

Mandatory drug testing in the workplace argumentative essay examples

[Sociology](#), [Violence](#)



The phrase “ drug testing” indicates the examination of biological products to locate drugs along with their metabolites within the human body. Tests for urine are very common along with hair, saliva and sweat. Breath tests are common in case of alcohol . The impact of the degeneration of society can be felt in recent times in various aspects of the lives of individuals, including the workplace. The use and abuse of drugs has become increasingly common in the workplace in order to cope with anxiety and stress. As a result, employers resort their staff to frequent urinalysis tests to counter the problem by detecting the use of illegal substances. Drug testing is not just a method to understand the ability of an employee to fulfill contractual terms. It cannot be termed as intrusive or harmful. Even though this kind of testing amounts to an imposition on the employees, the interference can be justified if it takes place within the context of employment and does not infringe unnecessarily on the privacy interests. The testing of drugs in the workplace can be both specific and efficient. Drug testing is one of the most effective methods of discovering drug abuse among employees. Apart from offering direct access to details, the results of drug tests do not include irrelevant information. The drug test indicates a certain group of illegal substances. There is a vast array of technologies available today for lab-testing of drug use. While the testing laboratories mostly depend on the choice of the medical directors, it is difficult to find data correlating legal defensibility with analytical methods. In case of urinalysis, the commercial laboratory methods vary greatly among the laboratories. Those against drug testing at the workplace say that the steps taken by the employer on the basis of the positive results of urinalysis are likely to have a considerable impact on the

lives and careers of the workers; they may even face legal challenge. Legal defensibility and the choice of method for urine analysis happen to be the most important features of urinalysis . Mandatory drug testing in the workplace can be conducted in a manner which suggests extreme precision. Standard drug tests offer a slim chance of indicating use of drugs in a false manner. But, it is prone to cross-reactivity with other substances which are legal. However, confirmatory drug testing, like those performed with the help of mass spectrometry and gas chromatography is able to provide incredibly accurate results. Effective drug testing programs offer a productive and safe workplace along with many other benefits. It is considered to be a strong risk tool that offers far-reaching benefits to the organization apart from a safer workplace .

Drug testing in the workplace is necessary to maximize the profits of the corporations by reducing the financial impact of the substance abuse habits of employees. But, the question remains whether such testing is justified in terms of ethics and morality. Arguments against mandatory drug testing include the coercive nature of the drug test and the fact that testing is equivalent to a violation of the privacy level of the employees since it attempts to manipulate the behaviour of the employees within their own homes, outside the legitimate area of control of the employer . But such claims can be counteracted by ethically justifying the practice of mandatory drug testing as a part of the job contract which, in most cases, specifies not only the expectations of reasonable performance of the employee but even the right of the employer to know about it.

It is true that knowledge of the drug use of the employee is pertinent to the

terms of the employment contract and so, the employer is not wrong to utilize it, and by invoking this right is not in violation of the privacy of the employees. On the other hand, critics cite Kant to emphasize that even though drug testing does not violate the privacy of the employees, it considers humans as means to purely financial ends without improving the quality of life of the several employees being tested . Thus, inconsistencies arise in the substantive valuation of human dignity and worth. However, it can be argued that the negative impact of substance abuse on the mental and physical health of an employee would be much greater than the negative impact of being tested for drugs at the workplace. Further, it is the organization's right to know if a prospective employee has any habits or addictions that may be detrimental to their performance at work. The prospect of being ' caught' by drug tests conducted by potential employers and being denied a job based on their use of drugs should serve as an encouragement for users to give up the habit.

Methods of drug testing are used to control the extent of workplace substance abuse. As drugs are connected to fall in the profitability level of a workplace and rise in work-related incidents, employers have begun to justify drug testing on both ethical and legal grounds. Current estimates suggest drug abuse among employees can cost the employer up to \$60 billion in the course of a year. Prior to implementing the drug test program in the corporation in 1991, Motorola calculated the drug abuse cost of the company which amounted in 1988 to \$190 million, a sum that accounted for 40% of the total profit of the company in that year . On the other hand, arguments have been put forward in current times in favour of a greater

psychologically-sensitive definition of the privacy of employees that put intrusions by employers into this delicate sphere of self-disclosure on shaky moral grounds . If an employee refuses to provide the employer with access to information connected to a person's capability for fulfilling the employment contractual terms, it violates the relationship between an employee and the employer. Drug testing requires access to details about an employee which is justified under the contractual terms of the agreement between the employer and the employee. Therefore, an employer has the right to test his employees for the use of drugs .

The previous statement depends on two vital assumptions. First, it is important to assume a contractual employer-employee relationship model instead of an agent-principal model based on common law. Most often it is seen that employees abandon every right to privacy in exchange for employment as per the common law relationship. On the other hand, valid contractual terms establish reasonable borders for the privacy rights of employees which are consistent with the expectations and terms of employment. These boundaries are not violated through drug testing at the workplace. The abuse of drugs has a considerable impact on the ability of an employer to honour the terms of the contract of the employees.

