

Problematic substance use testing

If a problematic substance use testing programme is proposed by a Regulatory Authority or operator, the Authority/operator should follow the guidelines contained in the ICAO Manual on Prevention of Problematic Use of Substances in the Aviation Workplace (Doc. 9654-AN/945).










A common international ICAO Standard on regulation and testing for problematic substance use should be agreed upon and applied. A Regulatory Authority should limit problematic substance use testing of flight crew to those licensed by that Authority and testing should be conducted by an independent testing organisation; law enforcement agencies are inappropriate testing entities. Problematic substance use testing procedures should, as a minimum, comply with the standards laid down by the US Department of Transportation Omnibus Transportation Employee Testing Act (1991) and its subsequent amendments, with respect to aviation employees, which includes privacy provisions and excludes testing on board aircraft.

It is recognised that the cost of problematic substance use testing programmes is substantial and the safety benefit negligible considering present statistics. IFALPA opposes random testing on the basis that it is not cost effective and does not address the perceived problem. Implementation of random testing should be opposed by Member Associations by all legal and contractual means.







Testing should be non-invasive, there should be no need for any skin penetration or removal of body parts (hairs, nail clippings/ scrapings, etc.) and this must be a basic tenet of any scheme. Retrospective calculation is not acceptable under any circumstances. “Reasonable suspicion” testing is unacceptable unless an agreement as to what constitutes “reasonable suspicion” is reached between the Member Association and the Authority/employer. Member Associations should ensure that their members are familiar with the regulatory scheme under which the testing programme operates.

Individuals who may be subjected to testing

The testing pool should consist of all personnel who perform a safety sensitive function and should not single out flight crew. Safety sensitive employees as defined in ICAO Manual 9654-AN/945, include:

-  Flight crew members
-  Flight attendants
-  Maintenance personnel
-  Flight instructors
-  Dispatchers
-  Passenger and baggage screeners
-  Ground security co-ordinators
-  Air traffic controllers
-  Other categories of personnel, among them airport security and fire fighters could also be considered for inclusion

Circumstances to which testing should be limited

-  Pre-employment testing
-  Post-accident testing
-  “Reasonable suspicion” testing is unacceptable unless the following conditions are agreed:
 -  When two trained supervisors believe an individual has violated the rules, prohibitions based upon specific immediate, describable observations of the individual’s appearance, behaviour, speech, or body odours.
 -  For purposes of this policy, supervisors must be adequately trained in accordance ICAO Manual 9645-AN/945 in recognizing the physical behavioural and performance indicators of problematic substance use.
 -  Reasonable suspicion testing under the alcohol testing rule may be based only on short term factors – what the supervisor sees at the time of performance of safety-sensitive duties – not on long term performance factors such as excessive

use of sick leave. Supervisors may not order reasonable suspicion testing based only on third party reports of alcohol misuse (e.g. a passenger's report).

- ▶ Such testing is authorised only if the supervisor's required observations are made during, just preceding, or just after the individual's performance of safety-sensitive functions. A supervisor who finds reasonable suspicion for alcohol testing may not conduct the breath test on that individual.
- ▶ As with post-accident testing, a reasonable suspicion test must be given as soon as possible, but not later than eight hours after the determination of reasonable suspicion. If not administered within two hours or if no test is given because eight hours have lapsed, the supervisor must document the reasons why a timely test was not conducted.

Testing Procedures

Testing procedures that could have negative employment consequences necessitate forensic testing as opposed to clinical testing.

Note: Programmes meeting forensic requirements are those that produce test results that are supportable if challenged in court or another legal forum. Forensic testing is characterised by strict procedures to ensure the integrity of every aspect of the testing process. Forensic procedures must be used in any situation in which adverse consequences could result from evidence of substance use.

Member Associations should ensure that testing procedures adhere to the following:

- ▶ That high standards of forensic reliability are maintained to ensure that the specimen tested came from the specified person, that it was not tampered with or adulterated, that the results are accurate and that all records are maintained in a secure and confidential manner.
- ▶ The chain of custody must ensure that all specimens are sealed upon receipt from the donor to prevent undetected tampering and that specimens are handled by the minimum number of persons.
- ▶ A sample must not be declared substituted unless there is no possibility that a valid sample has been obtained and the circumstances have been confirmed by a Medical Review Officer.
- ▶ The documentation, as well as instruments and analytical devices used in the testing process, must comply rigidly with specific requirements.
- ▶ The laboratories that will perform workplace testing should be required to undergo certification by a national agency or appropriate independent professional organization.
- ▶ All drug-testing events should provide for a split sample to minimize exposure to a false-positive test result due to tampering, faulty test equipment, or fault by laboratory procedures. The second or split sample should remain secure until the test results of the first sample are known. Provision should be made for testing a split sample at a different laboratory, appropriately certified to the same standard as the original laboratory.
- ▶ Any deviation from the above requirements will automatically invalidate the test sample.

Identification, Treatment and Rehabilitation

Problematic substance use among professional pilots can represent a significant threat to the health and careers of some pilots, and it is important that Member Associations develop understandings with employers and licensing authorities that problematic substance use in an individual will be considered as an illness requiring diagnosis, treatment and rehabilitation with a view to return to work.

Pilot Advisory Groups should be involved in the development of pro-active programmes to identify colleagues who may be at risk from problematic substance use.

Agreements between Member Associations and Authorities / Employers

Member Associations should negotiate agreements including, inter alia, the following provisions:

- ▶ The purpose and intent of the testing programme.
- ▶ An educational programme designed to prevent problematic substance use (to be introduced prior to the implementation of a testing programme).
- ▶ Circumstances of testing, e.g. pre-employment, post accident, return to work following rehabilitation.
- ▶ The personnel groups to whom the testing will apply.
- ▶ A Medical Review Officer (MRO), acceptable to all parties, should be agreed. The MRO is pivotal to the successful running of the testing programme.
- ▶ Confidentiality of the entire process.
- ▶ The method of testing and the trigger levels which would produce a positive test.
- ▶ Substances to be included in the testing programme.

- ▶ The handling of the sample, including the criteria for the laboratory which will test the sample, the documentation to be used and the chain of custody to safeguard against adulteration and or alteration of the test sample and any re-testing procedures.
- ▶ Employment, licensing and legal consequences of a positive test.
- ▶ Rehabilitation, the right to return to work, and after-care.
- ▶ Appeal procedures.