

## Drug-Free Workplace Program

Substance use is often the silent and unseen cause of work-related accidents. Unfortunately, employers and their employees may not be aware of this invisible danger until it is too late. Statistics from national studies point out how costly substance use is within the workplace, and Ohio is no different. Estimates of the cost of substance use to employers vary, ranging from \$7,000 to \$25,000 annually per substance user. Consider these statistics that highlight the problem of substance abuse in the workplace:

- \* 47 percent of serious workplace accidents and 40 percent of fatal workplace accidents have drug and/or alcohol involvement (Occupational Medicine)
- \* 38 to 50 percent of all workers' compensation claims are related to alcohol or drug abuse in the workplace (National Council on Compensation Insurance)
- \* Over 90 percent of alcohol users and 74 percent of drug abusers are employed (National Institute on Drug Abuse, Department of Health and Human Services)
- \* An average of 15 percent to 17 percent of employees in every U.S. company are substance abusers (Bureau of Labor Statistics)
- \* 40 percent of the time a substance user causes an accident, a co-worker is injured (Occupational Medicine)

Beyond these immediate costs, the courts and the public are holding American employers – small, medium, and large alike – responsible for the behavior of their substance-using employees. Not only do alcohol and other drug use affect the profitability of companies, they also impact the health, safety, and productivity of workers. The human and financial losses borne by the business community impact every one of us.

Consider the effects of substance abuse in the following areas:

**Productivity** - Substance users are 33 percent to 50 percent less productive

**Absenteeism** - Users are absent an average of three weeks more per year and tardy three times more often than non-users.

**Accidents** - Users are three to four times more likely to have an accident on the job, and five times more likely to file a workers' compensation claim.

**Medical Claims** - Substance users file 300 to 400 percent more costly medical claims.

**Employee Theft** - An estimated 50 percent to 80 percent of all pilferage, theft, and loss is due to substance-using employees.

The solution to dealing with substance use in the workplace is to develop and implement a comprehensive drug-free workplace policy. There are five basic components of a drug-free workplace policy:

- \* Written Substance Use Policy;
- \* Employee Education;
- \* Supervisor Training;
- \* Drug & Alcohol Testing;
- \* Employee Assistance.

### **Written Substance Use Policy**

Every Drug-Free Workplace Program starts with the development of a written substance use policy to set the tone of the program, outline the responsibilities of the employer and employee and full explain the program. Employers are encouraged to involve all levels of employees to develop the program. Every written policy should:

- \* Spell out all rules of the program;
- \* Identify an administrator for your program and that person's role and responsibilities;
- \* Be shared with all staff before implementation as part of employee education;
- \* Clearly state that the program applies to all employees, including top management;
- \* Reference collective-bargaining agreements, if applicable, and show how the program works with these agreements to promote a safer workplace;
- \* State that supervisors will be trained on their testing responsibilities before testing is implemented;
- \* Address the use and misuse of alcohol, prescription medications, over-the-counter medications, and illegal drugs;
- \* Identify which drug and alcohol tests will be used, the cut-off levels for each, and what testing procedures/protocols will be applied;
- \* Include a commitment to rehabilitation;
- \* Describe referrals for testing, assessment and employee assistance;
- \* Comply with all pertinent federal and state laws or regulations;
- \* Identify prohibited conduct and the consequences for violating the policy, including: an employee's refusal to submit to a medical examination or a drug/alcohol test and an employee's attempt to manipulate the drug/alcohol testing process;
- \* Address confidentiality of program records to ensure privacy rights of employees.

### **Employee Education**

All employers implementing a drug-free workplace program must plan to educate their employees by providing information about the policy and how it will operate as well as to present educational awareness sessions on substance issues.

### **Supervisor Training**

All employers implementing a drug-free workplace program must plan and develop a program to train supervisors about their responsibilities. Training should include how to:

- \* Recognize a possible alcohol or drug problem;
- \* Document behaviors that demonstrate an alcohol or drug problem;
- \* Confront employees with the problem;
- \* Initiate reasonable suspicion testing;
- \* Make appropriate referrals for assessment or assistance;
- \* Follow up with employees returning to work after a positive test; and
- \* Operate consistently within collective-bargaining agreements, if applicable.

## **Drug and Alcohol Testing**

The heart of every drug-free workplace program is drug and alcohol testing. All employers implementing a drug-free workplace program are responsible for developing drug and alcohol testing to detect and deter substance use and misuse in the workplace. The employer's written substance abuse policy must clearly spell out all aspects of drug and alcohol testing, including cut-off levels and the procedures or protocols that define a testing process.

Drug and alcohol testing should be carefully thought out and incorporated into the employer's written substance abuse policy in a way that clearly explains how this testing works, the types of protections built into the testing system and what employees can expect. It is important to include how the employer intends to address refusal to test, adulteration, and attempted adulteration, and specimen substitution.

Choosing the cut-off level for a positive alcohol test is another important consideration for employers. The Ohio Bureau of Workers' Compensation recommends employers consider the level used for federal alcohol testing at which an employee is taken off a safety-sensitive function and referred to a substance abuse professional. This cut-off level is substantially lower than that used by any state in terms of considering a person who is operating a motor vehicle while intoxicated. However, the cut-off level used for federal testing is supported by scientific research in terms of the effect on workplace safety and employee productivity.

The recommended cut-off levels for drugs should come from the U.S. Department of Health and Human Services (DHHS). Costs should be discussed with the certified lab. DHHS-certified labs should recommend cut-off levels based on research that shows that the presence in an employee's system affects his or her functioning.

## **Employee Assistance**

Employee assistance is a cornerstone of any Drug-Free Workplace program. The written substance abuse policy must clearly express management's commitment to helping employees with substance-use problems, with options for assessment information, referral to assessment and/or treatment, and a general commitment to rehabilitation. This policy should inform the workforce of available employee-assistance services. In addition, the written substance abuse policy should identify who will pay for the services associated with an assessment and treatment. Reasonable employee co-pays are permitted.

An employee assistance plan does not imply that an employer will provide treatment for an employee with a substance-use problem. However, the employer must identify a plan of action and the applicable resources for employees who seek help on their own, who are referred by management for a possible problem with alcohol/drugs, or who have a positive alcohol/drug test.