Drug-Free Workplace

Begin Course

Course Overview

The Drug-Free Workplace Act of 1988 requires *some* Federal contractors and *all* Federal grantees to agree that they will provide drug-free workplaces as a precondition of receiving a contract or grant from a Federal agency. This course meets the requirements related to ensuring both employees and employers understand what the Drug-Free Workplace.

TARGETSOLUTIONS

Glossary

Drug-Free Workplace

The site(s) for the performance of work done by the contractor/grantee in connection with a specific contract/grant at which employees of the contractor/grantee are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of any controlled substance.

Drug-Free Workplace Act of 1988

The **Drug-Free Workplace Act of 1988** (41 U.S.C. 81) is an act of the United States which requires some Federal contractors and all Federal grantees to agree that they will provide drug-free workplaces as a precondition of receiving a contract or grant from a Federal agency.

Employee Assistance Program (EAP)

Counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.

Illegal Drugs

A controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title.

Random Testing

A system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs.

Testing Designated Positions (TDPs)

Employment positions within the [Agency] which have been designated for random testing under Section IX(B) of this plan.

Verified Positive Test Result

A test result that was positive on an initial FDA-approved immunoassay test, confirmed by a Gas Chromatography/Mass Spectrometry assay, (or other confirmatory tests approved by the Department of Health and Human Services)

Course Objectives

TARGETSOLUTIONS

After successfully completing this course, you will be able to:

Objective 1

Define the scope of drug use in the workplace

Objective 2

Differentiate between "substance abuse" and "addiction"

Objective 3

Explain how drug and alcohol abuse harms performance, safety, and profitability

Objective 4

List the five key tactics of a drug-free workplace strategy.

Objective 5

Investigate consequences for drug use in the workplace.

This training should be combined with company specific training on the employer's Drug-free Workplace Policy.
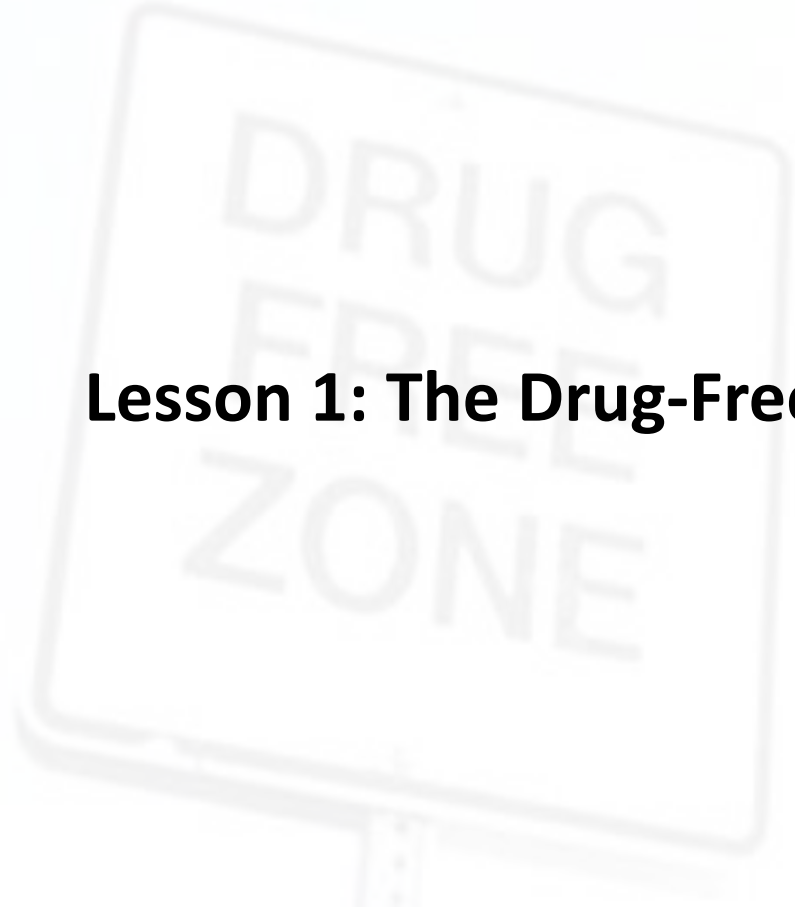
Table of Contents

TARGETSOLUTIONS

Lesson 1: The Drug-Free Workplace

TARGETSOLUTIONS

National Statistics

People in the U.S. comprise only 4% of the global population, but they consume 60% of the world's illegal drugs: 23 million smoke marijuana at least 4 times a week, 6 million use cocaine, and 2 million use heroin (Users of legal drugs include the 18 million who drink alcohol).[1]

A Drug and Alcohol-Free Workplace program provides a way for employees to help themselves. It's also a way for co-workers to get help for other co-workers.

