 <p><b>BAY OF PLENTY</b> DISTRICT HEALTH BOARD HAUORA A TOI</p> <p><b>IMPAIRMENT PROTOCOL</b></p>	<p><b>IMPAIRMENT - DRUGS AND ALCOHOL MISUSE IN THE WORKPLACE</b></p>	<p><b>Policy 5.4.5 Protocol 4</b></p>
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## STANDARD

1. Bay of Plenty District Health Board (BOPDHB) is committed to providing a safe and healthy workplace for employees, contractors, students, volunteers, patients and members of the public by ensuring a work environment that is free from the unlawful manufacture, distribution, sale, possession, or use of non-therapeutic drugs or alcohol.
2. Deliberate abuse or accidental overdose of prescribed drugs is also covered by this policy.

## PURPOSE


1. Employees who are experiencing alcohol and / or substance misuse problems have access to treatment, rehabilitation, education and support, with the aim of early recovery and reduction in adverse effects on their work performance, capability, health and safety.
2. To ensure employees attend work and perform their duties unaffected by inappropriate consumption of drugs or alcohol.
3. To assist managers, professional advisers and other employee representatives to detect substance abuse in the workplace at an early stage so intervention can be implemented.

## STANDARDS TO BE MET

### 1. Alcohol and Drug Free Workplace

- 1.1 Employees, contractors, trainees and volunteers may not consume alcohol during working hours or at such a time where consumption may reasonably be expected to affect their work performance.
- 1.2 Where employees are in breach of any of the following due to the use of drugs or alcohol they will be subject to normal disciplinary procedures:
  - a) Their ability to perform their duties would be compromised in any way
  - b) Whether offence could be caused to patients, clients, other staff, visitors or the general public
  - c) Their behaviour as attributed to the misuse of drugs or alcohol poses a health and safety risk to themselves or others
  - d) Where the direct clinical care of patients may be compromised by their condition or behaviour
- 1.3 Possession, distribution or the sale of illegal drugs is not permitted on any BOPDHB premises or by any BOPDHB employee, contractor or other.
- 1.4 Criminal charges relating to the possession, distribution, sale or use of drugs for non-medical reasons would be regarded as a serious breach of BOPDHB employment policy, and disciplinary action may follow.
- 1.5 Examples of substances that could be considered within the scope of this policy are, but not limited to: alcohol, cannabis, anti-depressants, hallucinogens, inhalants, opiates, methamphetamines or stimulants.
- 1.6 BOPDHB encourages employees with substance misuse, abuse or dependency problems to seek appropriate professional support.

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1.7 BOPDHB reserves the right to request a spot check from an employee, if there is reasonable cause to believe they are under the influence of drugs and alcohol while at work. Such checks will be at BOPDHB expense.

## 2. Management Responsibilities

Managers are responsible for:

- 2.1 Ensuring that employees are aware of the expected conduct for all employees in respect of misuse of substances.
- 2.2 Supporting employees who are undergoing treatment, or are in the process of recovery, from misuse of substances.
- 2.3 Performance managing these employees by agreeing an action plan, coaching and timeframes, with regard to any treatment or assistance the employee is receiving.
- 2.4 Supporting colleagues who may be in crisis or recovery from substance misuse, abuse or addiction.

## 3. Employee Responsibilities


Employees are responsible for:

- 3.1 Participation in reasonable cause alcohol and drug testing and any subsequent recovery rehabilitation programme, if they have been identified as requiring assistance, or they have requested assistance.

