

16 September 2022



Tēnā koe 

Thank you for your Official Information Act (OIA) request to the Department of Conservation (the Department), received on 19 August 2022 in which you asked for:

1. *A copy of your policy on employee drug use and drug testing.*
2. *How many random drug tests has your Department performed on employees or contractors since August 19 2021?*
3. *How many non-random drug tests has your Department performed on employees or contractors since August 19 2021?*
4. *Since August 19 2021, how many employees or contractors associated with your Department failed a drug test?*
5. *How many employees or contractors have been fired or did not have their contract renewed following a drug test?*

On 26 August 2022, you clarified that the same time period applied to Question 5, so that the question would read, "Since 19 August 2021, how many employees or contractors have been fired or did not have their contract renewed following a drug test?"

Context

We have zero tolerance for the misuse of alcohol and use of drugs in the workplace. Working for the Department, particularly in field activities, involves risk requiring acute judgements and a clear state of mind. Being free of alcohol or drugs is essential.

Our Workplace Alcohol and Drug Policy sets out the expectations on employees and contractors in relation to drugs and alcohol and work, and the consequences of misuse of alcohol and the use of drugs.

The core elements of the Department's Workplace Alcohol and Drug Policy are:

- There is zero tolerance toward the misuse of alcohol and the use of drugs in the workplace.
- Management commitment and leadership.

- Everyone has a clear understanding of expectations and consequences of misuse of alcohol and the use of drugs.
- Early intervention and support.
- Assistance and rehabilitation.
- Education.
- Alcohol and/or drug testing in certain circumstances only.

Rehabilitation will always be the first consideration but there may be circumstances where serious misconduct applies.

The Policy uses a risk-based approach and contains thresholds, agreed with the Public Service Association, that must be met before we test (the 'reasonable cause' test). Apart from one event, in the period since 19 August 2021, the Department has not had any concerns or situations raised where those thresholds have been met.

Please note that 'Employee' means an individual who has a permanent, temporary, or casual employment agreement with the Department. 'Contactor' means a self-employed contractor who is not on the payroll but is paid for their services via a monthly invoice.

Pre-employment testing

Whilst the scope of your request refers to employees and contractors only, as opposed to prospective employees, it should be noted that the Department may also require pre-employment testing for any prospective appointment to:

- a safety sensitive position; or
- any management vacancy across the Department (Deputy Director-General, Director, or Manager).

Where such pre-employment testing is done, appointment to these roles is conditional on the applicant returning a negative drug test. Where the test is positive then the prospective employee will not be offered employment in the Department for a further six months. Results are provided to the applicant and the hiring manager, and the hiring manager is required to destroy the results, in accordance with the Privacy Act 2020, once the condition of employment is satisfied.

Responding to your Request

Your questions and our responses are listed below:

1. A copy of your policy on employee drug use and drug testing.

A copy of our Workplace alcohol and drug policy is provided as Attachment 1. This is released to you in full.

2. How many random drug tests has your Department performed on employees or contractors since August 19 2021?

There has been one, localised testing event during the period requested but I regret that I am not able to provide you with the information you seek in relation to this question under section 9(2)(a) of the Official Information Act, in order to protect the privacy of natural persons, including deceased people. I have considered the public interest in accordance with section 9(1) of the OIA and determine no such interest exists that outweighs the privacy of our employees.

3. How many non-random drug tests has your Department performed on employees or contractors since August 19 2021?

I can confirm that none were undertaken in this time period. For background, we classify non-random drug tests into being for reasonable cause, or post incident or post rehabilitation purposes. These circumstances are explained further in the document released to you in this response as Attachment 1.

4. Since August 19 2021, how many employees or contractors associated with your Department failed a drug test?

None.

5. [Since August 19 2021,] how many employees or contractors have been fired or did not have their contract renewed following a drug test?


None.

The following documents have been released in relation to this request:

ITEM	DATE	DOCUMENT DESCRIPTION	DECISION
Attachment 1	19 June 2020	Workplace alcohol and drug policy	Released in full

Please note that this letter (with your personal details removed) and the enclosed document may be published on the Department's website.

Nāku noa, nā



Harry Maher
Director Health, Safety & Security
Department of Conservation
Te Papa Atawhai