Drug Abuse in the Workplace

There is a good chance that one of your coworkers is a problem drinker or drug user.

This includes:
- 12.9 million (66.6%) of 19.3 million illicit drug users
- 42.7 million (74.4%) of 57.4 million binge drinkers
- 12.4 million (74.9%) of 16.6 million heavy drinkers

Combined data from 2004 to 2008 indicates that 19.8% of women aged 18–64 who were employed full time engaged in binge alcohol use, and 6.4% used illicit drugs in the past month. [2]

9.9 million binge drink and 3.2 million use illicit drugs. In a workplace setting, individuals who abuse drugs cause risks for employers and their co-workers.

Some occupations like long-haul trucking can cause enormous liabilities in terms of accidents, law suits, and other problems. [3]

Every Organization Needs to Address the Drug-Free Workplace

Recent studies reveal the following:

- An estimated 3.1 percent of employed adults **used illicit drugs before reporting to work** or during work hours at least once in the past year, with about 2.9 percent working while under the influence of an illicit drug.

- An estimated 1.8 percent of employed adults **consumed alcohol before coming to work**, and 7.1 percent drank alcohol during the workday.

- An estimated 1.7 percent of employed adults **worked while under the influence of alcohol**, and 9.2 percent worked with a hangover in the past year. [4]

Harm to the Workplace:
Substance Abusers are more likely than non-abusers to call in sick, arrive late, injure themselves or a coworker, file a workers' compensation claim, leave a job, or commit a crime. [5]

Typical Warning Signs of Drug or Alcohol Problem

1. Slow Reactions, Unsteadiness, Confusion
2. Recklessness
3. Frequent Accidents
4. Absenteeism and Tardiness
5. Unreliability
6. Declining Performance [6]
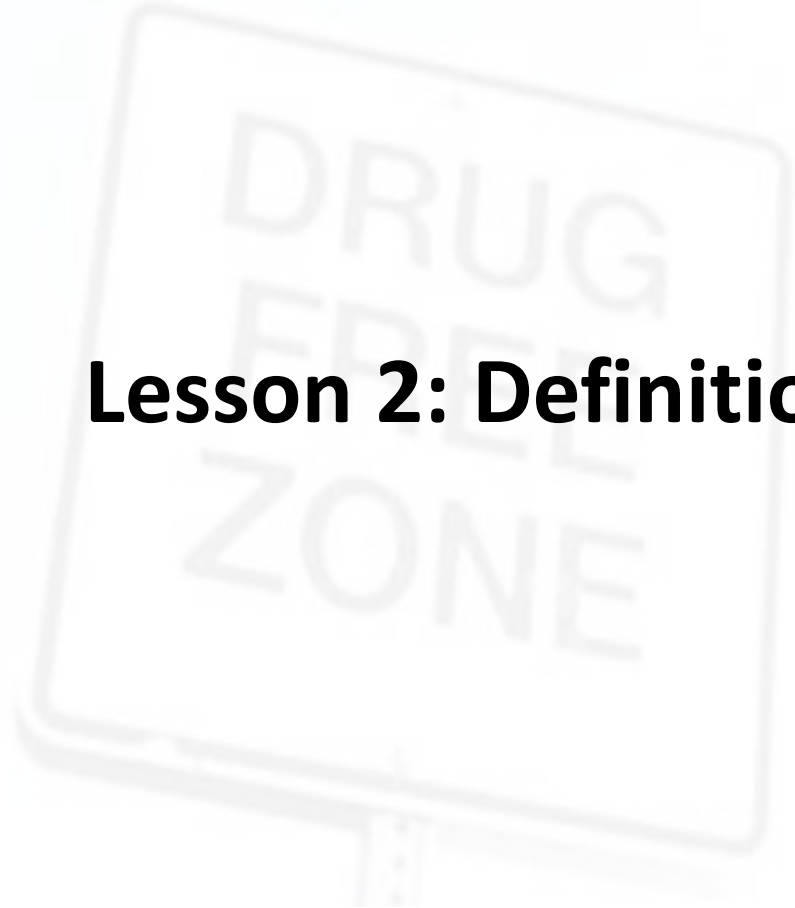
Who Drinks the Most on the Job?
The industries with the highest prevalence of heavy alcohol use are construction, the arts, mining, entertainment, and recreation. The industries with the lowest are healthcare, social work, and education.

