Drugsand Alcohol

INCIDENT

At approximately midnight, a worker was attempting to repair a leak in a hydraulic cylinder of a newly installed washer in a commercial laundry plant.

Leaning under the machine, he attempted to unhook a hydraulic hose, which was connected to the system that held the machine up. As soon as it was disconnected, the machine crashed down on him, pinning his head and upper torso and killing him immediately.

His co-workers unsuccessfully attempted to jack up the machine and then called for emergency assistance.

A thorough examination of the offending washing machine was undertaken and it was found to be completely free from any structural defects. As well, there is a clear warning posted on the back of the machine indicating three safety measures to implement prior to commencing any repairs.

An investigation revealed that none of these safety precautions were in place at the time of the incident. As well, there was evidence that the worker was consuming alcohol in the hours prior to the fatal event.

It is not known why the victim did not adhere to the specified warnings before commencing work on this machine. He may have been tired from working a long shift and anxious to complete the final adjustments and go home.

It is likely that since it was reported that he had been consuming alcohol in the hours prior to the fatal event that his judgment was impaired by the consumption of alcohol.

NEED TO KNOW

Drugged driving is on the rise – nearly matching drunk driving in the number of fatal crashes – according to a 2015 from the **Governors Highway Safety Association and the Foundation for**

Advancing Alcohol Responsibility.

The study revealed that 40 percent of drivers killed in crashed in 2013 tested positive for illegal, prescription or over-the-counter drugs. The figure was nearly the same as the percentage of drivers killed in crashes the same year who tested positive for alcohol in their bloodstreams.

Researchers unearthed some revealing facts the majority of drugs which include prescription medication:

- Impairs driving related cognitive functions as reaction time, distance perception, motor skills.
- Drug use combined with alcohol increases the risk of a crash.
- An individual doesn't have to be staggering around drunk or having hallucinations to be dangerously impaired. Even the drowsiness or slowed reaction time caused by common medications can result in deadly accidents, both on the job and on the road.
- Just because a drug is legal to use does not make it safe to use in the workplace. We're talking about prescription and over-the-counter drugs. We all know that illegal drugs such as marijuana or cocaine are hazardous to use. We also know that alcohol is prohibited at work because it is intoxicating. But did you know that many other drugs that we take for granted can also affect your ability to do your job safely?
- Drugs such as cold remedies often carry a warning advising that you do not drive or operate machinery if you feel drowsy. Many of these mixtures contain antihistamines, which reduce some of the unpleasant effects of a cold, but can also make you sleepy. Cough syrups contain a variety of drugs which, if taken in enough quantity, can cause impairment of your judgment and reflexes. Painkillers work because they dull your senses—the same senses you need to stay alert while you are working. Tranquilizers can calm you down, but in the process they can make everything seem fuzzy.

Substance abuse costs employers billions of dollars a year in accidents and injuries, lost productivity, and property and equipment damage. From a worker perspective, working with someone who is under the influence of drugs or alcohol puts co-workers in danger and generally has a negative effect on their morale and job performance.

Addiction is the irresistible compulsion to use alcohol or drugs despite the negative consequences their use can cause. Substance abuse is the legal or illegal, recreational or addictive misuse of illegal drugs, over the counter or prescription drugs, or alcohol.

Abused substances always produce some form of intoxication that alters judgment, perception, attention, or physical control. This makes abusers dangerous in and out of the workplace. People who abuse drugs or alcohol are three and a half times more likely to be in a workplace accident compared to individuals who do not abuse drugs or alcohol. In a recent study, 47% of industrial injuries are directly related to alcohol abuse or alcoholism.

BUSINESS / REGULATIONS

There are federal laws that provide guidelines on the policies employers can set regarding drug and alcohol abuse in the workplace. Employers can prohibit the use of drugs and alcohol, test for drug use, and fire employees who are engaging in illegal drug use.

The regulations are typically listed in the organization’s drug and alcohol abuse and prevention policy. The guidelines may include information on when the company tests for drugs and alcohol, as well as on the consequences of failing a test. The law also provides protection for employees with substance abuse problems and outlines the accommodations that the employer must provide for workers.

In addition to federal law, there may be state laws that regulate employment drug and alcohol testing, and how employers can handle substance abuse problems.

