

Drug Free @ Workplace



Official Newsletter of Drug Free Workplaces
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Underage drinking can be reduced by consistently enforcing the minimum legal drinking age through compliance checks at alcohol retailers.
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As an employee of a company with a certified drug free workplace program, it is important for you to understand the reasons the business you work for chose to become drug free.

Reasons for a Drug Free Workplace

Why do employers choose to implement drug free workplace programs and drug test their workers? Many companies are drug free to comply with state or federal laws and regulations, but also because business owners know that drug free workplace programs that include drug testing are in the company and the employees' best interest.

The U.S. Occupational Safety and Health Organization (OSHA) General Duty Clause Section 5(a)(1) requires that employers maintain a workplace that is free of hazards. Companies that are in violation of this regulation are subject to citations and fines. OSHA has identified drug and alcohol use in the workplace as a workplace hazard and the agency strongly supports measures that contribute to a drug free environment and programs of drug testing within a comprehensive workplace program.

The U.S. Department of Transportation (DOT) also requires drug free workplace programs and drug testing for many companies. For example, the Federal Motor Carrier Safety Administration (FMCSA), a division of DOT, requires that persons subject to commercial driver's license (CDL) requirements and their employers follow alcohol and drug testing rules. In addition to OSHA and DOT requirements, the federal Drug Free

Workplace Act requires many federal contractors and all federal grantees to provide drug free workplace programs as a precondition of receiving a federal grant or contract. Each individual state also has its own Drug Free Workplace Act that requires companies that do business with the state to have drug free workplace programs in place.

While many state and federal laws require drug free workplace programs and drug testing of employees, the answer employers give most often when asked why their company is drug free, is safety. People who abuse drugs or alcohol are a much greater danger to themselves and to others than those who do not. Employers know that a large number of workplace fatalities involve drug or alcohol abuse. Alcohol and drug abuse creates significant safety and health hazards and can result in decreased productivity and poor employee morale. It also can lead to additional costs in the form of health care claims, especially short-term disability claims, and to increased legal liability for a company.

Another reason employers decide to drug test their employees is that workers compensation insurance claims alone can be devastating to a small business. On average, it can cost up to \$75,000 to treat a back injury. If an employee at the company you work for hurts their back, and your employer's insurance company must pay the injury claim, what do you suppose will happen to your company's insurance premiums? They will go up drastically of course! In many states however, if an employee tests positive for drugs within 8 hours of an accident, or positive for alcohol within 3 hours of an accident, the employer will not be held responsible for the claim. This means if an employee has an accident as a result

expressing concern and suggesting professional help.

What is the difference between helping and enabling? There are many opinions and viewpoints on this, but here is a simple description:

Helping is doing something for someone that they are not capable of doing themselves.

Enabling is doing for someone things that they could and *should* be doing themselves. Simply, enabling creates an atmosphere in which the drug abuser or alcoholic can comfortably continue his unacceptable behavior.

Are you an enabler?

Here's a few questions that might help determine the difference between helping and enabling a substance abusing person:

1. Have you ever called in sick for the abuser, lying about his/her symptoms?
 2. Have you accepted part of the blame for his (or her) drinking or drug use?
 3. Have you avoided talking about his drug use out of fear of his response?
 4. Have you bailed him out of jail or paid for his legal fees? Have you paid bills that he was supposed to have paid himself? Have you loaned him money?
 5. Have you tried drinking with him in hopes of strengthening the relationship?
 6. Have you given him "one more chance" and then another and another?
 7. Have you threatened to leave and didn't?
 8. Have you finished a job or project that the user failed to complete himself?
- Of course, if you answered "yes" to any of these questions, you at some point in time have enabled the substance abuser to avoid his own responsibilities.

of being under the influence of drugs or alcohol, the company will not be held responsible for the medical costs, the employee will.

Some other reasons that employers decide to have a drug free workplace are to deter employees from abusing drugs or alcohol and to prevent hiring individuals who use illegal drugs. Managers and supervisors want to be able to identify early, and appropriately refer employees who have drug or alcohol

problems to treatment so that they can get well and get back to work. This is why supervisors training is such an important part of a comprehensive drug free workplace program.

Employers also adopt drug free workplace programs to protect the general public and to instill client and customer confidence that employees at the company are working safely. It is important for all employees to support the company drug free workplace program.

