



14 DEC 2020

Dear

On 1 November 2020, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *I am looking for figures for 2017, 2018, 2019 and 2020 to date.*
 1. *The number of beneficiaries referred to jobs that required drug testing.*
 2. *The number of beneficiaries who failed a drug test.*
 3. *The number of beneficiaries who refused a drug test.*
 4. *The number of beneficiaries who, after failing or refusing a drug test, were required to repay the cost of their drug test.*
 5. *The number of sanctions in the form of stopped or reduced benefits imposed by MSD as a result of failed or refused drug tests.*

On 23 November 2020, the Ministry emailed you advising of the need to extend your request. You were advised that a response would be sent to you on or before 16 December 2020.

Some industries require potential employees to pass a pre-employment drug test as a condition of employment. Example industries include agriculture and horticulture, forestry, fishing and factory work.

Employers usually only drug test where there are health and safety reasons and industry requirements to test. If an employee works in a safety sensitive area the employer has an obligation to provide all employees a safe working environment. Drug testing is justified to ensure the employee can perform their job with minimised risk to the safety of others or themselves. The decision to drug test lies with the employer.

The employer can be reimbursed for a failed drug test for a client. However, this only applies when Work and Income receives confirmation that a drug test has been completed as part of the pre-employment process. The potential employer also needs to complete the pre-employment drug test claim form which includes details such as:

- the name of the employer
- the type of test – whether it was a screening or evidential test
- confirmation that the drug test was to the drug test standard
- confirmation of a failed test result and
- the cost of the failed test and the payment rate they are claiming.

At the same time that the employer is reimbursed, a debt for the cost of the drug test will be manually added to the client's file.

For more information on the Ministry's policy towards drug testing, please see the following link: www.workandincome.govt.nz/on-a-benefit/pre-employment-drug-testing.html.

Regarding question one of your request, please refer to **Table One** below for the number of referrals to drug testable positions from 1 January 2017 to 30 September 2020, broken down by calendar year.

Table One: Number of referrals to drug testable positions from 1 January 2017 to 30 September 2020, broken down by calendar year.

Calendar Year	Total referrals to drug testable positions
2017	47,274
2018	43,153
2019	38,406
2020 (up to 30 September)	28,755

Notes for table one:

- This contains a count of referrals, not clients.
- A client may be referred to more than one drug testable position in a given period.

Regarding question two and three of your request, please refer to **Table Two** below for the number of obligation failures relating to drug test referrals from 1 January 2017 to 30 September 2020, broken down by calendar year.

Please note that an obligation failure occurs when a client, without a good and sufficient reason, has been referred to a suitable job and either refuses to take the pre-employment drug test or fails that test.

Table Two: Number of obligation failures relating to drug test referrals from 1 January 2017 to 30 September 2020, broken down by calendar year.

Calendar Year	Obligation failures relating to drug test referrals
2017	186
2018	129
2019	111
2020 (up to 30 September)	36

Notes for table two:

- This table only reports 'failures to meet requirements' that resulted in an obligation failure recorded against referred clients to a drug testable position.
- Obligation failure may result from a failed drug test or refusal to attend drug testing.

The Ministry is only able to report on the total number of obligation failures relating to drug tests, as provided in **Table Two**. This is because further details on whether a client refused or failed a drug test are recorded on individual case files and manual inspection would be required to differentiate them. As such this part of your request is refused under section 18(f) of the Act as substantial manual collation would be required to provide you with the information requested.

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.

Regarding question four of your request, please refer to **Table Three** below for the number of debts for failed drug from 1 January 2017 to 30 September 2020, broken down by calendar year.

Table Three: The number of debts established for failed drug tests from 1 January 2017 to 30 September 2020, broken down by calendar year.

Calendar Year	Number of debts established
2017	28
2018	17
2019	11
2020 (up to 30 September)	11

Notes for table three:

- Once the cost of a failed drug test is reimbursed to the employer, it must be established as a debt to the client.
- This is a count of debts established, not clients.
- A client can have several debts established in the period.

Regarding question five of your request, please refer to **Table Four** below for the number of sanctions imposed on clients due to drug test related obligation failures (located in **Table Two**) from 1 January 2017 to 30 September 2020 broken down by calendar year.

Table Four: Number of sanctions imposed due to drug test related obligation failures from 1 January 2017 to 30 September 2020, broken down by calendar year.

Calendar Year	Sanctions imposed
2017	113
2018	78
2019	70
2020 (as at 30 September)	22

Notes for Table Four:

- This contains a count of sanctions imposed due to drug test related obligation failures.
- Distinct clients may be counted multiple times if they received more than one sanction in a given period.

The Ministry works closely with people receiving a benefit to support them into employment. If someone is not able to obtain work as a result of failing a drug test, the Ministry offers them support to enable them to address their drug use and get into a position where they are able to access employment opportunities.

Sanctions are a last resort. Stopping or reducing someone's benefit for failing a drug test is a serious step and one the Ministry only takes after exhausting other options. Sanctions, however, are a legal obligation and changes to the current sanction regime would require amending or changing the Social Security Act 2018.

In situations where a Jobseeker Support client fails a pre-employment drug test, the client is able to take a re-compliance activity including taking another drug test and should the client re-comply, no sanctions will be imposed.

More information about Drug Test Obligations, and Obligations Failures can be found at the following link:

www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/drug-test-obligations-01.html

More information about the effects of sanctions on assistance can be found at the following link:

www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/effect-of-sanctions-on-assistance-01.html

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 available to the wider public. The Ministry will do this by publishing this 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, 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



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