

# Creating a Drug-Free Workplace

## Sobering Facts That May Impact Your Safety Efforts

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**D**rug and alcohol abuse puts a strain on the best efforts of any workplace safety and health program. It's a profound problem—both in economic and human terms. Think it isn't a problem at your telecommunications company? A 2003 national survey by the Department of Health and Human Services found that 14.9 million of the 19.4 million who abused drugs or were dependent on alcohol were employed either full time or part time. These numbers account for more than 10% of the total U.S. workforce population in both full time and part time employees.

Some sobering statistics (according to the Department of Labor) that may surprise you:

- Alcohol is the most widely abused drug among working adults. An estimated 6.2% of adults who work full time are heavy drinkers.
- More than one in three workers between the ages of 18 and 25 are binge drinkers.
- More than 60% of adults know someone who has reported to work under the influence.
- One in five workers report that they've had to work harder, redo work, or cover for a co-worker, or have been put in danger or injured as a result of a fellow employee's drinking.
- Up to 40% of industrial injuries and fatalities can be linked to alcohol consumption.
- Alcoholism is estimated to cause 500 million lost workdays annually and \$7.4 billion in alcohol-related incidents.

Among the population of full time employed heavy drinkers:

- 36% work for small companies (1-24 employees)

- 47% work for medium companies (25-499 employees)
- 17% work for large establishments (500+ employees)

Some costs—absenteeism, accidents, and errors—are obvious. Others, such as low morale and high illness rates, are less obvious, but are equally as harmful.

There is good news. Employers have enormous power to protect their organizations from alcohol and drug abuse by establishing a drug-free workplace, educating employees about the dangers of abuse, and encouraging employees to get help with these issues. ▶▶▶



## Setting Up a Drug-Free Workplace

As opposed to the Drug-free Workplace Act of 1988 which applies to federal grantees and contractors, the general term “drug-free workplace” is generally used to describe employer-sponsored substance prevention programs that include: a drug-free workplace policy, supervisor training, employee education, employee assistance, and drug testing. A drug-free policy with enforceable consequences for disregarding the policy contributes to a safe workplace, because others’ behavior affects the safety of fellow workers.

Specifically, the drug-free workplace policy should include a statement from management that the policy is in place to provide a safe working environment for all employees. The policy should be given to, and signed by all employees as part of the hiring and pre-hire process and kept in the employee’s human resources/personnel file. It should identify who will be tested (all applicants/employees or as required by law like CDL); under what circumstances (post job-offer, post-accident, reasonable suspicion, random, and following rehabilitation); and identify the consequences for failing to comply (suspension, probation, termination, or not being hired).

It’s important that specimen collection be done at a qualified site. The Department of Health & Human Services and the National Institute on Drug Abuse certify labs as meeting their specific qualifications for collection and testing of specimens. There should be an impartial medical review officer to rule if there is legitimate medical reasons for the presence of drugs in the test. It is equally important for the testing and results to remain in strict confidentiality. Because it is such a problem in the workforce, any health insurance plans offer funding for employee assistance programs (with various rules/stipulations) to round out the drug-free workplace program.

## The ADA Implication

Are the employees with alcohol or drug abuse problems disabled? The Americans with Disabilities Act (ADA) prohibits employment discrimination against employees and applicants with disabilities in organizations that employ 15 or more employees. The term “disability” means an individual has a physical or mental impairment that substantially limits one or more of their major life activities. The ADA says the individuals **currently** engaging in the illegal use of drugs are not individuals with a disability when the employer acts on the basis of use. “Currently” means that the illegal use of drugs occurred recently enough to justify the employer’s reasonable belief that involvement with drugs is an ongoing problem. Certainly, employers



may prohibit the illegal use of drugs and the use of alcohol in the workplace. The ADA is not violated by tests for illegal drug use and employers may discharge or deny employment to persons currently engaging in the use

of illegal drugs. However, employers may not discriminate against drug addicts who are not currently using drugs and who have been rehabilitated or are currently in a rehabilitation program. A rehabilitation program includes inpatient, outpatient, or employee assistance programs. The act requires that reasonable accommodations, such as allowing time off for medical care or self-help programs, must be extended.

A person who is an alcoholic may be an “individual with a disability” under the ADA. Employers may discipline, discharge, or deny employment to alcoholics whose use of alcohol impairs job performance or conduct to the same extent that such conduct would result in disciplinary action for other employees. Employees who use drugs and alcohol may be required to meet the same standards of performance and conduct set for other employees. The ADA

does NOT protect the casual drug/alcohol users; it is to offer protection against discrimination for those with a record of addiction and rehabilitation. The Department of Labor ([www.dol.gov](http://www.dol.gov)) can expound upon these rules and regulations.

## FMLA

The Family & Medical Leave Act (FMLA) affects drug-free workplace programs because a covered employer must grant an eligible employee up to 12 weeks of unpaid leave during any 12-month period when the employee is unable to work because of a serious medical condition. Any period of incapacity or treatment connected to inpatient care such as substance abuse treatment or continuing treatment by a health care provider, which includes any period of incapacity due to a health condition (including treatment and recovery) lasting more than three consecutive days, and any subsequent treatment relating to the same condition. Again, FMLA applies to all employers who employ 50 or more people in 20 or more workweeks.

## Risk Management

The more employees learn about the company’s substance abuse policy, the less likely they are to challenge the policy. Many smaller companies mistakenly believe that the costs associated with implementing a drug-free workplace program are too expensive or difficult. In reality, drug testing pays for itself through productivity gains and improved safety records—that’s one reason it is required of all CDL drivers. In addition to providing a safe working environment, in many states, having a drug-free workplace can save premium dollars on your Workers Compensation and Business Auto insurance premiums.

Taking a proactive approach to safety at your telecommunications company should include implementing a drug-free workplace. ■

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