



**NORTHPORT LTD**

**DRUG & ALCOHOL POLICY**

Revision 3: August 2016



## Document Revision History

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## Distribution List

Available to all Port Users via Northport Limited Website and communicated via various 'Tool box' and Port Users Meetings.

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## NORTHPORT LTD DRUG AND ALCOHOL POLICY

### 1. Policy

Northport Ltd wishes to ensure the safety and health of all people in all work areas at the Northport facility.

To achieve this, Northport Ltd is required to comply with certain occupational health and safety obligations and will take steps to ensure, so far as reasonably practicable, that it meets its obligations to all Port Users (e.g.: Northport Ltd employees, port users' employees, contractors and visitors) to conduct its operations in a safe and responsible manner.

Additionally, Northport Ltd regards it as essential that all persons engaged in its operations are aware of, and comply with, all legislative and other requirements including those specified by the relevant road and driver licensing authorities.

Northport Ltd believes that any individual present in the workplace who has consumed certain prescribed amounts of drugs, recreational drugs and/or alcohol present a potential risk to safety and may affect an individual's job performance, endanger lives and potentially cause damage to property and equipment. The management of the risks associated with the use of drugs and alcohol at work is essential to ensuring a safe work environment.

This Drug and Alcohol Policy "The Policy" combines a range of integrated strategies including alcohol and drug testing as well as education, counselling, and employee assistance programmes. This Policy is intended to ensure that all Port Users are in a condition to safely carry out work. The unauthorised use of drugs and alcohol by Port Users is prohibited. Any Port User found to be affected by, or in possession of, Drugs or Alcohol while performing work related tasks shall be subject to Northport's or their employer's disciplinary procedures, which may include counselling, discipline or termination of an individual's employment or engagement.

Any future substantive change to this policy will not be implemented without consultation and agreement with Port Users and their union representatives and any re-launch will be preceded by the briefing of Port Users managers via the Port Users Health & Safety Committee meetings.

Please note the failure of Northport Ltd at any time to insist on performance of any term of this policy is not a waiver of its right at any later time to insist on performance of that or any other term of this policy. Furthermore, nothing in this policy shall reduce or limit any right, benefit, remedy, discretion, authority or power available to Northport Ltd or Port Users under the applicable employment agreement.

## 2. Scope

This Policy applies to all Port Users of Northport as defined in clause 3.9

## 3. Definitions

- 3.1 'Alcohol' means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols in methyl and isopropyl alcohol, no matter how it is packaged or in what form the alcohol is stored, utilised or found.
- 3.2 'Approved Rehabilitation Program' means a rehabilitation program provided or recommended by an organisation with recognised expertise in the assessment treatment and rehabilitation of people suffering from misuse of drugs or alcohol. The organisation should be approved by a Designated Medical Practitioner.
- 3.3 'Authorised Function' means a function on Northport premises where Alcohol may be served and consumed. An Authorised Function shall require the written authorisation of the Northport Ltd CEO or designated alternate as specified in this procedure.
- 3.4 'Designated Medical Practitioner' means the medical practitioner selected and agreed by Northport or the Port User's employer in consultation with employees or their nominated representative(s).
- 3.5 'Drugs' means any controlled substance detailed in Appendix F or other substances determined by medical authorities to affect a person's ability to perform their duties safely but does not include medication which has been prescribed for a Port User by a medical practitioner provided there has been compliance with the requirements of paragraph 6.1.
- 3.6 'Employee Assistance Program' (EAP), means a programme incorporating established procedures for the referral to specialist counselling service of employees with personal problems which may impact upon job performance. The EAP is provided via an independent organisation in order to ensure confidentiality.
- 3.7 'Impairment' means impairment of judgement, concentration or co-ordination.
- 3.8 'Northport' means the Northport port facility at Marsden Point and any premises or vehicles owned, leased, and/or operated by Northport Ltd.
- 3.9 'Port User' means any person who performs work or provides a service at Northport, for example as (i) a Northport Ltd employee, or (ii) a port related business, or (iii) a port related business employee, including in a regulatory capacity or (iv) a contractor, or (v) an employee of a contractor, or (vi) an employee of a labour hire agency; providing such work is as a matter of both right and practice, or (vii) a visitor; providing that the visitor has legitimate business at Northport.
- 3.10 'Personal Information' has the meaning given in the Privacy Act 1993.

3.11 'Working Hours' means the time between the commencement and the conclusion of work activities on behalf of the Port User's employer on any one working day. Normal working hours shall include lunch or other meal/smoko breaks.

#### **4. Responsibilities**

##### **4.1 Northport Ltd**

The Northport Ltd CEO is responsible for the allocation of responsibilities for the development of and compliance with procedures on Drugs and Alcohol.

##### **4.2 Designated Medical Practitioner**

The Designated Medical Practitioner is responsible for:

- Technical advice on the development of training programs;
- Assessment of employees and Contractors referred by management; and
- Implementation and monitoring of rehabilitation.

##### **4.3 Site Managers**

The Port Users Site Managers and Northport Ltd, via the Port Users Health & Safety Committee, are responsible for determining the frequency of random Drug and Alcohol testing for various positions within their area of operations.

##### **4.4 Drug and Alcohol Testing Review Panel**

The Northport Ltd Senior Management Team is responsible for implementing and monitoring drug and alcohol testing programs in accordance with the requirements of the Policy. The Northport Ltd. senior management team is also responsible for reviewing and updating the Policy as and when new, more appropriate methods of testing become available. The review process could lead to changes being made to this Policy and its implementation.

