

Drug-free Workplace Policies:

Roles for Prevention in Supporting Workplace Health and Safety

January 24, 2023 (10:00 – 11:00 AM)

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Education
Development
Center

WELCOME

Iowa HHS, Bureau of Substance Abuse,
through Substance Abuse and Mental Health
Services Administration (SAMHSA) funding
supported this webinar.



STATE OF IOWA DEPARTMENT OF
Health AND **Human**
SERVICES



PRESENTER



Chuck Klevgaard
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Prevention Solutions

Chuck Klevgaard, Chuck Klevgaard is a nationally recognized expert in substance misuse prevention and public health. Drawing on his experience in collective impact and prevention-focused partnerships, he builds the capacity of states, tribes, schools, communities, and cities to use evidence-based substance misuse prevention and intervention strategies.



Agenda

- ✓ Welcome and Introductions
- ✓ Impact of Misuse on the Workplace
- ✓ Components of Drug-free Workplace
- ✓ How Employers Can Make A Difference
- ✓ Boosting Prevention Efforts



Objectives

1. Describe the purpose of Drug-free workplace programs
2. List the components of drug free workplace programs
3. Benefits of drug-free workplace programs

DRUG-FREE WORKPLACE:

What, How, and Who



Drug-free Workplace Act of 1988

What

The Drug-Free Workplace Act of 1988 (“Act”) is a U.S. federal legislation that tries to reduce drug use within organizations that have contracts with the federal government.

The Act requires organizations and companies to agree to run a drug-free workplace before entering into a contract or grant program with the U.S. government.

SAMHSA Drug Free Workplace,
<https://www.samhsa.gov/workplace/employer-resources#the-toolkit>

Drug-free Workplace

Program and Policies

A drug-free workplace is one where employees are required to comply with a program and related **policies** and **activities** that are meant to provide a safe workplace, discourage drug and alcohol substance use disorders, and encourage the treatment and return of workers who have suffered from drug abuse.

SAMHSA Drug Free Workplace,
<https://www.samhsa.gov/workplace/employer-resources#the-toolkit>

Drug-free Workplace

How

A drug-free workplace is one where employees are required to comply with a program and related policies and activities that are meant to:

- *provide a safe workplace, discourage drug and alcohol substance use disorders,*
- *encourage the treatment and return of workers who have suffered from drug abuse.*

SAMHSA Drug Free Workplace,
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Drug-free Workplace

Who

Drug-Free workplace programs are comprehensive programs that address illicit drug use by federal employees and in federally regulated industries.

There is no requirement for most private employers to have a drug-free workplace policy of any kind.

The exceptions to this are federal contractors and grantees, as well as safety and security-sensitive industries and positions

SAMHSA Drug Free Workplace,
<https://www.samhsa.gov/workplace/employer-resources#the-toolkit>

Drug-free Workplace

Who

Federal Contractors and Grantees

Under the act, a drug-free workplace policy is required for:

- ✓ Any organization that receives a federal contract of \$100,000 or more
- ✓ Any organization receiving a federal grant of any size

SAMHSA Drug Free Workplace,
<https://www.samhsa.gov/workplace/employer-resources#the-toolkit>

Drug-free Workplace

Who (Federal Contractors)

At a minimum, such organizations must:

- ✓ Prepare and distribute a formal drug-free workplace policy statement.
- ✓ Establish a drug-free awareness program.
- ✓ Ensure that all employees working on the federal contract understand their personal reporting obligations.
- ✓ Notify the federal contracting agency of any covered violation.
- ✓ Take direct action against an employee convicted of a workplace drug violation.
- ✓ Maintain an ongoing good faith effort to meet all the requirements of the Drug-free Workplace Act throughout the life of the contract.

