

Drug and Alcohol Testing in the Workplace

by Brittany Brathwaite
Research Assistant

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The advent of alcohol and drug testing within the workplace has in the past been a contentious topic however, in the contemporary work /business environment in Barbados, more private and public sector organizations have seen the need for such. The business community has become more acutely aware of the impact substance abuse has on public safety as well as the financial impact it has on businesses and industries when productivity is lowered as a result of such.

Employers are becoming increasingly aware of the crucial role they play in securing the safety and health of their employees, as well as, the public at large. In embracing this role, many have begun the implementation of drug and alcohol testing policies. Policies of this nature, directly address the issue of substance abuse at work; sets out how the employer intends to treat instances of substance abuse and how testing would be carried out. Organizations have also taken to, including clauses in their handbooks and other policy documents outlining their stance on the issue and the disciplinary action which could follow from substance abuse which affects the ability to perform their job or endanger their colleagues or society. Preventative measures as such have been one of the primary tools utilized by employers to tackle the evolving problem.

Most recently, the Barbados Defense Force publicly declared, since the implementation and utilization of their drug and alcohol testing policy in 2006, a total of three thousand (3000) employees had been tested; some repeatedly and twenty-seven (27) dismissed as illegal substances were found in their systems at the time of testing. These types of policies are being implemented around the world, at a rapid pace. As The Commissioner of Police of Britain Bernard Hogan-Howe called for mandatory drug testing to be introduced at work for millions of professionals in all occupations; in particular teachers, intensive care nurses and transport staff. It was also

noted, that for the year 2012 the annual productivity loss for alcohol and drug abuse has been estimated at \$100 billion pounds. There have been a few small studies carried out attempting to quantify the loss of productivity as a result of substance abuse in Barbados, however to date we have no knowledge of data which adequately quantifies the costs nationally.

Legislation highlighting the duty of care an employer has for his employees; The Safety and Health at Work Act 2005, has been a great impetus for employers to roll out such policies. Nonetheless, despite its effectiveness as a prevention measure, the advent of drug testing at work brings into question the erosion of civil liberties; none more so than the violation of one's privacy, which is protected under the Human Rights Act 1988.

There are also possible legal and industrial relations related issues which could arise; even though there is no legislation speaking directly on how the use drugs and illegal substances in the workplace should be handled. Nonetheless, employers must become informed, on how to go about articulately writing and implementing policies which are inherently non-discriminatory. The Code of Practice: Management of Alcohol and Drug related issues in the workplace (1999), published by the International Labour Organization, is a guidance book which according to the ILO " presents a variety of multidisciplinary approaches to the prevention , treatment and rehabilitation of alcohol and drug related problems in the workplace." The plethora of work place policies provided in the code, is an extremely useful reference for employers. The guidance book is available online at ILO.com.

Businesses considering implementing a policy of this nature should in addition be mindful of the following, during the compilation stage:

- How robust do the policies and procedure laid out in the document need to be? Be mindful of the nature of work of your staff, in all areas. Question whether it may be necessary to outline that some staff be tested more often than others; example: drivers and messengers when compared to office staff. What the policy will entail is key and framers should aim to be as clear as possible.

- All current and potential staff should be made fully aware of the policy and its implication; as with any other policy which forms part of their employment contract.
- Be mindful that positive test have the propensity to stain a person character and career, thus only qualified medical practitioners or agencies should be obtained to execute the testing. Once the system is in place it will be essential that all parties have confidence in the testing procedure.

The efficacy of such policies have increasingly become undeniably, however, organizations and businesses must remain cognizant of all the implications. Compiling and implementing a drug and alcohol testing policy should not be done without the appropriate guidance. Thus, we urge you to contact us at the BEC with any queries on the matter at 435-4753 or at becon@barbadosemployers.com .