

# Drug and alcohol testing policies—can you afford not to have one?

A guide to a practical policy

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Investing in a robust drug and alcohol testing policy in the workplace has several advantages. In short: It can save money.



*Drug tests become obligatory in more and more industries.*

### **Drug and alcohol misuse—a hot topic**

Drug and alcohol misuse is a hot topic—and it can be a costly one. Proven to drastically reduce productivity in the workplace, substance misuse is thought to cost the UK economy billions of pounds a year.

Increasing our understanding of the implications of drug and alcohol misuse in the workplace is an important part of developing a robust and cost effective strategy for addressing the issues it can bring about. Early detection of any issues can also prevent more serious problems developing and save on mounting costs in the long term.

*This White Paper explores the positive impact of implementing an effective drug and alcohol testing policy in the workplace and looks at the steps businesses can take.*

### **Why implement a drug and alcohol testing policy?**

Research by the Chartered Institute of Personnel and Development, 2014, highlighted that drugs and alcohol are a contributory factor in 26% of the workplace accidents that cost the UK more than £4bn a year.

When someone uses drugs and alcohol it can seriously impair performance, productivity and potentially even affect the safety of employees. To comply with legal requirements, protect staff and the public and look after the general health and wellbeing of the workforce, drug and alcohol policies are becoming significantly more mainstay in general industry.

Yet around a third of UK employers admit they don't have enough knowledge or training to identify if an employee is misusing drugs and alcohol—even if they suspect this might be the case.

With 76 % of people who misuse substances thought to be in regular employment, businesses are faced with very real risks which can have a knock-on effect in terms of safety, health and productivity. By investing in a robust workplace drug and alcohol policy, employers can reduce mounting costs and identify potential problems before they escalate.

Aside from the potentially disastrous safety consequences of substance misuse, there are a number of key but often hidden factors (below) across all industry sectors that can directly impact the bottom line if an effective policy isn't in place.

## INVESTING IN A COMPLETE POLICY CAN SAVE YOU MONEY. HOW THE NUMBERS STACK UP:



### **Days off**

Employers who implement an effective policy could save significantly, with individuals not affected by drugs and alcohol less likely to take time off sick.

An estimated 40 million days could be gained across the UK overall if every company had an effective strategy in place.



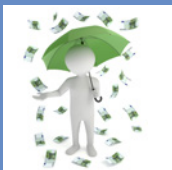
### **Productivity**

An effective drug and alcohol policy could increase productivity and improve job performance by around a third, with research by the US National Institute for Drug Abuse showing employees on drugs to be just two thirds as productive as their colleagues.



### **Staff turnover**

A strong policy means saving on the cost of recruiting and training new employees to replace those who have left, as well as a reduction on the high costs of temporary staff cover.



### **Staff management costs**

Long term, a better policy and a happier, healthier workforce means reductions in staff management costs and hidden costs such as theft from the company,

health related costs and higher insurance.



### **Improved team morale**

The knock-on effects of drug and alcohol misuse can impact the wellbeing and productivity of a whole team, with a successful programme leading to

increased morale.



### **Potential lawsuits**

With a reduction in accidents and costly compensation claims, businesses can save significant sums.



### **Reputation**

You can't put a price on a company's reputation. Enhancing the public perception of a business as a responsible and caring employer is one of the benefits of having

a carefully thought-through policy in place.



*A measure against alcohol misuse are devices directly installed in a vehicle: Before you start the engine, they measure the alcohol content in your breath. When no alcohol is detected you can drive.*

## Changing regulations

Employers across all industries need to remain abreast of changing legislation and the legal implications of substance misuse. Firms are obliged under the Safety, Health and Welfare at Work Act, 2005, to provide, as far as is practicable, a safe place of work.

In the UK, 2015 has seen the introduction of tougher drug driving penalties for anyone caught driving under the influence of drugs—both illegal and some prescription.

Under the new drug drive legislation, people caught driving under the influence of drugs face harsher penalties (similar to those for used for alcohol), including up to six months' imprisonment, a £5000 fine and 12 months' disqualification.