SAMHSA Drug Free Workplace,
<https://www.samhsa.gov/workplace/employer-resources#the-toolkit>



IOWA'S DRUG-FREE WORKPLACES ACT

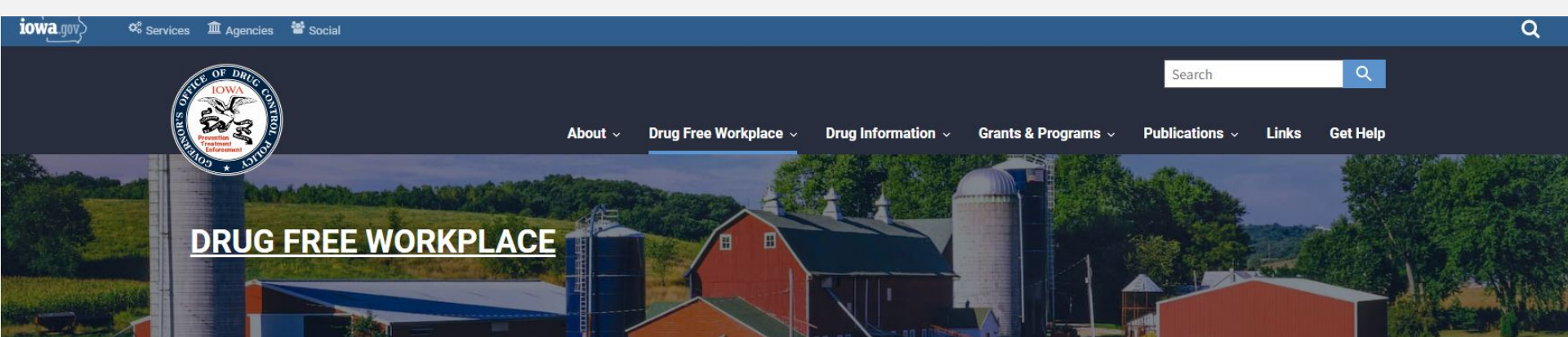
- Since 1998, Iowa's Drug-Free Workplaces Act has been one of the most comprehensive and complex drug-testing statutes in the United States.
- Iowa passed its private sector drug-free workplaces statute (Iowa Code section 730.5 in 1998,).
- On June 25, 2021, the Iowa Supreme Court issued a pair of decisions—***Dix v. Casey's General Stores, Inc.*** and ***Woods v. Charles Gabus Ford, Inc.***—that provide an in-depth analysis of the requirements that Iowa's drug testing statute impose on employers and the level of compliance that employers must achieve to conduct enforceable testing.

SUPPORT FOR DRUG FREE WORKPLACE



“Alcohol and other drug abuse affect the profitability of a company. It also impacts absenteeism, tardiness, and productivity rates; workman’s compensation claims; and the overall climate of the workplace.”