##### **4.5 Port Users**

Any Port User must notify his or her manager when undergoing prescribed medical treatment, taking prescribed medication or "over the counter medication", unless their medical practitioner or pharmacist advises that the treatment or medication will not contravene the Drug and Alcohol policy or compromise their work performance.

Where a Port User is taking prescribed medication the Port User does not need to disclose the nature of the medication they have been prescribed where they provide a Doctor's certificate that clearly states whether or not they can perform their normal duties safely and that assessment was based on the New Zealand Transport Authority (NZTA) Medical Guidelines for issuing Licenses.

It is a condition of entry to all Northport Ltd controlled sites that all Port Users will be subject to Drug and Alcohol testing under the terms of this policy. Port Users are required to fully cooperate with Northport Ltd in relation to the implementation of this Policy, including any request by Northport to undertake a Drug or Alcohol test on a random basis or under the terms of the policy.

Northport Ltd acknowledges that ships crew usually reside on their ship when berthed at Northport. It is possible that members of a ships crew may be required to undertake random drug and alcohol testing when on the port en route to their place of residence. Should a crew member test positive or non-negative on a drug or alcohol screen, Northport Ltd management will be notified and assess each case on an individual basis in consultation with the ships captain. Factors for consideration may include the type of substance detected, levels of intoxication/impairment, when the individual will next be on duty and the extent of the hazard created by that individual's presence/intoxication.

Any Port User who fails to comply with the requirements of this Policy shall be denied access to any Northport Limited controlled premises. Furthermore, Northport Limited reserves the right to take such action as it deems appropriate as a consequence of the Port User's conduct. This may include conducting a full investigation having regard to all the available evidence, including evidence submitted by the Port User's nominated Union, ACC or other relevant Authorities and reviewing and/or terminating any contract in which the Port User is involved.

Upon request by a Port User's nominated Union to the relevant Site Manager, Northport Limited will provide the names of contracting organisations that are subject to this policy unless it is unlawful or impracticable to do so.

## **5. Requirements**

### **5.1 The Use, Sale, Possession, or Distribution of Alcohol**

Subject to the limited exception set out below in relation to Authorised Functions, Port Users must not while on Company premises:

- Consume Alcohol in the workplace;
- Distribute Alcohol in the workplace,
- Sell Alcohol in the workplace,
- Be in possession of Alcohol in the workplace, or
- Attend the workplace with a breath alcohol content (BAC) which is more than the prescribed limits set out below.

For the avoidance of doubt, this Policy is specifically intended to include the consumption of Alcohol prior to Working Hours, which would impact upon the individual's BAC (Breath Alcohol Content) during Working Hours.

The New Zealand Police periodically conduct sobriety and vehicle compliance testing along State Highway 15A with support from Northport Limited and Refining NZ. A representative from Northport Limited will usually be in attendance. In the event that a Port User has an issue at a checkpoint, the Northport Limited representative may pass on relevant information to that individual's most senior local manager as observed or ascertained from an attending police officer.

## 5.2 Authorised Functions

Northport Ltd recognises that there will be occasions where Port Users may wish to serve Alcohol at Authorised Functions. On such occasions, Alcohol may be served and if consumed, must be consumed in a responsible manner.

The distribution and consumption of Alcohol on Company premises is prohibited except at an Authorised Function.

An Authorised Function shall comply with each of the following requirements, where applicable:

- Conducted at the conclusion of the working day of Port Users attending the function;
- Authorised by the Northport Ltd CEO or designated alternate and conducted in full compliance with defined criteria (see: Appendix A);
- Conducted in an area designated by the relevant Port User Site Manager and approved by the Northport Ltd CEO or designated alternate and which does not require the participants to enter any area of the Port that is undertaking cargo operation. For the purposes of functions company offices and smoko rooms are acceptable premises for authorised functions.
- Authorised in writing by the Northport Ltd CEO or designated alternate if Alcohol is to be distributed or consumed on Company premises during the working day.
- Personnel consuming alcohol at the event are required to arrange appropriate transport from the event if necessary, taking into account New Zealand road rules and applying a reasonable safety factor.

Possession and storage of alcohol on Company premises shall be strictly controlled (see: Appendix B).

All Port User Site Managers shall strongly discourage consumption of Alcohol during Working Hours by Port Users outside Northport and/or Company premises unless at authorised functions.

## 5.3 The Use, Sale, Possession, or Distribution of Drugs

Port Users must not:

- use Drugs;
- distribute Drugs,



- sell Drugs,
- be in possession of Drugs, or
- if tested for Drugs, return a 'positive' test result.

If tested for Drugs, Port Users must not test 'positive' or non-negative for any of the Drugs listed in Appendix F. If a Port User returns a 'positive' test result, they will be in breach of this Policy. The Consequences for breach of this Policy are set out in paragraph 5.5 below.

For the purpose of this Policy, a 'non negative' test result will occur for certain drugs where a Drug test result returns a reading above the prescribed cut-off limits specified in Appendix F.

#### 5.4 Visitors

Visitors who enter Northport are required to have a Breath Alcohol Content (BAC) no greater than 250 micrograms of alcohol per litre of breath. The responsible Port User Site Manager shall take appropriate measures to ensure the safety of any visitor to Northport or Northport Ltd controlled premises who may exhibit signs consistent with the effects of consumption of Drugs or Alcohol and arrange for their prompt removal from site.

#### 5.5 Compliance and Disciplinary Action

##### 5.5.1 Port Users

Northport Ltd will work with Port Users Management Teams to implement similar policies within their own organisations and monitor their employees appropriately.