Lesson 2: Definitions and Key Impacts

What is **Substance Abuse?**

To create a drug-free workplace, both employers and employees need to know the signs of a drug problem. The *Diagnostic and Statistical Manual of Mental Disorders, 5th Edition* (American Psychiatric Association, 2000 now combines the definitions of Substance Abuse and Substance Abuse as Substance Use.

Psychiatric healthcare professionals refer to the *DSM-V* in classifying disorders and treating patients. [1]

Drug and Alcohol Treatment can be costly for employers in two ways.
First, an addicted employee loses a lot of work. Abseentism among employees readily shows upon on Mondays.
Second, addicts tend to have a lot more health problems, which impacts insurance premiums and impacts the insurance pool for other employees.

TargetSOLUTIONS

Definitions

Addiction

Addiction is a brain disorder characterized by compulsive engagement in rewarding stimuli despite adverse consequences. The term *addiction* is misused frequently to refer to other compulsive behaviors or disorders, particularly *dependence.*

Substance Use Disorders

A Substance Use Disorder is a condition in which the use of substances leads to clinically and functionally significant impairment or distress.

The essential feature of a substance use disorder is a cluster of cognitive, behavioral, and physiological symptoms indicating that the individual continues using the substance despite significant substance related problems. [1]

Examples of drug addictions include: alcoholism, amphetamine addiction, cocaine addiction, nicotine addiction, and opiate addiction.

The most prominent signs of abuse include:

- Frequent tardiness or unexplained absences
- Inconsistent on-the-job performance
- Frequent small accidents resulting in minor injuries or broken objects
- Unusual physical symptoms or behaviors (unsteady gait, hyperactive/manic activity, sudden weight loss, dental problems, wearing long sleeves on hot days, etc.)
- A sudden lack of concern over personal appearance and hygiene
- Paranoia or overreaction to criticism or helpful suggestions
- An unwillingness to talk about hobbies, family life, or personal interests in someone who was forthcoming before
- Lower levels of productivity in the morning; a general sluggishness when first reporting to work
- Bloodshot eyes, or bags under the eyes indicating a lack of sleep [2]

Nearly 33 million adults are affected by alcohol problems— that's 14 percent of the U.S. population. To put it in perspective, that means if you looked around your office or worksite, about one out of every seven people meet the definition of a 'problem drinker.'

How Employers and Co-workers Can Spot a Colleague with a Substance Abuse Problem

A closer look at the statistics on substance abuse and the workplace reveals that addicts:

1. Miss 10 workdays for every one that is missed by other employees
2. Are only about two-thirds as productive as the average worker
3. Are five times more likely to cause accidents in the workplace that injure themselves or others
4. Are five times more likely to ask for worker's compensation at some point
5. Accrue employer-covered health care costs that are three times higher than the average employee
6. Play some kind of a role in 40% of all industrial on-the-job fatalities [2]

