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| **Implementation Checklist for Psychoactive Substances, Psychological Testing and Support Programme** | |
| **Background:**  [Commission Regulation (EU) 2018/1042 of 23 July 2018](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32018R1042&from=EN), as amended by [Commission Regulation (EU) 2020/745](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R0745) (COVID-19 measures), included amendments to the Air Operations Regulation regarding the introduction of support programmes (including peer assistance), psychological assessment of crew and systematic and random testing of psychoactive substances. These requirements become applicable on the 14 February 2021. Refer to OAN 03/19 for details. | **Applicability:**  **All AOC holders** |

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| **Psychoactive substances** | | | | |
| No. | Subject | Regulation reference | OM / Policy reference | Remarks |
| 1. | Has the operator taken all reasonable measures to ensure that no person enters or is in an aircraft when under the influence of psychoactive substances to the extent that the safety of the aircarft or its occupants is likely to be endangered? | CAT.GEN.MPA.170 (a)  CAT.GEN.MPA.175 (a) |  |  |
| 2. | Does the operator’s policy on prevention of misuse of psychoactive substances ensure that flight and cabin crew, as well as other safety-sensitive personnel, are dealt with in a consistent, just and fair manner as regards the prevention and detection of misuse of psychoactive substances? | AMC1 CAT.GEN.MPA.170(a) |  |  |
| 3. | Has the operator developed and implemented a policy on the prevention and detecton of misuse of psychoactive substances by flight and cabin crew members and by other safety sensitive personnel under its direct control? | CAT.GEN.MPA.170 (b) |  |  |

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| 4. | Does the operator’s training policy on misuse of psychoactive substances include training and/or educational material on:   1. the effects of psychoactive substances on individuals and on flight safety; 2. established procedures within the organisation to prevent misuse of psychoactive substances; 3. individual responsibilities with regard to applicable legislation and policies on psychoactive substances; 4. assistance provided by the support programme in accordance with CAT.GEN.MPA.215. | AMC1 CAT.GEN.MPA.170(b)  CAT.GEN.MPA.215 |  |  |
| 5. | Does the operator’s policy ensure testing for psychoactive substances at least in the following cases:  (a) upon employment by the operator; and  (b) with due cause in the following cases:   1. following a reasonable suspicion, and following an assessment by appropriately trained personnel; and 2. after a serious incident or accident within the meaning of Regulation (EU) No 996/2010, provided that testing is possible due to the location of the serious incident or accident. | AMC2 CAT.GEN.MPA.170(b) |  |  |
| 6. | Has the operator developed and implemented an objective, transparent and non-discriminatory procedure for the prevention and detection of cases of misuse of psychoactive substances by its flight and cabin crew and other safety-sensitive personnel? | CAT.GEN.MPA.170 (c) |  |  |
| 7. | Does the operator’s objective, transparent and non-discriminatory testing procedure specify the following?   1. means to ensure confidentiality and protection of data; 2. the responsibilities of the person carrying out a test, which should be in accordance with national legislation; 3. the timing and suitable locations for testing; 4. that the body responsible for testing should be an independent, accredited body using standard guidelines on psychoactive substance testing in line with national legislation; 5. the testing process, and in particular: 6. the psychoactive substances to be tested for; 7. the applicable national legislation and use of recognized quality standards applied to the testing methodology; 8. initial screening and confirmation methods used; and 9. handling of test results, which should be conducted by impartial and trained personnel, in order to ensure adherence to the procedure, to determine the true positives and to prevent false positives;   f) applicable limits applying to psychoactive substance tests;   1. the process to be followed in case of a confirmed positive test result; and 2. the internal appeal process. **E** | AMC1 CAT.GEN.MPA.170(c) |  |  |

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| **Psychological Testing for Flight Crew** | | | | |
| No. | Subject | Regulation reference | OM / Policy reference | Remarks |
| 1. | Has the operator established a process to ensure that flight crew have undergone a psychological assessment to identify psychological attributes and suitability of the fight crew in respect of the work environment (or an internal assessment of the psychological attributes and suitability of flight crew for non-complex organisations with a workforce of less than 20 FTEs) before commencing line flying? | CAT.GEN.MPA.175 (b)  CAT.GEN.MPA.175 (c)  AMC1 CAT.GEN.MPA.175(c) |  |  |
| 2. | Is the psychological assessment appropriate to the particularity, the complexity and the challenges of the operational environment that the flight crew is likely to be exposed to including at least the following assessment criteria:   1. cognitive abilities; 2. personality traits; 3. operational and professional competencies; and 4. social competences in accordance with CRM principles | AMC1 CAT.GEN.MPA.175(b) |  |  |
| 3. | Is the psychological assessment validated and/or directly performed and overseen by a psychologist with acquired knowledge in aviation relevant to the flight crew’s operating environment? | AMC1 CAT.GEN.MPA.175(b) |  |  |
| 4. | Has the psychological assessment been undertaken in the last 24 months before commencing line flying? | AMC1 CAT.GEN.MPA.175(b) |  |  |
| 5. | Can it be demonstrated that an assessment conducted more than 24 months prior to commencement of flying is still adequate following a risk assessment for the risk mitigation as required by ORO.GEN.200(a)(3)? | AMC1 CAT.GEN.MPA.175(b)  ORO.GEN.200(a)(3) |  |  |

