

**PROPOSED PORT USERS' DRUG & ALCOHOL POLICY AND PROCEDURES –
Question & Answer. April 2015.**

Why introduce drug testing for Port Users and their Workers?

Port Nelson Ltd (PNL) is committed to a work environment where drugs and alcohol do not adversely affect or compromise workplace safety. 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 all people are 'fit for work' while in Common User Operational areas.

What are the main changes to the Policy that occurred due to the feedback from Port Users?

Coverage Clause	Policy now excludes any person on official duties acting under a statutory power to enter the Port to carry out their duties (i.e. Fire, Police).
Refusal to Undertake a test	If a worker refuses a test they will be refused access until they undergo a drug & alcohol test and receive a negative test result. This further test must be undertaken within the next 6 – 12 hours.
Random Selection	The method for random testing has now been set out (as per below). There are two different methods depending on the gate randomly selected.
Pre-employment testing	At this stage we are not auditing pre-employment testing but it is an expectation that Port User Employers are pre-screening workers they are employing to work in the safety sensitive site.
Informing PNL of Workers who leave due to drug & alcohol reasons.	Given the concerns regarding the Privacy Act we are initially only looking to apply a 6 month ban to Port Nelson Ltd Workers who leave our employment due to drug & alcohol reasons. Port User Employers will not be required to communicate who leaves their employment to PNL.

If a Port User already has a random drug testing regime will they still be subject to the random testing carried out by PNL?

Yes. There are many Port Users accessing the Port with different Drug & Alcohol Policies. Due to this it would not be practicable when we are undertaking the testing to have different rules applied to different companies – we believe this is the most fair and consistent approach.

What are the Common User Operational Areas?

The Common User Operational Areas are Port Nelson Ltd land that is used for operational purposes and is not leased. Common areas that are included are the container yard, log yards, workshop, and wharves, including the layup berths and the slipway.

What applies to PNL Employees?

PNL employees are subject to an existing Drug and Alcohol Policy, which includes a rigorous testing process for employees, with 10 PNL employees being randomly tested per month.

How many random tests will be conducted per month under the Port Users' Policy?

Up to 15 Workers per month will be selected for testing which could be conducted over one or two days.

How are Workers selected for a random drug test?

We have multiple entry gates into the Common User Operational Areas therefore this is how we propose to manage it with TDDA:

1. A date and time is arranged to conduct the testing.
2. Gates are given a code and one is randomly selected using the appropriate software.
3. A number between 1 and 10 is also randomly selected using the appropriate software.
4. TDDA arrive at the randomly selected gate and select people based on the number that was randomly generated. For example, if it was 8 then every 8th person would be selected.
5. If the 8th person is selected and there is already a person in the van being tested then people will continue to freely pass through the gate irrespective of whether they are the randomly selected numbered person. In these cases on completing the testing with the individual, the next person passing through the gate will be tested. This continues until 15 people are tested. We may look to test across two random days throughout the month which would mean 8 people one day and 7 the next.
6. If the gate selected is Calwell slip, QuayPack or the gate solely used by a companies staff then the criteria will be slightly different as people generally all go in and come out at the start and finish of the shift.
7. If these gates are selected then a list will be obtained of the people who have passed through the gate and supplied to TDDA. This list will then be randomised and 20% of the staff passing through the gates will be tested to a maximum of 15 people.
8. If there are not 15 people at the site, then the next Gate on the randomised selection is visited and we continue testing until the total is 15.

This system has a number of inbuilt random elements to it, such as date, gate, and selections and utilises approved randomising software.

If more than one person is in the vehicle with a PNL access card then they will be counted counter clockwise.

For the Calwell Slipway, QuayPack or the ISO gate when the person is selected is in a position that they cannot leave, such as a crane operator. We will liaise with the companies on-site supervisor to test that person at the end of their shift or at one of their break times.

Why is the drug testing urine and not saliva?

Saliva has a short detection window and only picks up recent use; urine has a longer detection window so picks up both recent and regular use. Regular users present a greater risk of being impaired; and it is important that we detect regular users because it uncovers a potential acceptance of drug use in the workplace.

In addition urine testing is the only method of drug detection that is regulated by the Australia/NZ Standard and it is still the most commonly used testing method in New Zealand. We review this method periodically to ensure we keep up to date.

What happens to the cargo if a truck driver receives a non-negative on-site test and cannot enter the site?