Any Port User who fails to comply with the requirements of this policy shall be denied access to Northport controlled premises. Furthermore, Northport reserves the right to take such action as it deems appropriate as a consequence of the Port User's conduct. This may include conducting a full investigation having regard to all the available evidence, including evidence submitted by the Port User's nominated Union, ACC or other relevant Authorities and reviewing and/or terminating any contract in which the Port User is involved.

If a Port User refuses to undertake a test for alcohol and/or drugs when required to do so in accordance with this Policy, the matter will be investigated and, if appropriate, the Port User may be removed from the Port and disciplinary action may be taken against the individual or group concerned in accordance with either Northport Ltd.'s or their employer's disciplinary procedures.

##### 5.5.2 Northport Ltd Employees

Disciplinary action will be taken against any Northport Ltd employee who fails to comply with the requirements in this Policy; this may include counselling or disciplinary action.

If a Northport Ltd employee refuses to undertake a test for alcohol and/or drugs when required to do so in accordance with this Policy, the matter will be investigated and, if appropriate, the employee may be removed from Northport and disciplinary action may be taken against the employee concerned in accordance with Northport Ltd.'s disciplinary procedures.

### 5.5.3 Compliance

For the avoidance of doubt, a Port User will be considered to have failed to comply with the requirements of this Policy if, having taken a test for Alcohol and/or Drugs, that Port User returns a test result which is non-compliant with the standard set out in this Policy. In such circumstances, disciplinary action may be taken against the Port User concerned in accordance with the relevant disciplinary procedures.

Further to the above, for random drug testing only, the Port User may (at their own cost), request to have an observed urine sample collected by an independent medical practitioner with the analysis to be completed by a laboratory acceptable to Northport Ltd. The results of such a test will be accepted provided the Port User goes immediately to the independent medical practitioner to have a urine sample collected and provides confirmation to their manager of a clear result in a form that is acceptable to Northport Ltd within 48 hours. The Port User may not return to work at Northport without presenting a clear test result and will be required to take accrued annual leave or leave without pay for the duration of their absence.

### 5.6 Information, Advice and Education

Information on the:

- Health implications of misuse of Alcohol or Drugs,
- Company procedure on Drugs and Alcohol,
- Understanding what to look for in terms of indicators that someone might be affected by Drugs and/or Alcohol,
- Implications of privacy and confidentiality

shall be provided (see: Appendix C). Port Users will be required to attend such education at the request of Northport.

New Port Users shall receive information from Northport Ltd and/or their employer on this Policy as part of their induction into the Northport facility.

Nominated Union delegates may attend inductions of Port Users in respect of relevant components (e.g. industrial rights and obligations with respect to the Drug and Alcohol policy), unless it is impracticable for them to do so without impacting site performance.

Regular information and/or training may be provided as part of on-going Northport Health and Safety promotion programs.

The requirements to participate shall be incorporated in Port User agreements and into the induction of individual Port Users.

## 5.7 Northport Ltd Employee Assistance Program

Northport Ltd recognises that the misuse of Drugs or Alcohol is often treatable. Assistance with the rehabilitation of Northport Ltd employees suffering from problems related to the misuse of Drugs or Alcohol may be provided through the Northport Ltd Employee Assistance Program.

Northport Ltd employees with problems related to the use of Drugs or Alcohol may be managed in accordance with the guidelines which apply to the management of any employee with a personal or medical problem (see: Appendix D). Such management process shall not detract from Northport Ltd.'s ability, at any time, to apply its disciplinary procedures.

An employee with problems related to the use of Drugs or Alcohol may voluntarily seek assistance from:

- their manager or supervisor;
- a Northport Designated Medical Practitioner; and
- the Northport Ltd Employee Assistance Program and/or
- their own treating doctor

Where there are reasonable grounds based upon observations of deteriorating work performance, abnormal conduct or behaviour and as a part of a counselling process, a manager may refer a Northport Ltd employee to the Northport Ltd Employee Assistance Program for assistance.

In relation to such an employee, his or her employment shall not be jeopardised provided that:

- an incident has not yet occurred as a result of his or her behaviour that could otherwise result in disciplinary action being taken by Northport in accordance with this Policy; and
- the employee agrees to participate in an approved rehabilitation program; and
- the employee progresses satisfactorily in an approved rehabilitation program and achieves a satisfactory level of job performance in a reasonable period of time; and
- a satisfactory level of job performance and compliance with this policy is maintained following completion of the rehabilitation program.

Confidentiality of medical information shall be maintained but general progress advice on an employee's progress in a rehabilitation program shall be provided to Northport Ltd management.

An employee has access to all existing entitlements relating to illness whilst satisfactorily participating in an approved rehabilitation program.

Following consultation an employee may be transferred from his or her normal position, where continuation in that position may compromise the health and safety of other employees and Port Users and/or the safety of Northport operations.

In the event of a recurrence following completion of the rehabilitation program, an appropriate course of action shall be determined by management, based upon the advice of a Designated Medical Practitioner and after giving consideration to all relevant factors.

## 5.8 Testing for Alcohol and Drugs

Testing for alcohol and drugs will be undertaken in the following circumstances:

- during pre-employment medical assessments for all job applicants and when applicable for change in employment status, i.e. from casual to full-time weekly or monthly status; or
- where required by a customer or regulatory authority; or
- where there are reasonable grounds based on observations by the responsible manager or supervisor of deteriorating work performance or any abnormal conduct or behaviour (refer Appendix D, paragraph 4); or
- immediately following an incident or near miss; or
- random testing annually of Port Users each year (nominally 25%).

The schedule for random testing will be determined by the Port Users Safety Committee and the independent tester in conjunction with the Northport CEO. Testing will normally occur twice per year or more frequently where shift work is involved. All Port Users undertaking work for Northport Ltd or at Northport will be included in the testing program unless it is impracticable for this to occur, and

- Periodic testing for specific Port Users for a period of one year following satisfactory completion of a rehabilitation program for misuse of Drugs or Alcohol.