Spotting the Signs of Addiction

If you suspect an employee is abusing intoxicants, you must call them in for a private consultation to see if you can get to the bottom of what has been going on.
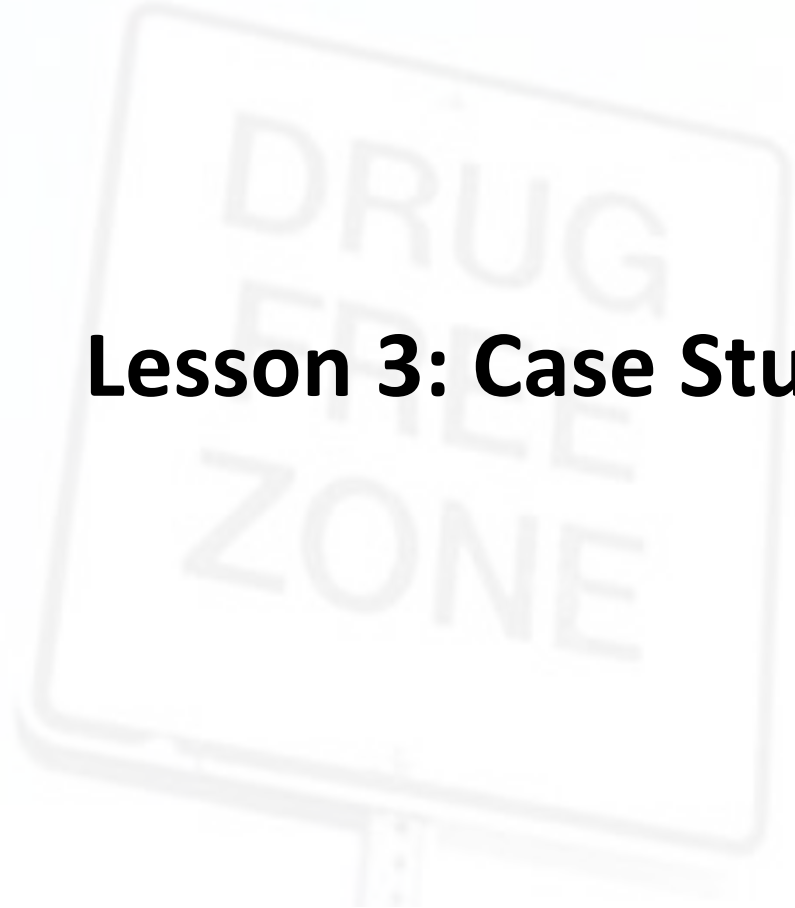
Lesson 3: Case Study and Scenarios

TARGETSOLUTIONS

Case Study: The Efficacy of Workplace Drug and Alcohol Abuse Programs

Do You Have a Drug and Alcohol Testing Program?

Twenty-nine percent of the 1,058 HR professionals reporting in a 2011 cross-industry survey by DATIA (the Drug and Alcohol Testing Industry Association) do not have pre-employment or post-employment drug testing programs. (Knott, 2012). The chart below shows the reasons given by this group for not conducting testing.

My organization does not believe in drug testing: 24%

Not required to do drug testing by the state: 18%

No return on investment: 16%

Too costly: 16%

Not applicable/not necessary: 11%

Administratively difficult: 7%

Planning to conduct drug testing in the future: 2%

Other: 5% [1]

Alcohol and Drug Abuse Prevention Programs do work. The evidence is also compelling that workplace alcohol testing and EAPs reduce the negative outcomes of problem drinking. Common sense also supports the notion that a drug-free workplace is good for employee morale and retention.

Reasonable Suspicion of Drug or Alcohol Abuse

Reasonable suspicion is a broad based term used to describe a set of circumstances that indicate a reason to conduct an investigation or assessment of an employee's fitness for duty, or to explore possible explanations for an employee's conduct, actions or appearance.

Reasonable Suspicion--Definition
- Reasonable suspicion is based on observations of an individual
- Reasonable suspicion is based on objective, documented criteria
- Reasonable suspicion is a reasoned conclusion drawn by an individual based on objective, articulable criteria.
- Reasonable suspicion testing is used to rule out or eliminate alcohol or drug use as a cause of the individual's behavior or appearance
- Reasonable suspicion testing is not a diagnostic tool[2]

The Supervisor's role is to:

1. Identify the specific observations of employee behavior and appearance
2. Confront the employee concerning the requirement to undergo the test
3. Fully explain the consequences of the employee's refusal to comply

Scenario 1

John has been with Ace Tomato Company for three years. Since he has worked in his position, he has gone through a divorce and lost custody of his 13-year-old son. He has been an excellent co-worker, but you have started to notice alcohol on his breath, and he seems to have an ever-present thermos containing an unknown substance. Last week, he was promoted to the role of "Transport Delivery Person." What should be done? Select all that apply.

✔ 1. Drug and Alcohol Abuse Training

✔ 2. Drug or Alcohol Test

✔ 3. Employee Assistance Program

4. Termination

Based on the criteria on the previous slide, determine the appropriate response.

1. Drug and Alcohol Abuse Training

2. Drug or Alcohol Test

3. Employee Assistance Program

4. Termination

Scenario 2

Alice is a brand new employee just hired last week. She is a nurse in a mental health facility. Prescription drugs are used regularly in the facility. Alice has excellent recommendations, but she is brand new to the region. What should be done in this situation? Select all that appl.

