

KiwiRail and RMTU Drug and Alcohol Collective Agreement Clause

KiwiRail and RMTU want their employees/members to be safe at work.

The work environment is unsafe if people are impaired at work by drugs and/or alcohol. Consequently, the possession, consumption, sale or storage of alcohol and/or unauthorised drugs in KiwiRail workplaces, including company vehicles, is prohibited.

KiwiRail and RMTU have developed a policy together with the purpose that our employees/members are clear about their responsibilities to be free from the risks associated with drug and alcohol misuse and to reassure KiwiRail customers that we have an agreed policy which is actively applied.

We expect people to come to work free from being under the influence of drugs and/or alcohol, including prescription and over-the-counter drugs. When being assessed by a medical professional, employees should inform the professional of the nature of their work so that appropriate medication and work attendance decisions can be made. Employees on prescription and over-the-counter medication that may impair their ability to perform their duties safely are required to inform their manager.

All employees will be subject to random testing at any time, even if they have been tested before.

KiwiRail and RMTU are committed to the rehabilitation of employees who have drug and/or alcohol issues and we encourage employees to voluntarily enter rehabilitation when they have a drug and/or alcohol problem.

Drug and alcohol testing will be conducted for pre - employment, for transfer from non - safety critical to safety critical roles, for post incident events and for reasonable cause. Post incident testing will be limited to those directly involved in the incident.

The disciplinary process will be invoked when test results warrant this and when there is a refusal to test.

The employer and the union will discuss the merits of the case. Rehabilitation is preferred, but KiwiRail and RMTU acknowledge that rehabilitation may not be appropriate in all cases. Required entry into, rehabilitation will only be offered to employees on one occasion. In the event of an employee returning a positive test rehabilitation may be offered. Once rehabilitation has been entered into and successfully concluded, if no further positive test is returned during a period of three years the employee may be offered another period of rehabilitation in the event of he or she returning a positive test.

If an employee voluntarily enters rehabilitation and does not return a positive result during the six random tests then the three year period will not be activated. If an employee voluntarily enters rehabilitation and returns a positive result through one of the six random tests, the nature of the rehabilitation will change to required entry and the three year period will apply.

Contractors will have an active Drug and Alcohol policy and procedures which meet all requirements of the KiwiRail Drug and Alcohol policy and procedures or be subject to KiwiRail's Drug and Alcohol Policy and Procedures with KiwiRail managing any testing.

The drug and alcohol process and procedures will be subject to and aligned with this policy.

KiwiRail and their employees retain their legal rights in the application of this policy.

Draft KiwiRail Drug and Alcohol Policy

Note this page does not apply to RMTU members covered by the RMTU and KiwiRail MECA

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The disciplinary process will be invoked when test results warrant this and when there is a refusal to test.

The employer will evaluate the merits of the case, and when union members are involved, discuss the merits of the case with the appropriate representative. Rehabilitation is preferred, but depending on the circumstances, may not be appropriate in all cases. Required entry into, rehabilitation will only be offered to employees on one occasion. In the event of an employee returning a positive test rehabilitation may be offered. Once rehabilitation has been entered into and successfully concluded, if no further positive test is returned during a period of three years the employee may be offered another period of rehabilitation in the event of he or she returning a positive test.

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The drug and alcohol process procedures which follow will be subject to and aligned with this policy.

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KiwiRail Drug and Alcohol Testing Procedures Applies to all Employees

1.0 TESTING PROTOCOLS

The testing procedures for drugs will be carried out in accordance with AS/NZS Standard 4308:2008 (and updates) “Procedures for Specimen Collection, and the Detection and Quantitation of Drugs of Abuse in Urine.” Details of testing procedures are provided in Appendix 2.

Testing for breath alcohol will be carried out using a device which complies with AS 3547-1997/ Amendment 1-2000 (Type 2) “Breath Alcohol testing devices for personal use.” Details of testing procedures are provided in Appendix 1.

Service providers (collectors and the laboratory) will be required to comply with the requirements of the drug and alcohol policy and procedures.

Drug Testing will be carried out by an independent third party as approved by KiwiRail. Alcohol Testing will be carried out by trained testers.

2.0 DEFINITIONS

Adulteration	Deliberate use of a substance to compromise, or attempt to compromise, the integrity of urine in order to attempt to “beat” the drug test: eg specimen dilution, using a masking agent, or providing a substitute urine specimen.
Alcohol	Includes any substance or beverage that contains ethyl alcohol including, but not limited to, beer, wine or spirits.
Breath Alcohol Testing Device (breathalyser)	A Breath Alcohol Testing device is a unit designed to accurately measure breath alcohol content. The unit must meet the Australian Standard: AS 3547-1997/ Amendment 1-2000 (Type 2) “Breath Alcohol testing devices for Personal use”.
Chain of Custody	<p>1. Employee to be Tested: Post Incident, Reasonable Cause, Random</p> <p>The employee will be closely supervised and accompanied by the manager (or the manager’s delegate) from the time of notification of the requirement to test until s/he has been delivered to the authorised collector. For post incident and reasonable cause, the alcohol test will be conducted within 1 hour and the urine specimen collected for the drug test will be collected within 3 hours (refer to 3.2.1.1 for emergency situations). <i>For random testing, systems will have previously been arranged to ensure the above time constraints are able to be met.</i></p> <p>2.Urine Collection</p> <p>A series of procedures to account for the integrity of each specimen by tracking its handling and storage from the point of specimen collection to final disposal of the urine.</p> <p>Chain of Custody forms are used to document the data from the time of collection of the specimen, throughout the on-site screening process and (where required) its receipt by the laboratory as well as dispatch between laboratories. Thereafter, appropriate laboratory data systems and</p>

