



Top 12 Reasons Why a Good Drug-Free Workplace Program Goes Bad

Working Partners for an Alcohol- and Drug-Free Workplace
U.S. Department of Labor
www.dol.gov/workingpartners

1. The drug-free workplace program isn't tied into the organization's safety plan since it's not required by OSHA regulations.

Although not required under OSHA regulations, drug-free workplace programs add value to workplace safety and health plans, and, in fact, OSHA has come out in support of them, especially in high-hazard industries. Incorporating your drug-free workplace program into your overall safety plan makes good safety sense and sends a clear signal to workers that you're serious about it. It is important to note that because programs are often overseen by an organization's Human Resources function, effectively integrating them into safety plans may require connecting the right people and ensuring they understand the program's impact on each other's areas of responsibilities.

2. There is a policy on paper, but no one knows what it says.

If no one knows what the policy says, the reality is that there is no drug-free workplace program. To change this, decision makers need to get the company back on track – by pulling the policy out of the drawer, reviewing it to ensure it's still timely, updating it if necessary, and distributing and explaining it to all employees and supervisors. Also discussed should be the impact of drug use on business and respective roles in complying with and enforcing the policy. Employees should have the opportunity to ask questions and be required to sign "acknowledgement of receipt forms." Once the revised policy is implemented, it should be reviewed once a year. The U.S. Department of Labor's Working Partners Web site (www.dol.gov/workingpartners) has a tool called the Drug-Free Workplace Advisor that can help in assessing the adequacy of a policy.

3. There is a belief that once a policy is implemented, it's too late to change it.

It's important to implement and enforce policies in a consistent manner; however, they're not written in stone. Like organizations themselves, programs will likely need to change over time to meet evolving needs. Enforcement must be consistent but can still afford employers flexibility in dealing with specific situations. Policies should be reviewed periodically to consider what is working and what is not, and when appropriate, changes should be made. For example, a policy may originally include a "one strike and you're out" provision without any avenues for workers to seek help and return to work, but when a senior employee with hard-to-replace skills tests positive on a drug test and you're tempted to make an exception, it's time to revisit whether your policy meets your needs.

4. Workers feel drug testing is invasive and won't go for it.

While drug testing may seem invasive, it actually protects the company and contributes to every individual's job security and personal safety. Education and employee involvement from the beginning is key to a successful program, and in fact, many unions support drug testing when implemented in a fair manner that includes procedures that ensure the integrity, accuracy and confidentiality of test results and provide opportunities for workers to get help and retain their jobs.

But it takes more than a brochure or a poster on a bulletin board to help workers understand and appreciate that drug testing protects worker safety.

5. There is a belief that if applicants are drug tested, no one will ever be hired.

If the level of drug use at your organization is that high, you're already at risk for higher absenteeism and medical costs and lower productivity, in addition to serious liability. It's a ticking time bomb if not properly addressed. What's your exposure once the word gets out that "users" can get away with their behavior at your business? No company has ever gone out of business because it could not find drug-free applicants. Take a few minutes to understand how drug use costs businesses. Then, consider that most people do not use drugs and that all these people do not want to work next to someone who does. Promote that you are a drug-free workplace and drug testing is a condition of employment. Non-users will find you and appreciate the safety and security of staying on your payroll.

6. The policy includes reasonable suspicion testing, but supervisors never exercise it because they're afraid of making a wrong call.

Thoroughly training supervisors is key. They must understand and feel comfortable identifying the factors that constitute "reasonable suspicion" that a worker's use of drugs or alcohol is affecting job performance. They should be reminded that a test is an objective indicator of recent use and can rule it out. It's also a good idea to have sufficient checks and balances. When a supervisor recognizes the signs of drug or alcohol use because it's affecting job performance, someone at a higher level should review the information and observations before making the final decision to require a drug test.

7. There is a belief that drug testing doesn't really improve safety since it doesn't show actual impairment.

Drug testing is a good deterrent—most sensible people won't risk their jobs if they know they can be tested at any time. And money spent preventing an incident from ever occurring is typically 10 times less than associated costs surrounding a drug or alcohol incident, not to mention the emotional impact an accident or injury—or worse—has on staff morale. Also, positive drug tests do show recent use and have become defacto evidence of impairment. Courts have upheld employer rights to take disciplinary action against employees who test positive—especially when safety is an issue. Drugs, whether illegal or prescription, are controlled precisely because of their effect on behavior and health. Furthermore, the nature of addiction creates safety concerns even when someone isn't currently "under the influence" because of the edginess associated with drug cravings. It's important to write drug-free workplace policies to prohibit workers from reporting to work with detectable levels of drugs in their system, not just "working under the influence."