✔ 1. Drug and Alcohol Abuse Training

✔ 2. Drug or Alcohol Test

3. Employee Assistance Program

4. Termination

Based on the criteria on the previous slide, determine the appropriate response.

1. Drug and Alcohol Abuse Training

2. Drug or Alcohol Test

3. Employee Assistance Program

4. Termination

Lesson 4: Laws Pertaining to the Drug-Free Workplace

TARGETSOLUTIONS

Drug-Free Workplace Legislation

In 1986, President Ronald Reagan issued the "Drug-Free Federal Workplace" executive order decreeing, "Drug use is having serious adverse effects upon a significant proportion of the national work force and results in billions of dollars of lost productivity each year."

The executive order was followed up with the Drug Free Workplace Act of 1988.

There is no requirement for most private employers to have a drug-free workplace policy of any kind.[1]

Workplace alcohol and drug testing in the United States has over 20 years of administrative, technical, and legal practice.

Drug-Free Workplace Legislation

One category includes laws such as the Drug-free Workplace Act of 1988.

In 1991, "The Omnibus Transportation Employee Testing Act" required drug and alcohol testing of safety-sensitive transportation employees in aviation, trucking, railroads, mass transit, pipelines, and other transportation industries. These regulations cover all transportation employers, safety-sensitive transportation employees, and service agents.

They legally compel certain types of employers to take action against drug use in the workplace, such as by developing a written policy. [1]

These laws are designed explicitly to target workplace substance use.

Laws designed to protect basic civil rights

The other category includes laws designed to protect the basic civil rights of American workers.

The most important federal laws and regulations of this type to consider are:

1. The Americans with Disabilities Act (ADA) of 1990
2. The Civil Rights Act of 1964
3. The Family and Medical Leave Act (FMLA) of 1993
4. The National Labor Relations Act (NRLA) of 1935[1]

For employers considering drug testing, legal counsel is advisable, because lawsuits have been filed against employers for invasion of privacy, wrongful discharge, defamation, and discrimination.
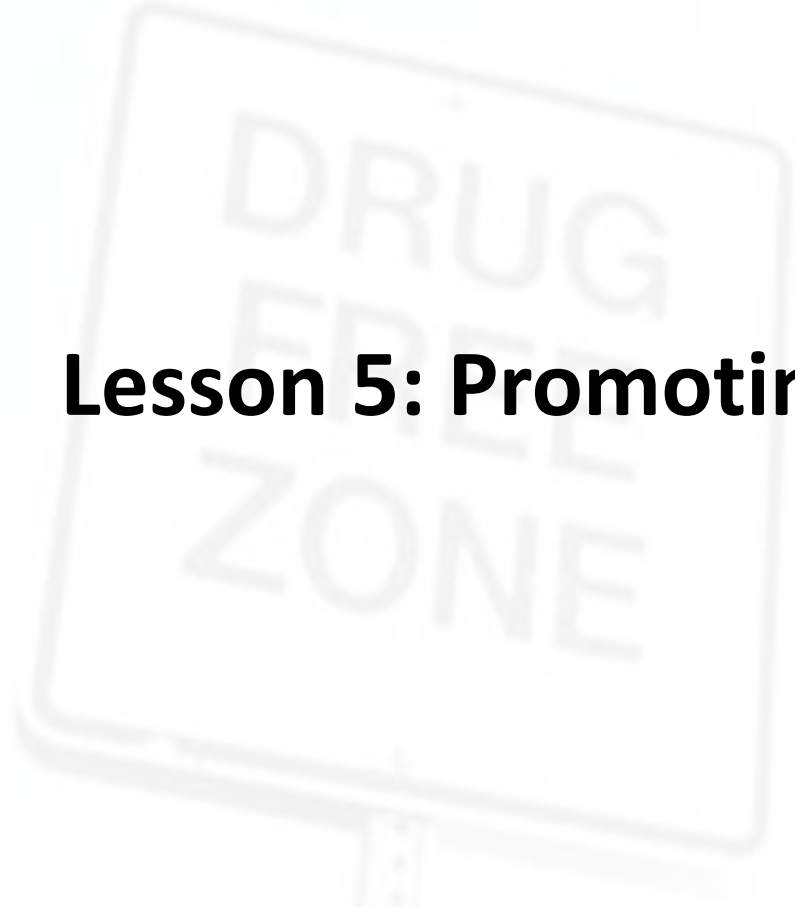
Lesson 5: Promoting a Drug-Free Workplace

Build a Team

Each business or organization must customize its drug-free workplace policy and program to meet its legal and safety requirements, reflect the characteristics of its employees, and enhance the image and values of the organization.

