

Te whakahaere waimaero i te wāhi mahi | Guidelines on managing workplace impairment

Mō wai me te whānuitanga | Audience and scope

These guidelines apply to:

- a) Ohu kaitiaki (members of governance groups) and executive managers, kaimahi and ākonga.
- b) Te Pūkenga work, learning, social and living environments.

For the sake of simplicity, ‘work’ broadly covers activity performed by kaimahi and ākonga when Te Pūkenga has a degree of influence and control over its conduct. Thus, learning can be considered ‘work’ in certain circumstances. Likewise, ‘workplaces’ are places where work is performed and that may include offices, classrooms, workshops, student accommodation, outdoor settings, vehicles, and so on.

Mokamoka whakaaetanga | Approval details

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Ngā whakatikatika | Amendment history

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1	February 2024	Pounuku Haumarutanga	Initial version
2	May 2024	Pounuku Haumarutanga	Amendments to clauses 4.7 and 4.8 to provide flexibility in decision-making and to conform to expectations in associated, relevant documentation.

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Te whakahaere waimaero i te wāhi mahi | Guidelines on managing workplace impairment

1. Pūtake | Purpose

- 1.1. The purpose of these guidelines is to provide information on managing workplace impairment.
- 1.2. It sets out our position on identifying and managing workplace impairment, including testing for the presence of drugs.

2. Ngā Mātāpono | Principles

- 2.1. We will, so far as reasonably practicable:
 - a) Work free of impairment.
 - b) Accept that human error is normal and that life and work can be challenging.
 - c) Manage the safety risk of people being impaired at work, not the moral arguments.
 - d) Address issues that may impair the ability of kaimahi or ākonga to function well at work.
 - e) Respect the rights of kaimahi and ākonga to privacy and confidentiality.

3. Tirohanga Whānui | Overview

What is our context?

- 3.1. We have a diverse range of people in our organisation carrying out a multitude of work in varying workplaces. We can reasonably assume that, on any given day, some of our people will be impaired while at work and that this situation may present a threat to the safety of themselves and/or others.
- 3.2. Our workplaces and people are, for the most part, operating in a supportive, collegial environment. It is, therefore, likely that impairment will be detected and reported.
- 3.3. It can be challenging for Te Pūkenga to manage impairment of ākonga in our workplaces due to limited interactions, differing cultures, varying expectations and the nuances of group dynamics and the tuakana-teina relationship.
- 3.4. We have many safety-sensitive roles, such as operating dangerous machinery, driving vehicles and working at height. Impairment in these situations could lead to serious injury, including death.
- 3.5. Most of our work design does not place people at risk of fatigue, which is a leading cause of impairment. There are relatively few instances of shift work, night work and long hours. Some ākonga on placements may experience shift or night work and it is the primary responsibility of the placement provider to manage the risk of impairment.
- 3.6. We have reporting mechanisms in place for incidents (general and sensitive) and sufficient resourcing to monitor and respond to reports.
- 3.7. We generally have the time and space in the course of our workdays and at our workplaces to respond promptly to a case of impairment.

What is workplace impairment?

- 3.8. Workplace impairment is defined as anything that could get in the way of a person's ability to function normally or safely, regardless of cause.
- 3.9. It can arise from one or a combination of long-term or temporary factors, such as:
- a) Fatigue (mental and/or physical)
 - b) Substance use (legal and/or illegal)
 - c) Dependence or addiction to substances (legal or illegal)
 - d) Medical condition (chronic pain, menopause, insomnia, migraines, and so on)
 - e) Trauma
 - f) Extreme temperatures
 - g) Problem gambling
 - h) Obsessive behaviours
 - i) Family or relationship problems.

What does impairment look like?

- 3.10. Impairment may be the result of various circumstances and it will differ from person to person. Sometimes there are immediate signs and symptoms. At other times, it is a pattern of behaviour.
- 3.11. Some general signs of impairment are:
- a) Consistent lateness, absenteeism or reduced productivity or quality of work.
 - b) Abnormal appearance at work, for example, glassy or red eyes, smelling of drugs or alcohol, slurring of words, poor coordination and unsteady on their feet.
 - c) Working in an unsafe way or involvement in an accident or near miss.
 - d) Erratic behaviour, irritability, or overreaction to feedback or during interactions.
 - e) Failing a drug test.
- 3.12. The above signs and symptoms do not necessarily mean that someone has a substance use problem. However, their presence may indicate that someone is in trouble and in need of some help. Signs and symptoms of problematic substance use are included in the document, 'Tohutohu Whakamātautau Pūroi | Guidelines on drug testing'.