For example, if an employee in the transport and logistics industry is found guilty of a road traffic offence such as driving, or being in charge of a vehicle, whilst under the influence of drink or drugs, under the Road Traffic Act 1988, the Traffic Commissioner is able to take disciplinary action against the operator. This includes anything from the complete revocation of a license, suspension in whole or in part, down to a formal warning for the operator concerned. In cases where a decision is made to revoke a license, the Commissioner also has the power to disqualify an operator or the directors of a limited company, from holding or obtaining licenses in any traffic area, for as long a period they see fit.

The case would be looked at more favourably by the Traffic Commissioner if the operator can demonstrate that they have a drug and alcohol policy in place and that they have exercised all due diligence to prevent drug and alcohol misuse in the workplace.

The dangers of an employer not having a robust policy in place is that if someone is killed by an employee who is driving for work purposes while impaired, it's possible that, as well as the driver being convicted, there could be a case under the Corporate Manslaughter Act (2007, c.19) if an organisation can't show it had any policies in place for preventing people driving while under the influence of drugs or alcohol.

What's more, employers may still find themselves liable in the case of independent contractors working on site. In many industries, contractors and sub-contractors work on site only for a set period of time; but particularly in a safety critical environment, employers should still ensure they comply with the company's drug and alcohol testing policies—made clear upfront and at the beginning of any contract.

## Lessons from the past

Drug and alcohol misuse in the workplace is not a new phenomenon, but the implementation of policies has only become more commonplace in the past 25 years. The safety critical industries such as oil and gas, transport and logistics, for example, have a legal obligation to ensure staff never work under the influence of drugs or alcohol with mandatory testing introduced in the 80s and 90s.

Seeing the workplace as a preventative place for tackling drug and alcohol misuse however, is a relatively new concept. Previously, the emphasis was often placed on extreme drug and alcohol abuse with services targeted in the key problem areas.

Yet in the past ten years the focus has shifted, with the workplace viewed as a place where potential problems can be addressed before they develop into something more serious.





*In many jobs, being drunk at work not only lowers the abilities of the employee but also can be dangerous.*

## Solutions for employers

Having a drug and alcohol policy that includes a balance of education and awareness, coupled with unannounced random testing, can offer an effective solution to safeguard against liability, reduce costs and ensure safety is also maintained.

To be most effective, employees need to understand and support their employers' rationale—equally, they should have the medium to long-term benefits and effects of a policy to them as individuals, fully explained. A robust programme also goes a long way in changing the culture of a business and ensuring drug and alcohol use is in the minority.



*Drivers often underestimate the effect of drugs or alcohol.*

## Guidance for employers looking to implement a policy is outlined below

- Know the legal position—under the Health and Safety at Work Act 1974, employers have a duty to ensure a safe place of work and safe systems of work for staff.
- Policy communication between employers and employees is crucial, including guidance relating to testing for specific substances, testing of specific individuals, informed consent for testing and the consequences of refusing testing.
- Ensure that employees implementing the drug and alcohol policy are fully trained in the implications and know how to recognise the signs of potential misuse.
- Employers are permitted to use alcohol and drug testing at the recruitment stage and for testing current employees.
- Test results and advice must adhere to best medical practice and data protection protocols.
- It is important to recognise the work environment itself can contribute to levels of substance misuse, for example, high stress situations or periods of change. A full understanding of the complete picture is always important.
- Ideally, a drug and alcohol policy should be in place and agreed in advance of issues coming to light.
- A well written policy will cover how to handle people who come forward with their problems, allowing those seeking treatment to be treated with respect. It also means guidelines can be put in place as to how they could return to their former job after treatment—or, if it was necessary for a change of job eg. In safety critical roles.



## IN CONCLUSION

Where drug and alcohol misuse is concerned, there are a wide range of factors which can have a direct effect on your business' bottom line. The inappropriate use of drugs and alcohol can also have a detrimental effect on the health and wellbeing of employees as well as affecting their personal and working lives.

Whilst every business and every situation is different, risks including safety, absenteeism and productivity, have the potential to impact the individual, other employees, the business and public.

Having a detailed drug and alcohol policy in place will help to ensure all employees are aware of the risks, consequences and legal costs of their actions. Ultimately, ensuring people are fit and safe to work is a priority for any business. Safety, performance and productivity are key—investing now to help manage the risks can have significant benefits in the long term.

## IMPRESSUM

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