



Federation of Rail Organisations of NZ.

Alcohol and Drug Policy and Guidelines

This standard is a FRONZ Mainline Operators standard as defined in the terms of the sale agreement between the Crown and KiwiRail.

- Please ensure that the Medical Advisor used is aware of **your** FRONZ Mainline Operators contact details to send results to.
- Where the words 'Rail Personal' or 'Staff' are used in this document, in a FRONZ Mainline Operators Operation these words refer to Heritage Rail Personnel paid or unpaid.

Effective Date:		Review Date:	
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FRONZ Mainline member sites shall ensure compliance with this policy and guidelines through the implementation of alcohol and drug testing programmes. All rail personal and sub-contractors are covered by these Guidelines.

INTENT OF THE GUIDELINES

The intent of these Policy guidelines are to promote amongst FRONZ Mainline Operators rail personal a culture of rail personal and collective responsibility and accountability for health and safety by identifying and acting on alcohol and drug issues where they are evident in the workplace.

The Guidelines are underpinned by the following principles:

- The promotion of rail personal wellbeing, health and safety.
- Pro-activity not reactivity to the management of alcohol and drug issues.
- A responsible, accountable workforce with a heightened awareness of alcohol and drug issues and individual responsibility in relation to alcohol and drug use.
- The creation of a environment where rail personal feel safe and are supported.
- To recognise the role of FRONZ Mainline Operators, and its rail personal as heritage and rail tourism leaders.
- To reduce the risk of alcohol and drug abuse, the policy and guidelines and FRONZ Mainline Operators approach to drugs and alcohol will focus on education and training, rehabilitation and support, and appropriate monitoring and disciplinary procedures.

GUIDELINES

The unauthorised possession or use of alcohol or the possession or use of illegal drugs in the work place poses unacceptable risks to all rail personal and other operators on the mainline and is contrary to FRONZ Drug and Alcohol policy and guidelines commitment to provide, maintain and improve the standards of health and safety in the workplace. In addition, the possession or use of illegal drugs is a criminal offence, which will be viewed very seriously by FRONZ Mainline Operators.

FRONZ Mainline Operators have an alcohol free workplace. The storage or consumption of alcohol for paid staff is not permitted on FRONZ Mainline Operators sites. The consumption of alcohol at work functions is permitted at site locations only if senior management has approved the function.

SALE OR DISTRIBUTION OF ILLEGAL DRUGS

The sale and/or distribution of illegal drugs on or in a FRONZ Mainline Operators workplace and perimeters, or while undertaking duties for FRONZ Mainline Operators is illegal and strictly prohibited. Such action is deemed to be serious misconduct and may result in termination of the rail personal's employment or contract arrangements and notification to the authorities.

Defined Alcohol Limit

All FRONZ Mainline Operators rail personal are expected to come to work with zero (0.0) breath and blood alcohol levels.

For the purpose of testing under these Guidelines a positive breath alcohol test result will be recorded where levels of alcohol exceed 100 micrograms per litre of breath or the equivalent in blood.

Use of Drugs

The use of illegal drugs in the workplace will be treated as serious misconduct by FRONZ Mainline Operators and may result in termination. An explanation will be sought from any person testing positive to prescription drugs where a valid explanation has not already been provided. The standard that will be used for drug testing under the Guidelines is AS/NZS 4760308:20061.

Drug Definition

Illegal Drugs:	Use of drugs such as heroin, amphetamines, cocaine and cannabis are illegal and are prohibited from FRONZ Mainline Operators workplaces. They can significantly impair an individual's work performance and substantially increase the probability of a workplace accident.
Prescription Medicines:	Should only be obtained with written prescription from a doctor. These medicines are provided to treat medical conditions and should be used as prescribed. Sometimes these medicines can affect an individual's ability to drive vehicles and/or operate equipment. Therefore it is important that Rail Personal ask their doctor about possible side effects and provide a copy of the drug usage leaflet to their supervisor. If alternative duties are required. Additional information may be requested, such as supporting documentation from a treating doctor.
Pharmaceutical Drugs:	Are drugs, which can be purchased from a pharmacy (over the counter medicines). They include drugs that can contain various chemicals, including pseudoephedrine. These medications may affect your ability to drive vehicles and operate equipment.

Individual Rail Personal Responsibilities

- It is every rail personal obligation to present themselves fit for work in an appropriate condition free from the effects of alcohol or illegal, prescription or pharmaceutical drugs that may in any way affect their ability to safely perform their duties.
- Rail personal who have a dependency on alcohol or drugs are responsible for their actions in the workplace. If they need help to overcome their dependency, they should contact their supervisor who will provide the necessary referral.