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| 6. | As regards the psychological assessment, are the following documented?   1. the procedures followed; 2. the personnel involved; 3. the assessment criteria and instruments used the assessment; and 4. the validity period | AMC1 CAT.GEN.MPA.175(b) |  |  |

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| **Support for Flight Crew** | | | | |
| No. | Subject | Regulation reference | OM / Policy reference | Remarks |
| 1. | Has the operator enabled, facilitated and ensured access to a proactive and non-punitive support programme that will assist and support all flight crew in recognising, coping with, and overcoming any problem which might negatively affect their ability to safely exercise the privileges of their licence? | CAT.GEN.MPA.215 (a)  AMC1 CAT.GEN.MPA.215  AMC3 CAT.GEN.MPA.215 |  |  |
| 2. | Has the operator ensured, without prejudice to applicable national legislation on the protection of individuals with regard to the processing of personal data and on the free movement of such data, the protection of the confidentiality of data to encourage the use of the support programme and its integrity? | CAT.GEN.MPA.215 (b)  AMC2 CAT.GEN.MPA.215 |  |  |
| 3. | Does the support programme contain all the following elements?   1. procedures including education of flight crew regarding self-awareness and facilitation of self-referral; 2. assistance provided by professionals, including mental and psychological health professionals with relevant knowledge of the aviation environment; 3. involvement of trained peers, where trained peers are available; 4. monitoring of the efficiency and effectiveness of the programme; 5. monitoring and support of the process of returning to work; 6. management of risks resulting from fear of loss of licence; 7. a referral system to an aero-medical examiner in defined cases raising serious safety concerns? 8. enable self-declaration or referral in case of a decrease in a flight crew’s medical fitness with an emphasis on prevention and early support; 9. if appropriate, allow the flight crew to receive temporary relief from flight duties and be referred to professional advice. | AMC1 CAT.GEN.MPA.215  AMC3 CAT.GEN.MPA.215 (a) |  |  |
| 4. | Is an agreement in place between the the operator and the support programme indicating the manner on how to proceed in case of a **serious safety concern** resulting in a breach of confidentiality and protection of data?  *Note: Serious safety concerns include but are not limited to injury to self, to others, to flight safety or criminal acts both contemplated or committed.* | AMC2 CAT.GEN.MPA.215 (d) |  |  |
| 5. | Can the operator ensure that the data from the support programme is used for the purpose of safety management is anonymised and aggregated to ensure confidentiality? | AMC3 CAT.GEN.MPA.215 (b) |  |  |
| 6. | Does the operator promote access to the support programme for all the flight crew? | AMC4 CAT.GEN.MPA.215 (a) |  |  |
| 7. | Can the operator ensure that the relevant initial and recurrent training is provided to professionals (including mental and psychological health professionals) as well as trained peers that are involved in the support programme? | AMC4 CAT.GEN.MPA.215 (b) |  |  |

