



PROTOCOL FOR ALCOHOL AND DRUG TESTING WHEN KIWIRAIL IS EMPLOYED AS A CONTRACTOR BY ANOTHER COMPANY

3 May 2018

Purpose:

1. To clarify the processes around drug and alcohol testing of KiwiRail employees when KiwiRail is contracted by another company;
2. This clarification shall not alter or diminish the drug and alcohol provisions of the KiwiRail Collective Agreement;
3. To ensure that KiwiRail and its employees comply with the requirements of the Health and Safety at Work Act 2015;
4. To ensure that KiwiRail employees are provided with protection and support at all times;
5. To ensure that work which is most appropriately carried out by Kiwirail employees is not contracted out to other providers on the basis of D&A testing.

Protocol:

1. Where KiwiRail is engaged as a contractor by another company, KiwiRail recognises that the primary company responsible for the entire project will be the entity responsible for maintaining a healthy and safe workplace, in line with the obligations of the Person Conducting a Business or Undertaking (PCBU) under the Health and Safety at Work Act 2015.
2. The Drug and Alcohol policy of the primary company will apply, with the following provisos:
 - a. Testing will be the responsibility of the primary company and KiwiRail employees will comply with their testing procedures;
 - b. Where a KiwiRail employee returns a non-negative D&A test result, that person will be referred to KiwiRail and KiwiRail will address the matter under KiwiRail's D&A policy and in accordance with the Collective Agreement.
3. Whenever KiwiRail is a contracted party, the D&A policy of the primary company will be made available to the RMTU for perusal in advance of the work commencing to ensure that the provisos in 2a and 2b above are reasonable and can be observed.
4. In the event that KiwiRail and another company are working in a Joint Venture, each company will be responsible for the D&A testing and treatment of their own employees according to their own policies and procedures.

Signed for KiwiRail:

A handwritten signature in blue ink, appearing to read "Maryan Street", is written over a horizontal line.

MARYAN STREET, HR MANAGER

Signed for RMTU:

A handwritten signature in black ink, appearing to read "Wayne Butson", is written over a horizontal line.

WAYNE BUTSON, GENERAL SECRETARY