Employers have the right to know about the drug habits of the workers owing to the fact that this kind of knowledge is necessary to assess the capability of an employee to perform as per the terms of the agreement. Instead of analyzing the relation between the performance of employees and drug abuse, it is important to pay attention to studies that, in spite of questionable methodologies, are more or less set forth. There are other

kinds of employee information that an employer has the right to know and access to this sort of information does not violate the privacy rights of the employee. Employers are free to check out information about the work experience of a prospective employee like his education, work experience, job skills - basically, any detail that helps determine whether or not the employee is able to fulfill the responsibilities stated in the contract. The employer does not have the entitlement to this sort of information, but has the authority to obtain the details through a process of investigation, both to check the information offered by the employee voluntarily about his/ her qualifications along with any lacking relevant information. The employer can access information which pertains to aspect of the moral and social character of an employee.

Since the impact of drugs in the workplace is seen in the context of a greater social issue, affecting both the system of criminal justice and health care, office drug testing advocates state that the work area is the perfect arena for dealing with these wider concerns. A workplace that is drug-free is considered to be casually antecedent and even conducive to the growth of drug-free communities. Those opposed to testing, however, assert that using drug interventions in the workplace to influence change in society is likely to obscure the bigger question of whether or not testing for drugs happen to be an ethical approach for the determination of drug abuse among employees . Arguments have been put forward regarding the inefficiency of drug tests since impairments are not taken into account, just the drug use. But the justification of the test is questioned in this manner on a correlation between the productivity of the employees and the abuse of drugs. It is impossible to

measure impairment since the impact of a certain substance varies from one individual to another. Impairment being an elusive quantity is unable to reduce the validity of testing for the abuse of drugs. Critics often ignore the fact that the test is an important means of understanding impairment, offering habitual drug users a particular expectation that their use of drugs will be revealed if not controlled . Further, considering the growing concern among communities over drug use, especially by the youth, can be addressed by drug testing in the workplace. Knowing that using drugs may prevent them from gaining employment may act as a motivation for the youth to abstain from drug use.

Modern day drug testing methods are highly accurate and fall within the legal framework that employers can work within. Employers authorize drug tests on the grounds that the derived information is necessary to confirm the capacity of the employee to perform as per the employment terms and that this type of testing is an ideal means for accessing this type of information. Mandatory drug testing has other points going in its favour. The drug tests provide an opportunity for beneficence from the employer. Testing allows the employer to diagnose poor performance among the employees and enables them to take part in rehabilitative measures and counseling sponsored by the employer. Employers have the capacity to recognize that the use of drugs is a disease which has a widespread impact on society. Knowing that they will be tested for drugs the moment they start looking for employment has the potential to act as a major detriment of drug use among the youth. The later in life a person begins to use drugs, the lesser the chance of the use turning into an addiction. Even those who do take drugs

once in a while will ensure that they limit the use so that it remains undetectable. Finally, drug testing allows employers to make massive savings in terms of productivity that is lost every year due to drug use among employees. In the long term, the issue of drug abuse among employees can have severe economic consequences. Hence, it can be said that drug testing has a great potential to benefit companies, the economy, society, and drug users themselves. While there are arguments against its validity, ethicality and legality, the positive aspects of drug testing the workplace far outweigh its negative points.

Bibliography

Carpenter, Christopher S. " Workplace Drug Testing and Worker Drug Use." Health Services Research 42. 2 (2007): 795-810.

This journal article analysis the relation between the incident of drug use by workers and the implementation of workplace drug testing. The study concluded the workplace drug testing does, in fact, prevent drug abuse among workers.

Cranford, Michael. " Drug Testing and the Right to Privacy: Arguing the Ethics of Workplace Drug Testing." Journal of Business Ethics 17 (1998): 1805-1815.

This journal article discusses drug testing at the workplace from a ethical perspective with a focus on the employees' right to privacy.

DiThomas, Melissa. " Drug testing promotes workplace safety." 1 October 2012. Occupational Health and safety. 7 June 2013. .

The article details the effectiveness of current drug testing at the workplace and its benefits

<https://assignbuster.com/mandatory-drug-testing-in-the-workplace-argumentative-essay-examples/>

Hoyt, David A., et al. " Drug Testing in the Workplace— Are Methods Legally Defensible? A Survey of Experts, Arbitrators, and Testing Laboratories." *The Journal of the American Medical Association* 258. 4 (1987): 504-509.

The article evaluated the legal implications of using urinalysis methods for drug testing in the workplace.

Rothstein, Mark A. " Workplace Drug Testing: A Case Study in the Misapplication of Technology." *Harvard Journal of Law & technology* 5 (1991): 65-95.

This journal article provides a comprehensive view of the use of technology in workplace drug testing and its implications.

The Independent Inquiry into Drug Testing at Work. *Drug testing in the workplace - The Report of the Independent Inquiry into Drug testing at Work.* Independent Inquiry. York, UK: Drugscope - Joseph Rowntree Foundation, 2004.

An extensive, comprehensive report that address the fundamental, scientific, legal, ethical and social aspects of drug testing at the workplace. It also follows trends and forecasts, provides a cost benefit analysis and industry response. It concludes with several practicable recommendations.

Wall, Patricia S. " Drug testing in the Workplace: An Update." *Journal of Applied Business Research* 8. 2 (2011): 127-132.

This journal article provides an update on the statutory law as well as prominent cases pertaining to drug testing at the workplace.