

Drug and Alcohol Testing for Construction Sites: Policy and Procedures

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Approval Authority	Vice-Chancellor
Contact Officer	Health & Safety Manager - Human Resources

Introduction

This policy has been developed to ensure that all people on University construction sites are exposed to a healthy and safe work environment. Typically construction sites involve the use of dangerous machinery, or are environments in which serious accidents could occur if there is a lapse in concentration, poor judgement or impairment. This policy aims to promote workplace safety on construction sites by having appropriate procedures in place for addressing drugs and alcohol at work.

Definitions

Alcohol – any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.

Construction sites – designated areas under a construction contract between the University and a contractor/s (including both University campuses and field stations). Entry to a construction site will require ‘signing in’. Construction sites have barriers in place, e.g. hoardings, to prevent unauthorised access.

Contractor/s – head contractor/s appointed under a construction contract with the University to undertake work on a construction site.

Dilution – where a person consumes extreme quantities of water to dilute their urine sample.

Drugs – includes (but is not necessarily limited to):

- illicit drugs which cause impairment, such as opiates (e.g. morphine, heroin), cocaine, cannabinoids, and amphetamines;

- prescription drugs such as benzodiazepines (tranquilisers and sedatives) and over-the-counter medication which may cause impairment (thus creating a threat to safety); and
- synthetic substances (whether prohibited by law or not).

Employee Assistance Programme (EAP) – voluntary, confidential, safe and professional counselling assistance offered to University staff.

Negative result – any screening or confirmatory drug test that unequivocally confirms a result at or below target concentrations for the types of testing conducted.

Non-negative result – any screening drug test result that indicates the presence of drugs or where the integrity of the result is suspect such that there is a requirement for confirmatory testing by an accredited testing laboratory.

Notifiable Event – notifiable injury, illness or incident as defined in the [Health & Safety at Work Act 2015 \(New Zealand Legislation website\)](#)

Positive result – confirmation of a non-negative result from the testing laboratory.

Safety Sensitive Area – any area which is a construction site as defined in this policy, being an area where any state of impairment or failure to properly perform duties could expose people to risk of harm, injury, illness or damage to property.

Worker – a person who carries out work in any capacity for the University, including University staff; contractors, subcontractors and their employees; and others as stipulated in the [Health and Safety at Work Act 2015 \(New Zealand Legislation website\)](#). Volunteers are excluded from this definition in some cases, see [section 19\(3\) \(New Zealand Legislation website\)](#) of the Act for further guidance.

Policy

The policy applies to any person (including University employees, students, contractors, or visitors) within the construction sites on any University campus or field station. Where there is a conflict between this policy and an external organisation's own policy, the external organisation must comply with this policy and treat the policy's terms as minimum requirements.

This policy strictly prohibits the following:

- **Use and supply of drugs and alcohol.**
Consuming, selling, transferring, or possessing drugs or alcohol (including related paraphernalia) while on any construction site or construction work activities on the University campus (except medication taken as prescribed).
- **Being under the influence of drugs.**

Having drugs in a person's system while on a construction site that exceeds the acceptable risk level as determined by the relevant Australian/New Zealand Standard for the collection and detection of drugs of abuse in urine, or attending a construction site under the influence of or impaired by drugs (except medicines taken as prescribed).

- **Being under the influence of alcohol.**

Having a level of alcohol in a person's system, while on a construction site that exceeds 100 micrograms of alcohol per litre of breath, as determined by a breath alcohol testing device that complies with the relevant New Zealand/Australian Standard, or attending a construction site under the influence of, or impaired by alcohol.

Drug and Alcohol Testing

All construction sites on University campus that are carrying out drug and alcohol testing shall provide information to all persons entering site at the time of induction, before signing into the site. This will be further supported by signage at the entrance to all such construction sites.

Any worker or any other person (including University employees and students) on a construction site may be required to complete a drug and alcohol test in the following situations:

- **Random testing on a construction site:**

The University considers a construction site to be a safety sensitive area given the nature of the activities undertaken, the incidence of injuries on construction sites generally and the risk of harm and injury to people if duties are not properly performed. To keep the construction site safe for its workers and other people who attend the site, it is important that random testing be conducted.

