



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ŌRA

8 NOV 2018



Dear 

On 29 August 2018, you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- *I wish to get a breakdown of drug testing undertaken in Northland as part of the Welfare Reform measures.*
- *I wish to obtain the figures from 2013 when the programme was launched until now.*
- *I would like to have it broken down into monthly figures.*
- *Can I please get:*
 1. *The number of referrals*
 2. *The number who failed to turn up to be tested*
 3. *The number of failures (or positive tests)*
 4. *The number of negative tests.*
 5. *The number of re-tests (based on the same referral- for whatever reason)*
 6. *The locations in Northland for the tests.*

Pre-employment drug testing was introduced in July 2013 alongside other new obligations such as the stopping of benefit payments to people with an outstanding warrant to arrest.

People who fail to meet their obligations may have a sanction imposed. However, Work and Income works closely with clients and many obligation failures are subsequently overturned in favour of the person if they have a good and sufficient reason for not meeting their obligations. Information regarding good and sufficient reasons for failing to meet drug test work obligations can be found on the Ministry's website here: <https://www.workandincome.govt.nz/map/students/jobseeker-support-student-hardship/drug-test-obligation-failures-good-and-sufficient-01.html>.

Clients with work obligations are required to take and pass a drug test where an employer or training provider asks for one as part of the application process for a suitable job.

In most cases a drug test is deemed a recruitment cost for the employer, not prospective employees. An employer can be reimbursed for the test if a person fails, as long as the employer has informed Work and Income at the time of lodging the vacancy that the job requires a pre-employment drug test.

These tests help Work and Income to identify clients who are prevented from taking up suitable employment due to drug use or who refuse to apply for drug tested jobs, and to quickly get them back to a position where they can apply for a full range of suitable employment. Clients diagnosed with a drug dependency do not have their benefit reduced, but they will receive support to address their addiction.

Further information about the obligations clients are required to meet is available on the Work and Income website at: www.workandincome.govt.nz/on-a-benefit/obligations/index.html. Further information about pre-employment drug testing is also available on Work and Income's website at: www.workandincome.govt.nz/on-a-benefit/pre-employment-drug-testing.html.

For clarity, each of your questions have been addressed in turn.

1. The number of referrals

Please find attached Table One which shows the number of referrals to drug testable positions in Northland from 1 July 2013 to 30 June 2018 broken down by month. Please note, not all clients referred to a drug testable position will undertake a drug test. Whether a drug test is undertaken is at the discretion of the employer and would likely only occur towards the end of the selection process.

2. The number who failed to turn up to be tested

When a client with work obligations fails a drug test or refuses to comply with a drug test, the cost of the drug test is passed onto the client. Work and Income reimburses employers for the costs of the drug test and those costs are recovered as a debt from the client's benefit.

The Ministry is unable to break down the number of drug related obligations failures or sanctions by whether it was due to the client having a positive drug test, the client refusing to take the drug test, or the client failing to turn up to the drug test without a good and sufficient reason. Furthermore it is up to the employer to advise the Ministry that a client did not show up to a drug test. If the employer does not pass this information onto the Ministry then the Ministry has no way of collecting this information. As such, your request is refused under section 18(g) of the Official Information Act as the information you have requested is not held by the Ministry and there are no grounds to believe that the information is held by another department or Minister of the Crown or organisation.

If an employer does advise the Ministry that the client did not turn up to a drug test and it is determined that the client did not have a good and sufficient reason they may be subject to an obligation failure. The reason for the obligation failure would be held in the notes of individual client files.

3. The number of failures (or positive tests)

The Ministry is unable to provide client drug test pass/fail statistics. The Ministry reports on the number of drug test related obligation failures. An obligation failure may be imposed as a result of a failed drug test, and may also include a failure to turn up for a test.

Please find attached Table Two which outlines the number of drug test related obligation failures in Northland, from 1 July 2013 to 30 June 2018. This data has not been broken down further than yearly figures as this would mean the numbers would be very small and would have to be suppressed to protect the privacy of individuals.

A client who fails an obligation has five working days to re-comply. For instance, client 'A' fails a drug test and therefore has a drug related obligation failure. Client 'A' then talks to their Work and Income Case Manager within five working days of the failure and they agree on a re-compliance activity, for example another drug test. If client 'A' then passes the second drug test, their benefit will not be reduced.

4. The number of negative tests.

As previously advised, the Ministry cannot provide statistics on passed (or negative) drug tests as the testing is the choice and responsibility of the employers. Not all clients referred to drug testable positions will undergo a drug test. If a drug test is undertaken and the result is negative, this is not necessarily information that is passed onto the Ministry as it is between the prospective employer and the client. As such your request is refused under section 18(g) of the Official Information Act as the information you have requested is not held by the Ministry and I have no grounds to believe that the information is held by another department or Minister of the Crown or organisation.

5. The number of re-tests (based on the same referral- for whatever reason)

The Ministry is unable to provide the number of clients who took a second test without checking the individual case files of each client referred to a drug testable position. In order to provide you with this information Ministry staff would have to manually review thousands of files. As such I refuse your request under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

6. The locations in Northland for the tests.

Drug testing is generally provided for individual employers and recruitment agencies by contracted drug test providers. Some large organisations have their own specialised in-house staff, such as nurses, who are accredited in workplace drug testing. Employment-related drug testing is conducted at a workplace, established testing site or a laboratory and through observed collection.

Organisations with the capacity and capability to carry out drug tests for Ministry clients can register with the Ministry. Details of registered organisations can be found on the Ministry's family services directory here: www.familyservices.govt.nz/directory/searchresultspublic.htm?pageNumber=1&searchRegion=10&cat1=-1&expandCategories=false&searchTerms=drug+testing&searchByProviderName=false&pageSize=10.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public shortly. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding pre-employment drug testing in Northland, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely



Cassandra Wise
Team Manager, Issue Resolution

Table One: Number of referrals to drug testable positions in Northland from 1 July 2013 to 30 June 2018 broken down by month.

Month	Financial Year				
	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
July	58	144	116	172	188
August	68	97	138	164	269
September	268	248	179	166	247
October	104	158	88	151	188
November	87	151	171	149	152
December	44	68	133	118	103
January	148	152	125	302	108
February	186	292	151	378	220
March	212	342	140	208	193
April	199	181	196	316	229
May	179	148	304	283	212
June	169	161	265	312	158

Notes:

- This table is a count of referrals, not clients. A client may be referred to more than one drug testable position.

Table Two: Number of drug test related obligation failures in Northland, from 1 July 2013 to 30 June 2018.

Financial year	Drug test related obligation failures
2013/2014	7
2014/2015	8
2015/2016	14
2015/2016	11
2017/2018	5

Notes:

- This table is a count of drug test obligation failures, not clients.
- The location of Ministry Service Centres case managing clients has been used to approximate which region drug testable positions were located in.