The program shall be implemented and monitored in the Port by the Port User Health & Safety Committee comprising the following:

- Northport Ltd CEO or delegate,
- Northport Ltd Health & Safety Supervisor or delegate,
- Minimum of 2 Nominated persons from the Port Users Health & Safety Committee.

The Northport Ltd Drugs and/or Alcohol testing procedure is to be applied at all times when testing for Drugs and Alcohol. Guidelines for conducting tests are detailed in Appendix E.

Port Users shall be required to participate in a Drugs and/or Alcohol testing program in accordance with the requirements determined by the Port User Health & Safety Committee.

## **6. Prescribed and Over the Counter Medications**

### 6.1 Prescription Drugs

Any Port User who has been prescribed medication by a medical practitioner will not be in contravention of this Policy as a result of taking or being in possession of that drug in accordance with the prescription, provided that:

- the Port User has disclosed to the medical practitioner concerned the position which he/she occupies and the tasks he/she is required to perform;
- the Port User receives a certificate from the medical practitioner certifying the employee or contractor as being fit to work safely;
- the certificate must state whether the Port User is taking prescription medication and confirm that the quantity prescribed does not have the potential to adversely affect the Port User's safe and efficient performance of their duties;
- the consumed level of the prescription drug does not exceed the level that the Port User has been prescribed to take; and
- in all cases the Port User must provide a copy of the medical certificate to his/her manager before returning to his/her duties.

### 6.2 Over the Counter Medications

Port Users have an obligation to comply with the manufacturer's directions and warnings and seek advice from their pharmacist with respect to the impact the over the counter medication may have on the safe performance of their work. If advice from the pharmacist indicates the medication may impact their ability to perform the work safely or where there is a doubt then the Port User must advise their manager

## **7. Testing Programme, Handling Test Results, Retaining Records, Privacy and Confidentiality**

### 7.1 Testing Program & Handling Results

Northport Ltd will carefully select and monitor all persons responsible for administering the testing program, including collection personnel, technicians, couriers and will implement measures to ensure that appropriate standards are maintained.

The testing program shall be subject to quality review by the Port Users Health & Safety Committee and designed to ensure it meets the highest standards of honesty and integrity.

## 7.2 Retaining Records

Copies of all results will be retained for 7 years from the date of creation. Access to copies of relevant results of all Alcohol or Drug tests will be made available to the Port User upon request. Records are maintained by Northport Limited with restricted access to protect the privacy of screened/tested individuals.

## 7.3 Privacy and Confidentiality

Northport Ltd will not use personal information collected from Port Users in a manner that contravenes this policy or Northport's Privacy policy.

Information obtained in the process of conducting tests will be treated in the strictest confidence. Individual test results may not be released to anyone who is not directly involved in the testing process, without a specific written authorisation by the Port User who was tested to release the results to others, except as follows:

- when complying with any legal requirement
- the Port User has signed a release form for rehabilitation or a return to work program in which the results of the test must be known to facilitate further action concerning the Port User;
- relevant Union Delegates and Occupational Health and Safety representatives will be provided with details of positive test results where it does not breach legislative requirements.

Every effort will be made to carry out all actions under this Policy in a manner which respects the dignity and confidentiality of those involved.

## 7.4 Disputes Procedure

Where there is a dispute relating to this policy or its implementation the matter will be dealt with in accordance with the appropriate dispute resolution procedure contained within the relevant Individual Employee Agreement, Collective Agreement or Staff Grievance Procedure.

## **APPENDIX A:**

### **Guidelines For The Conduct Of Authorised Functions**

1. An Authorised Function shall have a clearly defined purpose.
2. Alcohol shall not be displayed, made available or offered in a manner which encourages excessive consumption (e.g. unsupervised self service).
3. In addition to alcohol, soft drinks and low alcohol beverages shall also be offered.
4. The function shall be personally supervised by a member of the relevant Port User Management Team who shall be responsible for:
  - Control of alcohol distribution at the function;
  - Cessation of alcohol distribution at the designated time; and
  - Consideration of a participant's ability to return home safely.
5. Where the supervisor of the function believes that Alcohol consumed by a participant will preclude a safe return home, transport at the Port Users Company expense shall be offered.
6. Employees and Contractors shall be required to accept an offer of safe transportation made by the supervisor of the function.
7. Any person under the age of 18 years will not be served Alcohol.
8. Drinking contests or games of any sort which involve the consumption of Alcohol are expressly prohibited.

## **APPENDIX B:**

### **Storage And Possession Of Alcohol On Company Premises**

Possession or storage of Alcohol on Company premises is prohibited except where:

1. Alcohol is securely stored in an area designated by the most senior person on site.
2. Gifts of Alcohol are received by Port Users in the course of their employment and are acceptable within Company Guidelines for the receipt of gifts, (e.g. recognition gifts, Christmas gifts etc.).
3. Alcohol shall be stored unopened and removed from Company premises at the end of the work day.
4. Alcohol is stored inconspicuously and unopened in a Port User's vehicle parked on Northport designated car-parking areas.



## **APPENDIX C:**

### **Information, Advice And Education Programs**

1. Port Users will receive information on:
  - The health implications of the misuse of Drugs and Alcohol;
  - The effects of the misuse of Drugs and Alcohol on safety and performance;
  - The early detection of problems related to the misuse of Drugs and Alcohol; and
  - The provisions of the Company's procedures on the misuse of Drugs and Alcohol.
  