What can I do as an individual, for example, as a friend, colleague, line manager, tutor or supervisor?

- 3.13. If impairment is suspected, action is needed and it needs to be followed through.
- 3.14. Below are examples of what to do if you have the confidence and knowledge. It is not an exhaustive list nor is it a step-by-step process.
- a) Speak to the person in a private area to discuss their behaviour. State that your concerns are about safety, not about substance use. Ask for an explanation from them about what is going on.
 - b) Ask someone else to be present as a witness.
 - c) Call 111 or seek specialist assistance if the person is in crisis.

- d) Inform a trusted person(s), such as ākonga support kaimahi, counsellor, tutor, union representative, Health and Safety Representative, Wellbeing and Safety or People and Culture kaimahi, or supervisor/manager.
- e) Discuss options based on their response and what is available and applicable. Options may include stopping work or moving to different work, counselling (internal and/or external), support from ākonga services or similar, transport home by taxi or escorted by colleague or kaimahi, and increasing the level of pastoral care.
- f) Report an impairment observation through the reporting mechanism. Use the sensitive issue channel if you would like the matter handled with greater security.
- g) Notify senior management, union representative and/or external party (legal guardian, school, NZQA, etc).
- h) If disciplinary action is needed, follow relevant People and Culture or ākonga behaviour policies and procedures.
- i) Document what has happened and been talked about in a logical, consequential format. Avoid rushes to judgement and amateur diagnoses.
- j) Provide support and practice empathy, not sympathy.
- k) Treat information with care and confidentiality.

What can Te Pūkenga do as an organisation?

- 3.15. Impairment is a workplace risk and will be managed in a similar way to other risks. We will (among other things):
- a) Empower people to address the risks associated with workplace impairment.
 - b) Address attitudes of shame, stigma and discrimination.
 - c) Train kaimahi on how to recognise impairment and how to report it.
 - d) Provide simple, clear reporting mechanisms.
 - e) Carry out assessments and reviews that focus on situations where impairment could arise, such as stressful deadlines, late shifts, resource deficits, and so on.
 - f) Provide clear statements on conduct and behaviour within employment agreements, enrolment information, codes of practice, placement contracts, and so on.
 - g) Communicate the various support mechanisms available to kaimahi and ākonga.
 - h) Help 'impaired' individuals get access to support and care.
 - i) Be flexible in how individuals can work and remain productive.
 - j) Encourage and support people to maintain and strengthen their wellbeing through access to Taumauri and other wellbeing avenues.

4. Ngā Pūroi | Drugs

What is our context regarding drug use?

- 4.1. We believe that there is a sufficiently shared understanding among the general population that impairment from drug use is undesired.
- 4.2. We believe our kaimahi and ākonga receive sufficient information about how the consumption of drugs can negatively affect work performance and compromise safety. Therefore, drug use is managed in the same manner as other workplace wellbeing risks and safety risks.
- 4.3. We include alcohol in our definition of drugs and do not single it out in terms of a cause of impairment. Alcohol is treated differently when testing is conducted.
- 4.4. We acknowledge that legal and illegal drug use is an established part of Aotearoa New Zealand culture. Various prescription and non-prescription medications are commonly used, including medicinal cannabis. The most commonly used - and abused - drug is alcohol. Illegal cannabis is also widely used.
- 4.5. We can reasonably assume that there are, and will be, occasions when some kaimahi, ākonga and visitors to our workplaces are affected by drugs.
- 4.6. Drug use may be a reason that someone is impaired and may be a contributing factor to why something did not go as planned and there was a near miss or accident. It is likely that other reasons and factors are present.

What is Te Pūkenga view on workplace drug testing?

- 4.7. We generally do not conduct pre-employment or random drug testing of kaimahi, unless it is stated in recruitment or employment documents or communicated in other information.
- 4.8. We generally do not require ākonga to undergo drug testing, except if it is stated in documents or other information about acceptance into a programme or course, or has a bearing on enrolment or continuation of study.
- 4.9. In certain circumstances and where permitted, we may engage in drug testing if we have reasonable cause to believe that a kaimahi employed by Te Pūkenga –
 - a) Is at risk of impairment due to the consumption of drugs.
 - b) Was under the influence of drugs and it may have been a factor in a workplace accident or near miss.