	documentation account for the handling of the urine or aliquots within the laboratory.
Collector	<p>Drugs A person who has successfully completed NZQA qualifications demonstrating compliance with AS/NZS 4308: 2008 for:</p> <ul style="list-style-type: none"> • specimen collection, handling, storage and dispatch of specimens, and • “on-site” screening <p>and has received a statement of attainment in accordance with NZQA.</p> <p>The two unit standards required are:</p> <ol style="list-style-type: none"> 1. US 25458 “Perform urine specimen collection in the workplace for drug testing.” 2. US 25511 “Perform urine drug screening in the workplace.” <p>Alcohol A person who has been trained to use a Breath Alcohol Testing device in compliance with the testing procedures detailed in Appendix 1. The person can be either an authorised KiwiRail employee or a third party.</p>
Drugs:	Illicit, restricted and some currently legal drugs which have the potential to cause impairment, eg cannabis and hashish, opiates (such as heroin and morphine) cocaine, amphetamine type substances (speed, “P”, ecstasy and party pills containing benzylpiperazine), synthetic THC. The term also includes misuse of some prescription drugs (eg tranquillisers, sedatives) 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.
Integrity Testing	Testing for substances that affect the detection or quantitation of drugs or metabolites in the specimen.
Laboratory	A testing facility accredited against AS/NZS 4308:2008 (or any updates) at which the analytical procedures are carried out to screen for and/or confirm the presence of a specific drug or its metabolite(s).
Legal Drugs & Medications:	Legal substances available for use by employees to assist with recognised medical conditions, including both prescription and over the counter drugs/medication.
Metabolite	A metabolite is a breakdown product of a drug that may be less toxic and easier to excrete than the substance taken. Some drugs are not broken down, but they are converted into a form that is more water soluble. They are also metabolites.
Negative Alcohol Test	Means below 100 micrograms per litre (µg/litre) of breath, or equivalent blood alcohol level. This level is equivalent to zero alcohol tolerance.
Negative Drug Test	Means that as the result of a urine screening test (on-site or laboratory) and/ or a confirmed laboratory testing of the urine, either no drug(s) and/ or metabolite(s) are detected or the concentration(s) of drug(s) and/ or metabolite(s) detected are below the screening or confirmatory cut-off concentration(s) specified in tables 1 and 2 of AS/NZS 4308:2008 (Appendix 3).
Not Negative Drug Test	If the on-site screening device indicates the possible presence of a drug class (using the screening test cut off concentration(s) as defined by Table 1 of AS/NZ 4308:2008) or if the specimen integrity is in question, the result is reported as not negative. The collector shall dispatch the

	<p>specimen (split into more than one sample) to the laboratory for confirmatory testing.</p> <p>An interim report may be issued that can only advise that the specimen requires further laboratory testing, ie no indication of what caused the not negative.</p>
On-site Screening Test	<p>An Immunoassay device used to exclude the presence of drugs and/or metabolites in urine at the site of specimen collection and which has been verified in accordance with Appendix B of AS/NZS 4308:2008 (or any updates).</p> <p>This test must be carried out by a NZQA qualified collector. In the event that the specimen gives a not negative screen it must be sent to a laboratory for confirmatory testing.</p>
Positive Alcohol Test	<p>Means 100 micrograms per litre ($\mu\text{g}/\text{litre}$) of breath, or equivalent blood alcohol level, or higher.</p> <p>Below this level is equivalent to zero alcohol tolerance.</p>
Positive Drug Test	<p>Means that as a result of laboratory testing of the urine the concentration(s) of drug(s) and/ or metabolite(s) recorded are above the confirmatory cut-off concentration(s) specified in table 2 of AS/NZS 4308:2008 (Appendix 3).</p>
Random Selection	<p>Selection will be conducted by a 3rd party (eg ESR) using the “two pot” model. This model ensures that over time all employees are selected for testing. However, within a selected timeframe, some employees may be selected more than once.</p> <p>The selection process starts with identical employee lists in each “pot”. In each selection event 50% of the names are drawn from Pot 1 and 50% from Pot 2. Pot 1 gets repopulated with those names selected but the selections from Pot 2 are deleted. Eventually Pot 2 gets drained.</p>
Safety Critical	<p>Safety critical work is work where the actions or inactions of a person may lead directly to an accident/incident affecting the safety of that person and other people, or the safety of the rail network, ships or rolling stock and includes:</p> <ul style="list-style-type: none"> • Any work on or around the rail corridor • All work involving operating, marshalling, loading, moving, servicing or building equipment or rolling stock • Rail traffic control including network, train control and signalling • All onboard personnel – ships and trains
Workplaces/Sites	<p>A reference to a workplace or site includes all premises (whether owned by KiwiRail or leased), including offices, depot’s, workshops, the rail corridor, locomotive engines, Interisland ferries, Tranz Metro and Tranz Scenic passenger trains and company vehicles.</p>

3.0 PROCEDURES FOR TESTING

3.1 PRE-EMPLOYMENT TESTING – INTERNAL AND EXTERNAL APPLICANTS

3.1.1 Information for External Applicants

The applicant will be informed by the Recruitment Advisor (HR Department) and/or the Employing Manager that all job applicants including agency and temporary staff are required to undertake drug testing and an offer of employment will not be made without a negative test result.

3.1.2 Information for Internal Applicants

Drug testing will be undertaken for all internal applicants transferring from non-safety critical to safety critical roles.

The internal applicant will be informed by the Recruitment Advisor (HR Department) and/or the Employing Manager that they are required to undertake drug testing. Internal applicants will not transfer into safety critical roles without a negative test result.

3.1.3 Obtaining Consent

The applicant (internal or external) will be required to read and complete the Consent Form for Pre- Employment Drug Testing (Appendix 4). If the applicant refuses then the recruitment will not be progressed.

3.1.4 Testing for Pre-Employment

KiwiRail will arrange for the collection and analysis of a urine specimen by a company approved collector.

The drug classes will be tested for by a screening method which meets AS/NZS 4308:2008. Negative tests will be reported. All not negative screening tests will be confirmed by laboratory analysis.

The approved collector and laboratory may disclose the results of a negative and/ or confirmed positive test when known, but will not be required to discuss the implications of positive results with applicants. This is the responsibility of the Recruitment Advisor or employing manager.

