



INTRODUCING DRUG AND ALCOHOL SCREENING

Q. As part of our accident and incident investigation procedures, my organisation is considering the introduction of drug and alcohol screening. Are we allowed to introduce such screening?

A. Screening of employees for substances such as drugs and alcohol within the workplace can be quite controversial, particularly if being used to identify potential misuse that may have contributed to an unwanted event.

The Health and Safety Executive (HSE) notes that such screening may be used for a number of reasons including random testing or after an incident has occurred, particularly in certain critical jobs in which impairment could have serious effects for the individual, colleagues, members of the public and the environment.

In some industries, the use of screening is set in legislation such as the Transport and Works Act 1992. Where this does not apply, the employer should clearly demonstrate that the introduction of screening has been assessed and deemed necessary under the Health and Safety at Work, etc Act 1974 and the Management of Health and Safety at Work Regulations 1999.

The HSE emphasises the need to consult employees or their representatives so as to secure their agreement and support. The employer should also develop a clear policy and procedures for any screening arrangements that include ensuring “informed consent” is obtained before screening takes place and that there is a secure “chain of custody” for samples when taken.

Any screening policy and procedure may have to be based upon whether there is any evidence to suggest that drug or alcohol has contributed to the unwanted event occurring.

In terms of justification for obtaining health information from screening, the Information Commissioner’s Employment Practices Code notes that, before obtaining information, employers should ensure that the benefits justify any adverse impacts. It suggests:

- that the collection of information through drug and alcohol testing is unlikely to be justified unless it is for health and safety reasons
- post-incident testing where there is a reasonable suspicion that drug or alcohol use is a factor is more likely to be justified than random testing.



The above Code also recommends that drug or alcohol testing should only be used where it provides “significantly better evidence of impairment than other less intrusive means” and that testing should be based on “reliable scientific evidence of the effect of particular substances on workers”.

In terms of good practice for screening, the European Workplace Drug Testing Society (EWDTs), have produced a number of guides that may assist in developing an appropriate policy and procedures.

For more information, please contact our associate members at Biosure: Jude Ashworth – 07974 213550