Don't Enable Drug Abusing Coworkers!

Too often, family, friends, and coworkers can unwittingly become "enablers" to a drug or alcohol abuser—that is, they can shield and protect the abuser from experiencing the full impact of the consequences of abuse. For example, a family member might call in to work to report that someone is sick when the real problem is a hangover. A coworker might cover up for an abuser's mistakes or might do part of the abuser's work for him. A friend might laugh at a person's account of his or her weekend binge, rather than expressing concern and pointing out the problem. These are all examples of "enabling" behavior.

Substance abusers often need to "hit bottom" or experience the painful consequences of their behavior before they decide to seek help. Those close to substance abusers can help most by refusing to make excuses for, cover up for, or protect the abuser, and by

Supervisor Newsletter



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Drug Testing in the Workplace

Workplace drug testing is commonplace in American business. Over the past 50 years, employee drug testing has achieved widespread universal employer acceptance. In 1980, less than one percent of employees were subject to drug testing. Today, almost sixty percent of full-time workers are subject to some form of workplace drug testing, according to the Substance Abuse and Mental Health Services Administration (SAMHSA).

This increase in drug testing has been the result of several factors. One of these factors is based on the increasing recognition that drug abuse has a major impact on safety, security, and productivity within the workplace.

The U.S. Department of Labor has reported that drug and alcohol abuse in the workplace causes 65 percent of on-the-job accidents, and that 38 percent to 50 percent of all workers' compensation claims are related to the abuse of alcohol or drugs in the workplace.

The number one reason employers give for drug testing their employees and job applicants is to promote the safety of their workers and those who use their products and services. In addition, company officials believe that drug testing contributes positively to a company's image and is an effective *deterrent* in preventing drug abuse.

Drug Testing as a Deterrent

Workplaces in which the use of drug

testing has taken place with relatively little controversy for many years has included those in which employers are seeking to manage the risks associated with impaired performance by employees. These have included settings where workers perform hazardous tasks, such as the operation of heavy equipment or machinery; where employees perform jobs that could place other parties at risk, such as the operation of passenger vehicles or other commercial vehicles; where workers perform medical or surgical procedures; in nuclear power generating facilities; or in public safety occupations such as police work or firefighting.

From large international corporations to small local contractors, companies that drug test have been successfully reducing workplace injuries for decades. The use of workplace drug testing as a safety measure is a commonly accepted practice that is here to stay.

As a supervisor of a state certified drug free workplace, it is important for you to realize that the most important and positive impact of drug testing is not to catch a drug user, but to *deter* drug use and to prevent workplace accidents and related problems from occurring.

SAMHSA has identified abstinence as an important part of the solution to the drug problem in America. The federal government agrees with this assessment. Currently, more than 600,000 federal workers in testing designated positions—those who have security clearances, carry firearms, deal with public safety or national security, or are presidential appointees—are drug

workplaces should use discretion, minimize intrusions, and be sensitive and responsive to individual concerns.

However, individual rights must be balanced against the interests of effectively combating the problems caused by drug abusing employees. Everyone has a right to work in a safe, drug-free work environment. Public safety, efficient performance, product integrity, and employee morale are all valid interests as well. The common good must be kept in focus, even if it temporarily—but reasonably—inconveniences or offends some individuals.

Recent surveys have demonstrated that a vast majority of workers have no objection to being tested for drugs. The average American recognizes the threat that drug abuse poses not only to our workplaces, but to our families as well. They recognize the magnitude of the drug problem and the valid role employers must play in addressing it.

Drug testing in the workplace is an effective and cost-effective *deterrent* to the harmful and sometimes tragic impact of substance abuse. If drug testing is done with appropriate procedural safeguards, is consistently and fairly enforced, and is conducted pursuant to a policy that is well communicated, it is also usually well received by employees.

The bottom line is that employers and employees are on the same side in the "war on drugs," and that side is decisively in favor of a strong anti-drug abuse company policy and enforcement of that policy. Drug abuse in the workplace is not a labor-management problem, so much as it is a common concern of all employees and employers.

tested when they apply for jobs.