2. Northport Ltd Supervisors and Managers will be trained in:
  - The responsibilities of managers for the implementation of Northport's procedures;
  - Recognition and documentation of performance or behavioural problems suggestive of a problem relating to the misuse of Drugs or Alcohol, including recognition of indicators consistent with a person being acutely impaired by Drugs or Alcohol (refer Appendix D, paragraph 4);
  - Referral procedures for specialist assistance;
  - Confidentiality and disciplinary procedures;
  - Reintegration of a Northport employee into the workforce upon completion of rehabilitation; and
  - Northport employee benefits while participating in the rehabilitation programme.
  - Duty of care responsibilities
  - Understanding potential causes for behavioural and performance issues including workplace stressors, personal and relationship issues, environment etc.
  
3. Members of the Northport Ltd Health & Safety Committee, Port Users Health & Safety Committee and nominated union delegates will be trained and briefed in:
  - The Northport Ltd Drug and Alcohol Policy, and
  - How to recognise workers who are impaired or displaying signs of drug or alcohol dependence and how to respond appropriately.

## **APPENDIX D:**

### **Guidelines For The Management Of Employees**

1. An employee with problems related to the misuse of Drugs and/or Alcohol should seek assistance from his/her supervisor or the relevant Employee Assistance Program as soon as practicable.
2. An employee who has reasonable grounds based on observations of deteriorating work performance, abnormal conduct or behaviour or incidents in which safety is compromised to suspect a problem in another person, shall bring the matter to the attention of his/her manager as soon as practicable.
3. Where a Port User raises concerns regarding another Port User, the relevant manager should make appropriate inquiries as soon as practicable, e.g. observe the Port User, speak with the Port User, speak with other Port Users etc., so as to confirm whether or not there is a problem.
4. Signs of impairment or intoxication may include the following:
  - Habitual lateness or excessive absenteeism
  - Extended lunch breaks
  - Aggressive outburst
  - Problems with coordination, forgetfulness, near miss incidents
  - Possible time management issues
  - Strong smell of alcohol on breath
  - Slurred or incoherent speech
  - Unsteadiness on feet
  - Red, bloodshot or watery eyes
  - Flushed or ruddy face
  - Noticeably smaller or larger pupils
  - Lack of or poor motor coordination
  - Being aggressive or argumentative
  - Being overexcited or agitated
  - Inability to follow simple instructions
  - Drowsiness or asleep during job breaks
  - Difficulty in concentrating on task or conversation
  - Poor balance
  - Loss of inhibitions
5. Where a problem is confirmed the relevant manager should as soon as practicable discuss the problem with their employee; the manager shall seek the requisite expertise for an accurate and timely diagnosis.

6. The employee may be referred to a resource nominated by the employer or the practitioner, as part of the Employee Assistance Programme.
7. Where a problem related to Alcohol or Drug abuse is confirmed by a medical officer, an Employee Assistance Program counsellor or the employee himself/herself, the employee should be referred to an organisation with recognised expertise in the assessment, treatment and rehabilitation of people suffering from misuse of drugs or alcohol. Northport or the appropriate management team should approve the organisation.
8. The manager responsible for HR and a Designated Medical Practitioner shall liaise with the organisation responsible for the rehabilitation of the employee to monitor progress.
9. The Designated Medical Practitioner should provide regular reports to management on the employee's progress; confidentiality of medical information shall be maintained.
10. Upon completion of a rehabilitation programme, the Designated Medical Practitioner will determine the requirements for on-going review after consideration of the nature of the initial problem and the work to which the employee will return.
11. Personal information collected in the management process detailed above shall only be used or disclosed as far as is reasonably necessary for compliance with these guidelines.

## **APPENDIX E:**

### **Guidelines For Conducting Alcohol And Drug Tests**

#### **1. Method of Testing**

- Northport Ltd will utilise saliva and breath analysis procedures for the initial screening tests.
- For post incident and reasonable cause testing, Northport Ltd will use saliva based testing as the initial screening test with the only exception being where regulatory authorities have provided test results.
- Urine sampling will be used for a confirmatory/evidential test for drugs should the initial screen provide a non-negative result. An evidential breath test will be administered for suspected alcohol impairment.
- Urine sampling will normally be used for pre-employment testing.

Subject to the above the third party conducting the testing will determine the most appropriate method of sampling and testing depending on the particular circumstances. Testing will be conducted in a manner designed to protect Port Users and safeguard the integrity of the testing process to ensure the validity of the test results.

#### **2. Sample Collection**

Samples for alcohol and drug tests will be collected in private at a site designated by Northport Ltd utilising standard sampling procedures for the particular test used. If there is a reason to believe that an adulterated or substitute sample has been provided the Port User will be required to submit a second sample under direct observation of a same sex collection person.

#### **3. Chain of Custody**

An appropriate chain of custody procedure will be followed in the administration of all Alcohol and Drug tests by the designated test provider. Samples will be sealed and are to be signed by the Port User and a witness. An Alcohol and Drug testing consent, custody and control form will be completed. Every effort will be made to minimise the number of people handling the specimens. Where a breach of custody is confirmed the sample will be excluded from testing.

#### **4. Port User Consent**

Any Port User required to undergo an alcohol or drug test must complete consent to collection of samples; the analysis of the sample to determine the presence of designated controlled substances and/or their metabolites or alcohol; and the release of test results to the Northport Ltd manager appointed or their designate. Any refusal to undergo an alcohol or drug test will be dealt with in accordance with the relevant disciplinary procedures.

A Port User may request the presence of another person such as a Health and Safety representative; their union delegate etc. to witness the procedure unless such a request is impractical.