Unannounced, random testing will be undertaken periodically as a deterrent to drug and alcohol misuse. The time and date of the testing will be determined by senior managers from the contractor's head office. All names from the site register will be entered into a computer system and a minimum of 10% will be randomly selected by the computer program.

- **Reasonable cause to suspect misuse:**

Testing may be conducted where a person overseeing a construction site has reasonable cause to suspect that a person present onsite is affected by drugs or alcohol e.g. where a person's appearance, behaviour, actions, or conduct indicate that they may be affected by drugs or alcohol; or when drugs, alcohol, or related paraphernalia are found in a person's possession or control.

Testing may also be conducted where a person discloses information relating to drug or alcohol use, including admitting to using drugs or alcohol.

- **Post-incident/accident testing:**

Testing may be conducted when a person is involved in an incident or accident that results in, or had the potential to result in any notifiable event including the following:

- Serious harm to the person or others.
- Injury requiring treatment by a medical professional.
- Injury to a third party.
- Damage to any vehicle, plant, equipment or other property.
- The involvement of emergency services.

This is an indicative, non-exhaustive list of events that may result in post-incident testing.

Education and Training

The University is also committed to providing relevant staff with education and training around the impact of drug and alcohol use in the workplace.

All aspects of testing will be carried out in a confidential and private manner, taking into consideration the [Privacy Act 1993 \(New Zealand Legislation website\)](#) and the University's [Privacy Policy \(PDF, 568KB\)](#), and subject to maintaining the integrity of specimen collection and testing.

Personal or sensitive information will only be collected for the purposes of testing prescribed by this policy, and will only be accessed by nominated contractor/s staff or University staff or staff at a prescribed testing laboratory. The data will be held securely (locked cabinet or access-protected electronic files) and will not be distributed to any third parties (unless required by law). People tested have the right to access the information collected, including the drug test results, or lab reports. The information will be disposed of when no longer required for the specified purposes laid out in this policy but may be kept if related to disciplinary matters carried out under the [Staff Code of Conduct \(PDF, 185KB\)](#)

The personal or sensitive information collected will be managed initially by the agent carrying out testing, for the purposes of their testing requirements but upon completion of this process will be managed by the respective employers (either contractors, or the University's Human Resources Department). The information belonging to University students will be transferred to the Health and Safety team of the University for management, until disposal.

The University recognises that drug and/or alcohol dependency is an illness and a major health problem. Where, for the first time a member of University staff provides or is deemed to have provided a positive result, the University will assist the staff member through the rehabilitation process which may include accessing the Employment Assistance Programme (EAP) Drug & Alcohol Intervention Programme in the first instance. The University may require evidence of attendance directly from EAP.

Procedures

All testing is to be conducted by a recognised drug and alcohol detention agency, and the cost of said testing will be borne by the contractor requesting it.

Drug testing

Drug testing will be undertaken initially as an 'instant' urine test. All aspects of the drug testing procedure will be undertaken in accordance with the relevant Australian or New Zealand Standard which includes but is not limited to AS/NZ 4309-2008 (or equivalent update). The person will be advised of the initial test result at the time of testing, and as soon as practicable after the test.

Return of a negative test result will not necessarily mean there is no further investigation or action taken and may be dependent on the wider circumstances of the incident or matter under consideration.

Testing will be undertaken as soon as possible after the incident. Exceptions may include emergency situations where immediate medical attention or other corrective actions are required, (e.g. where there has been a fire, serious chemical spill, or hospitalisation).

Alcohol testing

The test for alcohol will be carried out by using a breath alcohol screening device, which includes but is not limited to AS 3547-1997(or equivalent update), for the measurement of alcohol. Two tests will be performed:

1. Initial test

Where the result is less than 100 micrograms of alcohol per litre of breath the results are negative. If the result is negative, no further testing will be undertaken.

If the initial test results are greater than the concentrations outlined above, then a second or confirmatory test must be conducted. The time period between the initial test and confirmatory test should be at least 15 minutes but not greater than 20 minutes.