Test results will be forwarded to the Recruitment Advisor. No offer of employment, or transfer to safety critical roles will be made until negative results have been received.

3.1.5 Positive Results – External Applicants

If an applicant returns a confirmed positive test for drugs or specimen integrity failure, or refuses to submit to testing, no offer of employment will be made.

3.1.6 Positive Results – Internal Applicants

If an internal applicant returns a confirmed positive test for drugs or specimen integrity failure or refuses to submit to testing, they will remain in their substantive position and the disciplinary process will be invoked.

3.2 POST INCIDENT AND REASONABLE CAUSE TESTING

3.2.1 Information

For post incident, reasonable cause and random testing, the testing will take place as soon as possible after the need for a test has been identified or the person has been notified that s/he has been randomly selected. In order for testing to occur you may be requested by your manager to remain beyond your working hours, (1 to 3 hours as per the chain of custody timeframes). The employee will be closely supervised and accompanied by the manager (or the manager's delegate) from the time of notification until s/he has been delivered to the authorised collector. For post incident and reasonable cause, the alcohol test will be conducted within 1 hour and the urine specimen collected for the drug test within 3 hours (see 3.2.2.1 for emergency situations). For random testing, systems will have previously been arranged to ensure the above time constraints are able to be met.

The person(s) will be given the opportunity to have a representative present. However, this must not be allowed to unduly delay the testing.

The employee will be asked by the manager or delegated person to sign informed consent forms consenting to the drug and alcohol tests (see appendix 4).

The disciplinary process will be invoked for:

- Failure to consent to being tested
- Returning any drug and/or alcohol positive test
- Providing a specimen which fails integrity testing.

3.2.2 Post Incident Testing

Post incident testing relies on the chain of custody being unbroken.

Employees directly involved in a serious accident and/or operating incident will be asked to submit to testing. Examples of the type of incident that will result in post incident testing include but are not limited to:

- When incident results in a death of an employee or lost time injury.
- Damage to property estimated to be greater than the value of \$20,000.
- SPAD A incidents.
- Rail service vehicle collisions
- Employees will not be tested after level crossing and trespass fatalities

NB: any other incidents that fall outside of the above will be treated as a reasonable cause judgement Such as

- Road accidents
- When there is reasonable cause to test post incident

3.2.2.1 Procedure for Emergency Situation

Where it is not practical for a test to be carried out immediately due to the injuries to the employee or where other corrective actions are required (injury, trauma, fire, spill etc), the manager or supervisor must:

- a. Attend to the other corrective actions.
- b. Ensure that a KiwiRail representative accompanies the employee to the hospital/doctor so that the required tests can be carried out as soon as practicable.
- c. If the injuries preclude immediate tests, ensure the tests are organised by an approved collector at the first practical opportunity. Please note this is subject to the chain of custody not being broken.

3.2.3 Reasonable Cause Testing

Drug and/or Alcohol testing will be undertaken in any instance when there is reasonable cause to suspect that drug and/or alcohol use has occurred on a KiwiRail or KiwiRail customer's site, or that any person is under the influence of drugs or alcohol.

Any person may identify that there may be reasonable cause to test any other person for drugs or alcohol. Reasonable cause testing shall be carried out whenever the line manager has taken steps to validate these concerns through consultation with either a senior manager, HR, HSE representative and, where appropriate, the union.

3.2.4 Random Testing

Random, unannounced testing will follow the periodic random selection of a defined number of persons and anyone may be tested at any time, even if they have been tested before.

A randomly selected sample, representing a cross section of all employees, will be notified that they are to participate in a drug and alcohol test. The selection process will be contracted out to an external service provider who will be required to use the two pot system for conducting the selection process.

Random testing will be completed during the normal working hours of the employee.

3.3 DRUG AND ALCOHOL TESTING PROCEDURES

3.3.1 Arranging the Tests

Following any incident that meets the required **post incident** criteria, or when **reasonable cause** has been identified, the manager or person delegated by the manager in consultation with HR will arrange for drug and/or alcohol testing of the employee(s) through the approved collector.

The manager or delegated person will meet with the employee involved, state that drug and/or alcohol testing will be carried out and explain why.

When an employee has been selected for **random testing** s/he will be notified of this selection by the manager.

The manager must ensure that the employee has available verification of identification to show to the collector before the collection can proceed. Whilst photo

ID with signature is preferable, an alternative verification is acceptable. *(NB: a manager verifying the donor's identity is not considered unequivocal verification).*

When an employee has been identified for drug and/or alcohol testing as part of rehabilitation, the approved collector will coordinate the testing in conjunction with the line manager for both comparison testing and follow-up unannounced testing (refer to Section 4).

3.3.2 Obtaining Consent

Prior to the test being administered, the procedure for testing, including the consequence of refusing to undertake the test, shall be explained to the employee by the manager,

The manager will ask the employee to read and sign the informed consent forms (Appendix 4) for drug and alcohol testing. These forms are found on the KiwiRail intranet in the Health and Safety Section.

Once the employee has signed the consent form(s) a copy of each should be faxed or emailed to the KiwiRail HSE team.

3.3.2.1 Refusing to consent

If the employee refuses to undertake testing they should be advised that refusing to test is considered serious misconduct and it may lead to their dismissal.

If they continue to refuse to undertake testing, the employee will be given the opportunity to explain the reasons which will be recorded and taken into account as part of the subsequent investigation under KiwiRail's disciplinary procedures.

The employee shall then be stood down from work, on full pay, until the investigation is undertaken and the disciplinary process is complete.

KiwiRail will provide transport to take the employee home.

3.3.3 Test Results

The test results will be reported by the collector and/ or the laboratory to the KiwiRail Health and Safety team who will forward them onto the appropriate Manager and HR Advisor who will the inform the employee, and the union on request.

The collector will immediately report negative on-site drug screening results and the breath alcohol result. If the drug screen gives a not negative test result, the collector will only provide an interim report stating that the urine specimen has been dispatched to the laboratory for further confirmatory testing. The employer's copy of the chain-of-custody form from the collector will not disclose the reason for the not negative reaction.

