

To: ENVIRONMENTAL SERVICES COMMITTEE		Subject: ALCOHOL TESTING PROCEDURES 2016
From: ACTING EXECUTIVE DIRECTOR OF REGENERATION AND ENVIRONMENTAL SERVICES		
Date: 26 APRIL 2016	Ref: KW/GJ	

**1. INTRODUCTION**

- 1.1 The purpose of this report is to seek authorisation to pilot alcohol testing procedures for Council fleet drivers assessed as high risk. These procedures will supplement the Council's existing Alcohol and drug-related problems Policy, and support the aim of providing a safe and healthy workplace for employees, service users and visitors.
- 1.2 In recognising the complexities associated with the introduction of such procedures, it is proposed that this Service initiate a trial of the alcohol testing procedures starting in June 2016.

The employees involved in the trial would be those who undertake driving duties and are subject to driver licence checking procedures within a) Waste Management; b) Environment and Cemeteries; c) Fleet Management and d) Countryside and Landscape sections and who are considered to be in a high risk category.

- 1.3 Those tasked with driving are fully aware that legally they must be in a fit state to drive. All reasonably practicable steps will continue to be taken to ensure that they are doing so with full, unimpaired control of their physical and/or mental capabilities. Such actions will serve to reduce the risk of injury or loss and achieve legal compliance.

**2. BACKGROUND**

- 2.1 North Lanarkshire Council recognises that alcohol related problems are matters of health and social concern. In the first instance, the Council seeks to provide, so far as is reasonably practicable, all possible support to employees who seek assistance to overcome any such problems.
- 2.2 There are well documented links between alcohol use and impairment in cognition, perception and motor skills (at both acute and chronic levels). The use of alcohol at work can result in a) loss of productivity and poor performance; b) lateness, sickness and absenteeism; c) safety concerns (e.g. vehicles/machinery) and poor discipline; d) adverse effect on image and customer relations
- 2.3 The Council seeks to create a supportive and non-judgemental culture through the implementation of alcohol policies, and will continue to provide support and guidance to those who wish to make a positive lifestyle change.
- 2.4 The Corporate Manslaughter and Corporate Homicide Act came into force in April 2008 and set out a new offence when gross failures in the way activities are managed by an organisation results in a person's death. Where an organisation knowingly permits someone to drive when unsure about their ability to control a vehicle, and in the course of their employment they are involved in road traffic fatality, then prosecution is likely.

- 2.5 Under the Road Traffic Act any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive as a result of drinking alcohol is guilty of an offence.
- 2.6 Employees also have a legal duty under the Health & Safety at Work Act 1974 to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work.

### **3. PROPOSAL**

- 3.1 It is proposed to trial in house breath tests in driver categories deemed to be high risk, therefore, a pilot will be conducted within those sections outlined at 1.2 above.
- 3.2 Digital electrochemical sensor breathalysers, similar to those used by Police Scotland, have been identified as the optimal devices for in-house breath testing activities. They are accurate, cost effective and easy to use.
- 3.3 Appropriate locations for carrying out the in-house breath tests will be identified at each depot to ensure confidentiality. Managers and supervisors, who will have been trained in the application of testing procedures and equipment, will conduct in-house alcohol breathalyser tests on a random basis. Testing would also be carried out where there is good cause to carry out a test. (e.g. following an accident)
- 3.4 Employees will be selected at random and tested in a manner which respects human dignity.
- 3.5 A register will be kept of all tests conducted and the process will be in compliance with the data protection principles and obligations on the Council for fair and lawful processing.
- 3.6 In the event that an employee is found to exceed 22 microgrammes of alcohol in 100 millilitres of breath, they will not be permitted to undertake driving duties. The Council's health partner will be called in to verify the result and further investigation carried out.

### **4. FINANCE**

- 4.1 Digital breathalysers cost £395 per set and the disposable mouth pieces £0.60 each. To implement phase one of the roll out 12 digital breathalysers at a cost of £4,800 and 1,700 mouthpieces at a cost of £1,000 are required.
- 4.2 It is estimated that the Council's health partner will carry out 15 visits per year, at a cost of £300 per visit. The estimated cost per year would be £4,500.
- 4.3 The £10,300 estimated total cost of the testing activity for the first 12 months would be met from existing revenue budgets.

### **5. RECOMMENDATIONS**

- a) It is recommended that Committee authorise the introduction of alcohol testing procedures on a pilot basis within the following sections: Waste Management, Environment and Cemeteries, Countryside and Landscape, and Fleet Operations.
- b) Refer this report to Policy and Resources (Human Resources) (Sub Committee)



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