What are the assumptions and arguments for this view?

- 4.10. Drug testing is one way that many organisations attempt to tackle the challenging and complex issue of drug use. It involves moral, ethical, cultural and legal issues of fundamental importance. These issues require Te Pūkenga to determine what is fair and reasonable.
- 4.11. The case for workplace drug testing is equivocal. There appears to be insufficient, valid data to show that testing regimes are effective in reducing harm and improving safety.
- 4.12. Drug tests, in most cases, detect the presence of metabolites, which are the substances that the body breaks the drug down to. They don't detect the actual drug.

- 4.13. Drug testing does not detect levels of impairment. There is currently no adequate test that can measure whether someone is impaired or affected.
- 4.14. Other limitations of drug testing include:
- a) False positives caused by other medications.
 - b) Intrusions of privacy when people are required to provide supervised urine samples.
 - c) Refusal of people to provide samples of bodily fluid or hair due to cultural or other reasons.
 - d) Erosion of trust in the organisation and with management.
 - e) Impossibility of testing for every drug.
 - f) Unreliability of tests for all people and all scenarios due to different metabolic rates, type of sample and the drug.
 - g) Cost of the tests, administration of the testing programme, disciplinary procedures, dismissal and recruitment, and consultation with affected parties.

What is the process for conducting drug tests?

- 4.15. The process for conducting drug tests is outlined in 'Tohutohu Whakamātautau Pūroi | Guidelines on drug testing'.
- 4.16. Kaimahi from Wellbeing and Safety and/or from People and Culture assist those involved in the drug testing process, such as supervisors, line managers and the person requiring a test.
- 4.17. In addition, we rely on the advice and direction from drug testing agencies and other subject matter experts.

Are we subject to drug testing requirements at other workplaces?

- 4.18. Other businesses and organisations will have their own policies, guidelines and rules around drug use and testing at their workplaces.
- 4.19. We will consult, cooperate and coordinate with other businesses and organisations on drug testing and other rules that apply to our kaimahi and ākonga when they are at their workplaces.
- 4.20. We must understand and conform to their requirements, which may be stated in placement agreements, contracts for service, induction material, and so on. A possible consequence is that Te Pūkenga kaimahi and ākonga might need to complete a drug test before starting with that organisation or might be subject to random drug testing while at that workplace.

5. Ngā Haepapa | Responsibilities

Role	Responsibilities
Kaimahi and ākonga	<ul style="list-style-type: none"> • Work free from impairment. • Inform trusted person(s) of their actual or potential impairment or the possible impairment of another person. • Report actual or potential impairment through established reporting mechanism. • Participate in actions to identify, resolve and rehabilitate.
Kaimahi leaders	<ul style="list-style-type: none"> • Understand the signs of impairment and subsequent actions. • Participate in identification and screening, including making evaluations of impairment.
Te Pūkenga senior leaders	<ul style="list-style-type: none"> • Provide resources to address workplace impairment. • Drive a culture of care and empathy.
Wellbeing and Safety team members (local and regional)	<ul style="list-style-type: none"> • Facilitate training and awareness of workplace impairment. • Work with ākonga support and People & Culture, and other parties, on response, rehabilitation and mitigation. • Share observations and improvements to practice. • Monitor action plans.
National Wellbeing and Safety function	<ul style="list-style-type: none"> • Provide guidance and advice on managing workplace impairment. • Record impairment as a performance indicator in assurance reporting.

6. Ngā Hononga ki Tuhinga kē | Links to Other Documents

Ngā Kaupapa-Here e Hāngai ana Related policies <ul style="list-style-type: none"> • Policy: Te Oranga me te Haumarua Wellbeing and Safety
Ngā Tukanga me ngā Hātepe Processes and procedures <ul style="list-style-type: none"> • Tohutohu Whakamātautau Pūroi Guidelines on drug testing • Tikanga Whakahaere Raru Ohotata Incident Management Procedure
Ture whai take Relevant legislation <ul style="list-style-type: none"> • Health and Safety at Work Act 2015 • Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 • Privacy Act 2020 • Health Information Privacy Code 2020 • Crimes Act 1961 • Misuse of Drugs Act 1975 • Misuse of Drugs (Medicinal Cannabis) Regulations 2019