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| <b>Title</b> | <b>Demonstrate knowledge of employer responsibilities in relation to drug and/or alcohol use in the workplace</b> |                |           |
| <b>Level</b> | <b>3</b>  | <b>Credits</b> | <b>10</b> |

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| <b>Purpose</b> | People credited with this unit standard are able to demonstrate knowledge of obligations and liabilities of an employer in relation to drug and/or alcohol use in the workplace; describe the impact on a company of an employee’s failure to meet legislative and compliance obligations; and explain the rights and responsibilities of a company when interacting with compliance personnel in relation to drugs and/or alcohol in the workplace. |
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| <b>Classification</b> | Occupational Health and Safety > Workplace Health and Safety Management |
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| <b>Available grade</b> | Achieved |
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**Guidance Information**

- 1 Recommended entry unit 22316, *Demonstrate knowledge of the management of drug and alcohol-related problems in the workplace.*
- 2 Definition  
*Legislative requirements* include but are not limited to – Misuse of Drugs Act 1975; Land Transport Act 1998; Employment Relations Act 2000; Health and Safety at Work Act 2015 (HSW Act); New Zealand Bill of Rights Act 1990; and any subsequent amendments and replacements.

**Outcome and performance criteria**

**Outcome 1**

Demonstrate knowledge of obligations and liabilities of an employer in relation to drug and/or alcohol use in the workplace.

**Performance criteria**

- 1.1 Drug and/or alcohol related offences that an employee may commit in the workplace are identified and described in relation to drugs and/or alcohol use.  
  
Range offences include but are not limited to – importation and/or exportation, supply, administering, possession.

- 1.2 The principle defences and possible penalties for drug and/or alcohol related offences committed by an employee are explained.
- Range offences include but not limited to those outlined in the – Misuse of Drugs Act, Land Transport Act.
- 1.3 The legal obligations of a company and its representatives are described in terms of drug and/or alcohol use in the workplace.
- Range legal obligations include but are not limited to those outlined in the – Misuse of Drugs Act, Land Transport Act.
- 1.4 Company liabilities for drug and/or related offences in relation to non-compliance with the New Zealand Bill of Rights Act 1990 are identified and described.
- Range company liabilities include but are not limited to those that relate to – unreasonable search and seizure of people, property, or documents.

## Outcome 2

Describe the impact on a company of an employee's failure to meet legislative and compliance obligations.

### Performance criteria

- 2.1 The impact on a company when an employee fails to meet compliance obligations is described in terms of legislative requirements.
- Range impacts include but are not limited to – additional costs required to meet compliance, addition of further constraints on the company, further administration requirements to meet compliance, increased costs to production.
- 2.2 The principle defences and penalties affecting a company as a result of offences committed by an employee are described.
- Range defences and penalties include but are not limited to – effective protocols and procedures in managing the hazard, penalties and liabilities applied through non-compliance and/or liability, prevention of penalties.

## Outcome 3

Explain the rights and responsibilities of a company when interacting with compliance personnel in relation to drugs and/or alcohol in the workplace.

**Performance criteria**

- 3.1 The powers of compliance personnel are described in terms of their legislative obligations.
- Range includes but is not limited to – Police, Customs, Department of Labour, Ministry of Health.
- 3.2 The rights and obligations of an employee are described in terms of complying with instructions from compliance personnel.
- Range rights and obligations include but are not limited to – legislative requirements of New Zealand law, specifically the New Zealand Bill of Rights Act.
- 3.3 The employer's responsibilities and obligations when interacting with compliance personnel are described.
- Range rights and obligations include but are not limited to – legislative requirements of New Zealand law, specifically the New Zealand Bill of Rights Act.
- 3.4 The procedures for searching and seizure of drugs and/or alcohol, and interviewing employees are described in terms of the New Zealand Bill of Rights Act.
- Range procedures include but are not limited to – availability of a support person, privacy.

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| <b>Planned review date</b> | 31 December 2020 |
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**Status information and last date for assessment for superseded versions**

| Process               | Version | Date             | Last Date for Assessment |
|-----------------------|---------|------------------|--------------------------|
| Registration          | 1       | 15 December 2005 | N/A                      |
| Review                | 2       | 25 May 2007      | N/A                      |
| Rollover and Revision | 3       | 22 May 2014      | N/A                      |
| Rollover and Revision | 4       | 22 August 2019   | N/A                      |

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| <b>Consent and Moderation Requirements (CMR) reference</b> | 0121 |
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This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.

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**Comments on this unit standard**

Please contact The Skills Organisation [reviewcomments@skills.org.nz](mailto:reviewcomments@skills.org.nz) if you wish to suggest changes to the content of this unit standard.