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| **Implementation aid for the scope, robustness & effectivity when overseeing the Introduction of a Support Programme (This is for operator internal use only, completion of this section is optional).** | |
| Subject | Remarks / Documentation reference |
| 1. Does the Operator have other programmes such as, for example, psychoactive misuse (Drug & Alcohol policy) that will run parrallel to the support programme?   *Note: Such programmes may be centralised within the SP and pilots signposted to different pathways or programmes thus avoiding duplication and possible ‘slips’.* |  |
| 1. If the support programme is financed by the operator or part financed by the individual pilots’ union and the operator, is there a statement that categorically denies the fact that any form of agreed ownership of the support programme does not entail control over the running of the programme or having exclusive right to programme data? |  |
| 1. Is there a clear mention in the Terms of Reference who is liable for any court action being taken by a Client against any individual forming part of the support programme? |  |
| 1. Has the operator made provisions in the employment contract that alternative positions in the organisation are offered to flight crew in case a return to in-flight duties is not possible? |  |
| 1. How can the operator demonstrate that the Support Programme is easily accessible by the client pilot or by Peer Intervention? |  |
| 1. How does a pilot make the initial contact with the support programme? What process (telephone, website, App.) is in place for the pilot to have access to a Peer? Is accessibility via the stated means to the support programme a 24 X 7 service? If not, how are requests handled outside specific service hours? |  |
| 1. Is the Support Programme Lead or Programme Co-ordinator specified in the Support Programme documentation? What qualifies such an individual to occupy such a position of trust? Are the roles and responsibilities identified for this position? |  |
| 1. Does the Support Programme form an integrated part of the organisation or is it independently run by an affiliable third party provider? If a third party is providing the service, is there a signed contract underlying the the roles and responsibilities of both parties concerned?  * AMC1 ORO.GEN.205 |  |
| 1. How does the operator handle confidential reports that may reflect an underlying psychological issue and how are such reports passed on to the Co-ordinator of the support programme? |  |
| 1. Does the operator have a confidential means that allows for Peer Intervention i.e. for other members within or outside the organisation to contact the Programme Co-ordinator to report a flight crew member that may need support intervention? |  |
| 1. Following a report by Peer Intervention, how is sensitive personal data about a pilot held without their knowledge and used to track their behaviour and possibly identify a potential problem handled by the support programme without breaching data protection laws? |  |
| 1. With regards to Peer Intervention, does the Peer being contacted have the means to identify if the concern being made about a pilot is justifiable and not malicious to warrant contacting the pilot concerned? Is the MHP involved in this decision process? |  |
| 1. What process is in place for the Lead Co-ordiantor of the programme should the pilot identified by Peer Intervention is deemed as requiring support but refuses to utilise the assistance being offered by the support programme without providing a justifiable reason? |  |
| 1. When the Lead Co-ordinator and the MHP identify that, through the Peer Intervention and after investigating the concern raised, a need arises to remove the pilot form the roster. Who is described as having the authority to proceed with such an action? In this respect are the boundaries of responsibility and potential liability stated for the various members of the support programme? |  |
| 1. How does the operator show a flight crew member removed from rostering duties when solicited by a MHP for whatever reason that is not disclosed? |  |
| 1. Does the operator offer any type of leave for pilots to avail themselves of in the event that they require to be removed from the roster for specific welfare issues? |  |
| 1. Does the operator’s management system specifically ask for a medical certificate when a pilot enters a support programme? |  |
| 1. What process is described for a pilot to notify the management of the operator when s/he requires time off from work to address their problems ably assisted by the support programme? |  |
| 1. Does the operator provide access to the support programme to contracted pilots? |  |
| 1. What criteria are set by the operator or third party provider to select Peer Supporters? |  |
| 1. What are the training elements being provided by the operator or third party provider for Peer Supporters? |  |
| 1. Does the operator provide adequate resources for the Peer to refer the pilot to possible professional support both psychological and medical?   *Note: Are Peers trained to sensibly encourage the pilot to personally seek alternative pathways beyond the level of the support programme in matters concerning legal or financial support?* |  |
| 1. How does the operator ensure that Peer Supporters do not form part of any managerial position nor a pilots’ representative body? |  |
| 1. How does the operator ensure that the Programme Lead / Co-ordinator does not form part of any managerial position nor a pilots’ representative body? |  |
| 1. Has the operator established the roles and responsibilities of the Programme Lead / Co-ordinator? |  |
| 1. Has the operator delegated the implememtation and the running of the support programme to an Oversight Committee? Who are the members forming part of the Oversight Commitee? Is there a TM-CAD representative in the Oversight Committee? |  |
| 1. How will the Oversight Committee provide statistical and de-identified data to TM-CAD to demonstrate to the Directorate the effictiveness and proper functioning of the support programme? |  |
| 1. How will the Oversight Committee monitor the motivational levels of Peer Supporters to ensure that caseload fatigue does not occur? |  |
| 1. How many times per year does the Oversight Committee meet? |  |
| 1. How does the operator process grieviances against a Peer Supporter arising from concerns by pilots (the clients) in the support programme? |  |
| 1. Does the operator’s proposed support programme have the following identifiable key elements when being structured and when educating the workforce:  * Confidential Safe Zone; * Trained Peers; * Suitably qualified MHP; * Programme Lead/Co-ordinator; * Easy accessibility to the programme; * Clearly defined pathways to available help; * Signposting to other pathways such as to drug or alcohol misuse programmes, marriage guidance services, anger management, gambling addiction, bullying and harassment at work, financial advice, etc; * Oversight Committee; * **Peer Intervention mechanism**; * Educations regarding mental health issues; * Data responsibilities. |  |
| 1. Can the operator provide an unsigned Confidential Agreement required to be signed by the Peer Supporters prior to becoming involved in the support programme? |  |
| 1. Does the operator’s website or the contracted third party have educational material regarding mental well-being, alcohol and drug misuse and how to self-refer if and when required? |  |
| 1. Can the operator or third party provider of the support programme provide evidence that data collected is handled in accordance with GDPR principles and is adequately protected? |  |
| 1. What processes are in place to follow-up crew after any flight crew member (pilots and cabin crew) returns to work? |  |

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| **Inspector’s Comments:** |