

Rule Part 115.62 and AC 115 - 1

Part 115.62 Drug and alcohol programme

An applicant for an adventure aviation operator certificate must establish a drug and alcohol programme for monitoring and managing the risks relating to the use of any drug, or consumption of alcohol by—

- (a) any crew member:
- (b) a tandem master:
- (c) a ground crew member:
- (d) any other person whose work directly affects the safety of an adventure aviation operation.

AC 115 - 1

Sub part B 115.62 Drug and alcohol programme

The CAA aims for zero tolerance for impaired performance at work as a result of drug, alcohol and substance use; the adventure aviation industry is expected to share that aim. Any inappropriate use of drugs, alcohol or substances will cause some degree of impairment, and no level of impairment is acceptable.

The aim of this rule is to:

- (a) minimise the risks to safety of drug and alcohol misuse:
- (b) prevent any person whose work directly affects safety and who is adversely affected by drugs or alcohol from performing, or being available to perform, that work.

In developing a drug and alcohol programme an operator is to address the following topics:

Policy – the organisation is to have a written policy stating the organisation’s position regarding responsibility and commitment to safety with respect to a drug and alcohol free workplace, and the organisation’s expectations in achieving that. **Applicability** – this is to specify which work is considered to directly affect safety and therefore subject to the rigours of the programme’s requirements for monitoring and testing. However, the operator may consider that the entire workplace should be drug and alcohol free, in line with health and safety responsibilities, and state those expectations along with the consequences.

Roles and responsibilities – this is to detail potential circumstances and how the organisation will respond. For example, what happens when —

- a staff member arrives for work and there is reason to believe the person may be impaired
- an off-duty staff member who feels he or she is impaired is called up for work
- a staff member is prescribed medication by his or her doctor
- a staff member tests non-negative
- a staff member tests positive
- the testing process is interfered with

- a test is refused.

Testing – the programme is to detail:

- when testing is performed. As a minimum this is to include before employment, after accidents or incidents, with reasonable cause, and on a random basis that includes the testing of each eligible staff member at least once per annum*
- who is to perform tests and how they are to be qualified
- what the testing process will entail
- follow up actions in regard to every non-negative test including mandatory reporting to the Director in accordance with S27C(2) of the Civil Aviation Act (1990).

The development of a programme will be influenced by the size and capabilities of the organisation. There are several resources that are available that will assist an operator to formulate an appropriate approach for their organisation. Guidance material is available from the CAA web site, www.caa.govt.nz, under “Health and Safety – HSE Information and Guidance – Drug and Alcohol Programme and Management”. The guidance material covers provisions relating to the management of impairment from the use of drugs, alcohol and other substances and the development of appropriate policy and procedures.

115.62(4) this rule refers to any other person whose work directly affects safety. The rule was intentionally drafted to not specify a list of work/duties because of the legislative burden involved in amending such a list. However, the criterion to be applied in determining what work directly affects safety is simple – if the work is performed incorrectly would the safety of the operation, the passengers or the staff be jeopardised. With that in mind, the following persons (in addition to those listed in the rule) who manufacture, maintain or assemble aircraft or components, pack parachutes, refuel aircraft, calculate aircraft load, or provide flight information are persons whose work directly affects safety. The variety of activities across the adventure aviation sector means these examples may not be exhaustive and the CAA expects each operator to identify the work/duties relevant to their specific operation.

** The CAA HSU recommends the a PCBU put in place a random selection that reflects the number of workers employed (for example 12) as a basis for the number of tests are undertaken in a 24-month period. These tests timing and individuals involved are random. This may mean some staff will be selected for multiple tests and others not – this is a reflection of truly random testing.*