The laboratory will report either a negative result or a confirmed positive result for the specific drug and or metabolite identified and proven to be above the confirmatory cut-off concentration. Confirmation of any specimen integrity failure will also be reported. The actual concentration of the drug or metabolite will not be stated on the laboratory report.

NB: For post incident and reasonable cause testing, it is recommended that consideration be given to sending specimens giving negative on-site screening results to the laboratory and requesting them to test for other drugs which may not be detected in the on-site screen. From time to time KiwiRail can decide to conduct extended testing during any random testing process.

Where the **result is negative** the KiwiRail Health and Safety team will inform the manager and HR Advisor, who will inform the employee. Provided there are no further safety concerns, the manager may authorise the employee to return to normal duties.

Where the **alcohol test is positive** and/or the confirmed **laboratory result is positive for drug(s) or specimen integrity failure** the KiwiRail Health and Safety team will inform the appropriate manager and HR Advisor who will inform the employee.

The employee does have the right to request that the reserve urine sample that was sent to the laboratory as a split sample is tested. They must make this request within 7 days. The cut-off concentrations do not apply when testing the reserve sample.

The employee will continue to be stood down on full pay and the disciplinary process will commence.

4.0 DRUG AND ALCOHOL REHABILITATION PROGRAMME

KiwiRail will assist employees through the Drug and Alcohol Rehabilitation Programme with managing drug and alcohol issues. All testing completed under this rehabilitation agreement will test for both alcohol and drugs.

4.1 Procedure for Voluntary and Required Entry onto the Drug and Alcohol Rehabilitation Programme

Voluntary Entry

The manager will meet with the employee and establish if they are entering the programme for drug and/or alcohol issues. They will also discuss any other factors that may be contributing to the problem.

Required Entry

The outcome of a disciplinary process for a positive drug and/or alcohol result may be that the employee is required to enter into KiwiRail's Drug and Alcohol Rehabilitation Programme.

Step 1:

In both cases, voluntary and required entry, the employee will have the opportunity to bring a support person with them to go through the sign up procedure and testing process.

Step 2:

The employee will read and complete the KiwiRail Voluntary Alcohol and Drug Wellbeing Programme Agreement found on the KiwiRail intranet in the Health and Safety section.

A copy of this will be sent to the KiwiRail Health and Safety team and the appropriate HR Advisor.

Step 3:

The employee will read and complete the EAP Employee Authorisation Form and the manager will complete the EAP Manager Referral Form found on the KiwiRail intranet in the Health and Safety section.

A copy of these will be sent to the appropriate HR Advisor to pass onto EAP Services to commence the counselling.

Step 4:

Contact KiwiRail's approved collector or EAP service provider who will organise for comparison tests for drugs and alcohol to be conducted. For drugs this must be a laboratory only test and the laboratory is instructed to do comparison testing. The first test is called the baseline test and further test results are compared against the baseline result.

If the baseline test returns a **negative** result the employee can return to their role, or be provided with non-safety critical duties if appropriate.

If the baseline test returns a **positive** result the employee should be either:

- Stood down on full pay until a negative comparison test is returned or
- Provided with suitable non safety critical duties until a negative comparison test is returned

Throughout the rehabilitation programme the employee will be regularly tested for alcohol and/ or drugs (using only comparison laboratory drug test) to monitor the employee's pattern of use since the initial baseline test.

The employee must provide a negative comparison test (ie below the cut-off concentration) before being considered fit to return to their normal job.

Step 5:

The employee will be contacted by EAP Services to arrange the initial drug and alcohol assessment and the following counselling sessions.

The manager will receive a report from EAP Services after the initial assessment and following every counselling session. Information provided will include:

- Session number and date
- If the employee has kept the scheduled appointments and any comments
- If the employee is following the counsellors course and comments
- The counsellor's recommendations including number of sessions required, progress and ongoing management
- If the employee is aware that testing continues after counselling

Step 6:

The KiwiRail Rail Health and Safety team will inform the KiwiRail approved collector to commence the follow-up unannounced drug and/or alcohol testing once the employee has received a return to work clearance.

The drug tests must only be conducted by the laboratory who, depending on the advice of the rehabilitation service provider and the Kiwi Rail Health and Safety team, may be instructed to test at any level (ie below the cut-off concentrations) and report any evidence of ongoing use.

The KiwiRail approved collector will contact the manager 24 hours before they intend to carry out a follow-up unannounced drug or alcohol test

4.2 Programme Funding

KiwiRail will fund rehabilitation as follows:

- The cost of the initial drug and alcohol assessment with a counsellor
- The cost of counselling sessions up to a maximum of 5
- The cost of the comparison drug and/or alcohol tests required to determine return to work following a positive drugs or alcohol test result.
- The cost of 6 follow-up unannounced drug and/or alcohol tests for a twelve months period following the commencement of counselling.

5.0 RETURN TO WORK DECISION

On the advice from the rehabilitation service provider and drug and/or alcohol testing provider the employee's manager will make a decision on a return to work.

The options are:

- If the employee's normal job is declared safety critical, non safety critical alternative duties, if feasible, can be found which do not place the individual, other employees or the company at risk while the employee is waiting to return a negative drug and/or alcohol result
- When the employee has returned a negative alcohol and/or drug test a return to normal duties decision can be made
- If no non safety critical alternative duties exist the employee is not to return to any form of work until they have returned a negative drug and/or alcohol test.

6.0 USE OF LEGAL MEDICATION/DRUGS

Where, **prior to any test**, an employee has notified their manager or HSE Coordinator of legal medication use, and where the test result is not negative, the manager may decide to not stand the employee down subject to the following;

- Confirmation from the KiwiRail Toxicology Advisor, Medical Advisor and Health and Safety team that the screening result is consistent with the known use of legal medication
- There is no evidence that the employee may be using legal medication to mask illegal drug use
- There are no safety concerns independent of the test result

Where an employee has not been stood down in these circumstances and laboratory

results determine that drug use has occurred that is unrelated to the legal use of medication the employee will immediately be stood down and actions required following a positive result will be implemented. Where evidence exists that an employee has used legal medication to mask illicit drug use this will be regarded as serious misconduct.

