



## SUBSTANCE ABUSE: AN EMPLOYER'S GUIDE

If you're in business, you must face some facts:

- Seventy percent of all illegal drug users are employed either full- or part-time. This suggests over 10 million people are current users of illicit drugs.
- One in twelve full-time employees reports current use of illicit drugs.
- One in every ten people in this country has an alcohol problem.

What do those numbers mean to you? They mean that every day, across this country, in towns large and small, from small businesses to large corporations, the problems of substance abuse are hurting the workplace.

And that means a major business problem for you. Because substance abuse affects the bottom line, it costs you money. How? Look how substance abusing workers compare to drug-free workers.

**More:** Workdays missed; Likely to injure self or others; Workers' compensation claims filed

**Less:** Productivity

That means real dollar costs to you in all these areas:

- Absenteeism - Group Healthcare
- Sick Leave - Tardiness
- Overtime Pay - Workers' Comp

But there are also hidden costs that drive up your bill for substance abuse:

- Diverted supervisory/managerial time
- Friction among workers
- Damage to equipment
- Poor decisions
- Damage to company's public image
- Personnel turnover
- Theft in the workplace

How can you protect your company and your workers from those who, through the abuse of illegal drugs or prescription drugs or alcohol, endanger your workplace and your profits? **Establish a substance abuse program.**

How do you go about setting up a substance abuse program that is suited to the needs of your company?

**Developing a comprehensive program involves five basic steps.** This bulletin will explain briefly each step of that program. It will offer some ideas for taking each step. It will also give you a resource list of organizations you can contact for help. And it will give you information on regulations that you must consider if you are dealing with some Federal contracts or performing certain types of work.

Developing a comprehensive program involves these five basic steps:

- A written substance abuse policy
- A supervisory training program

- An employee education and awareness program
- Access to an employee assistance program (EAP)
- A drug testing program, where appropriate

Sound a bit overwhelming, especially if you have a small business? Take one step at a time. Read this bulletin to see what you might be able to start with now. No program is set up all at once. And any effort on your part will begin to send the message that you are concerned about substance abuse and do not want it in your workplace. If you are worried about costs, check the resource section and note the help that is available to you free.

Think you don't need a program because you don't have a problem? Think you may not recognize the problem? Think of what tomorrow may bring. If your company has a policy about substance abuse, it sends a clear signal to present and future employees about where your company stands.

Measurable Costs – Hidden Costs – Public Liability: When you add up all the costs involved in ignoring the problem, can you afford not to set up a substance abuse program?

***Fact:** The percentage of employers with a formal written substance abuse policy grew by about 60 percent over the last two years.*

### **STEP 1: WRITING A CLEAR AND COMPREHENSIVE POLICY**

This all-important first step will outline where you stand, what you expect from employees, and what you will do if your policy is violated. But it does more than

set down the ground rules. It lets everyone know that you are committed to a drug- and alcohol-free workplace. And that in itself is an excellent starting point.

What exactly should your policy say? That depends on your individual situation. Businesses are not all the same. Nor are the employees who work for them. Your policy statement should reflect the needs and values of your workplace. To develop an individualized policy, consider everyone who will be affected.

Involve employees from all levels. Working together will build support for the policy you will develop. Use the guidelines below to focus discussions.

#### **What Your Policy Should Do**

- Let employees and applicants know that drug and alcohol use on the job, or that affects job performance, is not permitted.
- Explain why you are establishing the policy (workplace safety, worker health, product quality, productivity, public liability, etc.).
- Tell employees what will happen if they violate the policy.

#### **Additional Points to Consider**

- Outline your policy on the use of alcohol at company-sponsored activities.
- State your position on drug testing and, if you test, the consequences for a positive test result.
- Describe the responsibility of an employee with a drug or alcohol problem to seek and complete treatment.

- Identify company or community resources where employees with problems can get help.
- State your concern for family members whose substance abuse could adversely affect the wellbeing of the employee, the family, and the organization.
- Make clear that participation in an employee assistance program is confidential and will not jeopardize employment or advancement, but that participation will not protect employees from disciplinary action for continued unacceptable job performance or rule violations.

