

Part 115 and the Health and Safety at Work Act: Drug and Alcohol Programme

The CAA expects that adventure aviation operators will manage drug, alcohol and substance impairment as a significant risk, and that they must develop and implement policies and procedures that give assurance that, while performing work in key safety roles, neither themselves, their employees, contractors nor sub-contractors are impaired by drugs, alcohol or substances. The CAA expects assurances to be evidenced by data derived by tests.

This requires a testing regime for the presence of drug, alcohol and substance use.

Programme requirements

1. The CAA will require evidence that any potential impairment risks associated with drug, alcohol or substance use are being managed. Evidence must be held that operators themselves, employees, contractors and sub-contractors have been appropriately tested to ascertain that they are not working while under the influence of, or impairment from drugs, alcohol or other substances. The CAA expects that operators will demonstrate the effectiveness of their policy and procedure by evidential data from a testing regime.
2. The testing regime should be robust, reliable, and applied at appropriate times, such as before a new employee, contractor or sub-contractor begins employment, whenever an incident or accident occurs, on reasonable cause, and at sufficient frequency to permit the detection of drugs, alcohol or substances. The regime should be credible and stand-up to third party scrutiny.
3. Where an operator is personally involved in a key safety role, the operator will be tested by an independent third party such as a registered testing company.
4. Operators will actively apply and enforce their policies, including taking appropriate action when an employee, contractor or sub-contractor, or other person who acts in a key role, has a positive drug, alcohol or substance test result.

Both Part 115 and the Health and Safety at Work Act 2015 are clear that the management and assurance required are normal functions of an operator's duties. In respect of the HSW Act, this is governed by the Health and Safety at Work (Adventure Activities) Regulations 2016. Also CAA Rule Part 115.62 and AC 115-1, Sub Part B 115.62 sets out the expectations for Drug and Alcohol Programmes.

The information presented in this document is intended for general use only. It should not be viewed as a definitive guide to the law, and should be read in conjunction with the Health and Safety at Work Act 2015 and associated regulations (where relevant).