When, after providing a specimen resulting in a not negative result the employee then declares the use of legal drugs/medication, this will not represent “prior notification” as required by this clause and the employee will be stood down. The declared use of legal drugs/medication will however be noted on the consent form and will be considered by the KiwiRail Health and Safety team in their review of laboratory results when received.

Where an employee, who is taking legal medication, exhibits behaviour that gives rise to the need for a Reasonable Cause test, the Manager must review the circumstances with the HSE Coordinator and/or senior manager. Regardless of whether the test result is negative or positive, before allowing the employee to return to work, the manager must be satisfied that the behavioural issues that gave rise to the test are no longer of concern.

7.0 ALCOHOL ON COMPANY PREMISES

In no instances will approval be given for the consumption of alcohol on company premises.

Employees shall not return to work following the consumption of alcohol at work events.

8.0 DRUG AND ALCOHOL OFFENCES

If KiwiRail becomes aware that an employee is being investigated by police, or has been convicted, in relation to alcohol and drug offences, including drunk driving or driving under the influence of drugs, KiwiRail will take action as is appropriate in the circumstances. This may include an investigation into their ability to carry out their duties.

9.0 EDUCATION

KiwiRail will ensure that employees are aware of the Drug and Alcohol Policy and its location. KiwiRail will also provide education on drug and alcohol issues when it is deemed appropriate and may include such activities as:

- Tool Box Topics
- External drug and alcohol awareness training
- Workshops
- Online training

10.0 PRIVACY

All information gathered as a result of drug and alcohol testing is collected for the purpose of implementing KiwiRail’s Drug and Alcohol Policy and associated procedures. The information will remain confidential between the employee, the

employee's representative and the employer and will be held within a secure filing system which will only be accessed and used by authorised persons and only for its intended purpose.

11.0 RELATED DOCUMENTS

Other Documents	Location/Kept By
<ul style="list-style-type: none">• HSC Toolkit• Fit for work policy• HRS3 – Medical standards• HR policies and guidelines• Employment Agreements	KiwiRail Intranet KiwiRail Intranet KiwiRail Intranet KiwiRail Intranet KiwiRail Intranet

Appendix 1

BREATH ALCOHOL TESTING PROCEDURE

All aspects of the testing procedure will be carried out in a confidential and private manner.

The individual will be escorted to the approved testing site and will be required to provide verification of identification. The test for alcohol will be carried out by using a Breath Alcohol Testing Device, which complies with the AS 3547-1997 / Amendment 1-2000 (Type 2), for the measurement of alcohol.

- An alcohol testing informed consent form (Appendix 4) will have been previously signed and a copy of this this will be provided to the tester.
- The individual will be closely observed for 10 minutes prior to the first test to ensure they have not taken any fluid, food or other substances into the mouth or smoked.
- The first test will require the individual to blow into the device with a disposable mouthpiece.
- If the result is negative (less than 100 µg/L) no further test follows.
- If the result is greater than or equal to 100 µg/L a confirmatory test on the same device (using a new mouthpiece) will be conducted after a 15-20 minute period.
- The time and result will be recorded.
- If the result of the confirmatory test is negative, no further action will be taken and if positive, then the positive result will be recorded as confirmed.
- The employee, supervisor and person administering the test will sign acknowledgement of the confirmed result and time.

For a negative result: The employee is clear to return to work. However, before returning the employee to work, consideration needs to be given to all the events surrounding the situation. Managers and the employee will consider such things as the employees' readiness to work and the availability of appropriate work.

For a confirmed positive result: The manager will be informed of the result and the employee will be stood down on full pay and the disciplinary process will commence.

The employee will be transported home.

Appendix 2

DRUG TESTING PROCEDURES

- a. All aspects of the testing procedure will be carried out in a confidential and private manner. Note the applicable standard AS/NZS 4308:2008.
- b. An informed consent form for drug testing (appendix 4) will have been previously signed by the donor (applicant or employee) (refer to 3.1.3 & 3.2).
- c. The donor will report to (pre-employment) or be accompanied to (post incident, reasonable cause, random, comparison, follow-up) the approved collector and will be required to provide verification of identification. (NB: the accompanying person verifying the donor's ID is not considered unequivocal verification).
- d. The donor will be able to observe the entire specimen collection, processing, on-site screening test and chain-of-custody procedure, including the splitting of the specimen (if confirmation is required) into multiple samples for dispatching for laboratory testing.
- e. A chain- of-custody form will be partially completed initially, with final signatures being applied after the specimen has been collected and processed. This form contains as a minimum:
 - Verification of donor's identity (whilst photo ID and signature is preferable, alternative external ID is acceptable)
 - Two identifiers unique to the donor (eg full name and date of birth)
 - Date & time of collection
 - Name and site of collector
 - The Company details
 - Results of specimen integrity tests carried out at the point of collection
 - Declaration by the collector that the specimen has been collected and (if applicable) screened on-site in compliance with AS/NZS 4308:2008
 - Confirmation by the donor that the specimen is their own and was correctly taken.
- f. A urine specimen will be provided in a manner that allows for individual privacy. **Observed collection (including the collector standing close to the donor without a barrier in between) will only be considered if the donor has provided an initial specimen which has failed an integrity test, and the donor has agreed to provide another specimen.**
- g. The donor also may note the temperature reading on the collection vessel and verify the temperature reading was correctly recorded on the form.
- h. Further tests for specimen integrity (e.g. dilution, masking agent) will be conducted in the presence of the donor.
- i. The donor will be asked to voluntarily provide information on drugs/ medication they have used recently. This information is only for the laboratory and will not be made available to KiwiRail unless the laboratory is able to match their test findings to the declared medication.
- j. The donor will be asked to read, sign and approve of the date on the chain-of-custody statement certifying the specimen is theirs and has not been changed or altered at the time of the collection and that any screening tests conducted were carried out in their presence. **NB: This is the last item to be completed on the chain-of-custody form(s).**

k. The specimen will be analysed using either option “i” or “ii” or both:

“i” Screened at the collection site using a verified “on-site” immunoassay device and process which complies with AS/NZS 4308: 2008.