Iowa’s Governors Office of Drug Control Policy





POLL: FACTORS

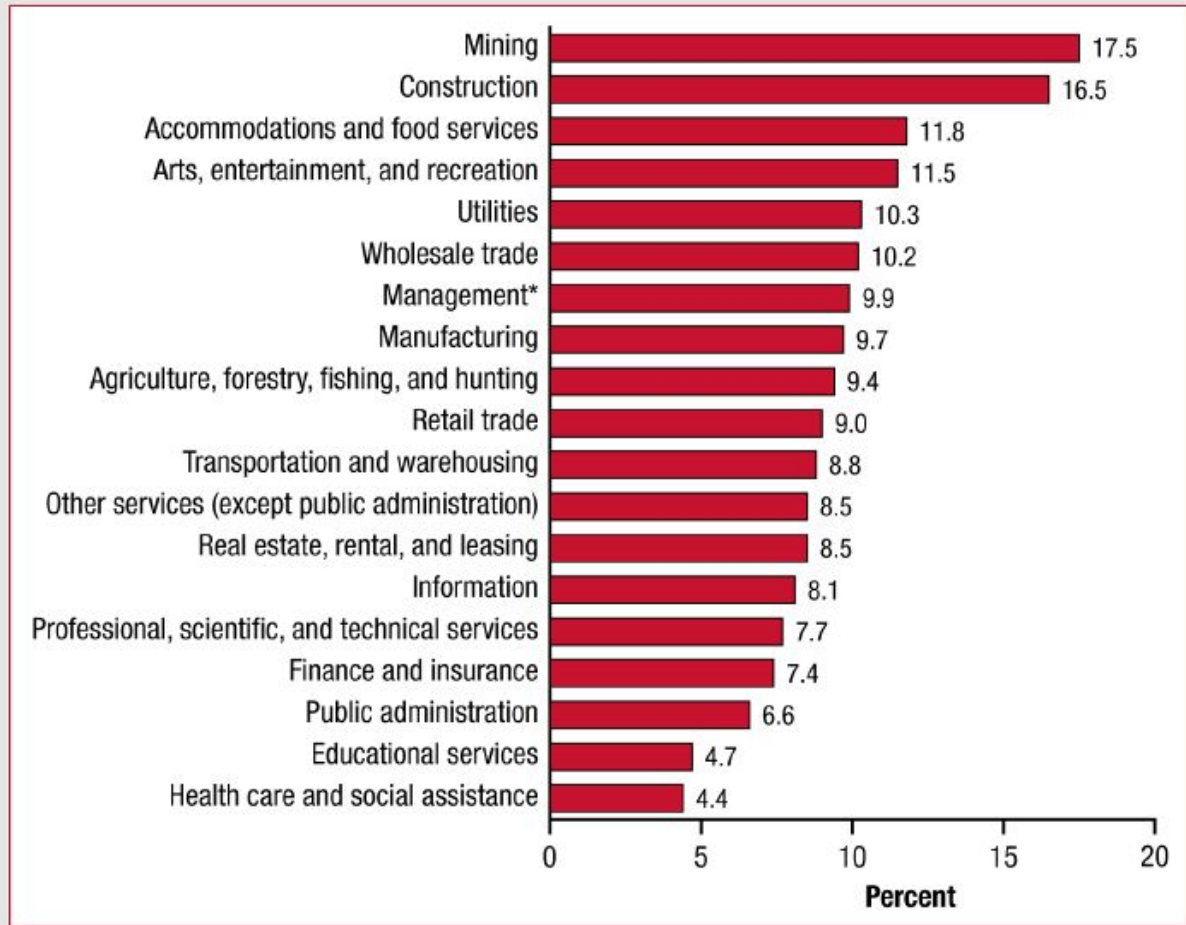
Which Industry groupings have the highest rate of past month heavy alcohol use among full-time workers aged 18 to 64.

- A. Construction
- B. Mining
- C. Manufacturing
- D. Healthcare
- E. Education
- F. Food Service
- G. Retail Trade
- H. Arts, Entertainment, and Recreation

POLL ANSWER



Figure 1. Past month heavy alcohol use among adults aged 18 to 64 employed full time, by industry category: combined 2008 to 2012



* The full title of this category is "Management of companies and enterprises, administration, support, waste management, and remediation services."