Your team's mission is to help you:

1.   Gain a complete understanding of substance use problems in your workplace and the best ways to address them
2.   Develop, implement, and promote support for your drug-free workplace policy and program[1]

How your team can best accomplish their tasks depends on many factors, including the number of people you employ, your organization's structure, and other characteristics of your business.

Assess Your Workplace

Conducting a needs assessment helps you learn what types of substance misuse problems your organization is facing and find approaches for overcoming them.

Consider these questions as you assess your workplace needs:

1. Is yours a large organization employing individuals in safety- and security-sensitive industries?
2. Does your organization conduct federally funded projects?
3. Is your organization in the transportation sector, with mandated drug-testing requirements under regulations from the Department of Transportation?
4. Does your organization have a high prevalence of substance use problems?
5. Does your organization employ a population of workers for whom prevention education is critical? [1]

The 2013 National Survey on Drug Use and Health (PDF | 7.6 MB) found that 68.9% of the estimated 22.4 million illicit drug users, ages 18 or older, are employed full or part time.

Develop a Policy

When developing a policy, take into account:
1. Legal requirements such as drug-free workplace laws and regulations that may apply
2. Characteristics of the workplace and employees
3. The values and priorities of the organization[1]

There are many reasons to put the drug-free workplace policy in writing:
1. A written policy may be required by law or by the organization's insurance carriers.
2. A written policy makes legal review possible.
3. A written policy provides a record of the organization's efforts and a reference if the policy is challenged. It might protect the employer from certain kinds of claims by employees.
4. A written policy is easier to explain to employees, supervisors, and others.
5. Putting the policy in writing helps employers and employees concentrate on important policy information.

Plan and Implement a Program

Your drug-free workplace initiative can be an invaluable tool in efforts to strengthen and protect your business and your employees from the hazards of alcohol and other drug misuse. These six steps will help you build a customized program:

1. Assess your workplace and its needs related to substance use.
2. Identify available resources.
3. Develop a written policy for your drug-free workplace.
4. Determine whether to have an Employee Assistance Program (EAP).
5. Determine whether to do drug testing.
6. Plan to provide education and training for your employees and additional training for supervisors and other appropriate staff. [1]

TARGET**SOLUTIONS**

Evaluate Your Program

Ideally, an evaluation protocol should be developed before the program is designed and implemented, based on the goals and objectives of the program.

The evaluation cycle follows these steps:

1. Reiterate the goals of the drug-free workplace policy and program.
2. Design strategies for accomplishing the program objectives with the resources you have available.
3. Determine the key activities that will be a part of your plan.
4. Select assessment methods that can measure your organization's progress toward achieving your objectives and goals.
5. Evaluate the outcomes and the processes that contribute to those outcomes.
6. Gather, analyze, and interpret assessment data.
7. Continually improve processes and outcomes, using the results of the assessment[1]

Use 4 Levels of Evaluation to Assess the Program

1. Reactions
2. Learning
3. Behavior
4. Results

Provide Support

Providing support through an employee assistance program (EAP) or other means will help your drug-free workplace program succeed.

Employee Assistance Programs (EAPs)
Employee assistance programs can help employees with personal problems that affect their job performance.