Check the resource section of this bulletin. You can get tips on writing your policy by contacting the organizations listed. It may also be advisable to consult with an attorney to make sure your policy conforms to state and local requirements.

### **Once Your Policy is Written**

Be sure to thoroughly explain and distribute the policy to your employees. It may be wise to have each employee acknowledge in writing that he or she has received the policy. Then, be fair and be consistent in applying the policy to all employees.

## **STEP 2: TRAINING YOUR SUPERVISORS**

Supervisors are the key to the successful working of your substance abuse policy. As the people in direct contact with workers, supervisors can detect performance problems that may indicate substance abuse. But their responsibilities should be limited, and that should be clearly explained to them.

Supervisors are responsible for:

- Observing and documenting unsatisfactory work performance or behavior.
- Talking to employees about work problems and what needs to be done about them.

In order to do their jobs properly, supervisors must:

- Understand the substance abuse policy.
- Be able to explain the policy to employees.
- Know when to take action.

### **Supervisors Are NOT Responsible For:**

- Diagnosing substance abuse problems.
- Treating substance abuse problems.

Supervisors need to know how to look for signs of substance abuse and what to do once they find them. The kinds of information needed by supervisors will vary from one workplace to another. For example, depending on what is available through your company and community, supervisors may be called upon to refer employees to employee assistance programs or to local resources. Keeping your own company's needs in mind, consider some of the following as possible topics to include in your supervisory training program.

### **Training Topics**

- Information on specific drugs
- Methods of detecting drug and alcohol use
- Drug testing protocol
- Prevention and education strategies
- Access to employee assistance

Use the resource list to contact outside organizations that can help in designing

a supervisory training program. Your CNA Risk Control Representative can provide additional supervisory training as well as videotapes and publications to help make your program interesting and informative.

### **STEP 3: EDUCATING YOUR EMPLOYEES**

You've established your policy. You've trained your supervisors. Now you must be sure your employees understand and remain aware of your ongoing commitment to a drug-free workplace. That means this part of your program is not a one-time thing. Whenever new workers are hired (or being considered for employment) they need to learn about your program. Current employees need to have reinforcement about your commitment to making your substance abuse program work. How you go about this will depend on the needs of your workers and your workplace.

#### **Employee Educational Sessions**

- Explains your workplace substance abuse policy to your employees and tells them about the consequences of using drugs and alcohol - on or off the job.
- Tells your employees how to get help with their drug and alcohol problems, including a description of services available to help employees by a representative of the employee assistance program if the company has one, or by a community resource.
- Informs employees on how drugs and alcohol actually affect the company's profitability, productivity, product quality, absenteeism, workers' compensation and group health care costs.
- Explains testing procedures – if drug testing is part of the program – with

special attention to the consequences of testing positive, and procedures for ensuring accuracy and confidentiality.

Consider the circumstances of your workplace and the needs of your employees. Education and awareness sessions can vary widely. In addition to covering the topics listed above, you may want to "personalize" the program for your employees by offering information on some of the topics below.

#### **Topics for Educational Sessions**

- Videos or printed material on the health effects of alcohol and drugs – both illegal and prescription
- Local guest speakers to provide information on how drugs are affecting the community
- A presentation about illegal drugs: what they look like, how they are used, their effects, the symptoms of overdose and withdrawal
- Brown bag lunch meetings in which parents/guardians can learn how their own use of alcohol and drugs can influence their children's behavior and how to recognize signs of substance abuse
- An address by company managers to employees on the specifics of the company policy and why it is needed

Use the resource list for contacting organizations that can help you in designing your sessions. Check your local community resources for possible presentations that are specifically geared to the needs of your locality.

### **STEP 4: PROVIDING EMPLOYEE ASSISTANCE**

Employees are valuable resources. They are also human beings. And that means

they have problems, problems that can affect their performance on the job. These problems can come from many sources: substance abuse, family difficulties, financial troubles, emotional upsets. To help employees deal with their problems, many companies set up an employee assistance program (EAP).

Why set up an EAP? Consider the following:

- Employees are a vital part of your business.
- It is better to offer assistance to employees with personal problems than to discipline or dismiss them.
- Recovering employees become productive and effective members of your workforce.