Note: For Random testing only, a Port User may (at their own cost) request to have an observed sample collected by an independent medical practitioner with the analysis to be completed by a laboratory acceptable to Northport Ltd.

The results of such a test will be accepted provided the Port User goes immediately to the independent medical practitioner to have a sample collected and provides confirmation to their manager of a clear result in a form that is acceptable to Northport Ltd within 48hours. The Port User may not return to work without presenting a clear test result, a Northport Ltd Employee will be required to take accrued annual leave or leave without pay for the duration of their absence.

## **5. Storage of Samples**

Any specimens which test non-negative for drugs will be retained in appropriate storage by the laboratory conducting the analysis for a minimum of one year.

## **6. Identity and Integrity of Specimens**

The Northport Ltd approved tester will take precautions to ensure that samples cannot be tampered with or substituted and that the information on the specimen container and in the record book are able to identify the individual from whom the specimen was collected.

Each specimen container will contain the date, the individual's specimen number and any other identification information required by the alcohol or drug testing program. Tamper evident seals shall also be applied. The Port User shall sign the identification labels on the specimen containers for the purpose of certifying that it is the specimen collected from them.

### **Identification of the Port User:**

The Northport Ltd approved tester shall take precautions to ensure the individual from whom the sample is collected is positively identified through presentation of photo identification or identification by the appropriate Manager. The sample collection will not proceed if the individual's identity cannot be established.

## **7. Second Sample**

Where the initial result is non-negative, the Port User may request a second sample, to be retained by the Port User for later testing, should the second test confirm the initial non-negative result. The employee may have their second sample tested at a facility of their choice that is acceptable to Northport Ltd and at their own cost unless the sample returns a negative result.

The results of this sample will only be accepted where the integrity of the sample retained by the Port User can be confirmed by the testing facility in line with the requirements outlined in this policy.

Where a Port User elects to have the second test sample analysed independently by an approved Laboratory, the test result was negative, the “chain of custody” was verifiable and the integrity of the sample was confirmed by the independent tester, Northport Ltd will reimburse the Port User for the cost of the independent analysis.

## APPENDIX F:

### List Of Substances To Be Analysed In Samples Collected

All substances will be analysed in accordance with procedures consistent with the recommended appropriate reference standards. Results will be compared with recommended levels of the appropriate standard for the method used for specimen collection and analysis.

The following is a list (not exclusive) of substances which are normally included in any alcohol or drug testing procedure.

For random, reasonable cause and post incident testing, the focus is on identifying any impairment and not on identifying evidence of use. For pre-employment testing the focus is on identifying evidence of previous use.

#### Drug Class and Common Name and/or Brand Names

1. Alcohol (Beer, wine, spirits)
2. Marijuana metabolites, 9-carboxy THC (cannabis, pot, weed)
3. Cocaine (crack)
4. Opiates (opium, heroin, morphine, etc)
5. Phencyclidine (angel dust, elephant, rocket fuel)
6. Amphetamines, amphetamine, methamphetamine (speed, P, meth or ice, crystal, glass)
7. Methadone (heroin replacement)
8. Benzodiazepines (serapax, valium, xanax, etc)
9. Barbiturates (Amytal, Barbita, Butalan, Luminal, etc)
10. Propoxyphene (Darvon Puvules, Darvon-N etc)

Northport Ltd uses drug testing facilities which are able to detect whether an individual has consumed more than the permitted maximum amount of the drugs set out above. The maximum cut-off level permitted for some common classes of Drugs under this Policy is set out below.

#### Drug Class Cut-off (threshold level of impairment)

Alcohol	250 micrograms of alcohol per litre of breath (equal to 50mg of alcohol per litre of blood)
Opiates (including Methadone)	10ng/mL Urine
Amphetamines	15ng/mL Urine
Cannabinoids	50ng/mL Urine
Cocaine	10ng/mL Urine
Benzodiazepines	5ng/mL Urine

Heroin, (opiate.6-monoacetyl) and Sympathomimetic Amines (Methylamphetamine, “speed”and Para-methoxyamphetamine “ecstasy”), MDA, MDMA and MDE also known as “ecstasy” have no cut- off limit for impairment and are also illegal.

**APPENDIX G:**

**Drug And Alcohol Testing Consent and Chain of Custody Forms.**



**CONSENT FOR DRUG AND ALCOHOL TESTING**

- Pre Employment
- Annual
- Reasonable Cause
- Internal Transfer
- Random
- Court / Lawyer request
- Post Incident/Accident
- Follow up/Retest

**DRUG TEST**

- I consent to undergo a drug test, to be undertaken by an NZQA qualified collector and drug screener and if required an accredited laboratory appointed by the Company.
- Which I acknowledge is for the purpose of determining whether I have a level of a drug higher than:
  - The accepted international standard as defined by the Australia/New Zealand Standard AS/NZS 4408:2008, or
  - The level determined by the laboratory.
- I understand that a specimen (urine, saliva, hair etc) will be collected and the drugs being tested for may be
  - Cannabinoids, opiates, amphetamine, cocaine, benzodiazepines, LSD, synthetic THC, cathinone derivatives, restricted and legal party substances, misused prescription drugs and any other mind altering substances as required.
- I undertake to advise the qualified collector of any medication that I am taking.
- I understand that I have the right to send my sample to a laboratory with the costs to be borne by me.
- If my sample is sent to a laboratory I understand that I may request a second test be conducted on the reserve sample which was split from the original urine and is stored at the laboratory. This request must be made within 7 days of receiving the results. For the second test to be positive there need only be the presence of drug or metabolite detected (ie not cut off limits). This will be accepted as a conclusive result.

