

Alcohol and Drugs Safety Topic

This section addresses alcohol and drug use in the workplace including employee testing and drug-free workplace programs.

As an employer one should be aware that under the federal Drug-Free Workplace Act of 1988 for most employers, testing is *not* required or regulated. However there are state and local statutes that limit and in some cases prohibit workplace testing. An employer may still engage in substance testing but only if it is with in state/local law. Under current US federal law, use of illegal drugs is not a protected disability therefore employers are free to refuse hire or discharge an employee currently using illegal drugs. While Alcoholism is considers a disability (some state law's are subject to *reasonable accommodation*), an employee suffering from alcoholism is still subject to job performance standards as other employees

Creating a Drug-Free Workplace Program

There is no one "right" way to implement a drug-free workplace program. A program should be tailored to fit site specific needs. Employee education, supervisor training, EAP's (Employee Assistance Programs) and Drug and Alcohol testing are some of the many aspects one can involve when initially starting a program.

Substance Testing

Common reasons for testing implementation are:

- *Deter current employees from abusing substances*
- *Preventing hiring of individuals who use illegal*
- *Provide identification/referral of employees having substance abuse problems*
- *Provide a safe workplace employee*
- *Ensure general safety and consumer confidence in employee safely*

Employment Denial or Termination

Any adverse employment decision should be based solely on job-related factors. In other words, employment status decisions ought to consider the following:

- *Does the person have a current problem, or is the matter under control?*
- *Do the duties of the job present a potential hazard to clients or co-workers?*
- *Can the applicant perform the duties of the job?*

Additional Information

Testing under federal law or regulation typically must be done in conformance with the

Mandatory Guidelines for Federal Workplace Drug Testing Programs published by the

U.S. Department of Health and Human Services.

For Further information please contact the Center for Substance Abuse Prevention at

800-967-5752 or visit samhsa.gov

Company Name: _____ Date: _____

Safety _____ Recommendations: _____

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