Why do so many public and private employers choose to drug test their employees? Quite simply, in addition to providing a safer work environment, drug testing at work encourages abstinence and deters drug use. There are many people who do not engage in illicit drug use because their employers test. The knowledge of an employee of the potential collection for drug testing, has itself been proven to be a deterrent of worker substance use. Furthermore, workers and job applicants often decide not to use alcohol or other drugs, rather than use and risk the chance of a positive test. This deterrence benefits all of society.

Supervisors of drug-free workplaces should always be interested in drug abuse *prevention*, not just drug testing. Drug testing for certain employment situations can be an effective component of a drug abuse prevention program within a company, but it is not an answer in and of itself. Drug testing is only one component of what should be a comprehensive program which includes all the other requirements of certified drug free workplaces: policy and procedures, employee education, supervisor training, rehabilitation, and treatment.

Privacy Rights

Often, when a company implements a drug free workplace program the subject of a right to privacy arises. The question is often asked: "Don't employees have a right to privacy?" The answer of course, is yes! Individual rights, privacy, and confidentiality are always valid concerns. For this reason, supervisors of drug free

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Boletín oficial de Lugares de trabajo sin drogas

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El consumo de alcohol en menores de edad se puede reducir si se hace cumplir constantemente la edad mínima legal para beber mediante controles de cumplimiento en las tiendas de bebidas alcohólicas.
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En calidad de empleado de una empresa con un programa certificado de lugar de trabajo libre de drogas, es importante que comprenda las razones por las que la empresa para la que trabaja eligió volverse un lugar libre de drogas.

Razones para un lugar de trabajo libre de drogas

¿Por qué los empleadores optan por implementar programas de lugar de trabajo libre de drogas y realizar pruebas de detección de drogas a sus trabajadores? Muchas empresas están libres de drogas para cumplir con las leyes y regulaciones estatales o federales, pero también porque los dueños de las empresas saben que los programas de lugar de trabajo libre de drogas, que incluyen pruebas de drogas, están en el mejor interés de la empresa y de los empleados.

La sección 5(a)(1) de la Clausula de Deber General de la Organización de Seguridad y Salud Ocupacional (OSHA) de los EE. UU. requiere que los empleadores mantengan un lugar de trabajo libre de peligros. Las empresas que infrinjan este reglamento están sujetas a citaciones y multas. OSHA ha identificado el uso de drogas y alcohol en el lugar de trabajo como un peligro en el lugar de trabajo y la agencia apoya firmemente las medidas que contribuyan a un ambiente libre de drogas y programas de pruebas de drogas dentro de un programa integral en el lugar de trabajo.

El Departamento de Transporte (DOT) también exige programas de lugar de trabajo libre de drogas y pruebas de detección de drogas para muchas empresas. Por ejemplo, la Administración Federal de Seguridad de Autotransportistas (FMCSA), una división del DOT, requiere que las personas sujetas a los requisitos de licencias de conducir comerciales (CDL) y sus empleadores sigan las reglas de pruebas de alcohol y drogas.

Además de los requisitos de OSHA y DOT, la Ley federal de Lugar de Trabajo Libre de

Drogas requiere que muchos contratistas federales y todos los beneficiarios federales proporcionen programas de lugar de trabajo libre de drogas como condición previa para recibir una subvención o contrato federal. Cada estado individual también tiene su propia Ley de Lugar de Trabajo Libre de drogas que requiere que las empresas que hacen negocios con el estado cuenten con programas de lugar de trabajo libre de drogas.

Si bien muchas leyes estatales y federales exigen programas de lugar de trabajo libre de drogas y pruebas de detección de drogas para los empleados, la respuesta que dan los empleadores con mayor frecuencia cuando se les pregunta por qué su empresa está libre de drogas es la seguridad. Las personas que abusan de las drogas o el alcohol son un peligro mucho mayor para sí mismas y para los demás que las que no lo hacen. Los empleadores saben que una gran cantidad de muertes en el lugar de trabajo se vinculan al abuso de drogas o alcohol. El abuso de alcohol y drogas crea peligros importantes para la seguridad y la salud, y puede resultar en una disminución de la productividad y una baja moral de los empleados. También puede generar costos adicionales en forma de reclamos de atención médica, en particular reclamos por discapacidad a corto plazo, y una mayor responsabilidad legal para una empresa.