8. There is a belief that there's no use testing since people can cheat the test.

Good labs can beat the cheaters by testing for adulteration, substitution, specific gravity and other common ways that signal someone is trying to beat the test. Do not use a lab that does not provide this "value-added" testing. Ask the lab if it performs these tests. Then, ask for a letter stating that it performs these tests. Taking care to ensure the collection site is properly secured (e.g., bluing agent in toilet, water turned off) is another step. Observed collections are appropriate only when there is evidence of efforts to cheat.

9. Only illicit drugs are tested for, but there are known problems with alcohol and prescription drugs.

Only federal government-mandated programs are limited to testing for certain drugs, namely the “5-panel” test (cocaine, amphetamines, opiates, marijuana and PCP). Because of its significant impact on safety, the U.S. Department of Transportation regulations also include alcohol. Employers do have the right to know about the use of prescription drugs when it can impair performance and jeopardize safety, and many private-sector organizations do test for alcohol and prescription drugs. However, when this is the case, it is extremely important to ensure your drug-testing procedures include review by a Medical Review Officer (MRO) and allow workers the opportunity to provide a legitimate explanation for a positive test result, such as a physician’s prescription. You must be very clear about the role of the MRO in reviewing such cases and what avenue he/she has for reporting concerns if he/she feels even legitimate use of a drug could impair a person’s ability to work safely. In such cases, a change in duties or even a leave of absence might be appropriate.

10. Safety professionals don't feel they have the expertise to provide training on drug issues.

You don’t have to be an expert to educate your workforce about workplace drug abuse and the specifics on your drug-free workplace policy. The U.S. Department of Labor’s Working Partners Web site (www.dol.gov/workingpartners) includes supervisor and employee training presentations, tool box talks, facts sheets and supporting materials such as posters and data. There are also professionals that specialize in this type of training and, if you provide an Employee Assistance Program (EAP) as part of your drug-free workplace program, training is often included in the service. If you don’t have an EAP, you may be able to find specialized trainers through the Working Partners Web site’s state resource directory. Keep in mind that even if you use outside trainers, programs should be tailored to educate employees about the specifics of your organization’s policy and convey management’s commitment to ensuring its effectiveness.

11. Management believes offering Employee Assistance Program (EAP) services and treatment are luxuries it can't afford.

Actually, studies show that EAPs save organizations money. They decrease turnover, absenteeism and health care costs (including workers’ compensation claims) and increase productivity. They also help prevent drug and alcohol abuse and provide a way to intervene early, before someone gets caught on a drug test. In the event a test does come up positive, EAPs provide an avenue for assessment and referral. They also play a large role in treatment, which has been shown to be effective, allowing many valued, skilled employees to return to work safely and productively. In many cases, it is the EAP who helps the worker come to terms with the fact that he/she may have a problem and works with him/her to identify the best option for treatment based on insurance, availability, time and personal finances. Some employees have access to EAP services and don’t even know it –through insurance companies, which may offer them because they are aware of the savings that add up from a little prevention. It is important to note that EAPs may also minimize an employer’s legal vulnerability by demonstrating efforts to support employees.

12. Workers don't trust EAPs. They think they're just a management tool to get rid of problem employees.

It should be reinforced to employees that EAPs are staffed by trained professionals who provide confidential services and work to make workplaces safer and more productive for the benefit of

employees and employers alike. It is also important to educate EAP staff about the unique characteristics of each particular workplace. Also, since EAPs help both workers and management, finding the right EAP service provider should be a collaborative task. Once an EAP is implemented, it can be a lifeline for some employees by helping them address personal problems, including but not limited to alcohol and drug abuse, that are interfering at work or home. The main focus of an EAP is prevention, and employees should be reminded through regular communication that the best time to access EAP services is before a problem becomes a job risk. In cases when the EAP involvement comes too late, they still assist through appropriate assessment, referral and follow up.