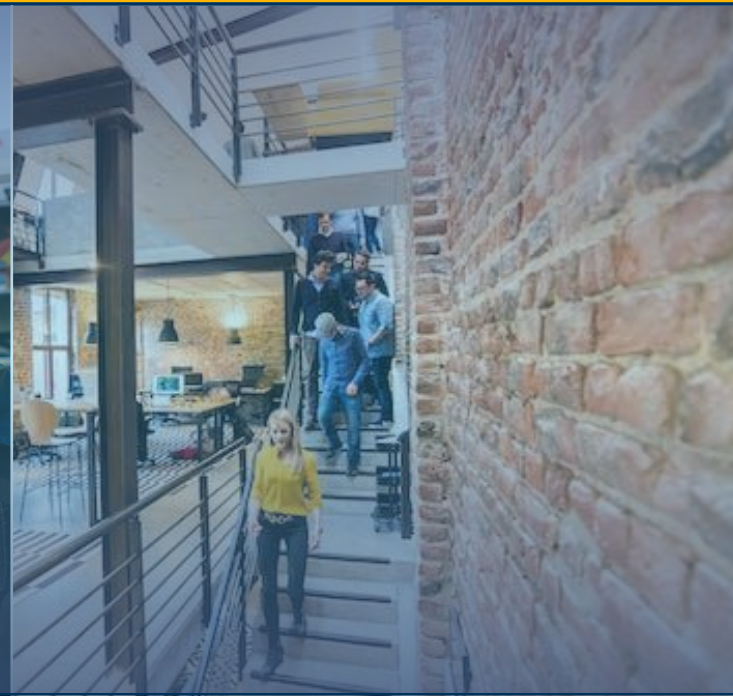
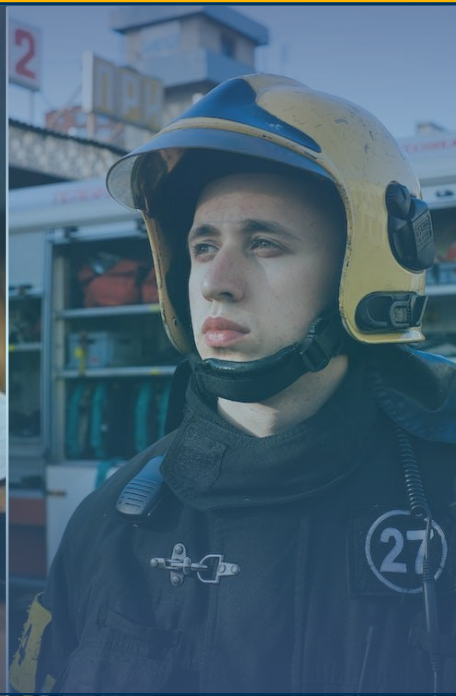
Source: SAMHSA, Center for Behavioral Health Statistics and Quality, National Surveys on Drug Use and Health (NSDUHs) 2008 to 2010 (revised March 2012) and 2011 to 2012.

Bush, D. M., & Lipari, R. N. (2016). Substance use and substance use disorder by industry.

<https://europepmc.org/article/NBK/nbk343542>

DRUG-FREE WORKPLACE:

Why





DRUGS IN THE WORKPLACE

- 60% of the world's production of illegal drugs is consumed in the U.S.
- Nearly 1 in 4 employed Americans between the ages of 18 - 35 have illegally used drugs.
- 1/3 of employees know of the illegal sale of drugs in their workplace.
- 20% of young workers admit to using marijuana on the job.

'Working Partners', National Conference Proceedings Report: sponsored by U.S. Dept. of Labor, the SBA, and the Office of National Drug Control Policy.



THE COSTS

Workman's Compensation:

38% to 50% of all Workers'

Compensation claims are related to substance abuse in the workplace; substance abusers file three to five times as many workers' compensation claims.

Medical Costs: Substance abusers incur 300% higher medical costs than non-abusers.

'Working Partners', National Conference Proceedings Report: sponsored by U.S. Dept. of Labor, the SBA, and the Office of National Drug Control Policy.



THE COSTS

CONTINUED



Absenteeism: Individuals who misuse substances are 2.5 times more likely to be absent eight or more days a year.

Lost Productivity : Substance abusers are 1/3 less productive.

Employee Turnover: It costs a business an average of \$7,000 to replace a salaried worker.

'Working Partners', National Conference Proceedings
Report: sponsored by U.S. Dept. of Labor, the SBA, and
the Office of National Drug Control Policy.



