

## New EU rules on pilot peer support programmes and random drug and alcohol testing

Since the Germanwings tragedy in March 2015, EASA has been working on new rules covering peer support programmes and drug and alcohol testing. To ensure these new rules are appropriate and effective – and that the interests of pilots are properly safeguarded -, BALPA has continued to work closely with ECA, a group of UK employers, the CAA and the DfT.

### Pilot peer support programmes

By August 2020, all EU airlines will be required to introduce an appropriate pilot peer support programme as a way of addressing any problems (including drug and alcohol issues) which may have a detrimental impact on a pilot's ability to perform their duties. Importantly, peer intervention would also be used as a mechanism to provide professional support and assistance to individual pilots suffering from any problems, including drug and alcohol issues.

BALPA continues to support the introduction of appropriate peer support programmes and to promote the model peer support policy developed in conjunction with employers and the CAA. This model policy is designed to form the basis of company-level peer support programmes agreed between BALPA Company Councils and the employer. A number of Company Councils have already agreed peer support programmes in their company based on this model policy.

### Drug and alcohol testing – including random testing

#### SAFA ramp inspection programme – random alcohol testing

The new EU rules will, from August 2020, introduce a new programme of mandatory random alcohol (but **not** drug) testing by ramp inspectors – under the SAFA ramp inspection programme in the UK – or by police in some other EU Member States. The new rules will apply to pilots and cabin crew. The alcohol breath testing will be conducted after a pilot has reported for duty. The breath test will not be an evidential test. Any positive alcohol breath test conducted by a ramp inspector would therefore need to be followed by an evidential test conducted by the police (probably at the nearest police station).

We understand that the new, mandatory random alcohol tests carried out in the UK will be focused mainly on non-UK crews. The testing of UK crews (in the UK) is therefore likely to be at a low level.

Although random drug testing is not mandatory under the new EU rules, some Member States may choose to do random drug testing linked to the ramp inspection programme.

**BALPA comment** – As part of the consultation process with EASA, we opposed the introduction of random alcohol testing conducted by ramp inspectors. In our view, it would have been better if the new legal requirement to undertake random alcohol testing was carried out as part of a BALPA-agreed company-based programme. However, the new EU rules are now in place and we have to make sure they are applied sensibly and with proper safeguards. To this end we have been liaising with senior managers at the CAA who will be responsible for introducing the new random alcohol tests under the SAFA ramp inspection programme. As soon as we have a clearer idea of how the tests will work in practice, we will circulate relevant guidance to CC Reps and members.

We have also asked the CAA to provide us with information on how the other 27 EU Member States will be introducing the new random alcohol tests (and possibly drug tests) from August 2020. Again, we will share this information with Reps and members as soon as we have it.

### **Company-based random drug and alcohol testing**

Under the new EU rules there is no statutory requirement for operators to conduct their own random testing for alcohol or drugs. However operators are required to introduce a system for managing the risk of potential alcohol or drug misuse.

The CAA has indicated that it is likely that UK airlines will be encouraged to introduce their own company-based programme of random drug and alcohol testing as part of this overall risk management system. Again, we are liaising with senior managers at the CAA and with employers (represented by the Flight Operations Liaison Group) to determine how company-based random drug and alcohol testing would work in practice. We will update Reps and members on the progress of these discussions in due course.

**BALPA comment** – Although we are not opposed in principle to random testing, we have always argued that the best way of addressing drug and alcohol issues is via peer support. In our view, the focus of airlines should be on building strong and effective peer support programmes.

At the same time, we now recognise that the introduction of some form of company-based random testing is now inevitable. As such, it is in the best interests of members for BALPA to seek to discuss and agree with employers suitable arrangements for company-level random testing.

As part of any company-level random testing programme we will be seeking to agree that (1) any random testing is conducted before a pilot reports for duty, (2) any pilots testing positive are directed into the peer support programme for treatment (rather than into any disciplinary procedure) and (3) strong safeguards are in place to comply with data protection rules and avoid any false positive test results.



