

Let's Talk Fleet Risk - Episode 18

Ean Lewin, Dtec International and Lesley O'Brien, Freightlink Europe

Simon: Welcome to first episode of 'Let's Talk Fleet Risk' for 2023.

In the first quarter of this year, the Driving for Better Business campaign is taking a deeper look at the area of Fitness to Drive. We'll be sharing content on driver impairment, fatigue and wellbeing.

In this episode we're going to look at drug-driving at work and I'm joined by two guests:

We have Ean Lewin, who is the Managing Director of Dtec International. Dtec supports hundreds of fleet operators on policy, screening and testing for drink and drugs. They also supply all 43 British police forces with the DrugWipe roadside testing kits.

And we have Lesley O'Brien, who is the Managing Director of Freightlink Europe, a haulage firm based in Halifax, West Yorkshire, and one of Dtec's corporate clients. Lesley was awarded an OBE in 2020 for her work in the transport industry and is going to talk to us about her personal experience of implementing screening and testing within her own firm.

Welcome to you both

Ean, perhaps I can start with you. Can you give us an idea of how prevalent drug driving is, and why employers should be concerned?

Ean: The basic message about prevalence of drug driving is that, it is more than drink driving and it's just not analysed or detected enough and to back that up some recent figures released from Merseyside Police, covering the pre-Christmas drink / drug driving campaign – this time it was expanded to 6 weeks adding on a couple of weeks for the world cup, they made over 500 arrests in that 6 week period. 350 of those were drug drivers, 150 were drink drivers. That shows you the proportion and to bring this into context on the workplace - in 2020 their data showed that 50% of Merseyside police detections that year were either drivers at work in a company vehicle or they would be driving for their work the next day so 50% was shocking. That was repeated the year after – high 30%'s so it is very prevalent in work time and work vehicles.

Simon: Can you tell us a little about what drugs we should be concerned about, how common they are, and how long impairment can last?

Ean: In principle this is not medications, but illegal drugs. 80 – 85% of that is cannabis and then cocaine. Cocaine is very much more prevalent and in the workplace environment people use cocaine to stay awake. Cannabis is used then to calm down after shifts, and to take the edge of the cocaine they're taking. There is a third one which I'll go back to

medication – the third thing we see from our corporate clients is codeine. Yes, it's a medication but it's the most abused medication on the planet. Rather than using it for a few days, people start using it permanently and getting addicted to it and increase the amount they're on. All 3 of those drugs impair you in different ways. The cannabis will slow your brain down, your body clock, you react much slower if something is happening in front of you – do you slow down in time? Do you take avoidance action or not? Cocaine is speeding you up and you're more likely to take risks and you are more likely to think you can achieve an overtake or you can dive through a gap and all the time increasing the likelihood of an incident.

Simon: If these drugs are being taken socially in their own time – some of these effects can last a long time, can't they?

Ean: Yes, your body reacts in similar ways to drugs as to drink – some of those reactions are like alcohol, like a hangover. So, you say I'll have a hair of the dog and have more. Whether you deem that full blown addiction or dependence it's definitely multiple use so it's rare that personal private time use is ever able to be separated from when people are at work and of course in this environment we're discussing we are talking about transit vans doing 70 mph plus on a motorway or 40 tonnes of HGV - there's a lot of implications to that greying of taking drugs in personal time.

Simon: The driver if he or she is caught with drug driving, that's basically their licence gone. How much responsibility does an employer have?

Ean: The road traffic act 1988 is clear – if you are caught drug driving or drink driving then there is a minimum ban of 12 months. That's the responsibility of the driver. That then would impinge on any other additions to their licence and what the traffic commissioner would say – they would have an opinion on the company.

As far as the company we're looking at The Health and Safety at Work Act, several other bits of legislation but in the worst case when there is a death, we are talking about the Corporate Manslaughter Act and the company would definitely be complicit. The judge would be looking at who was involved and how much effort the company had made to put prevention steps in place, if they hadn't, then individuals in the company would then be considered complicit and they would be prosecuted and personally fined. Not the company cheque book. The traffic manager or the directors would potentially go to jail and be selling their house to pay the fines.

Simon: Clearly no employer wants to be in that position. Lesley, could you tell us what made you decide to start screening and testing your drivers?

Lesley: 2 or 3 years ago I was at a meeting with the DVSA and trade bodies and the focus was on vehicle safety and maintenance. Someone, a small operator, said the real problem impacting on safety on our roads is drivers under the influence of drugs or alcohol and the lady recounted a story whereby all of her small fleet was occupied on one contract and the contractor insisted on drugs and alcohol testing and overnight over 50% were found to be positive and that impacted on her being able to service that contract and she lost half of her drivers overnight.