A truck driver who has a non-negative on-site test will not be allowed to access the site with their cargo. We will make contact with the Port User they are working for and determine how best we can get the cargo on to the Port. This could be achieved by the Port User sending an alternative driver.

Who picks up the costs of the drug testing?

PNL will pick up the costs of the on-site testing that is organised by PNL (i.e. random, post incident and reasonable cause) and the test results if it is required to be sent for confirmation. Any further testing (e.g. pre-employment/engagement, re-entry on to site following a positive) and any rehabilitation costs will be the responsibility of the Worker and/or Port User.

How will a Port User know if a Worker they are looking to engage has a 6 month stand down period from the site?

You will need to source this information directly from your potential worker when you are looking to employ or engage them. If you do not source this information and the Worker applies for an access card they will be declined if they have a 6 month stand down from site.

What is considered an acceptable rehabilitation program by PNL?

As an example, PNL's rehabilitation program consists of a commitment by our employee to attend 6 counselling sessions and be subject to regular random testing throughout a 12 month period.

Why are Visitors excluded from the Policy?

Visitors are generally only on-site for a short period and must be escorted by PNL staff. It is unlikely that Visitors are "working" in common operational areas. The key objective of our Policy is to reduce the risk of Workers in our common operational areas being "unfit for work".

What happens if someone refuses to undertake a test?

Where a Worker refuses to undergo a test they will be refused access to the site. The Port User Employer will be contacted and informed that the Worker has refused. The Worker will be required to undertake a test with a certified provider within the next 6 – 12 hours if they want to gain access to the site.

What are acceptable identifiers?

We will be using the PNL Access Card as the identifier for Workers, or 2 unique identifiers such as driving license, passport. The PNL Access Card is acceptable as it has a Worker's photograph and name on it as well as an id number.

Is it reasonable for you to ban PNL ex-employees from the site for six months?

We believe that use of drugs and alcohol in the workplace is a threat to safety at Port Nelson. Workers employed or engaged by PNL are aware that if they are engaged in the use of drugs & alcohol, above the accepted standards, will not be tolerated on any of our common areas due to safety reasons. If they do not abide by our protocols/standards then we believe it is reasonable to restrict them for 6 months from our site. We are not implementing a long term or permanent ban.

What drugs are we testing for?

The drugs outlined in the AS/NZ standard 4308, which include cannabinoids, amphetamines, cocaine, opiates and benzodiazepines.

What about prescribed medication?

It will be determined on a case by case basis as the Worker must be considered "fit for work" before being allowed on-site. Prior to testing, the Worker must declare that they have taken a prescribed medication and what that medication is. If, when tested, the Worker returns a non-negative result and the result is consistent with their declared medication, and the Worker is considered "fit for work", the Worker may be allowed to continue operating on-site. The test results will be sent away for confirmation.

What if we do not sign and return the Policy to PNL or refuse to sign it?

We have listened to feedback provided by Port Users and amended our Policy based on this to take a number of the concerns into account. We believe what we have is a workable Policy for our Port Users. We are hoping that every Port User that comes onto the Port supports our Policy and has the same objective as us in wanting to ensure all Workers are "fit for work".

We are sending the final Policy to all Port Users for signing and returning by 1 May 2015. In May we will implement the Policy. It will apply to all Port Users regardless of whether they have returned a signed copy or not.

How can you apply the Policy if we have not agreed to it as a Company?

The objective of the Policy is to make it a safer workplace. We have consulted and listened but believe that as we have a responsibility to control the risk of common user areas that this is a reasonable Policy to apply.

What if we do not have pre-employment testing in place?

We expect every Port User who has workers in a safety sensitive site to pre-screen Workers for drugs and alcohol before they employ or engage them. We will not be auditing this, at this stage, but it is an expectation.

Why are those with statutory powers to enter Port Nelson excluded?

If the fire or police need to enter the site we cannot have them stopped for random testing. The Customs Service and the Ministry of Primary Industries (**MPI**) have similar rights and will also not be subject to the Policy at this stage.

What are the key actions we would need to take as Port Users with the introduction of this Port Users Drug & Alcohol Policy?

- Take an active role in ensuring your workers who you bring on to site are "fit for work".
- Ensure that your Workers are aware of and understand the PNL Port Users Drug & Alcohol Policy prior to coming on-site, including what will happen if they are tested and have a positive result.
- Review your drug & alcohol policy and employment agreements to determine if anything needs to be amended.
- If you are engaging Workers that you will require to access the Port, ensure that they do not have a 6 month ban from site in place.