

Substance abuse – a growing concern among the employers in ensuring a safe workpl...

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



The idea of maintaining a safe workplace is the responsibility of both the employer and the employees. The successful implementation of such a system can be achieved not only by having a set of written policies or regulations. Instead, it is determined how effectively the employees are trained to identify the potential risks in a work environment along with the opportunities provided to them by the employer to disclose any significant disabilities that may put the safety of themselves or their colleagues at risk. It might be quite interesting to note that, the term disability used in above context is not just limited to the congenital disabilities of a person, but also includes the alcohol/drug dependence, as per the Canadian Human Rights, Citizenship and Multiculturalism Act. Thus, an employee who has been found to have alcohol/drug dependence, has the right to be accommodated by the employer as any other person with disability. As such, substance use/abuse has become a growing concern among the employers, unions and healthcare professionals. In this context, certain positions or jobs are considered as safety sensitive, where the personnel working in a role is responsible for the safety of themselves and others in the work environment.

To ensure that a safe work environment is in place, especially with respect to safety sensitive positions, the organizations have started to implement random testing of alcohol/drugs at the workplace, which triggered some of the legal battles between the industry and the unions. The following case between Mr. Ian Stewart and Elk Valley Coal Corporation demonstrates was one that proved that an employer could indeed terminate personnel for being impaired due to substance use, despite the same being considered as a disability.

<https://assignbuster.com/substance-abuse-a-growing-concern-among-the-employers-in-ensuring-a-safe-workplace/>

Ian Stewart v/s Elk Valley Coal Corporation

The litigant, Ian Stewart was an employee who worked as a driver of loader in a safety sensitive mine owned by the Elk Valley Coal Corporation. In the meantime, the employer introduced an alcohol/drug policy according to which, all the employees are required to disclose any substance dependency to the company. The company policy also had a clause by which the employees who complies with the same would be accommodated and offered treatment. However, the company also reserved the rights to terminate an employee who failed to report their substance dependency issues and was involved in a workplace accident at a later stage and subsequently revealed positive tests for substance use. Ian Stewart used cocaine on days when he was not at work but did not disclose his dependency to the drug to the employer. He met with an accident with the loader at his workplace, and the outcome of drug test revealed the presence of cocaine. On the grounds of not complying with the company policies, Elk Valley terminated Mr. Stewart. However, Stewart's union registered a complaint with Alberta Human Rights Commission and stated that the case of Stewart should be considered as disability due to addiction protected under the Alberta Human Rights Act and that the company had failed to accommodate him due to his disability. To claim prima facie discrimination, the litigant must prove the following:

- The presence of a disability that is protected by the Act
- An ill treatment during the employment or related to employment.

- The presence of disability was a cause for discrimination or ill treatment.

Only if the above factors are satisfied by the employee does the case shift to employer where the employer must prove that it has accommodated the employee till an undue hardship. The tribunal reviewed the case in detail and more evidence was obtained which proved that Mr. Stewart was indeed addicted to cocaine at the time of the incident. The tribunal also considered his termination to be an ill treatment. The tribunal then observed that, while Mr. Stewart was able to prove the first two factors for prima facie discrimination, he was unable to prove that the reason for his termination was indeed his disability rather than non-compliance with company policies. It was also noticed by the Supreme Court of Canada that the failure of an individual to comply a policy could itself be considered as a symptom of addiction. However, detailed investigation showed that Stewart's dependency issue had not reduced his ability to comply with the company policy and thus the same could not be considered as a disability. It was further stressed that, Stewart had the option to choose not to use the drug prior to attending work on a particular day. The case shows that alcohol/drug policies can be implemented by the employers for safety-sensitive positions and the employees are required to report any dependency prior to a workplace incident. Cocaine dependency – The need for more and the need for control!

The above case sheds light on how the use of a highly addictive drug like cocaine could result in strong drug craving tendencies that the person

himself denies in complying with a company policy which offers him free treatment and an option to reapply to the company by enrolling into a rehabilitation program. Rather, the person is willing to put his employment and workplace safety at risk, just to have his daily dose of cocaine. As the evidence suggests, the employee used cocaine regularly which could have led to him being tolerant to the drug. This implies that, the persistent use of this drug leads to a need for administration of higher amounts to get the euphoric effects. Hence, overtime the need to use the drug becomes the biggest priority of one's life. The drug is also associated with strong withdrawal symptoms like anxiety, disturbed sleep, paranoia, irritability, dysphoria, violent nature, cardiac issues and depression.