Workplace Substance Abuse Laws and Regulations

The **Americans With Disabilities Act (ADA) and the Rehabilitation Act of 1973** both affect drug and alcohol policies. The following outlines aspects of the ADA and the Rehabilitation Act of 1973 and some state statutes that relate to employees with drug and alcohol issues:

- Employers can prohibit the illegal use of drugs and the use of alcohol in the workplace.
- Testing for illegal use of drugs does not violate the ADA (but must meet state requirements).
- Pre-employment testing is often restricted by states to candidates who have already been offered a job. Typically, all candidates need to be treated equally and no individual can be singled out for testing.
- Many states require employers to verify a cause for testing currently employed workers for substances. Employers in those states must have a reasonable suspicion that the employee in question is abusing drugs and that safety or performance has been compromised. Some states can randomly test workers without reasonable suspicion. This practice is usually restricted to situations where safety issues are a concern.
- Employers may discharge or deny employment to those who currently engage in the illegal use of drugs.
- Employers cannot discriminate against drug addicts who have a history of drug addiction or who are not currently using drugs and have been rehabilitated (or who are currently in a rehabilitation program).
- Reasonable accommodation efforts, such as permitting time off for medical care, self-help programs, etc., must be extended to drug addicts who have been rehabilitated or who are undergoing rehabilitation.
- An alcoholic may be determined as an “individual with a disability” under the ADA.
- Employers may discharge, discipline, or deny employment to

alcoholics whose use of alcohol hinders job performance or behavior to the same extent that such actions would result in similar disciplinary action for other employees. Employees using drugs and alcohol must meet the same standards of performance and behavior as other employees.

- The ADA does not protect casual drug users. However, those with a record of addiction, or who are falsely deemed to be being addicts, are covered by the Act.

STATISTICS

Drug and alcohol abuse lead to workplace accidents. According to OSHA, "Of the 17.2 million illicit drug users aged 18 or older in 2005, 12.9 million (74.8 percent) were employed either full or part time. "In addition, they found that 10-20 percent of work-related fatalities test positive for drugs or alcohol.

Despite the numerous safety protocols at the workplace, 40% of all industrial workplace fatalities are caused by substance abusers. And individual who is inebriated or hungover has decreased productivity and alertness. This means workplace accidents are more likely to happen. Workplace accidents caused by inebriation or a hangover is five times more likely to injure someone. Substance abusers are ten times more likely to miss work, negatively impacting themselves and others by jeopardizing their jobs, their health and safety as well as co-workers.

The rate of positive drug tests rose by double digits in five of 16 major U.S. workforce industry sectors from 2015 to 2017, according to a recent analysis done by researchers at Quest Diagnostics

Quest Researchers found that from an examination of data from more than 10 million urine drug tests conducted over the three-year period showed that transportation and Warehousing had the largest increase, at 21.4 percent, followed by other services except Public Administration (15.4 percent), Finance and Insurance (13), tail trade (12.8), and Wholesale Trade (11.8).

Quest found that the highest positivity rates in 2017 were in

consumer-facing industries, led by Retail trade (5.3 percent), Health Care and Social assistance (4.7), and Real State Rental and Leasing (4.6). Overall, the lowest rates were among the Utilities (2.8 percent) and Finance and Insurance (2.6) sectors.

Other findings:

- The Construction Industry experienced the greatest methamphetamine positivity rate in each year of the study, and had a 15 percent increase overall.
- Cocaine positivity rose in most sector in 2017. Those that saw the biggest jumps over the course of the study were Retail trade (42.9 percent); Administrative support, Waste Management and Remediation Services (35.3); and Transportation and Warehousing (22.7)
- Amphetamine positivity in the information sector rose more than 20 percent during the study period. However, the sector was the only one to show a drop in marijuana positivity (more than 8 percent) over the same time frame.
- Health care and Social Assistance (nearly 16 percent) and Educational Services (nearly 14 percent) also saw double-digit rises in amphetamine positivity from 2015 to 2017
- Marijuana was the most commonly detected substance, with the highest positivity rate (3.5 percent) found in accommodation and food services. That rate is nearly 35 percent than national average (2.6)

PREVENTION

Getting Help

Work can be an important place to address substance use issues. Employers and employees can collaborate to design policies which outline what is an acceptable code of behavior and what is not. By establishing or promoting programs such as an Employee Assistance Program (EAP), employers can help employees more directly or provide referrals to community services.

The policy can cover substance use issues, or it can use an overall approach such as impairment in the workplace. The main

goal is that workplaces are encouraged to establish a procedure or policy so that help can be provided in a professional and consistent manner. It is important for supervisors and managers to have a resource or procedure that they can rely on if the need arises. Employees need to know that everyone will be treated the same way. These actions help to reduce the stigma associated with substance use. When stigma is reduced, it is hoped that people will seek help without fear, and will speak openly about substance use issues. Early treatment and support is encouraged.

Managers and supervisors should be educated in how to recognize and deal with substance use issues and employees should be offered educational programs. Note it is not the role of the supervisor or employer to diagnose a possible substance use or dependency problem. Their role is to identify if an employee is impaired, and to take the appropriate steps as per the organization's policy.

Substance Use Policy

Recent concerns about the regulation and legalization of non-medical cannabis in have prompted employers and other stakeholders to consider how to address substance use through effective and appropriate workplace policies and practices. CCSA's research has identified the following considerations for employers:

- Addressing substance use issues through comprehensive, well-developed policies sends the message that substance use and its potential ramifications (e.g., injuries, lost productivity, absenteeism) are important concerns within an organization, while not having such a policy can imply that substance use is not a concern or is even tolerated, which can increase workplace risks.