

Research proposal on workplace drug testing and drug prevention programs

[Law](#), [Criminal Justice](#)



Drug testing in the workplace is a widely contested concern that continues to gain importance among various groups including employers, professional bodies, worker associations and government. There are multiple ethical and legal issues surrounding this practice. Existing literature on this issue presents mixed results as regards its desirability (Carpenter, 2006). The prevalence of drug abuse among workers in the U. S alone is alarming. The National Survey on drug Use and Health observed that in 2004 for instance, 75% of drug abusers in the country are workers (Cholakis & Roger, 2007). The implications of such findings are likely to be of significance to various groups. This paper explores the various aspects of the concept of workplace drug testing with respect including the ethical and legal issues as well as related drug prevention programs. A critical evaluation of these issues is also presented. Arguably, appropriate workplace drug testing is essential for a drug-free workplace and should be used to enhance prevention programs. There are several methods or approaches used in drug testing. These methods include urinalysis, sweat tests, oral fluid or blood testing and hair testing (Caplan & Goldberger, 2001). Urinalysis has been a mainstay approach to drug testing. Urine testing is widely used because it is affordable and easy to administrate. According to Cholakis and Roger (2007), major drawbacks of this method include its susceptibility to adulteration and that drug concentration is largely influenced by the amount of water intake. Consequently, the method is less reliable. Blood testing and oral fluid are very similar. In blood testing, the absolute drug concentration level is determined and screened against known normal levels, which are often low. Although this method is more expensive than urine testing, it is less

susceptible to adulteration. Sweat tests monitor drug exposure cumulatively but are constrained to within a short period. Such tests cannot detect prior exposure. All the above methods lack a long-term detection of drug use and may therefore be unreliable since they depend on dwell time of drugs and drug metabolites which is limited. Hair testing, unlike the above approaches, offers a long-term detection of drug use. However, Cholakis and Roger (2007) argued that differences in hair color and texture may cause variation in detection response. This may affect the reliability of the result. Notably, the reliability of each of the methods above is limited.

The different types of drug testing programs can be categorized into mandatory and voluntary. Mandatory drug testing may be imposed on employers or employees by the government or other authorities for various reasons. In the U. S., the federally mandated programs apply to all Federal employees as well as for applicant or employees in job positions involving safety or security functions (Caplan & Goldberger, 2001). Mandatory drug testing programs outline guidelines and policies for employers and employees who fall under the specified categories. These types of programs have been identified as necessary for safety-sensitive positions such as those that may be found in the construction and transportation industry, or as a pre-employment consideration for such positions (Cone, 2001). Those who may be tested under this program include the workforce in medical and health related fields, jobs that require handling of machinery and security positions. Such testing is not only in the interest of the general public, but also of the individuals undergoing the tests in most cases.

Under voluntary testing, employers in the private sector may be permitted to

undertake drug-testing in drug-free workplace programs. This may involve various individuals or groups. Voluntary drug testing may be applicable for employees that may be under diagnosis but on their way to recovery. The reasons for such testing vary. Such programs can be used to secure the workplace and increase performance. According to Cholakis and Roger (2007), studies have shown that although drug-testing programs have given rise to widespread concerns, corporations benefit from the practice from increased performance and reduced worker compensation claims, absenteeism and employee turnover.

The legal implications of mandatory drug testing revolve around constitutional protections and other employment rights. There are guidelines that employers must act within their bounds when using this type of drug testing. Failure to undertake testing programs at all or implementing them in a way that is not prescribed by law can increase liability for the case of employers. These include guidelines that may be provided by statutes regarding this practice. To the employee, mandatory drug testing legally implies that the employee is subject to the program and can only challenge the statute, which is highly unlikely (Cholakis & Roger, 2007). In such cases, the law is likely to allow the employee or applicant to be tested. Clearly, there are significant legal challenges regarding mandatory workplace drug testing programs.

The practice also presents multiple ethical implications. The conventional approaches to drug testing are generally intrusive and perceived as invading individual privacy. Existing laws may not sufficiently provide for protection against such intrusion or unreasonable seizure. Since the program is

mandatory, intrusion can be seen as being inevitable. Consequently, employees are likely to engage in actions that would tend to reduce or minimize the likelihood of being found positive. These may include adulteration of the condition to suit their particular interests, for instance, by avoiding drug abuse during the period of testing. Similarly, employers are likely to engage in actions that may constitute ethical concerns. Carpenter (2006) observed that some employers may opt to dismiss employees with positive results from the tests for fear of being sued from later occurrences arising from actions of the said employee.

Drug prevention programs are an essential element of best practices in establishing a drug-free workplace. Such initiatives include developing a written substance policy, training supervisors on the issue, providing employee assistance on related matters and educating employees. On one hand, drug education is arguably the best proactive approach to achieving a drug free workplace. On the other hand, mandatory drug education programs have deterring ethical implications. The consent of employees is not encompassed in developing such programs. As a consequence, employees may tend to attend such programs per se, just to remain in their positions. The ethical challenges of mandatory drug education programs in the context of the workplace are worth of concern.

Despite the challenges and concerns over workplace drug testing, the attempts to achieve a drug-free workplace including drug testing are necessary. The different methods used in drug testing have limitations on reliability. The practicability of certain drug testing programs is contingent to factors such as the nature of the job. However, the benefits that accrue to

drug free workplace programs are far reaching. Mandatory drug testing programs have multiple legal and ethical challenges. Similarly, mandatory drug education programs give rise to significant ethical concerns. Workplace drug testing programs are essential as evidenced above, although proactive practices including drug prevention and education programs are superior.

References

- Caplan, H. Y. & Goldberger, A. B. (2001) Alternative Specimens for Workplace Drug Testing. *Journal of Analytical Technology*, 25. Retrieved from <http://jat.oxfordjournals.org/content/25/5/396.full.pdf+html>
- Carpenter, S. C. (2006) Drug Use. Health Research and Educational Trust. Retrieved 18 April 2013 from <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1955359/pdf/hesr0042-0795.pdf>
- Cholakis, P. N. & Roger, B. (2007) Drug Testing. *Professional Safety*, 52(7): 31-36. Retrieved 18 April 2013
- Cone, J. E. (2001) Legal, Workplace, and Treatment Drug Testing with Alternate Biological Matrices on a Global Scale. *Forensic Science International*, 121(1): 7-15. [http://www.fsijournal.org/article/S0379-0738\(01\)00446-7/pdf](http://www.fsijournal.org/article/S0379-0738(01)00446-7/pdf)