**ALCOHOL BREATH TEST**

- 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 defined in the company's policy.

- I agree to provide the collector with verification of my identity (photo ID and Signature) and two unique identifiers (e.g.; full name and date of birth).
- I understand that if I am caught providing a false sample, false identification or any other manner of falsifying the drug test, this will be reported to the nominated representative(s) of the requesting authority indicated on this form.
- I consent to the confidential communication of the drug test(s) results to

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Position)

\_\_\_\_\_  
(Company)

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

Donor  
Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness  
Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_



**CHAIN OF CUSTODY FORM ONSITE DRUG SCREENING AND ALCOHOL TESTING**

Pre Employment  Annual  Random  Post Incident  Reasonable Cause  Other \_\_\_\_\_

**Requesting Authority** Company: \_\_\_\_\_ Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Position: \_\_\_\_\_ Email/fax: \_\_\_\_\_

**Donor Identification** Donor Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Signature: \_\_\_\_\_ Type of ID: \_\_\_\_\_ ID Detail: \_\_\_\_\_

Witness \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Test Type**

**IANZ Accredited Tests in accordance with AS/NZS4308**

Instant 6drug (Cocaine, opiates, benzodiazepines, methamphetamine, amphetamine, THC)

Test Device/Method \_\_\_\_\_

Lot Number \_\_\_\_\_

Expiry Date \_\_\_\_\_

**Other Tests**

Instant Saliva (Cocaine, opiates, benzodiazepines, methamphetamine, amphetamine, THC)

Instant THC  Instant Synthetic THC

Expiry Date \_\_\_\_\_

Lot Number \_\_\_\_\_

Test Device/Method \_\_\_\_\_

Instant Breath Alcohol

Breath Alcohol Device \_\_\_\_\_ Serial Number \_\_\_\_\_ Calibration Due \_\_\_\_\_

- I certify that the urine specimen associated with this form is my own and was provided by me to the authorised collector.
- I certify that for any onsite screening performed, such testing was carried out in my presence
- I certify that the information provided on this form is correct and I consent to the release of the relevant details on this form to the nominated representative(s) of the requesting authority indicated above.

Donor Signature \_\_\_\_\_ Date \_\_\_\_\_

**Certification**

I certify that I witnessed the donor's signature and that the specimen identified on this form was provided to me by the donor whose consent and certification appears above, and bears the same identification as above.

Collectors Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**Interim Report of Results** (Send only this part until confirmed result of negative or positive is received)

**Drug Test/Screen results**  Negative  Not Negative  Sent for further testing

**Breath Alcohol results**  Negative  Positive  Level \_\_\_\_\_

**Final Report of Results** (Do not send until confirmation of Negative Result)

Time of Collection \_\_\_\_\_

Urine Temperature read within 4 minutes  Yes  No Within Range 33-38°  Yes  No

Specimen integrity tests  Pass  Fail Specify: \_\_\_\_\_

Additional Integrity test Device \_\_\_\_\_ Lot Number \_\_\_\_\_ expiry date \_\_\_\_\_

RESULTS	Methamphetamines	Amphetamines	Cocaine	Opiates	THC	BZP	Synthetic THC
N- Negative							
U – Not negative							

**Confidential Information – Fold before copying or scanning.**

Donor Medications (Type, name and dosage) \_\_\_\_\_

Copy given  Emailed  Access  Spreadsheet

## APPENDIX H:

### Random Testing Procedure

#### 1. Random Testing

##### Policy

An unannounced random drug (saliva) and alcohol (breath) testing regime will apply for all employees and Port Users. An independent third party will randomly select those to be tested using only unique identifier numbers or other random selection process.

##### When?

Using a random selection process a number of employees and/or Port Users will be selected. As a guide, no more than 25% of employees or Port Users shall be tested annually.

##### How are employees selected?

An independent third party will use a random testing process to select employees to undergo the drug and alcohol testing. Once selected the independent third party will advise management of the employee numbers and arrange testing of those employees within their next work period.

##### What If?

*Employee refuses to provide consent or undergo the test when required?*

If an employee refuses to undertake a random test then the provisions of the Drug and Alcohol Policy or relevant Code of Conduct will apply.

*An employee's name is continually selected during the random process?*

If an employee's name is selected four or more times in a 12 month period the relevant manager and employee representative will meet to discuss prior to testing occurring.

#### 1.1 Random Testing Procedure

Once the independent third party advises Northport Ltd that a Port User has been selected for a random drug and/or alcohol test, the following procedure must be followed:

- Prior to the test being administered the Port User should be offered a copy of the relevant sections of the Drug & Alcohol Procedures. The random test section of the policy and the procedure for taking a drug and/or alcohol test (including the consequences of refusing to undertake the test) should be explained.
- The Port User should be asked to provide written consent for the testing and then undergo the test.