- If this option is taken, negative results, which is where drug classes are **not** detected at the levels specified in the screening test table in Appendix 3, can be reported. (refer to “Negative screening result” below).
- All specimens screening “not negative” or considered to have suspect integrity will be sent to the laboratory for confirmatory testing. If the specimen integrity is suspect another specimen must be also collected and both specimens forwarded to the laboratory.

“ii” Dispatched to the laboratory for both the screen and confirmation tests.

- The laboratory uses a two-phased process. In the first phase, the specimen is screened, using the immunoassay technique or a mass spectrometry screen, for the presence of drugs at or above the screening cut-off levels.
- If a “not negative” result is obtained, a second, more specific confirmatory test is conducted. This test, either gas chromatography/ mass spectrometry (GCMS) or liquid chromatography/ mass spectrometry/ mass spectrometry (LCMSMS) is considered by scientific and medical experts to be the most reliable procedure available.
- Diluents, masking agents and substances affecting the specimen integrity are also tested for.
- The laboratory will report all the drug classes tested for. Those either not detected or below the cut-off concentration will be reported as “negative:” Individual drugs and/or metabolites confirmed as level(s) equal to or above the cut-off concentrations tabulated in the Confirmatory Tests (Appendix 3) will be report as positive. **NB: The report will not include the actual concentration(s).**
- The laboratory will also report any abnormal dilution or any other integrity measurement that may have affected the test result.
- If a donor disagrees with an initial positive test result then they have the option of having the reserve donor sample tested at the same or another accredited laboratory. This request should be made within 7 days of receiving the initial result and this reanalysis looks for the presence of any amount of the drug (i.e. it is not restricted to cut-off levels).
- 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 donor. If the second test result proves negative this will be accepted as a conclusive result and the costs associated with this test will be borne by the Company

Results of Drug Testing

Negative screening result: The employee may be clear to return to work. However, before returning the employee to work consideration needs to be given to all the events surrounding the situation and the possibility that drugs not covered in the screening test may be adversely affecting the employee’s performance or behaviour. In these cases the manager should consider having the specimen forwarded to the laboratory for testing for substances which would not be detected with “on-site” screening and instructing the laboratory to conduct testing for additional drugs. Managers and the employee will also consider such things as the employees’ readiness to work and the availability of appropriate work.

Dilute urine specimen or other specimen integrity failure: The employee should be requested to wait at the collecting site for a period until they are able to deliver a second specimen. Both specimens will be forwarded to the laboratory to confirm the extent of dilution and/or the integrity failure.

Not negative screening result: The urine specimen will be sent to the laboratory for analysis. Whilst the laboratory results are awaited the employee will be stood down on full pay.

The employee will be transported home.

Confirmed positive result: The manager will be informed of the result and the disciplinary process will commence.

Appendix 3

CUT-OFF CONCENTRATIONS FOR DRUG TESTING – Refer AS/NZ 4308:2008

Screening Tests

Screening Test Cut-Off Concentrations for Drug Classes

Class of Drug	Cut-off level (microgram/litre)
Opiates	300
Amphetamine type substances	300
Cannabis metabolites	50
Cocaine metabolites	300
Benzodiazepines	200

Confirmatory Tests

Confirmatory Test Cut-Off Concentrations (As Total Drug)

Compound	Cut-off level (micrograms/litre)
Morphine	300
Codeine	300
6-Acetylmorphine*	10
Amphetamine	150
Methylamphetamine	150
Methylenedioxymethylamphetamine	150
Methylenedioxyamphetamine	150
Benzylpiperazine*	500
Phentermine*	500
Ephedrine*	500
Pseudoephedrine*	500
11-nor- Δ^9 -tetrahydrocannabinol-9-carboxylic acid	15
Benzoyllecgonine	150
Ecgonine methyl ester	150
Oxazepam	200
Temazepam	200
Diazepam	200
Nordiazepam	200
α -hydroxy-alprazolam	100
7-amino-clonazepam	100
7-amino-flunitrazepam	100
7-amino-nitrazepam	100

* these drugs may be optionally tested within each class and the specified cut-off levels shall apply

Appendix 4

1. Consent For Drug Testing (Pre-employment and Current Employee)

I consent to undergo a drug test, to be undertaken by a NZQA qualified collector and “on-site” screener and accredited laboratory appointed by KiwiRail which I acknowledge is for the purpose of determining whether I have:

- Level(s) of an illicit or restricted drug(s) or a misused prescribed present in my urine, higher than the accepted international standard as defined by the Australian/ New Zealand Standard AS/NZS 4308:2008, or
- Level(s) of other mind altering substances (eg party pills, herbal highs) confirmed by the laboratory as detected at or above the laboratory determined level and tested in compliance with AS/NZS 4308: 2008

I understand that a urine specimen will be collected and the drugs being tested for are cannabinoids, opiates, amphetamine type substances (including party pills containing benzylpiperazine), cocaine, benzodiazepines, and other mind altering substances if applicable (including synthetic THC).

I undertake to advise the NZQA qualified collector of any medication that I am taking. I also agree to provide the collector with verification of my identity (either photo ID or an alternative proof) and two unique identifiers (eg full name and date of birth).

I consent to the results of the drug test(s) being communicated confidentially to KiwiRail.

I understand that I may request a second test be conducted on the reserve specimen held at the laboratory and analysed within 7 days of receiving the result. 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 and costs associated with this test will be borne by me. If the second test proves negative this will be accepted as a conclusive result and costs associated with this test will be reimbursed by KiwiRail.

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 understand that a refusal to sign this form for the drug test, or the return of a positive result means that:

- pre-employment/ internal transfer:** the job offered/ applied for will not be confirmed or offered to me
- current employee:** the company disciplinary procedure will follow which may include dismissal or the requirement to take part in a Rehabilitation Programme (for the first positive only).