Numerous studies have supported the business case for the purchase of EAPs and other workplace services, with many employers receiving positive returns on their EAP investments. [1]
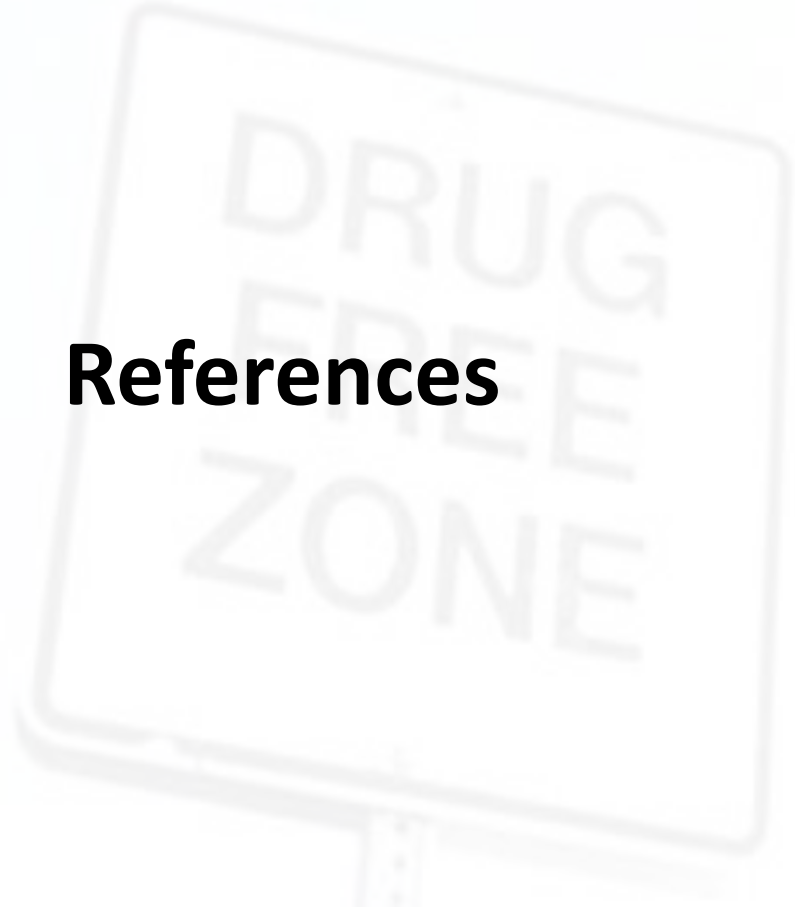
Publications and Resources
1. Are You in Recovery from Alcohol or Drug Problems? Know Your Rights
2. Selecting and Strengthening Employee Assistance Programs: A Purchaser's Guide (PDF |937.1 KB)(link is external)
3. Taking Action: A Mental Health Recovery Self-Help Educational Program

References

Lesson 1:

1World Health Organization. (2008). The World Health Report 2008 - primary Health Care (Now More Than Ever). Retrieved February 14, 2018, from http://www.who.int/whr/2008/en

2Bekelman, A., Lorente, C., & Vischi, T. (2006). Design, use and effectiveness of an interactive web site for addressing workplace substance abuse, mental health and health issues. Retrieved February 14, 2018, from https://apha.confex.com/apha/134am/techprogram/paper_142472.htm

3National Business Group on Health. (2009). An Employer's Guide to Workplace Substance Abuse: Strategies and Treatment Recommendations. Retrieved February 14, 2018, from https://www.businessgrouphealth.org/

4 National Drug-Free Workplace Alliance. (2013). Substance Abuse in the Workplace - Florida State University. Retrieved February 14, 2018, from http://www.floridahealth.gov/\/programs-and-services/prevention/substance-abuse/index.html

5 SAMHSA Analytic Series: A-29. Larson, S. L.; Eyerman, J.; Foster, M.S. and G.froerer, J.C. Worker Substance Use and Workplace Policies and Programs (DHHS Publication No. SMA 07–4273, Analytic Series A–29). Rockville MD: SAMHSA, Office of Applied Studies, 2007. http://pubs.niaaa.nih.gov/publications/arh342/175-187.htm

6 Drug - Alcohol Free Work Safety Tip. (2018). Retrieved February 14, 2018, from https://vividlearningsystems.com/safety-toolbox/safety-tip-video-drug-and-alcohol-free-workplace

Lesson 2:

1 American Psychological Association. (2014). Diagnostic and statistical manual of mental disorders: DSM-5. Washington: American Psychiatric Publishing.

2 Addiction Intervention. (2013, April 15). How Employers and Co-workers Can Spot a Colleague with a Substance Abuse Problem. Retrieved February 13, 2018, from https://www.promises.com/articles/addiction-intervention/employees-substance-abuse-problems/

Lesson 3:

1Knott, B. (2012). The Business Case for Workplace Alcohol Prevention. Retrieved February 14, 2018, from https://ohsonline.com/Articles/2012/10/01/The-Business-Case-for-Workplace-Alcohol-Prevention.aspx

2 Penney. T. (2017, June 08). Reasonable cannabis suspicion at the workplace training. Retrieved February 14, 2018, from https://www.slideshare.net/TerryPenney/reasonable-cannabis-suspicion-at-the-workplace-training