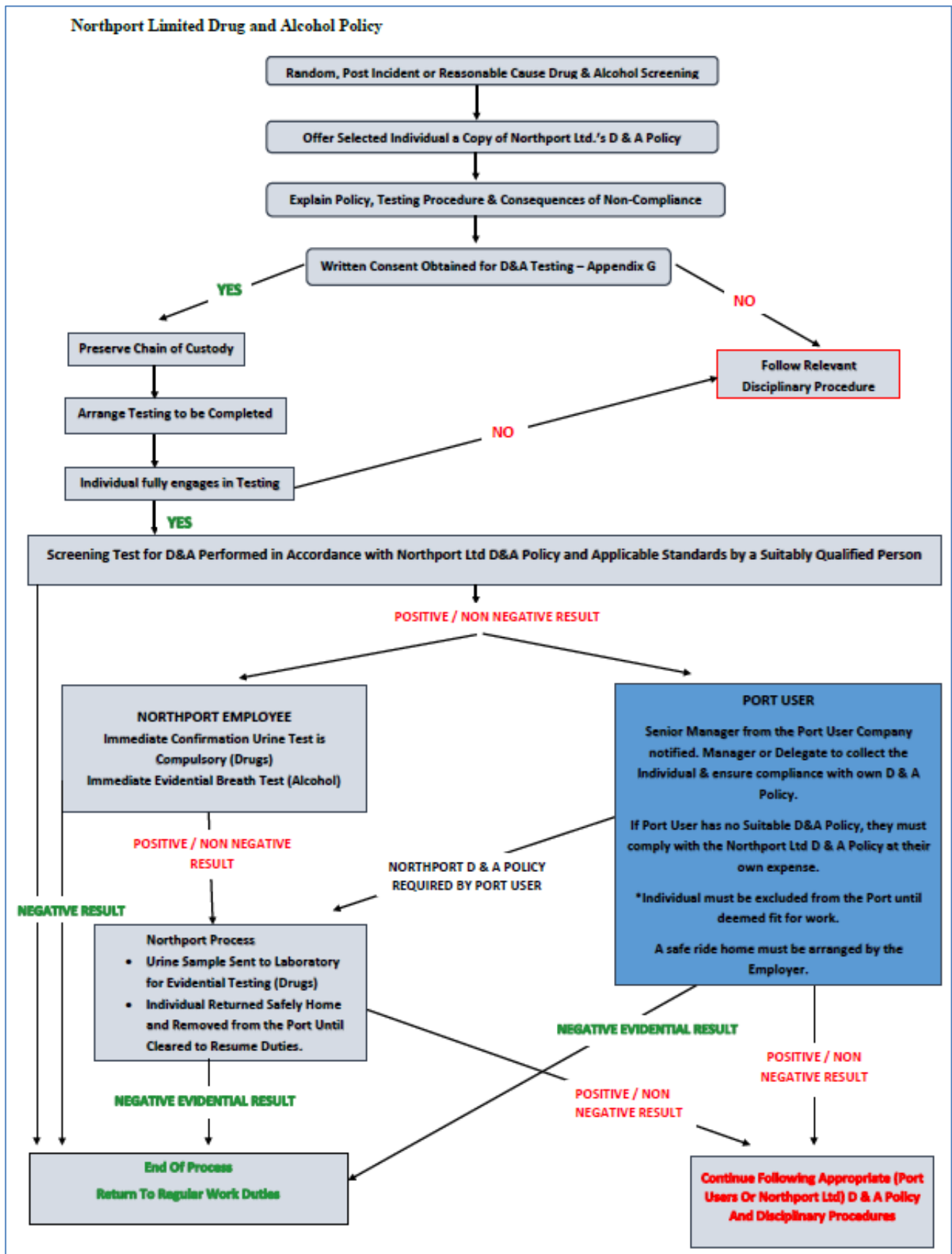
- If a Port User refuses to provide consent or undergo the test they will be denied access to the Northport facility and their employer advised. If a Northport Ltd employee refuses to provide consent or undergo the test then the relevant procedure from the Employment Contract: Code of Conduct will be followed.
- If the Port User provides consent, they should be accompanied immediately to the designated site for the collection of a saliva sample and/or breath test.
- Collection will be done using approved procedures and facilities.
- In the time between the Port User being advised that they have been selected to undergo the random test and the test being taken, a Manager or Supervisor (or a designated company representative) must accompany the Port User at all times.
- If the Port User provides consent, the sample collector(s) will proceed with the drug and/or alcohol tests.
- Following the collection of a saliva and/or breath test the Port User will return to normal duties, unless a failed alcohol breath test or non-negative drug test occurs.
- In the event of a non-negative result, the Port Users Manager/Supervisor must ask the employee if they wish to have a union rep/support person or, where practicable, whanau support present.
- Saliva - non negative scenario: confirmation urine sample test to be undertaken in accordance with AS/NZ standard by a trained and qualified nurse.
- In the event of a non-negative initial screening test the Port User will be denied access until the drug test result is confirmed and if necessary a meeting is held to discuss the results and outcome. The Port Users employer shall provide transport to deliver the employee home.
- Following a positive evidential alcohol test the Port User will be removed from the site until the employee is deemed fit to resume work. The Port Users employer shall provide transport to deliver the employee home.
- Northport Ltd will notify the Port User of the test results as soon as reasonably practicable after the tests.

**Negative Drug or Alcohol Test:** A negative drug or alcohol test will result in the Northport employee and/or Port Users employment being continued with no loss of access.

**Positive Drug Test:** A positive drug test may result in a Northport Ltd employee being required to participate in a compulsory Rehabilitation Programme or becoming subject to disciplinary action. Port Users will be denied access to the Northport controlled premises and their manager will be informed.

**Positive Alcohol Test:** A positive alcohol test may result in a Northport Ltd employee being required to participate in a compulsory Rehabilitation Programme or becoming subject to disciplinary action. Port Users will be denied access to Northport controlled premises and their manager will be informed.

**APPENDIX I:**





**NORTHPORT LTD**  
**DRUG & ALCOHOL POLICY**

Revision 3 – 2016

I have read and understand the Northport Ltd Drug & Alcohol Policy, Revision 3. I understand if I do not comply with the policy, I may face legal or disciplinary action according to applicable laws or company policy.

**Signature** \_\_\_\_\_

**Employee Name** \_\_\_\_\_  
(PLEASE PRINT)

**Employee Position** \_\_\_\_\_

**Date** \_\_\_\_\_