This clearly indicates the need for drug testing, especially in safety sensitive positions like the one which Stewart had handled. The use of a drug like cocaine, even by a single employee puts the entire workplace at significant risk and it does not matter if the person takes the drug during his personal time or not, as the withdrawal effects which could show up at a later stage still poses a threat at the workplace. Another major concern is the difficulty in detecting cocaine use in a work setting. The drug which is available as a white odourless powder makes it difficult to spot when compared products like alcohol and nor does the users exhibit symptoms like slurred speech as observed with opioids or alcohol. In addition, the common adverse effects of cocaine like distress and anxiety could be mistaken for usual workplace stress.

Cocaine – Pharmacology, Pharmacokinetics and Drug testing

Cocaine is a psychoactive alkaloid extracted from the leaves of *Erythroxylon* (coca), indigenous to South America. In the 1880s, Sigmund Freud who was a psychiatrist proposed cocaine for treatment of many conditions, including depression and alcohol dependence. However, this idea was brought to an end after realising the highly addictive property of cocaine. It is a weakly basic substance which exist either as a free base form or as the salts of various acids.

Cocaine enhances dopamine activity by blocking its reuptake into the nerve terminal and thereby increasing the dopamine available to act at receptors in the synapse. It may also block reuptake of serotonin and noradrenaline. This action on neurotransmitters leads to rise in heart rate, blood pressure and body temperature. After administration, cocaine is almost completely absorbed into the body depending on the route, for example via mucous membranes (intranasal), the gastrointestinal tract (oral) and intravenously. It achieves peak plasma concentrations within 5 to 10 minutes of intravenous injection or smoking and within 60 minutes of intranasal administration. It has a short half-life of 0.5 to 1.5 h. Benzoyllecgonine, which is the major metabolite of cocaine, is formed spontaneously in plasma by hydrolysis of cocaine. Also, it is deactivated in a rapid manner by plasma butyrylcholinesterase into ecgonine methyl ester. Benzoyllecgonine and ecgonine methyl ester together represent major urinary excretion of cocaine. A small portion of unchanged cocaine can also be detected in urine. nor-cocaine is formed in small amounts via metabolism by liver enzymes.

<https://assignbuster.com/substance-abuse-a-growing-concern-among-the-employers-in-ensuring-a-safe-workplace/>

Other minor metabolites of cocaine are m-hydroxy-cocaine, p-hydroxy-cocaine, m-hydroxy-benzoyllecgonine and p-hydroxy-benzoyllecgonine.

Though half-life of cocaine is short, the elimination half-lives of metabolites are substantially prolonged. Cocaine half-life is expected to increase after chronic dosing.

Taking into consideration the trouble that cocaine can bring at work, the only way to safeguard employers and other employees is to create and have in place stringent and clearly-worded alcohol and drug testing policies. Having strong and clear policies regarding workplace drug and alcohol use will allow employees to follow the guidelines and hence the company. With a drug and alcohol policy in place, everyone in the workplace will have clear guidelines to follow about drug and alcohol use, and employers can exercise their right to require their workforce to undergo drug testing.

Testing for cocaine is done using urine, blood and hair sample. As already discussed, half life of cocaine is very short, however, after chronic use the drug may start accumulating in body tissues, which would allow its detection in the system for extended time periods. For instance, metabolites formed after single consumption of cocaine can be detected in urine for around 2 to 4 days. But, in case of long-term users or with heavy bingeing, cocaine can be found for up to 14 days in urine. The duration of effectiveness of urine test also depends on the amount of dose and the level of purity of the drug. In some cases, metabolites can even be present for up to 3 weeks following extremely high dose of cocaine. In blood and saliva, cocaine can be detected for approximately 12 to 48 hours after recent use. Unlike majority of other

drugs, cocaine would stay in sweat for longer period. Also, it remains in the user's hair for several years even after stopping the drug. However, as any other drug testing, urinalysis is the preferred form of testing.

To conclude the usual drug testing policies may not be foolproof with respect to cocaine as it metabolizes quickly than other drugs. Hence, it might not show up in occasional users. Hence, it is evident that measures of drug control as the one implemented by Elk Valley Coal Corporation which requires the employees to self-report their dependencies are more effective in preventing the workplace drug use. Such a policy becomes even more significant and ethical when the company has a willingness to provide free treatment to the substance users with an offer for accommodation after their rehabilitation.