KEY BENEFITS



Fewer
Missed
Days



Fewer
work-relat
ed injuries



Insurance
Incentives



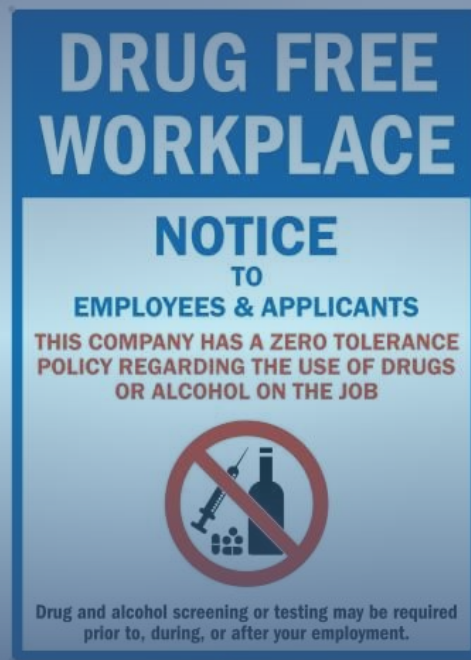
Increased
productivity



Worker
Appreciation
and Support

DRUG-FREE WORKPLACE:

Components





COMPONENTS



Written
Policy



Employee
Education



Supervisor
Training



Drug
Testing



Employee
Assistance
Program





EFFECTIVE POLICY

A drug-free workplace policy can include a statement of purpose and a discussion of implementation approaches. The other main elements of an effective policy are:

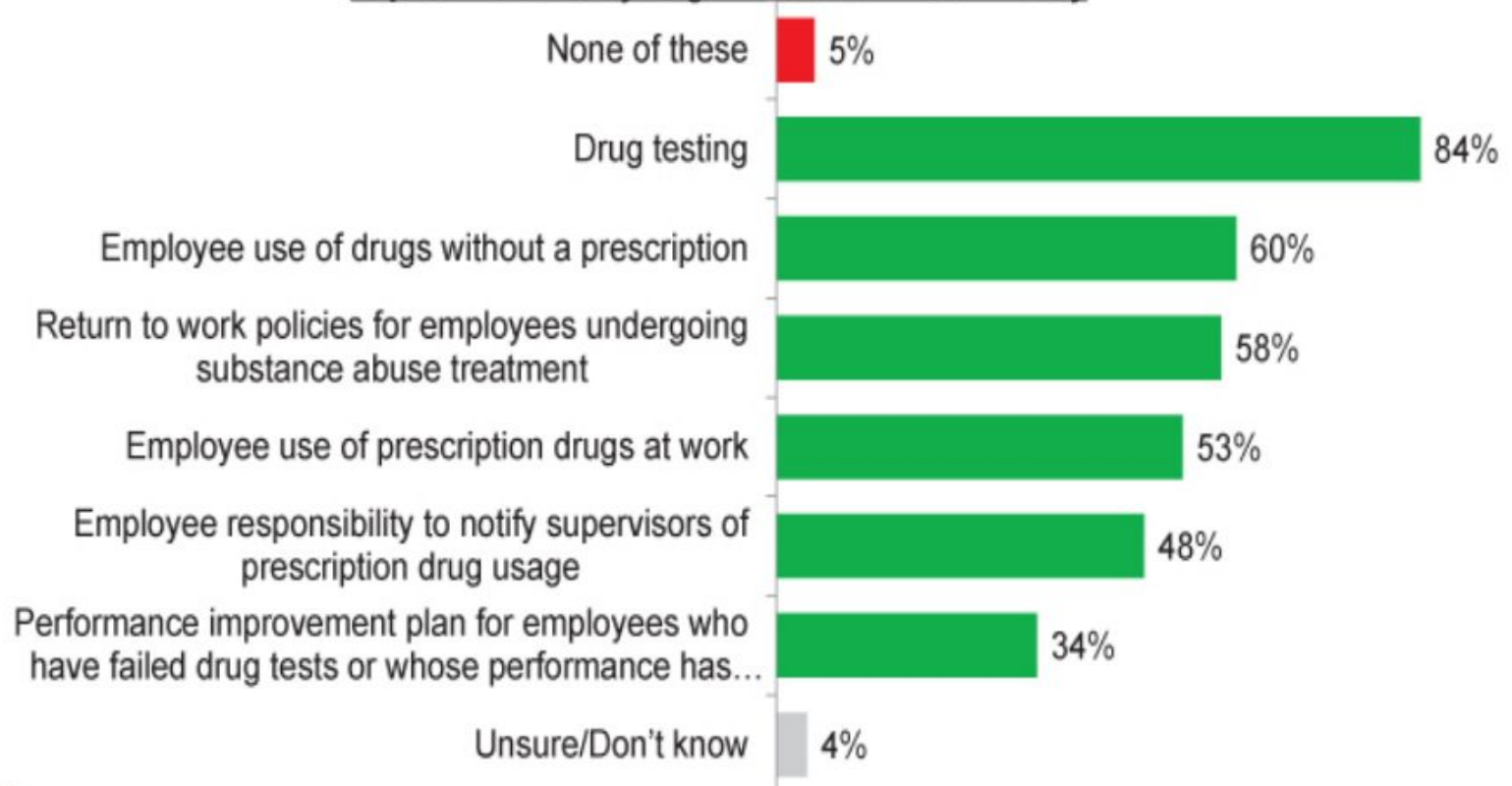
- ✓ Goals
- ✓ Definitions, Expectations, and Prohibitions
- ✓ Dissemination Strategies
- ✓ Benefits and Assurances
- ✓ Consequences and Appeals

