

12 September 2022

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proactive release

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I refer to your email of Friday 19 August in which you request the following under the Official Information Act 1982 (OIA):

- 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?*

Please find a copy of the Ministry's Drug and Alcohol policy which includes clauses on employee drug and alcohol testing attached.

No drug tests, either random or otherwise, have been conducted within your specified timeframe. As such, no employees or contractors have failed a drug test. Accordingly, questions 2 to 5 of your request are refused under section 18(e) of the OIA, as the information does not exist.

Please note that we may publish this letter (with your personal details redacted) and enclosed documents on the Ministry's website.

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Sarah Corbett
for Secretary of Foreign Affairs and Trade

HR Policy Portfolio – Excerpt taken 29 August 2022 from the Version 4 of the HR Policy Portfolio.

18. Drug and alcohol policy

Policy principle:

The use of illicit drugs and the misuse of alcohol is unacceptable and may affect the employment status of staff.

The Ministry will proactively seek to mitigate this risk through communication and raising the awareness of staff. In particular the Ministry will reinforce the need to ensure staff and other workers can and are operating in a safe, healthy and secure working environment.

Policy requirements:

Definitions

1. Illicit drugs are controlled and illegal drugs, as classified by the Misuse of Drugs Act 1975 (as amended from time to time).
2. Misuse of prescription drugs is the taking of drugs (other than over the counter) not prescribed by a doctor or in a way that hasn't been recommended.
3. Misuse of alcohol includes the unauthorised consumption of alcohol in the workplace, the use of alcohol in a manner which negatively impacts on a staff member's work or work place, and the use of alcohol resulting in personal behaviour which is a breach of the Code of Conduct.

Expectations

4. Staff must not use illicit drugs or misuse prescription drugs and/or misuse alcohol.
5. The Ministry expects that staff will report all breaches of this policy to their manager or another appropriate manager.
6. The Ministry expects staff to undertake appropriate treatment if requested to do so by the Ministry.

Risks and Consequences

7. Staff who use illicit drugs, or misuse prescription drugs or alcohol, place their own and others health and safety at risk. They may be breaking the law, they will be in breach of the Ministry's code of conduct, and they are compromising their ability to hold the required national security clearance.
8. Breach of this policy may constitute misconduct or serious misconduct, depending on the circumstances, and will be viewed seriously by the Ministry. Any breach may lead to disciplinary action including, but not limited to, immediate withdrawal from an overseas assignment, limitation of future employment opportunities, dismissal from employment or termination of a contract, or prosecution.

Awareness and Education

9. The Ministry will promote awareness about the use of drugs and alcohol. It will provide staff with guidance on the responsible consumption of alcohol at approved Ministry events.

Rehabilitation

10. The Ministry may support the provision of rehabilitative assistance to staff who are experiencing illicit drug or alcohol issues by:
- providing rehabilitation options
 - encouraging staff to self-refer and actively seek out such assistance (e.g. [EAP](#)) and
 - enabling staff to participate in available rehabilitation programmes.

Drug Testing

11. The Ministry may require drug or alcohol testing where there is reasonable cause to suspect that a staff member is using illicit drugs or misusing alcohol or prescription drugs.
12. If drug testing is required, the Ministry will ensure workers are dealt with in a manner that follows due process and the Ministry procedures for managing drug and alcohol issues.

Reporting

13. Any health and safety incident or near miss that is, or may be, caused directly or indirectly by drugs or alcohol must be reported through [Risk Manager](#), and followed up by the relevant manager.

Resources:

[Provision of Alcohol Guidelines](#)