involuntary) of their employment/engagement with PNL.

If, following 6 months, the Worker is permitted, at PNL's sole discretion, to return to work on a Port Nelson site, the Worker must return a negative drug and alcohol test, and apply for and be granted a Port Nelson site access card (at PNL's sole discretion), prior to returning to work on any Port Nelson site.

**12. Visitors**

Every Port User must comply with the induction and supervision responsibilities set out in relation to Visitors in section 6 of the Safety & Environmental Protocols for Common User Operational Areas.

**13. Review**

This Policy will be monitored for effectiveness and reviewed 2 yearly by the Port Nelson Ltd Health & Safety Steering Committee.

*PCBU Signature:*

.....(Company), the undersigned:

- understand and accept the conditions of the Port Nelson Port Users' Drug and Alcohol Policy set out above, and confirm the acceptance of those terms and conditions; and
- confirm all Workers engaged or caused to be engaged by us will be fully inducted on the requirements of this Policy prior to coming On-Site.

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Date

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