SAMHSA Drug Free Workplace, Develop a Policy,
Basic Elements of an Effective Policy

TOPICS COVERED BY ORGANIZATIONS WRITTEN POLICY



Topics Covered by Organizations Written Policy



Source: The National Safety Council



EMPLOYEE EDUCATION



- Communicate the value of the employee, communicate hazards of substance use , and explain the benefits of avoiding substance use.
- Provide materials on the risks of misusing alcohol, prescription rugs, and other drugs
- Inform employees on how to avoid substance use problems
- Provide general health promotion information on topics such as stress management, healthy eating, and fitness

SAMHSA Drug Free Workplace, Develop a Policy,
Basic Elements of an Effective Policy



SUPERVISOR TRAINING



Ensure that all supervisors understand their specific responsibilities for initiating and carrying out the drug-free workplace policy and program. Training includes:

- ✓ Know the organizations policy
- ✓ Be sensitive to key areas
- ✓ Recognize potential problems
- ✓ Document
- ✓ Act
- ✓ Refer to appropriate programs
- ✓ Reintegrate

SAMHSA Drug Free Workplace, Supervisor Training



DRUG TESTING

Drug testing is a prevention and deterrent method that is often part of a comprehensive drug-free workplace program.

Any workplace drug-testing program, Federal and non-federal, should comply with applicable local, state, and federal laws.

[SAMHSA Drug Free Workplace, Drug Testing Resources](#)



EMPLOYEE ASSISTANCE PROGRAMS



Employee assistance programs can help employees with personal problems that affect their job performance.

EAPs can identify and address a wide range of health, financial, and social issues, including mental and/or substance use disorders. Some EAPs concentrate primarily on alcohol, prescription drug, and other drug issues.

SAMHSA Drug Free Workplace, Supervisor Training

DRUG-FREE WORKPLACE:

Making a Difference



HOW EMPLOYERS CAN MAKE A DIFFERENCE



Employers can take simple steps to protect themselves and their employees, such as:

- *Recognizing the impact of drug misuse on the bottom line*
- *Educating and engaging their workforce on the topic of opioids*
- *Enacting clear and strong company drug-free workplace policies, and ensuring consistent and comprehensive communication with employees*
- *Expanding drug panel testing to include opioids*

National Safety Council, What Employees Need to Know

HOW EMPLOYERS CAN MAKE A DIFFERENCE



CONTINUED

- *Training supervisors and employees to spot the first signs of drug misuse and impairment*
- *Treating substance use disorders as a medical condition that can and should be treated, and ensuring evidence-based treatment mechanisms are covered by employer health care plans*
- *Leveraging employee assistance programs and other similar resources to help employees return to work, and supporting employees in recovery*

National Safety Council, What Employees Need to Know

BENEFITS TO PREVENTION

- ❑ Drug-free workplace programming and policy can send a clear message that alcohol and drug use in the workplace is prohibited
- ❑ Encourages employees who have problems with alcohol and other drugs to voluntarily seek help.