Otra razón por la que los empleadores deciden hacer pruebas de detección de drogas a sus empleados es que las reclamaciones de seguro de compensación para trabajadores, por sí solas, pueden ser devastadoras para una pequeña empresa. En promedio, puede costar hasta \$75 000 tratar una lesión en la espalda. Si un empleado de la empresa para la que trabaja se lastima la espalda y la compañía de seguros de su empleador debe pagar el reclamo por lesiones, ¿qué supone que sucederá con las primas de seguro de su empresa? Subirán drásticamente, por supuesto! En muchos estados, sin embargo, si un empleado da positivo por drogas dentro de las 8 horas posteriores a un accidente, o

Los abusadores de sustancias a menudo necesitan "tocar fondo" o experimentar las dolorosas consecuencias de su comportamiento antes de decidirse a buscar ayuda. Las personas cercanas a los abusadores de sustancias pueden dar una gran ayuda negándose a poner excusas en su nombre, encubrir o proteger al abusador, y al expresar su preocupación y sugerir ayuda profesional.

¿Cuál es la diferencia entre ayudar y facilitar? Hay muchas opiniones y puntos de vista al respecto, pero aquí hay una descripción simple:

Ayudar es hacer algo por alguien que no es capaz de hacerlo por sí mismo.

Facilitar es hacer por alguien cosas que él/ella mismo podría y *debería* hacer. Simplemente, la acción de facilitar crea una atmósfera en la que el drogadicto o el alcohólico puede continuar cómodamente con su comportamiento inaceptable.

¿Eres un facilitador?

Aquí hay algunas preguntas que podrían ayudar a determinar la diferencia entre ayudar y facilitar a una persona que abusa de sustancias:

1. ¿Alguna vez ha dicho que el abusador está enfermo, mintiendo sobre sus síntomas?
2. ¿Ha aceptado parte de la culpa por su consumo de alcohol o drogas?
3. ¿Ha evitado hablar sobre su consumo de drogas por miedo a su respuesta?
4. ¿Lo ha sacado de la cárcel o ha pagado sus honorarios legales? ¿Ha pagado facturas que debería haber pagado el mismo abusador? ¿Le ha prestado dinero?
5. ¿Ha intentado beber con él con la esperanza de fortalecer la relación?
6. ¿Le ha dado "una oportunidad más" y luego otra y otra?
7. ¿Ha amenazado con irse y no lo hizo?
8. ¿Ha terminado un trabajo o proyecto que el abusador no pudo completar por sí mismo?

Por supuesto, si respondió "sí" a cualquiera de estas preguntas, en algún momento ha facilitado que el abusador de sustancias evite sus propias responsabilidades.

positivo por alcohol dentro de las 3 horas posteriores a un accidente, el empleador no será responsable del reclamo. Esto significa que, si un empleado sufre un accidente como resultado de estar bajo la influencia de drogas o alcohol, la empresa no se hará responsable de los costos médicos, el empleado sí.

Algunas otras razones por las que los empleados res deciden tener un lugar de trabajo libre de drogas son para disuadir a los empleados de abusar de las drogas o el alcohol y para evitar la contratación de personas que consuman drogas ilegales. Los gerentes y supervisores quieren poder identificar temprano y derivar de forma adecuada a los empleados que tienen problemas con las drogas o el alcohol al tratamiento para que puedan recuperarse y volver al trabajo. Es por eso que la capacitación de supervisores es una parte tan importante de un programa integral de lugar de trabajo libre de drogas.

¡NO "facilite" a los compañeros de trabajo que abusan de las drogas!

Los empleadores también implementan programas de lugar de trabajo libre de drogas para proteger al público en general e inculcar a los clientes y consumidores la confianza de que los empleados de la empresa están trabajando de manera segura. Es importante que todos los empleados apoyen el programa de lugar de trabajo libre de drogas de la empresa.

Con demasiada frecuencia, la familia, los amigos y los compañeros de trabajo pueden, sin saberlo, convertirse en "facilitadores" de un abusador de drogas o alcohol, es decir, pueden escudar y proteger al abusador de experimentar el impacto total de las consecuencias del abuso. Por ejemplo, un miembro de la familia puede llamar al trabajo para informar que alguien está enfermo cuando el abusador o podría hacer parte del trabajo del abusador o podría encubrir los errores del abusador por él. Un amigo podría reírse del relato de una persona sobre su atracción del fin de semana, en lugar de expresar preocupación y señalar el problema. Todos estos son ejemplos de comportamiento "facilitador".