- Rail personal shall not consume alcohol in the workplace.
- FRONZ Mainline Operators rail personal shall not possess or consume illegal drugs in the workplace. Non-compliance will be considered serious misconduct and will result in disciplinary action.
- In the case of prescription or pharmaceutical drugs, the rail personal must take all reasonable steps to ensure that the drugs in question do not affect their ability to undertake their duties safely. Rail personal are required to notify their supervisor if there is any doubt as to their fitness for work.
- All rail personal shall where reasonably practicable, notify a supervisor or manager if any other individual may be unfit for work, or when they become aware of unauthorised possession or consumption of alcohol or drugs on the worksite by another individual.
- Where no manager or supervisor is available on site, all employees rail personal must take all practicable steps to ensure that individuals who may be unfit for work including those that are identified as consuming alcohol or drugs on the worksite, are prevented from engaging in work activities that may place themselves or others at risk.

Manager and Company Responsibilities

- Managers are required to take prompt and appropriate action whenever they believe an individual is not capable of working in a safe and effective manner due to being under the influence of alcohol or drugs.
 1. For the purpose of this procedure, a manager may require a person to undergo testing if, in their reasonable judgement, in conjunction with an HSE/HR Representative or senior manager, the person's behaviour or appearance indicates that he/she is affected by the use of alcohol and/or drugs. An example of the sort of incident that would support testing, is a person that is engaging in inappropriate behaviour and has a strong smell of alcohol on their breath.
- Managers / Supervisors are responsible for ensuring that when a request for testing is made post incident or for reasonable cause that the employeerail personal has been advised of their right to have a witness and/or union delegate present and to take advice and/or seek assistance. If the rail personal is a member of a Trade Union the union delegate should where practicable, be advised in advance of the testing.
- FRONZ Mainline Operators will provide an appropriate level of education and training to staff in relation to alcohol and drugs in the workplace and effectively communicate the consequences of failing to adhere to these Guidelines.
- FRONZ Mainline Operators shall provide a referral process and rehabilitation support for any employeerail personal who requests assistance in dealing with alcohol or drug dependence.

ALCOHOL AND DRUG WELLBEING PROGRAMME

The focus of these Policy and Guidelines is on assisting rail personal with managing alcohol and drug issues before they result in an accident or incident and/or negatively impact on that employee's rail personal work. As a consequence, FRONZ Mainline Operators will offer to assist employees rail personal with alcohol and drug issues, where those rail personal voluntarily seek assistance prior to an accident, incident or reasonable cause event.

FRONZ Mainline Operators will support rail personal who voluntarily approach the FRONZ Mainline Operators for assistance with alcohol and drug issues by:

- Making alcohol and drug counselling services available to the rail personal;
- Paying for the initial assessment of the rail personal's condition and funding further counselling sessions. with a FRONZ Mainline Operators approved counsellor up to a maximum of \$600; and
- By supporting an paid rail personal with leave to attend a counselling programme. Paid rail personal will have access to sick leave entitlements in the first instance. If sick leave entitlements have been exhausted, special sick leave will be considered.
- For an rail personal on individual employment agreements provision will be made for up to 5 days of paid sick leave in the first instance. Further paid sick leave requirements will be dealt with on a case by case basis. as per the Policy Statement for Individual Employment Agreements.
- Offering to provide suitable alternative duties if available.

In return any employee rail personal entering anythe programme will be required to consent to alcohol and drug testing during their rehabilitation and prior to returning to work. This testing will be used to monitor the rail personal's compliance with their rehabilitation programme and to determine when rail personal is safe to return to work.

Rail personal will also be required to consent to random testing in the 12 months following the completion of their rehabilitation and return to normal work. Any trace of alcohol or drugs which indicates continued use if found in a random test will be considered a positive test result and will be subject to the application of the Fair Treatment Procedure (e.g. First warning following a further positive).

The rehabilitation focus of policy and gidelines is designed to encourage individuals to manage alcohol and drug issues before they affect the safety or performance of themselves or others. It is balanced in this Policy and Guidelines by provision for significant consequences for rail personal who chose not to seek assistance with managing alcohol and drug issues and who are involved in accidents, incidents or reasonable cause events and return a positive test result.

TESTING SHALL BE CONDUCTED

1. **Pre-employment** - Drug testing shall be included in all pre-employment medical examinations for all paid rail personal in safety critical roles. Alcohol testing may also be included. Urine testing will be the testing method used for drugs. Breath testing will be used for alcohol.

This testing will extend to existing FRONZ Mainline Operators paid rail personal in situations of internal transfer or promotion from a non-safety critical position to a safety critical position.