At the same meeting a large operator echoed those statistics and I thought, my goodness, this is frightening. We all think we know our drivers and we would know. and there're all nice people and it couldn't happen to us but clearly that was something that made me start thinking that I need to be doing something about this. I need to be testing not only my drivers but office workers who were driving, and have a total culture of wanting to be drugs and alcohol free so that's when I started on the journey. Looking at the variety of providers out

there and of course there are a lot of providers, you have a choice. For me I finally went with DTec not because they were the cheapest but that they were providing the police, so I presumed that the police had done their due diligence, but I also wanted a system that was legally defensible in court. There's no point doing this if you find someone who is impaired, and you can't carry on to take action that can be backed up.

Simon: If testing isn't something you've done before, I guess your primary concern would be how are your drivers going to react? How did you get driver engagement?

Lesley: Like a lot of companies, we actually had a drug and alcohol policy and that was given at the time of employment as part of the driver's contract. We were giving fitness to drive questionnaires which included – can we do drug and alcohol testing? So, we had it in place, but we weren't doing anything. The first step was to hold a drivers meeting and we told them what we were going to do and why we were doing it, and we were going to give them a month's grace. They had a month to clean themselves up or come and speak to us for help – and we had 2 resignations.

One of them, I don't know why that person resigned, he didn't say. The other one was clear – they had a drugs problem, and they would be found positive and that was a real eye opener because had you asked me to choose a driver that I thought could have a problem, I would never have chosen this driver. The message for people out there is, you think you know your teams, it will be the least likely.

Because we had spoken to the drivers and because we had systems in place, we did review our policy and tighten it up - we didn't have much kick back from the team. I think, as always, it's down to communication.

Simon: Absolutely. Ean, Lesley has obviously put a lot of effort into getting this right and she values the support from your team at Dtec.

I see many companies that have a driving for work policy which explicitly forbids drink or drug driving, exactly as Lesley said she had, but they don't do any testing. However, I also encounter many companies that don't even have a policy. What does good practice look like in this area?

Ean: I suppose Freightlink is the perfect client – we tend to hope we are seen as a partner rather than a customer / supplier relationship. We make ourselves available to help in any way. Lesley asked for advice and help - and then listened. So, they looked at how it would fit in to their organisation and implemented a clear process. Definition of clear? Clear to the employees. They understand what the rules are. That's the main thing. I see so many policies that are 30 or 40 pages of stuff and employees don't read that. I also see policies that might be 6 pages and it very clearly gets across that whether you call it zero tolerance or whatever, drugs and alcohol will not be tolerated in this organisation or on this site. The way we see good practice – and it's taken us 27 or 28 years now to get this clear – **we have policy. We have education, we have a deterrent and then we have detection.**

We've just discussed getting the policy clear for the employee to understand. Getting education out there so they understand why they shouldn't be doing it, and what to do if there are questions – who to ask. We then have the deterrent which I look at as the carrot and stick. We will dangle the carrot but make no bones about it it's on the end of a big stick.

We then detect – everybody thinks it's all about the detection – that's when the drug wipe comes into its fore. As Lesley said it's police standard specification around the world – not just the UK – and yes we then detect in a screening stage that there is a non-negative and from that we would then go into a legally defensible confirmation process.

The issue is if we detect too many times, then we either have the policy wrong or insufficient education or deterrent. This is where the partnership comes – we need to know what a companies' results are so we can work through those and check whether we need to modify something. As Lesley said – they modified their policy at various points because they realised that something needs to be clearer – this needs to be absolute, this needs more flexibility. That's what 'good' looks like – **good is doing something and not just having a piece of paper that you think you can rely on. You need to be screening. Nowadays with the level of drugs out there you need to be making sure that you are looking and that the employees know you're looking. Then anybody that is taking drugs, you say, not on my watch and not in my company.**

Simon: You mentioned education in that response and presumably educating drivers is essential to get them onside, and to understand why the company's policy is necessary. What are the important points to get across to drivers?

Ean: If you talk to anyone who is smoking cannabis, they will always defend it to the hilt. I'm not saying anything about your personal use of cannabis - but it does not mix with driving – with driving your personal car, your family in the car, it doesn't mix with a transit van, with a bus, with an HGV. It simply does not.

