

# ScotCoach

## Background Notes

### Criticisms of Drug Testing

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Employers have introduced drug testing for a variety of reasons. There is evidence that employees who abuse alcohol and other drugs (AOD) are less productive at work, change jobs more frequently and take more time off sick than other workers. In addition, a number of studies have shown that employees under the influence of drugs and alcohol are more likely to have an accident at work than their colleagues. It is clear that the taking of drugs at work would constitute gross misconduct and in most cases would justify immediate dismissal. Drug use away from work is more problematical.

One controversial approach used in dealing with alcohol and other drug problems in the workplace is drug testing.

The press exaggerates the extent of employee drug screening practised in the U.S., but it is significant in many industries. It is not well accepted and is over used on individuals not deemed to have sufficient status or rights, for example prison and military personnel and non-unionised employees.

The process involves the employee being required to produce a urine sample that is tested for the presence of certain substances. Presently in the U.S., organisations that receive Federal contracts of \$25,000.00 or more must comply with the "Drug-Free Workplace Act". This does *not* however insist on testing.

Breath testing of employees for 'blood alcohol level' is also becoming more common, particularly after a workplace accident.

The main criticisms of the random drug testing approach include:-

1. **Flawed Technology** - The real world performance of testing is much lower than that claimed by its promoters. A study of 13 laboratories by the Centres for Disease Control published in the Journal of the American Medical Association found that the laboratories were unable to consistently achieve a 50% accuracy rate for their drug tests.

These tests are probably adequate for rehabilitation and treatment situations, possibly adequate for pre-employment situations, but not for dismissing employees.

Employers should be aware of the wide variation in the length of time various drugs remain detectable. For example, cannabis can be detected up to one month after use.

2. **Ethical Issues** - A term that is used in all drug-testing programs that illustrates the privacy-invasion most clearly is "chain of custody". Because of the fairly simple ways that an employee can invalidate the test, drug testing must be strictly monitored. This means that the specimen must be observed leaving the body.

Many legal objections currently being raised in the courts about drug testing are pointing to legal requirements of prior notice, consent, due process and cause.

3. **Wrong focus** - As has been shown with Employee Assistance programmes (EAP), the focus of management concern should be on work performance decline.

Effective management practices are an infinitely better approach to managing people problems at work.