Any offer of employment will be conditional on the applicant returning a negative alcohol and drug test.

2. **Post Incident** – Rail personal involved in a serious accident or operating incident may 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:

- An accident resulting in an injury requiring treatment by a medical practitioner.
- Any incident that has the potential for serious risk of harm or injury including all SPAD A, truck rollover and collision events.

Testing will include all rail personal directly involved in the serious accident or operating incident.

Post incident testing will be conducted by an authorised and trained practitioner. The testing will be conducted to the alcohol and drug standards specified in this Policy and Guidelines. Rail personal will be stood down (on pay for paid rail personal) until a test result is received (normally 1-3 days). Rail personal testing positive to such testing shall be subject to the Fair Treatment Procedure. The severity of the incident is a consideration in the determination of whether any disciplinary action is warranted, and if so the degree of disciplinary action to be taken e.g. A locomotive engineer or truck driver involved in a serious accident while under the influence of alcohol or drugs will be subject to the Fair Treatment Procedure, which may result in dismissal.

3. **Reasonable Cause** – Rail personal may be asked to undertake an alcohol or drug test where it is believed on reasonable grounds that the rail personal is under the influence of alcohol or drugs. Rail personal may be identified as under the influence of alcohol or drugs by:

- A supervisor or manager
- A fellow employeerail personal or co-worker

Reasonable cause testing will be conducted by an authorised and trained practitioner. The testing will be conducted to the alcohol and drug standards specified in this Policy and Guidelines. Rail personal will be stood down until a test result is received (normally 1-3 days). The rail personal testing positive to such testing shall be subject to a the Fair Treatment Procedure.

4. **Random Testing – Alcohol and Drug Wellbeing Programme and Post Positive Test** – Random alcohol and drug testing will be conducted for employeesrail personal who are under the Alcohol and Drug Wellbeing Programme and who have agreed to

random testing as part of this programme and/or employees rail personal who have returned a positive test result and have agreed to random testing as part of their return to work. This testing will occur when an rail personal has completed appropriate rehabilitation and has been deemed fit to return to work.

Post positive random testing will test for levels of alcohol and/or the drugs that reflect no recent use. In the case of cannabis this level will be 20 nanograms per millilitre for screen and 10 nanograms per millilitre THC acid confirmation. For all other drugs the testing level will be AS/NZS 4760:2006.

AS/NZS 4308:2001. A result showing alcohol or drugs at or above these levels will be treated as a positive test result and will be subject to the Fair Treatment Procedure. A maximum of 6 tests during the 12-month period shall apply under this provision.

Refusal to Undertake Test

Refusal by an rail personal to submit to or co-operate fully with the administration of a non-intrusive alcohol or drug test (post incident or reasonable cause or post-positive test) will result in the rail personal being informed of the consequences of refusal. If an rail personal continues to refuse to undertake a test, this will be treated in the same manner as a positive test result.

FAIR TREATMENT PROCEDURE

Prior to the conduct of any Fair Treatment Procedure, the employee rail personal shall be advised of their right to have a witness present. If the employee rail personal is a member of a Trade Union, the union delegate shall where reasonably practicable, be advised and at the request of the employee rail personal, be present at the fair treatment meeting.

First Positive Test – Any rail personal who tests positive to alcohol or illegal drugs shall be asked to present to the Manager on the following day to discuss the implications of their test result. The days taken off while waiting for the test result will be paid as part of the paid rail personal leave entitlement. An initial alcohol and drug assessment shall take place at the FRONZ Mainline Operators expense. If the rail personal considers that they have a dependency problem following assessment and/or if the rail personal considers that they need rehabilitation, the Manager will advise the rail personal of the ongoing assistance that is available. See referral procedure below.

In all cases involving a positive test a **first written warning** may be issued. *This first warning will remain valid for 12 months from date of issue.*

Depending on the level and/or type of substance detected, the rail personal may be required to re-test with a negative finding, prior to returning to the workplace. The requirement and timing of further testing shall be recommended by the testing organisation, ESR, in conjunction with the rehabilitation counsellor, should the rail personal be attending counselling. Time taken off work whilst waiting for any subsequent test result will be paid out of the rail personal normal leave entitlement if a paid rail personal.

If rail personal is unable to return to normal duties for a period following a positive test result, suitable alternative duties will be considered.

Once back in normal work, the rail personal will be required to consent to random alcohol and drug tests in the year following the initial positive (refer post positive testing). Any trace of alcohol or drugs found in a random test will be considered a positive test result and will be subject to the application of the Fair Treatment Procedure (e.g. second warning following a further positive).

