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Scotland**

Promoting excellence in
HR across Local Government

Workforce Drug & Alcohol Testing

APSE Session

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Agenda

- ✓ **Local Authority workforce**
- ✓ **Current Drug and Alcohol policies**
- ✓ **Considerations and challenges**
- ✓ **Questions/discussion**



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Local Authority workforce - context



- Over 250,000 staff across frontline and support services
- Workforce challenges:
 - capacity, skills shortages, ageing profile
 - pay/industrial action and Fair Work agenda
 - rising absence and mental health issues
- Trade Union recognition / collective bargaining:
 - Joint consultative forums
 - Health and Safety Committees
 - Organisational Change
 - Policy reviews and scrutiny
 - Avoidance of Industrial Dispute
- Public sector protection

Current policies – Testing (Scotland)



- Benchmarking – 31 councils plus Tayside Contracts (commercial trading)
- 13 councils have some form of Alcohol and Drug testing
 - 12 ‘with cause’ testing only
 - 4 random testing
- Random testing application
 - Council 1 - Ferry Staff only
 - Council 2 - Consent based, part of rehabilitation for an individual
 - Council 3 - Marine and safety critical only (local provision issues)
 - Council 4 – Scope of random testing under dispute
- Several policy reviews underway
- OH shared services review underway
- On-going Heads of HR and SPDS agenda item

Challenges/issues



- Practical challenges - Local provision, cost/coordination, maintaining knowledge
- Increasingly complex landscape - prescription medication, functional usage, thresholds and scope
- Varied appetite for testing across authorities
- TU / staff opposition
- The scope of 'safety critical' posts for testing
- Human Rights Act 1998 - public authorities, Article 8
- GDPR
 - Samples constitute personal and special category data.
 - Must have legal basis for processing special category data
- Constructive unfair dismissal – where no reasonable basis for testing

Considerations

- Proportionate means to achieve legitimate aim
 - Proportionality usually falls within grounds of Health and Safety
 - Evidence that safety is a genuine concern
 - Significantly better evidence of 'impairment' than less intrusive testing methods e.g. assessment of cognitive ability
 - Cost/benefit
- Risk assessment
 - Testing must detect use that could cause impairment
 - Sufficient levels of risk to health and safety of others
 - Not purely reputational or misconduct focus
- Threshold setting
- Disability / health related use
- Contracts – expectations and consequences
- Disclosure – medication/substances that may impair performance



Next steps

- Discuss and understand the risk
- Address key issues
- Achieve a degree of consistency
- Policy reviews





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Thank you

Useful links:

[Being monitored at work: workers' rights: Drug testing - GOV.UK](#)

[What if we use medical examinations and drugs and alcohol testing? | ICO](#)

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