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

Signature of Applicant: **Date:**.....

Applicants Name:

Witnessed: **Date:**.....

Witnesses Name:

2. Consent for Breath Alcohol Testing (Current Employee)

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 or higher than 100µg/L (zero alcohol tolerance).

I consent to having a breath test conducted using a device which is compliant with AS 3547: 1997/Amendment 1-2000 (Type 2).

Results of the breath alcohol test will only be used for the purposes for which it was obtained, as set out in KiwiRail’s Drugs and Alcohol Policy. Exchange of information concerning the test will be in accordance with the requirements of the Privacy Act.

I understand that a positive test result is likely to lead to disciplinary action which may include dismissal or the requirement to take part in an Alcohol Rehabilitation Programme (for the first positive only).

I understand that a refusal to sign this form and undergo a breath alcohol test will be regarded as a serious offence and is likely to result in disciplinary action which may include dismissal.

I hereby authorise the collection and testing of a breath specimen for alcohol, and the release of the test results to the authorised representative of KiwiRail.

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

Signature of employee:.....

Date:.....

Employee’s Name:.....

Witness’ Signature:.....

Date:.....

Witness’ Name:

Test administered by KiwiRail at(time & date).....

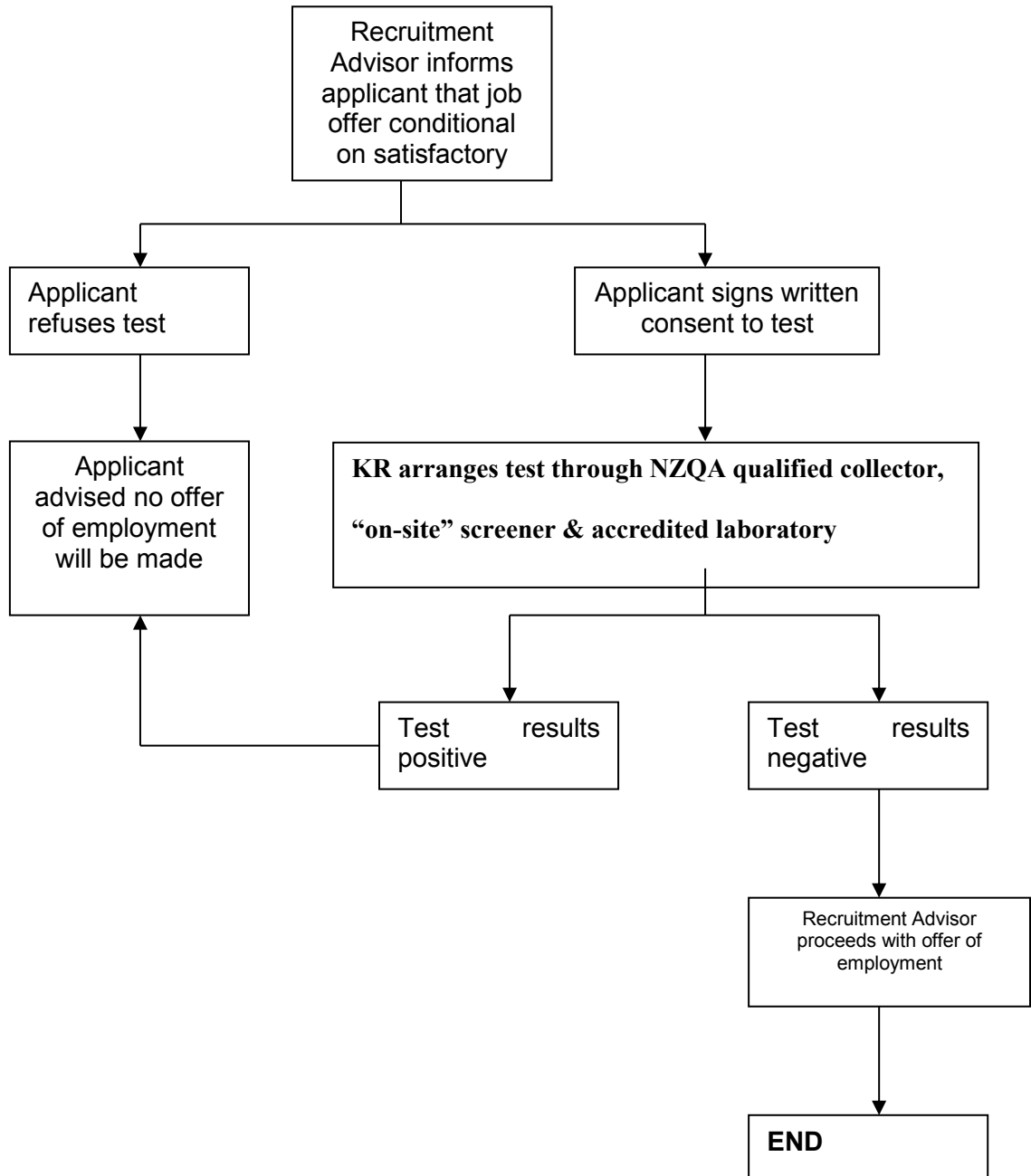
by.....
(name & signature)