## 4. Process for Alcohol and Drug Testing an Employee

- 4.1 When a staff member has concerns regarding an employee possibly being under the influence of alcohol and or drugs while at work they are to notify this, during:
  - a) **Day Shift:** To the senior staff member e.g. Team Leader or Shift Coordinator who will then....
  - b) **After Hours:** To the Duty Manager who will then....
- 4.2 ...take the employee indicated aside to a private area and explain that concerns have been raised regarding them being at work while **appearing to be** under the influence of alcohol and or drugs. Prior to any tests being administered the employee should be given a copy of the impairment policy and protocols to read and be given the opportunity to contact their Union or employment relations representative.
- 4.3 **Establish** whether there is **reasonable cause** or not by indicating reasons on the **Alcohol and Drug Testing Form** checklist). The Department's HR Advisor may be consulted on whether there is proper reason to invoke reasonable cause testing. There must be consensus before reasonable cause for testing proceeds.
- 4.4 If **reasonable cause is established** i.e. they confess or they have the smell of alcohol about them and/or their behaviour is consistent with being under the influence of alcohol and or drugs you are to explain that according to the BOPDHB policy 3.50.02 they are to complete a consent form to allow alcohol and drug tests to be carried. Also provide a copy of the policy and ask if they would like to have a support person or union representative present.

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4.6 If **reasonable cause is established** but the Employee refuses to have the tests they then need to be informed that this refusal may be considered in breach of their terms of employment and will be investigated in accordance as per the BOPDHB policy 3.50.02.

4.7 Person taking samples to complete the **Alcohol and Drug Testing form** detailing the above.

4.8 Complete an **Incident Form** for the manager to undertake a full investigation of the circumstances surrounding misuse of drugs in the workplace and provide the employee with a copy of the details

4.9 BOPDHB will notify the employee of the test results as soon as reasonably practicable after the test.

#### 4. Rehabilitation

5.1 A positive drugs test will result in the employee being required to participate in the BOPDHB compulsory rehabilitation programme. The Employee Health & Safety Service will arrange referral to an alcohol and drug rehabilitation provider and until the initial assessment has been made, the manager / supervisor will arrange for the employee to be suspended with pay.

5.2 At the initial assessment, the rehabilitation service provider will discuss with Employee Health & Safety staff as to whether the employee is able to work in a drug sensitive job. The department HR Advisor and the employee's manager / supervisor will determine if there are any appropriate duties for the employee.

5.3 If the employee is not deemed fit to resume work then they will be required to take leave until such time the rehabilitation service provider deems them fit to be able to return to work. BOPDHB may also request a second opinion as to whether or not the employee should be considered as fit to return to work and what limitations may or may not be appropriate.


#### REFERENCES

- [International Labour Organisation \(ILO\) – Management of Alcohol and Drug related issues at Work](#)
- [Health and Safety at Work Act 2015](#) and [Regulations 2016](#)

#### ASSOCIATED DOCUMENTS

- Bay of Plenty District Health Board policy 5.4.5 Impairment – Management of Impaired Employee
- Bay of Plenty District Health Board policy 5.4.5 protocol 1 Impairment – Management of Impaired Employee
- Bay of Plenty District Health Board policy 5.4.5 protocol 2 Impairment – Possible Causes of
- Bay of Plenty District Health Board policy 5.4.5 protocol 3 Impairment – Identification and Management of Employee Impairment
- Bay of Plenty District Health Board policy 2.1.4 Incident Management

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- Bay of Plenty District Health Board policy 3.50.02 protocol 7 Staff Management - Supporting Staff
- Bay of Plenty District Health Board policy 3.50.02 protocol 9 Staff Management - Investigation Process
- Bay of Plenty District Health Board policy 3.50.02 protocol 15 Staff Management - Disciplinary Process
- Bay of Plenty District Health Board policy 3.50.05 Protected Disclosures
- Bay of Plenty District Health Board policy 3.50.00 protocol 1 Shared Expectations (Code of Conduct)
- Bay of Plenty District Health Board policy 5.3.10 Stress and Fatigue - Management in the Workplace
- Bay of Plenty District Health Board policy 5.4.7 Threatening Behaviour, Bullying, Harassment & Violence in the Workplace – Management
- Bay of Plenty District Health Board Form FM.A16.1 Alcohol and Drug Testing Record
- Bay of Plenty District Health Board Incident Form

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