

Overview of the situation of workplace drug testing in Europe

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It is difficult to have a good overview of the situation of workplace drug testing (WDT) in Europe. The latest developments include new and planned legislation, court decisions, guidelines and the transportation sector. In Ireland, the new Safety Health and Welfare at Work Bill 2004 has been published. It states that employees must “not be under the influence of an intoxicant at the place of work; and in that regard submit to appropriate test, if reasonably required by their employer”.

In Finland, the Act on the Protection of Privacy in Working Life covers several aspects of workplace drug testing. The Finnish guidelines about drug testing that have been written using the European Workplace Drug Testing (EWDTS) guidelines are attached to the statute. A survey of the existing legislation was published on the European Monitoring Centre for Drugs and Drug Addiction website in May 2006. There have been several legislative changes in the transportation sector. The EU Council Resolution on combating the impact of psychoactive substances use on road accidents, published on 22 April 2004, invites the European Commission [...] to consider the possibility of proposing measures aimed at ensuring appropriate levels of control on professional drivers.

In the U.K, the Railway & Transport Safety Act has come into force. It covers Air/Road/Rail and Sea, which means that any person in charge of a vehicle can be tested. In France, The Department of Transport published a departmental order on 24 August 2004 allowing occupational physicians of the railway company to drug test workers in safety critical positions. The European Court of Rights (Fourth Section) ruled that the policy of a Swedish Nuclear Plant Operator that required drug and alcohol testing of all its employees was a proportionate measure that did not violate Article 8.2 of the European Convention on Human Rights. In 2002, the EWDTS board accepted WDT Guidelines (based on the UK Guidelines for legally-defensible drug testing). The aim of the Guidelines is to ensure uniform WDT procedures in Europe are performed to well-defined quality assurance and quality control criteria, and are legally-defensible. The guidelines have now been accepted by the European Accreditation (EA) body as benchmark for WDT. In the UK, the report of the Independent Inquiry into Workplace

Drug Testing was published at the end of June 2004, following 18 months of research during which employees, employers, service providers and other interested parties were consulted. The Inquiry recognised that drug testing was increasing in the UK but concluded that that it is inappropriate to drug test as a means of policing the private behaviour of employees or improving productivity and that while drug testing has a role in safety-critical industries it is no substitute for investment in management training and systems. In conclusion, there were several important developments in the last three years. There seems to be a slow, but steady increase in WDT. If specific legislation is drafted, either at the national or the European level, a further increase in WDT can be expected.

KEYWORDS: *Workplace drug testing, Europe, Legislation, Guidelines*

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