

# Problematic Substance Use Testing

## NOTE

*This paper supersedes 16HUPBL01, of the same name.*

This Briefing Leaflet provides guidance on problematic substance use testing in aviation, outlining principles and best practices for the design and implementation of testing programs. It is intended to support Member Associations in advocating for high standards for testing schemes across different contexts, including pre-employment, post-accident, reasonable suspicion, and random testing.

The best practices described in this document apply to testing programs in general. They may differ in contexts such as structured recovery or rehabilitation programs, which are not specifically addressed in this leaflet.

## INTRODUCTION

IFALPA fully supports an aviation industry free of substance abuse and dependence, particularly for those whose professional responsibilities are safety sensitive in nature. Quite often, the workplace is one of the last places where substance use disorder is noticed. Family members, friends, and colleagues most often will have noticed the problem during leisure time before it becomes evident in the work environment.

While problematic substance use testing may have its benefits, it has been proven that peer intervention programs are a much more effective means of detection, intervention, and prevention when it comes to identifying and assisting crew members with substance use issues.

The goal of these programs is to identify problematic substance use among crew members, to assist them in receiving the medical treatment they need, and to safely return them to work. It has been proven that this is the best course of action to effectively identify these crew members with substance use issues and assist them in getting the help they need.

If substance use testing programs are to be used for crew members, policies and procedures need to be established and followed to ensure accurate testing. These procedures are necessary to protect the rights of crew members and the integrity of the testing program. In all cases, testing needs to be conducted by certified testing organizations whose personnel are trained and certified on how to conduct the tests. All equipment used in testing needs to be maintained and calibrated to the highest standards.

If an authority or operator elects to implement substance use testing programs, IFALPA recommends such programs be limited to:

- Pre-Employment Testing
- Post-Accident Testing
- Reasonable Suspicion Testing

IFALPA recognizes that some states may implement Random Testing Programs. Such programs will be discussed here as well.

#### PRE-EMPLOYMENT & POST-ACCIDENT TESTING

If used, pre-employment and post-accident testing should adhere to the following policies:

- All testing takes place in a secure, authorized location.
- A strict chain of custody is followed to maintain the integrity of the specimen.
- All fluid collection has split samples to allow for a second confirmation test if needed.
- All testing rules, policies and procedures are thoroughly explained to the crew member before being tested.

#### REASONABLE SUSPICION TESTING

If used, Reasonable Suspicion testing should adhere to the pre-employment and post-accident policies above, as well as the following:

- A definition of what constitutes "reasonable suspicion" should be described in the company policies accessible to employees.
- The reasonable suspicion that triggers testing is based only on what the observer sees at the time of performance of safety-sensitive duties.
- Testing is authorized only if the observer's required observations are made during, just preceding, or immediately after the individual's performance of these safety-sensitive duties.

- Further actions are only taken by a suitably qualified and authorized person (supervisor).
- The person who finds reasonable suspicion for testing may not conduct the test on that individual.
- Reasonable suspicion testing may not be ordered based on a single sole-source third party report (e.g. a single passenger's complaint) without further investigation.
- Pilots should have the opportunity to contact their home association.
- The test should be conducted as soon as possible, but not later than two hours after the determination of reasonable suspicion.

## RANDOM TESTING

IFALPA recognizes that some states may implement Random Testing programs. Any random testing program should be based on careful use of procedures that have been agreed on in advance between the employer and affected groups of workers. These programs must respect the privacy and dignity of those being tested and ensure the highest degree of reliability. Any random testing that is conducted should follow the same policies outlined above for Pre-Employment and Reasonable Suspicion Testing.

IFALPA has the following opinions on the use of random alcohol or drug testing, and its effectiveness regarding identifying substance abuse or dependence:

- The random test should be used only to detect the presence of a substance, meaning to test if the employee is under the influence of drugs or alcohol. The tests should not test lifestyle use of alcohol, e.g. CDT or Peth test.
- Random testing does not effectively detect or prevent substance use disorder.
  - Pilot Peer Support Programs are much more effective at identifying and addressing these issues.
- Random testing is not cost-effective.
  - The return on investment for random testing programs is considerably less than it is for the investment in peer intervention programs. A look at the 30+ year history of random testing of U.S. pilots finds that less than 10% of pilots with substance use issues are identified by random testing. The vast majority are identified through peer intervention, support, and assistance programs.
- Selection for random tests need to be non-discriminatory.

- The testing pool should not single out flight crew but consist of all personnel who perform safety sensitive functions. Safety sensitive employees as defined in ICAO Manual 9654, include: Flight crew members, flight attendants, maintenance personnel, flight instructors, dispatchers, passenger and baggage screeners, ground security co-coordinators, and air traffic controllers.

## PROCEDURES FOR RANDOM TESTING

**If any testing occurs, crew members need to be informed of the testing procedures to be followed. Pilot Associations should ensure that their members are familiar with the regulatory scheme under which the testing programs operate and that their members have access to the required testing procedures prior to reporting for any test.**

Problematic substance use testing procedures should, as a minimum, comply with the local or national regulations that are relevant to aviation employees. The procedures should include privacy provisions. Testing should not be conducted in public view; instead, it should be carried out discreetly, such as in a separate room.

Testing should be non-invasive. There should be no need for any skin penetration or removal of body parts (hairs, nail clippings/scrapings, etc.). Retrospective calculation (the practice of applying a formula to account for the metabolism of substances over time), is not acceptable under any circumstances.

For alcohol, it is recommended that there is a clean mouth period before the first breathalyser test. If this is positive, a 15-minute clean mouth period should be observed and then a second breathalyser test should be carried out, preferably with another device. If this second breathalyser test is positive, an evidential test, which may be invasive and with forensic accuracy, should be taken. Testing procedures that could have negative employment consequences necessitate forensic testing as opposed to clinical testing.

## NOTE

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

All workplace testing procedures should adhere to the following:

- High standards of forensic reliability are maintained to ensure that the specimen tested came from the specified person, that it was not tampered with, that the results are accurate, and that all records are maintained in a secure and confidential manner. The chain of custody ensures that all specimens requiring offsite testing are sealed upon receipt from the donor to prevent undetected tampering, and that specimens are handled by the minimum number of persons.
- The documentation, as well as instruments and analytical devices used in the testing process, complies rigidly with defined requirements. The laboratories that will perform workplace testing should be required to undergo certification by a national agency or appropriate independent professional organization.
- All testing events with fluid collection provides 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.
- The testing organization is bound to comply with confidentiality protocols.

#### NOTE

*Any deviation from the above requirements normally invalidates 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 Pilot 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 the goal of returning the employee to work.

Pilot Assistance Groups should be involved in the development of pro-active programs to identify colleagues who may be at risk from problematic substance use and to then provide support to these individuals, assisting them with any problematic substance dependency issues that may exist.

## AGREEMENTS BETWEEN PILOT ASSOCIATIONS AND AUTHORITIES/EMPLOYERS

Pilot Associations should negotiate agreements to include the following provisions:

- The purpose and intent of the testing program.
- An educational program designed to prevent problematic substance use, to be introduced prior to the implementation of a testing program.
- Circumstances of testing, e.g. pre-employment, post-accident, reasonable suspicion, or random, and the personnel groups to whom the testing will apply.
- Confidentiality safeguards for the entire process.
- The handling procedures 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 tampering or alteration of the test sample, provisions for a split sample, and any re-testing procedures.
- Employment, licensing, and legal consequences of a positive test.
- Rehabilitation support programs, the right to return to work, and after-care.
- Appeal procedures.