Indeed, many companies have found EAPs to be cost effective because they:

- Reduce accidents
- Reduce absenteeism
- Raise profitability and productivity

### **How EAPs Can Help Employees**

- Identify individual problems
- Help resolve problems through
  - Confidential, short-term counseling
  - Referrals to community resources
  - Follow-up services

EAPs might also offer programs in supervisory training, education and prevention programs, and health promotion activities.

The first step is to determine the kind of program you need. You might want to talk with companies in your area or your industry that already have an EAP. Remember that EAPs take time to set up and to become effective. An EAP does not offer a "quick fix" solution. But companies who have spent the time and

effort feel that the results have been worth it.

Both large and small companies can start EAPs. There are many ways to set up an EAP.

- Your company or chapter may establish a program at or near the worksite.
- Buy EAP services from an outside provider.
- You may join together in a consortium to offer EAP services – good for small companies.
- You may work with a trade or local business association to start an EAP – good for small companies.

Contact the Drug-Free Workplace Helpline listed in the resource section for guidance in setting up an EAP. Check community resources for referral programs and services. Check your local telephone directory under headings such as Alcohol/Drug Abuse Information, Treatment, or Counseling.

***Fact:** The percentage of employers with employee assistance programs has approximately doubled in the last two years.*

### **STEP 5: STARTING A DRUG TESTING PROGRAM**

Starting a good drug testing program is not a simple process. But it can be done. Each year more companies, including small companies, decide to start some kind of program. Some companies must set up a drug testing program because of the kind of work they do (see section on Federal Regulations). Others choose to test because it is the right business decision for them.

### **Before You Start**

A drug testing program is the last step of a comprehensive program. You should have in place a program which includes all the previous steps described in this bulletin: a written policy statement, a supervisory training program, employee education and awareness, and access to an employee assistance program. You will need to make sure that your drug testing program meets several requirements including:

- Statutory or regulatory requirements
- Disability discrimination provisions
- Collective bargaining agreements
- Any other requirements in effect

You need to make a number of decisions about how your program will be set up and operated. The list of questions below will help you get started.

- Who will you test? Only applicants? All employees? Only employees in 'safety sensitive' positions? When will you test? After all accidents? Only after some accidents? When performance becomes unacceptable? When an employee behaves abnormally? On a random basis?
- For what drugs will you test? Only for marijuana and cocaine because they are the most commonly used illegal drugs? For all illegal drugs? For alcohol? For prescription drugs which may affect work performance?
- How frequently will you test?
- What will you do if an applicant tests positive? Refuse to hire? Allow the applicant to be retested? Allow the applicant to reapply after six months?
- What will you do if an employee tests positive? Dismiss employees who test positive? Refer employees to counseling and treatment after the

first positive but dismiss after the second?

- What tests will you use and what procedures will you follow? Who will collect the specimens? Will you use a confirmation test? What laboratory will you use? Will you use a medical review officer? How will you protect the employees' privacy and confidentiality?

### **Consult an attorney**

Be sure your drug testing program is fair, accurate, and legally defensible. Remember, it should be undertaken only as part of a comprehensive drug-free workplace program.

### **FEDERAL REGULATIONS**

If your company performs certain types of work or if it has certain types of contracts with the Federal Government, you may have to comply with Federal regulations. These may require you to have in place some of the programs listed in this bulletin.

### **The Drug-Free Workplace Act of 1988**

The Drug-Free Workplace Act is a Federal statute requiring certain Federal contractors and grantees to maintain a drug-free workplace.

### **Who is Affected?**

You are not covered by the Act unless:

- You have a single contract with the Federal government of \$625,000 or more
- You receive a grant from the Federal government
- Subcontractors and sub-grantees are not covered by the Act

### **What is Required?**

If you are covered by the Act, you are required to:

- Certify that you will provide a drug-free workplace. This certification is part of the final contract or grant agreement and is a requirement for receiving the contract or grant.
- Publish a statement notifying your employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and what actions will be taken against your employees for violations.
- Establish an ongoing, drug-free awareness program to inform your employees of the dangers of drug abuse, your drug-free workplace policy, the availability of any drug counseling programs, and the possible penalties for drug abuse violations occurring in the workplace.
- Require each employee directly involved in the work of the contract or grant to notify you of any criminal drug statute conviction for a violation occurring in the workplace.
- Notify the Federal government of such a violation.
- Require the imposition of sanctions or remedial measures for an employee convicted of a drug abuse violation in the workplace.
- Continue in good faith to comply with the above requirements.

