

Managing risks: Alcohol and drugs

Safety guidelines for jet boat operators



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1. Purpose of these guidelines

These guidelines will help you manage workplace impairment risks from the use of alcohol and drugs, in fulfilment of your duties under the Maritime Transport Act 1994 (MTA) and the Health and Safety at Work Act 2015 (HSWA).

The use of alcohol and drugs, even if consumed outside the workplace, can lead to worker impairment. Poor concentration, carelessness, risk-taking behaviour and errors in judgement can occur. Alcohol and other drug use not only affects work performance and attendance, but also results in higher rates of injuries, fatalities and reduced productivity.

In jet boating, detection of alcohol and drugs use that can cause impairment is critical to establishing safe operations for all people involved in the operation, including both workers and customers.

2. Background

Recreational drug use has been implicated in 20 deaths in two separate adventure aviation accidents. The government wants to ensure that the risks from alcohol and drug use are adequately managed throughout the adventure sector.

2.1 Legal Requirements

Maritime Rules Part 82, made under the MTA for commercial jet boating, and HSWA place a responsibility on operators (known as PCBUs – persons conducting a business or undertaking) to manage the risks to their operations associated with the use of alcohol and drugs. They are also responsible for involving workers in the operation in managing any of these risks.

This means that jet boat operators must, as far as is reasonably practicable, have effective practices in place for providing and maintaining a safe commercial jet boat operation. In turn, workers and others (such as customers) in the workplace must take reasonable care of their own health and safety and reasonable care that others are not harmed by something they do or don't do.

2.2 Role of Maritime NZ

Maritime New Zealand (Maritime NZ) is the compliance agency for commercial jet boating. Maritime NZ's role is to:

- provide information and advice about managing these risks,
- verify that safe operational plans (SOPs) under Maritime Rules Part 82 have appropriate provisions for managing the risks,
- carry out compliance audits to verify that policies, systems and procedures set out in plans are working in practice,
- investigating accidents and incidents involving jet boats, and
- enforce the law against operators who are not responsive to encouragement and advice, neglect to act on audit and inspection findings, and otherwise fail to meet their duty to manage the risks associated with use of alcohol and drugs so far as reasonably practicable steps in their jet boating operations.

3. Guidance

3.1 Have a policy

Your jet boat operation must have a clear understanding of the risks posed by alcohol and drugs. That starts with you as the operator.

Your commitment needs to be expressed in a succinct and meaningful written organisational policy covering (but not limited to) the following opportunities to control the risks associated with alcohol and drug use:

- worker recruitment and induction,
- testing (where appropriate),
- peer and senior worker responsibilities, and
- observation of customers and their fitness to undertake the activity.

Engage with your workers in developing your policy to increase their participation and commitment. Talking about the subject is the most powerful means of building an organisational consensus around this topic, and will help embed appropriate norms into the culture of your operation.

3.2 Assess the risk and manage it

Your tolerance for alcohol and drugs

Some jet boat operations may have differing levels of tolerance for alcohol and drugs. Some will have zero tolerance. This tolerance should be included as a clear policy statement and strictly enforced so as to eliminate the related impairment risks from the workplace.

The SOP should detail how the organisation will monitor compliance with the policy and deal with any breaches. It should also include details on observation of customers and how any risks associated with customer alcohol and drug use will be managed.

Testing

Your operation should have robust alcohol and drug testing procedures and these must be clearly communicated to all workers. Testing is generally carried out in the following ways: pre-employment; post-accident; on grounds of reasonable cause to suspect use, and; randomly. It also occurs for workers that are permanent casualties but haven't driven a jet boat for five or six months before they start driving again.

Workplace testing must be set up with appropriate safeguards for the workers concerned, and you may want to get advice from an employment lawyer to ensure this. For example, your SOP would need to be clear about the consequences of a positive test, both in terms day-to-day operations and in terms of the ongoing employment relationship.

3. Guidance (continued)

Testing is not a complete response. Your operation's norms around alcohol and drugs, as set out in your policy, are more likely to become a sustainable part of the business culture if the topic is subject to ongoing story-telling and demonstration of appropriate behaviour by drivers' and guides' senior peers.

Note

A Maritime rule on drug and alcohol testing is currently under development. This will enable Maritime NZ (or a testing organisation appointed by Maritime NZ) to undertake drug and alcohol testing on safety sensitive workers in jet boating operations at any reasonable time and circumstances, with or without advance notification.

3.3 Consider these topics

Prescription and other medicines

You need to ensure that risks associated with medicines – whether prescription or over-the-counter – are appropriately managed. Workers need to disclose any medicines they are taking with side effects that have safety implications. An appropriate response may be to stand people down from safety critical duties where the side effects include drowsiness, slowed reactions, light headedness or confusion.

Managing visitors and passengers

Your SOP should provide clear instructions to workers on managing potential passengers turning up at the operation's base showing signs of being impaired, or suffering from the after effects of alcohol or other drug use.

4. Resources

WorkSafe

WorkSafe Position, June 2020: 'Impairment and testing for drugs at work'.

<https://worksafe.govt.nz/laws-and-regulations/operational-policy-framework/worksafe-positions/impairment-and-testing-for-drugs-at-work>

Civil Aviation Authority

The Civil Aviation Authority (CAA) approach to managing alcohol and drugs is available on the CAA website: http://www.caa.govt.nz/HSE-CAA/drugs_alcohol.htm

Support Adventure

General guidance on safety systems for the adventure sector and information about alcohol and drug testing is available on the Support Adventure website: <http://www.supportadventure.co.nz>