Lesson 4:

1Ducker, G. (2015, October 21). Drug-Free Workplace Programs. Retrieved February 14, 2018, from https://www.samhsa.gov/workplace

Lesson 5:

1Ducker, G. (2015, October 21). Drug-Free Workplace Programs. Retrieved February 14, 2018, from https://www.samhsa.gov/workplace

Recommended for Further Information

1. "Making Your Workplace Drug Free, a Kit for Employers," Division of Workplace Programs, Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration (SAMHSA). **http://www.ndwa.org/Editor/assets/Making%20Your%20Workplace%20Drug-Free.pdf**

2. International Center for Alcohol Policies, ICAP Bluebook, Chapter 22. **http://www.icap.org/PolicyTools/ICAPBlueBook/**

3. Drug Free Workplace Policy Builder, Developing a Policy Statement, United States Department of Labor. **http://www.dol.gov/elaws/asp/drugfree/drugs/screen2.asp**

4. Executive Order 12564 – Drug-free federal Workplace, 1988 Federal Register, National Archives. **http://www.archives.gov/federal-register/codification/executive-order/12564.html**

5. The Alcohol Cost Calculator for Business, Ensuring Solutions to Alcohol Problems, The George Washington University Medical Center. **http://www.alcoholcostcalculator.org/business**

6. "EAP Buyers Guide," Donald Jorgenson, created for the Employees Assistance Professionals Association, 2005. **http://www.eapassn.org/files/public/EAPBuyersGuide.pdf**

7. Alcohol, Work and Productivity, Scientific opinion of the science group of the European health and Alcohol Forum, September 2011. **http://ec.europa.eu/health/alcohol/docs/science_02_en.pdf**

Welcome

Course Overview

Course Objectives

Table of Contents

Lesson 1

Lesson 2

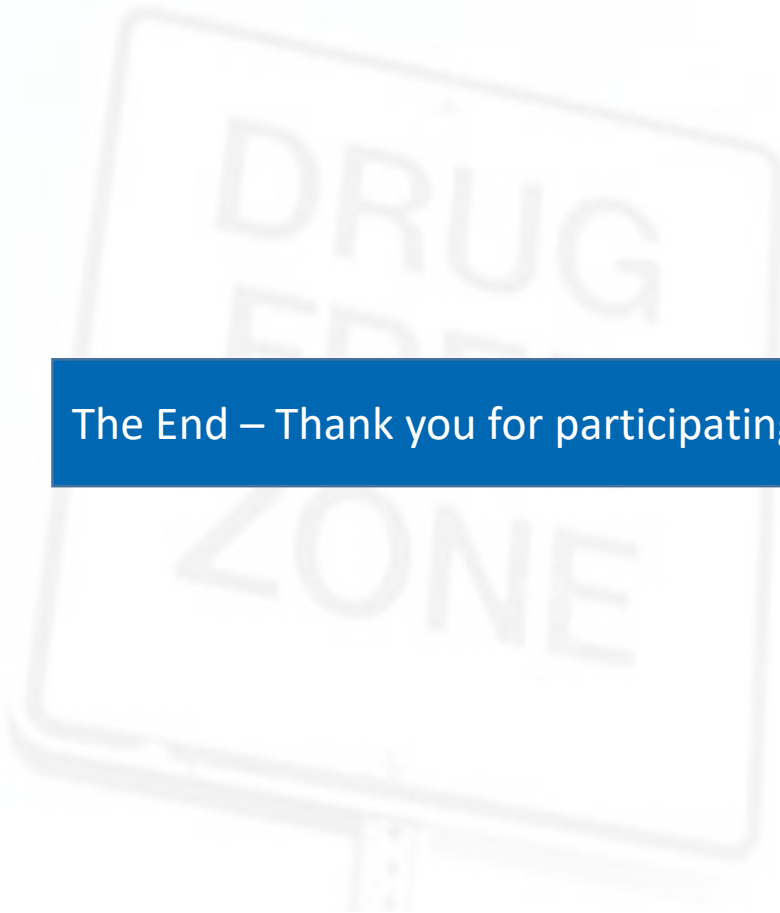Lesson 3

Lesson 4

Lesson 5

Lesson 6

Summary

References

Exit

The End – Thank you for participating.

Exit Course