### **What is Not Required?**

The Drug-Free Workplace Act does not require you to:

- Establish an employee assistance program
- Implement a drug testing program

### **Questions?**

The best source of information about these regulations is the contract or grant

office at the Federal department or agency from which you received your contract or grant. The Federal department or agency will also answer questions from prospective contractors or grantees.

### **Complying with the Department of Transportation Workplace Drug Abuse Regulations**

The Department of Transportation (DOT) is one Federal agency with special requirements. We have included it because it concerns so many U.S. businesses.

The DOT issued regulations in November 1988 requiring employers engaged in commercial transportation industries regulated by DOT to implement workplace drug abuse programs.

### **What is Required?**

The regulations require drug testing of employees in safety sensitive positions and drug abuse awareness education for supervisors and employees. All drug testing must be conducted in accordance with procedures outlined in 49 CFR Part 40.

### **Who is Affected?**

Generally speaking, you must comply with the DOT drug abuse regulations if you have employees who:

- Perform flight attendant, flight instruction or ground instruction, flight testing, aircraft dispatch, aircraft maintenance or preventive maintenance, aviation security or screening, or air traffic control duties in commercial aviation.
- Operate commercial motor vehicles in interstate commerce when (1) the vehicle has a GVWR of 26,000 or

more pounds; or (2) the vehicle is designed to transport more than 15 passengers including the driver; or (3) the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding

- Perform railroad services subject to the Hours of Service Act (45 USC 61-64b)
- Perform operating, maintenance, or emergency response functions on a pipeline or liquid natural gas facility
- Are crew members on a commercial vessel licensed, certificated, or documented by the U.S. Coast Guard.

Compliance dates vary depending on the number of employees and the type of transportation services provided.

### **Questions?**

For specific information about compliance with the DOT drug abuse regulations, contact the Department of Transportation, Office of the Secretary, Drug Enforcement and Program Compliance, Room 10200, 400 Seventh Street, SW., Washington, DC 20590, or phone (202) 366-DRUG.

### **GETTING MORE INFORMATION**

#### **The National Clearinghouse for Alcohol and Drug Information**

(NCADI) is a toll-free service funded by the Federal Government. NCADI's information specialists will help you find information on all aspects of substance abuse from videos and prevention materials, to specific program descriptions, resources in your state, and the latest research results. Many publications and educational materials are available free from NCADI at (800) 729-6686.

The Drug-Free Workplace Helpline is a toll-free service funded by the Federal government to assist business on the development and implementation of comprehensive drug-free workplace programs. It can be accessed at (800) 843-4971.

### **State and Local Resources**

#### **The National Association of State Alcohol and Drug Abuse Directors**

(NASADAD) coordinates and encourages cooperative efforts between the Federal government and State agencies on substance abuse. Through its Drug-Free Workplace Project, NASADAD is working through State substance abuse agencies to provide technical assistance to small businesses developing substance abuse programs and policies. NASADAD serves as a resource on state drug programs and can provide contacts in each state. Contact NASADAD, Drug-Free Workplace Project, 444 N. Capitol Street, NW., Ste. 642, Washington, DC 20001, or phone (202) 783-6868.

**Community Organizations** are available to help with drug or alcohol problems. Check your local telephone directory under headings such as Alcohol/Drug Abuse Information, Treatment, or Counseling.

CNA Risk Control has several sample substance abuse policies for review. These sample policies may be used as a basis for developing your own company specific policy, and can be ordered through your local CNA representative:

- Sample Policy for Ace Manufacturing
- Sample Policy for Healthcare Facilities



- Sample Policy for Construction

#### References

1. National Institute on Drug Abuse
2. Institute on Drug Abuse
3. National Institute on Alcohol Abuse and Alcoholism
4. Bureau of Labor Statistics