BENEFITS TO PREVENTION

CONTINUED

- ❑ Extend reach of prevention for hard-to-reach populations (18–25-year old's, populations not accessing healthcare, un and under insured, etc.)
- ❑ Address disparities (populations misusing opioids, cannabis, tobacco)
- ❑ Support the full continuum of care (including prevention and early intervention and support for recovery)



DFW PROGRAMS CAN BOOST PREVENTION EFFORTS...

- Educate on the harms of substance misuse
- Encourage employees to not use illicit drugs
- Support recovery
- Help businesses thrive and strengthen the overall health of the community



A woman with short blonde hair and glasses, wearing a blue polka-dot shirt, is speaking to a diverse group of people seated in a room with bookshelves. The scene is captured in a professional, slightly blurred style, suggesting a workshop or meeting environment.

Questions

GENERAL WORKFORCE RESOURCES



What Employers Need to Know

[National Safety Council](#)

Working Partners

[United States Department of Labor](#)

Substance Abuse and Mental Health Services Administration

[Division of Workplace Programs](#)



DRUG TESTING INFORMATION

Private Sector Drug and Alcohol Testing in Iowa **Iowa Code Section Dealing with Alcohol/Drug Testing**

[Iowa Code](#) Section [730.5](#) for the law dealing with private sector drug-free workplaces.

Administrative Code Sections Dealing with Alcohol/Drug Testing

[Iowa Administrative Code Section 641, Chapter 12](#)

Overview of Private Sector Drug and Alcohol Testing
[Information regarding Iowa's drug testing laws](#)



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Policy Templates

Drug-free Workplace Policy Templates

The following policy templates should not be construed as legal advice. Its purpose is to illustrate possible language and highlight considerations that arise when implementing a drug-free workplace policy and program. *Always consult with an attorney and other relevant professionals before implementing a policy.*

- [Comprehensive Policy Template](#)
- [Drug and Alcohol Testing Policy Template](#)

Comprehensive Policy Template

[Company name] is committed to providing a safe work environment and to promoting and protecting the health, safety and well being of our employees. This commitment is jeopardized when a(n) [Company name] employee engages in the use, possession, sale, conveyance, distribution, or manufacture of illegal drugs, intoxicants, or controlled substances or abuses prescription drugs or alcohol. Substance abuse is a significant public health problem which has a detrimental effect on the business community in terms of productivity, absenteeism, accidents, medical costs, theft, and worker's compensation costs. Therefore, [Company name] has established the following policy:

1. It is a violation of company policy for any employee to use or be under the influence of, possess, sell, convey, distribute, or manufacture illegal drugs, intoxicants, or controlled substances, or to attempt to do the same at any time while on or using company property, conducting company business, or otherwise representing the company.
2. It is a violation of the company policy to use or be under the influence of alcohol at any time while on or using company property, conducting company business, or otherwise representing the company.

Guidance: Some companies choose to take out the words "use or" in the above paragraph before "be under" the influence. In that case, the company might want to define "under the influence" with a sentence like: "An employee shall be determined to be under the influence if the employee has a blood alcohol level of [.04%] or higher."

Some companies may wish to exempt company-sponsored activities, which may include the serving of alcoholic beverages. If there are situations where a company wants to allow drinking at an event, on company property, or during work hours, add the words "except where specifically authorized by [appropriate title(s)]."