Reading:**Result – negative / positive (circle the one that**

DRUG AND ALCOHOL FLOWCHARTS

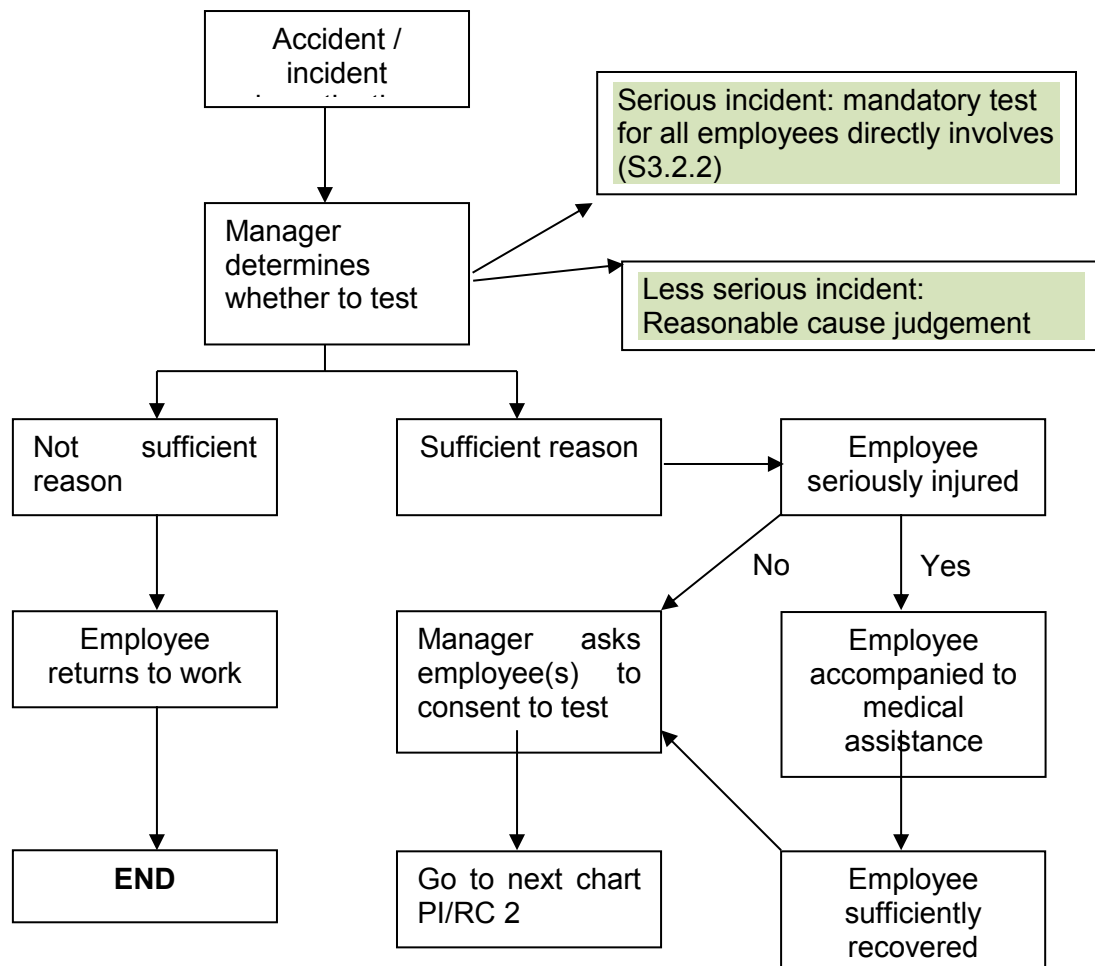
Flow Chart 1

PRE-EMPLOYMENT TESTING



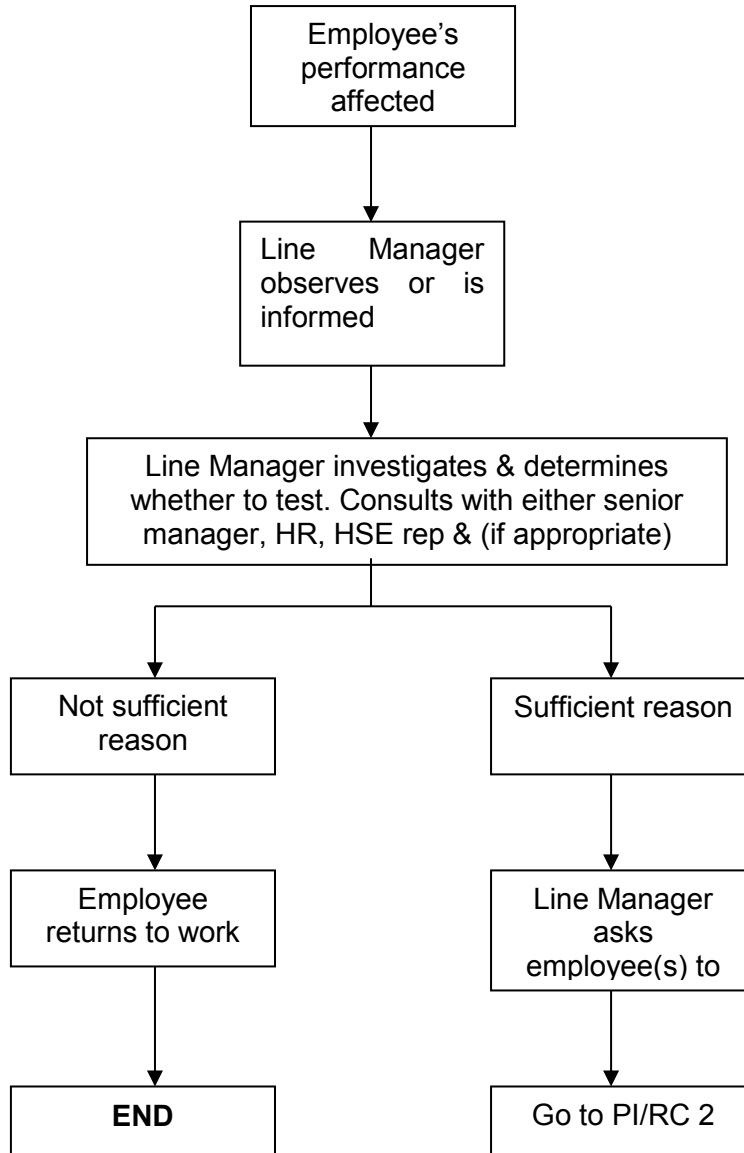
Flow Chart 2

POST INCIDENT TESTING. FLOWCHART PI 1



Flow Chart 3

REASONABLE CAUSE TESTING. FLOWCHART RC 1



Flow Chart 4
POST ACCIDENT/ INCIDENT, REASONABLE CAUSE.
FLOWCHART PI/RC 2 & RANDOM TESTING.