Second Positive Test – On the second occasion the rail personal tests positive to alcohol or illegal drugs, he/she shall be sent home and asked to present to the Manager on the following day. The time taken off shall be paid as part of the rail personals leave entitlement if a paid rail personal. Alcohol and Drug assessment shall take place at the FRONZ Mainline Operators expense. If the rail personal considers that they have a dependency problem following assessment and/or if the rail personal considers that they need rehabilitation, the Manager will advise the rail personal of the ongoing assistance that is available. See referral procedure below.

A **final written warning** may be issued. At this stage, if a final warning is given it must be made clear to the rail personal, both verbally and in the written warning that any further positive test may result in the termination of their employment. The manager should again advise the rail personal of the referral process, pointing out that confidentiality will be maintained wherever possible. *A final warning will remain valid for 12 months from date of issue.*

Depending on the level and/or type of substance detected, the rail personal may be required to re-test with a negative finding, prior to returning to the workplace. The requirement and timing of further testing shall be recommended by the testing organisation ESR, in conjunction with the rehabilitation counsellor, should the rail personal be attending counselling. Time taken off work whilst waiting for any subsequent test result will be paid out of the rail personal normal leave entitlement if a paid rail personal.

If an rail personal is unable to return to normal duties for a period following a positive test result, suitable alternative duties will be considered.

Once back in normal work, the rail personal will be required to consent to random alcohol and drug tests in the year following the second positive (refer post positive testing). Any trace of alcohol or drugs found in a random test will be considered a positive test result and will be subject to the application of the Fair Treatment Procedure (e.g. Application of the procedure following a third positive test).

Third Positive Test – On the third occasion the rail personal tests positive to alcohol or illegal drugs, their employment with FRONZ Mainline Operator may be terminated if paid rail personal or if a unpaid rail personal termination of their current position will occur.

NOTE: *Fair treatment action will continue as per this procedure, even if a second or third test is positive, but to a different substance from earlier tests.*

Serious Misconduct – Instances where the use of drugs or alcohol results in negligent behaviour which exposes the individual or others to an increased level of risk of injury, may be regarded as a serious safety breach and deemed Serious Misconduct and may result in instant dismissal.

REFERRAL PROCEDURE

- If the rail personal agrees to enter into rehabilitation following a positive test they will be required to enter into a Alcohol and Drug Agreement including agreeing to additional testing. Under this Agreement the rail personals manager will set up an

appointment with a FRONZ Mainline Operators rehabilitation service. The rehabilitation service will arrange for the employeerail personal to be referred to an alcohol and drug practitioner. This practitioner will arrange for a diagnosis and/or determine if drug abuse or alcoholism is involved. A rehabilitation plan may include therapy, detoxification or self help classes.

- The FRONZ Mainline Operator will cover the costs related to the initial assessment. is used. All other costs related to the rehabilitation process shall be at the rail personal's expense.
- Any rail personal entering into a rehabilitation program shall be paid sick leave entitlements for the period of their rehabilitation if a paid rail personal.
- When all sick leave entitlements for a paid rail personal have been exhausted, site management, shall determine an appropriate time frame for the provision of unpaid leave to facilitate the successful rehabilitation of the employeerail personal. Medical opinion may be sought in such circumstances.
- The responsible Manager shall advise the rail personal that if they discontinue the program, disciplinary action may be taken, which may result in termination.

EMPLOYEE ASSISTANCE PROGRAMME (EAP)

- The Company EAP programmes are remains available to any rail personal requiring assistance with issues that may affect their performance at work including alcohol and drug issues. An rail personal can access this programme by self-referring or by approaching their supervisor or manager for referral to EAP. The programme provides for three counselling sessions paid for by the FRONZ Mainline Operator.
- Any rail personal, who self-refers to EAP that is determined by EAP to have an alcohol or drug problem that may affect the safety of themselves or others, can be referred by EAP to be managed through the FRONZ Mainline Operator Health and Safety programme if available.

CONFIDENTIALITY

All information relating to individuals gathered under the FRONZ Mainline Operators Alcohol and Drug policy is collected solely for the purpose of implementing this policy and associated Guidelines and procedures.

The information will remain confidential as between the individual rail personal, health providers utilised under this policy and the FRONZ Mainline Operator. It will be stored confidentially on each individual rail personal's personnel file.

All collection, storage, use, dissemination and destruction of tests, data from tests and information relating to test results shall be dealt with in accordance with the Privacy Act 1993 including the provision of relevant information to the rail personal's manager without consultation with the rail personal.

The rail personal is entitled to access their file at any time, request corrections where appropriate and take a copy of their file. Information will only be released to other parties if FRONZ Mainline Operator is legally required to release the information or if the rail personal has provided prior written consent for the information to be released.