You wouldn't be taking it, paying good money for it if it didn't have an effect on you – and those effects are seen in your ability to drive to standard that is required in law – so education has got to be a little bit of explanation, toolbox talks, things we can help with. The team at Dtec – we can put together a 5-minute discussion for example.

I am in the office sat in front of 4 coasters that we did with BRAKE the road safety charity, and it's all about education, and that is – you get it wrong, and you lose your licence, you probably lose your livelihood which has implications on your mortgage and everything else. It's the education that is simply it doesn't mix with this role – with these jobs.

Simon: There's obviously investment required in testing and screening – presumably you could recoup in other areas if it improves driver safety?

Ean: Absolutely. Just taking a cold hard look and putting it in numbers – if you had a vehicle that was involved in an incident – whether it's a write-off and driver in hospital, or something, you've lost that vehicle and that driver for a good period of time which might impinge on a contract. It just adds to your complications and all of that is calculatable – you can add that up. On the other hand, it might be something as simple as someone has taken a mirror off a bus – and that means the vehicle has to come in, the vehicle is grounded, they have to send another vehicle to do that service, they are then having to get the replacement wing mirror fitted - so you've got technician time. Then you have the discussion with the driver as to why it happened- the management discussions going on. Was this an incident and why did it happen – all of this takes time and money. It's costing you in hard cash for components, in overheads and it's not very long before you realise working with Dtec or any other supplier might have removed that and all of the unexpected incidents and lack of judgement. Maybe there's a reason for it and you should iron it out of your company. Customers stay with us because they realise that it's a financial benefit. Then you have, as Lesley pointed out, the social consequences and whether you as a director can sleep at

night thinking you're doing the right thing or whether you are burying your head in the sand hiding behind a paper policy.

Simon: Lesley, as we wrap up this conversation, I wonder what your personal experience has been after you actually began the screening process? How have the drivers responded? What did you learn from the process? And ultimately, has it given you the confidence as an employer and as a fleet operator that you were looking for?

Lesley: At Freightlink we've really developed a culture of safety and zero tolerance of drugs and alcohol, and this culture has impacted how everybody works. Despite that, despite everything you do, despite new employees knowing that before they even take a vehicle out there going to be drugs and alcohol tested, there will be random tests throughout the year, there will be recalls if they have had an incident or we think there's a reason to test – with all that you would think you'd drive it all out.

But sadly, before Christmas we had a non-negative, a positive test for an employee who was impaired and I'll reiterate, it's the one you think you will not have a problem with. It is heart wrenching just before Christmas to find that you have someone who is possibly going to cause an incident on the road, possibly injure someone, probably injure themselves, probably write off my vehicle and it's a bad time of year but that person has to go. Having these systems policies and procedures in place - they actually make that dismissal for gross misconduct far easier because that person knows you have everything in place and before you start saying we're calling in that external body in to do a urine test, they actually walk, and in the policy, walking is an admission that you are impaired - so it's helped in our culture that people don't even come to us if they are using drugs or have a problem.

Even then you can and will have an issue and it's really important that you keep reiterating the message – we are not experts, we have talked to Ean about education. We have all of our Dtec posters up but if someone came to us, we could call upon the experts and in my mind, I think it should be a legal obligation that if you are employing people who are operating machinery or driving on the road, they should be tested – and then maybe we could reduce these statistics that Ean has spoken about and make our roads safer.

Simon: That's a salutary lesson and a point to reinforce – even with your commitment to this over the last 3 years and the awareness among your drivers, you still had that non-negative test, and it was from someone you would not have expected - that really shows to everyone this isn't something you can take lightly. Everybody needs some kind of testing policy in place. Thanks for sharing that.

Thank you both so much for joining me for this discussion. We'll put details of both your companies in the show notes and also links to some free resources from Dtec to help you get started with understanding the key issues and how to review your own policies and procedures.

And thank you for listening

(transition)

Simon: If you manage drivers and their vehicles, and you face similar issues to those discussed in this podcast, there are links in the show notes to some useful resources on the Driving for Better Business website. And these are all free to access. If you enjoyed the conversation, please don't forget to hit subscribe - so you know when the next episode is released. And please also give us a 5-star review, as this helps us to get up the podcast rankings, and makes it more visible to others who might also find it useful. You can follow us – that's Driving for Better Business on Twitter, Facebook and LinkedIn. And most importantly, please help us to spread the word. All our resources are free for those who manage fleets and their employees who drive for work. Thank you for listening to Let's Talk Fleet Risk, and I look forward to welcoming you to the next episode.