

The importance of drug testing in workplaces

[Health & Medicine](#), [Drugs](#)



As widespread drug use is on the rise, many employers have begun to worry about the performance of their employees. Absenteeism, injuries, loss of productivity, employee morale, theft and fatalities are just some of the causes of drug use in the workplace. The idea of drug testing among workers has developed from society's concern over a perceived increase in the use of drugs and the relation between drug use and impairment, with resultant risks to the worker, fellow workers and the public. As early as 1987, 21% of employers had instituted drug-testing programs.

Employers have begun to think that mass drug tests are the answer to their problems. What many of these employers don't know is that there are many problems that surround drug testing at work. One of the biggest of these problems is whether or not it is constitutional to conduct drug tests on the employees. Employers fail to educate themselves with established or recent laws about drug testing in the workplace and about human rights. Also, mass, low-cost screening tests may not be reliable or valid. Alcohol testing does not differentiate casual drinking from alcohol dependence or alcoholism.

Drug tests can create an untrustworthy environment for the employees. There are better ways to address substance abuse. Drug testing in the workplace is an important issue for all of Canada's labour force, regardless if it's your first job or if you've had a steady job for 30 years. Many employees, who have had to subjugate themselves to degrading and demeaning drug tests, feel that these tests violate their constitutional rights. It is an infringement on their privacy. In order for the tests to make sure there is no specimen tampering there must be an administrator present to oversee every action the employee makes during their drug test.

For tests such as hair and breath testing this does present a major problem, but for urine tests men and women alike are disturbed by the direct observation of their urine collection. Unfortunately, the Canadian Charter of Rights and Freedoms applies only to the laws and actions of the federal and provincial governments and their agencies. It does not apply to the policies and actions of private employers. The Charter therefore does not protect private sector employees from unreasonable drug testing.

It is necessary to state that currently an employer can terminate an employee's job if the employee has been using illegal drugs and alcohol, but only if such use is not considered a disability. Alcohol or drug addiction can be viewed as a physical and/or mental disability. In Ontario, the Ontario Human Rights, Citizenship, and Multiculturalism Act prohibits employment discrimination based on disability. Employers have a responsibility to accommodate employees who are disabled. Drug testing has not been proven to be against the Canadian Human Rights Commission.

In order to institute a drug testing policy into a company which complies with human rights legislation, an employer must be able to demonstrate that the testing is related to job performance, and not just substance abuse. " Many employees feel that drug testing is a way of discriminating against people who might have a drug and/or alcohol disability. An example of such discrimination is found in *Entrop v. Imperial Oil Ltd.* The Ontario Board of Inquiry found that Imperial Oil Limited discriminated against Martin Entrop, a senior operator at the Sarnia Refinery, because of a disability.

The Board of Inquiry found that " under a new Alcohol and Drug Policy introduce in 1992, Imperial Oil employees in " safety-sensitive" positions were required to notify management if they currently had or had previously had a substance abuse problem. " After Mr. Entrop heard that this policy was coming into effect he informed his employer that he had had an alcohol problem about ten years earlier, that he had attended Alcoholics Anonymous, and that he had abstained from using alcohol since 1984.

Mr. Entrop had been an employee for seventeen years and he had had no problems at work that were related to substance abuse, but Imperial Oil's policy required that Mr. Entrop be immediately removed from his current position. This example clearly shows that it is discriminatory to terminate a person's job because of a past or present disability and that there are constitutional matters involved with drug testing in the workplace. The lab procedure is a second invasion of privacy. Urinalysis reveals not only the presence of illegal drugs, but also the existence of many other physical and medical conditions including pregnancy.

Drug testing is an invasion of privacy that is to be abhorred and it is clearly against our constitutional rights. Drug testing is designed to detect and punish conduct that is usually engaged in off-duty and off employer's premises, in other words, in private. There is much confusion about the accuracy of drug tests. In fact claims of billions of dollars lost in employee productivity are based on guesswork, not real evidence. Urine tests cannot test for drugs directly. They test for traces of substances taken before the test which are no longer active in your system but can still be detected.

The most accurate methods of urine analysis are time-consuming and expensive, and even then can be wrong at least 10% of the time. Even though these drug tests are the most accurate, more often than not employers opt for a less accurate drug test because the more accurate ones are too much of an expense for the company. These cheaper drug tests often have an error rate of 30%, which means that 30% of all people that take these drugs tests are falsely accused and may be fired from their jobs. Also, traces of legal medicines, such as cough syrups, nasal sprays and eardrops can be confused with those of illegal drugs.

Even the poppy seeds found in baked goods can produce a positive result for heroin. Furthermore, drug tests are not work-related because they do not measure impairment that occurs during work hours. A positive drug test only shows that a drug was taken at some time in the past. Also, the drug test does not distinguish between occasional and habitual use, the same is also true with alcohol testing. Another reason that drug testing isn't very reliable is the fact that drug testing does not even detect all drug users.

This is true because most stronger drugs such as cocaine do not last in the user's blood stream as long as someone who has used marijuana for example. This means that the weekend user of cocaine is much more likely than the weekend user of marijuana to pass a weekday drug test. Also drug tests may not reveal very recent drug use. For example, a worker who does not smoke marijuana regularly decides to smoke marijuana in the middle of the work day, a drug test may come back negative because not enough time has passed for drug metabolites to appear in the urine.

With all these factors working against the accuracy of drug tests, not to mention the occasional error of the people who process the specimens at the lab and the false-negatives that occur when an employee deliberately decides to sabotage a drug test, it is hardly worth it for an employer to go through with the trouble of a drug tests when the true drug users, the ones that are harmful to the company, are not pointed out anyways. There are better ways to address substance abuse in the workplace than to rely on the very unreliable method of drug and alcohol testing.

These ways are more cost-effective, time-effective and have a much better impact in the workplace; also they do not raise the same privacy issues that drug tests do. An effective alternative to drug testing is to train supervisors to confront, and refer impaired employees to Employee Assistance Programs or other intervention programs. This strategy leads to increased employee acceptance of treatment and a subsequent improvement in overall job performance.