2. Confirmatory test

This is conducted in the same manner as the initial test but using a new mouthpiece. Only the results of the confirmatory test shall be reported, irrespective of the results on the initial test. If the results of the initial and confirmatory test are not identical, the confirmatory test result is deemed to be the final test result.

If the results, of the confirmatory test, are a breath alcohol concentration of less than 100 micrograms of alcohol per litre of breath, a negative result shall be reported.

If the result of the confirmatory tests shows a breath alcohol concentration of more than 100 micrograms of alcohol per litre of breath, the process for a non-negative result will be followed. The time and result of the test must be recorded.

Refusal to undertake testing

If a person refuses to undergo testing, they will be given the opportunity to divulge the reasons for their refusal. If the contractor considers that the refusal is not reasonable, they will advise the person of this. If the person continues to refuse to undertake testing in accordance with this policy, then the incident will be treated as a non-negative result.

Deception inclusive of dilution

Knowingly cheating a drug and alcohol test will be viewed as returning a non-negative result.

Any University employee found or reasonably suspected to be knowingly engaging in deception with regards to a drug and alcohol test will be referred to Human Resources for disciplinary action. University students under the same circumstances will be referred to the University Proctor, in line with the [Discipline Regulations \(University Regulations website\)](#).

Removal from construction site

Where a contractor's worker on a construction site is implicated in any identified issue involving drug and/or alcohol use or impairment, the contractor will manage the situation using their own policies and guidelines. The person implicated must however be removed from the site if there is any risk to the health and safety of the person, other people, or property.

Where a University staff member, student, or visitor has or is deemed to have a non-negative result, a positive result, or is considered by the contractor to be a health and safety risk for any reason, they will be asked to leave the construction site immediately. Staff will then be referred to Human Resources, and students will be referred to the University Proctor, in line with the [Discipline Regulations \(University Regulations website\)](#)

Use of Drug Detection Dogs

Drug detection dogs may be used to detect drugs and/or drug paraphernalia in the smoko rooms of construction sites when staff are not present, including bags or personal belongings. This may be used in conjunction with random testing events.

Notification of UC Security and Police

In the event that drugs or drug paraphernalia are located on a construction site, UC Security will be contacted and the Police may be informed.

Expectations around University Staff Conduct

For University staff, this policy should be read in conjunction with the [Staff Code of Conduct \(PDF, 185KB\)](#). In particular, attention is drawn to the examples of serious misconduct in that compliance document that relate to drugs and alcohol.

Related Documents and Information

Legislation

- [Health & Safety at Work Act 2015 \(New Zealand Legislation website\)](#) [Human Rights Act 1993 \(New Zealand Legislation website\)](#)
- [Misuse of Drugs Act 1975 \(New Zealand Legislation website\)](#)
- [Privacy Act 1993 \(New Zealand Legislation website\)](#)

Regulations

- [Discipline Regulations \(University Regulations website\)](#)

UC Policy Library

- [Campus Drug and Alcohol Policy \(PDF, 215KB\)](#)
- [Health and Safety Policy \(PDF, 255KB\)](#)
- [Privacy Policy \(PDF, 568KB\)](#)
- [Smoke-free Policy \(PDF, 149KB\)](#)
- [Staff Code of Conduct \(PDF, 185KB\)](#)
- [Student Code of Conduct \(PDF, 134KB\)](#)

External

- [AS/NZS 43082008: Procedure for specimen collection and the detection and quantitative of drugs of abuse in urine \(Standards New Zealand website\)](#)
- [AS 3547:1997 Breath Alcohol Testing Device](#)
- [Employee Assistance Programme \(EAP Services website\)](#)
- [Canterbury Rebuild Safety Charter \(Canterbury Rebuild Safety Charter website\)](#)

Document History and Version Control Table			
Version	Action	Approval Authority	Action Date
<i>For document history and versioning prior to 2013 contact ucpolicy@canterbury.ac.nz</i>			
1.00	Policy drafted by Health & Safety Manager and approved by Vice-Chancellor in SMT.	Vice-Chancellor.	Nov 2015
1.01	Working around malfunctioning workflows.	Policy Unit.	Nov 2015
2.00	Scheduled review by CO, minor changes	Policy Unit	Nov 2017

This document remains in force until it is updated.