

Unions oppose targeting of staff as issue resurfaces after Covid moratorium

Unions have reiterated their opposition to random drink and drug testing on specific groups of council staff.

West Lothian Council is moving to introduce a controversial testing policy which initially brought the threat of strikes from the GMB and other unions.

Unions opposed the implementation as discriminatory because it targeted specific work groups in safety critical" roles. These include HGV drivers or bus drivers or those who operate heavy machinery – about 1,500 staff.

In September 2019 GMB members voted by 83.9% in favour of a strike against the plan.

A moratorium on its introduction was put in force when the lockdown was announced at the start of the Covid Pandemic in Spring 2020.

Speaking after plans to reintroduce the random testing came before a meeting of the council's Corporate Policy and Resources Policy Development and Scrutiny Panel, Tom Carr-Pollock of the GMB said random testing "should apply to the whole workforce."

Since the introduction of the current policy there have been four disciplinary cases leading to disciplinary action where

the allegation was 'inability to carry out duties due to alcohol/drugs'.

There have been 10 occasions since 2019 when 'with cause' testing has been conducted.

There have been 10 cases recorded where being under the influence of alcohol was given as the cause. However, all 10 cases were involving service users, not employees.

Mr Carr-Pollock told the Local Democracy Reporting Service: "The trade unions have no issue with the council randomly testing for drugs and alcohol as long as it is applied to the whole workforce and not just to specific groups of staff. Our expectation is that everyone who drives in the course of their work abides by the law.

"The council already tests people when they are concerned about their presentation or behaviour. The recent report to PDSP has highlighted how low the numbers of 'just cause' tests are."

A report to the PDSP said: "Along with promoting a zero-tolerance approach to the misuse of alcohol, drugs and other substances in the workplace, the 2019 policy introduced random and 'with cause drug and alcohol testing."

The report added: "Prior to implementation of the revised policy however, UNISON initiated an Avoidance of Industrial Disputes (AOID) process in relation to the introduction of random testing and specifically random testing for a select safety critical group of staff only.

"Similar representations were made by other recognised Trade Unions including GMB and UNITE who balloted members on industrial action specifically with reference to random testing of select groups.

"The EIS position was that they are opposed to random testing

and instructed members to withdraw from arrangements to voluntarily transport pupils if subjected to random testing.”

The moratorium was extended until the end of August 2021. The report noted: “The period of the pandemic brought additional barriers to the implementation of a random testing regime.”

The report added: “A further report on records involving drugs has confirmed that all cases were with reference to service users and members of the public rather than employees.

“The contract for the provision of testing is based on a charge when used and, as such, there has been no cost incurred for any retainer for ‘random’ testing during the period of the moratorium.”

Tory group leader Councillor Damian Doran Timson told the PDSP meeting: “I trust the review is completed sooner rather than later. Many companies have random drug and alcohol testing, particularly those who are operating with machinery of vehicles and I think it’s appalling of the unions to resist that here at the council, particularly the EIS.”

“I think the unions’ behaviour in the past has been atrocious.”

By Stuart Sommerville, Local Democracy Reporter