

LEGAL MATTERS

Drug and alcohol abuse cost companies billions each year

NANCY A. NOALL
Special to the CJN

The U.S. Chamber of Commerce estimates that drug abuse costs the business community from \$30 billion to \$100 billion dollars per year. The Federal Occupational Health & Safety Administration has estimated that substance abuse plays a role in up to 65% of all work-related accidents.

Other studies have shown that employees who engage in the "recreational" use of drugs are more likely to have difficulty getting along with co-workers, thereby causing morale problems or workplace violence.

The specific costs associated with drug and alcohol abuse are:

1. lost productivity
2. increased absenteeism
3. higher workplace accidents and more work-related injuries, resulting in increased workers' compensation costs
4. more health problems related to substance abuse, resulting in higher medical costs
5. higher turnover among employees
6. employee thefts
7. an increased potential exposure to liability

for defective products or services as a result of an impaired employee

What can a business do to protect itself from the potential costs and workplace disturbances that can come

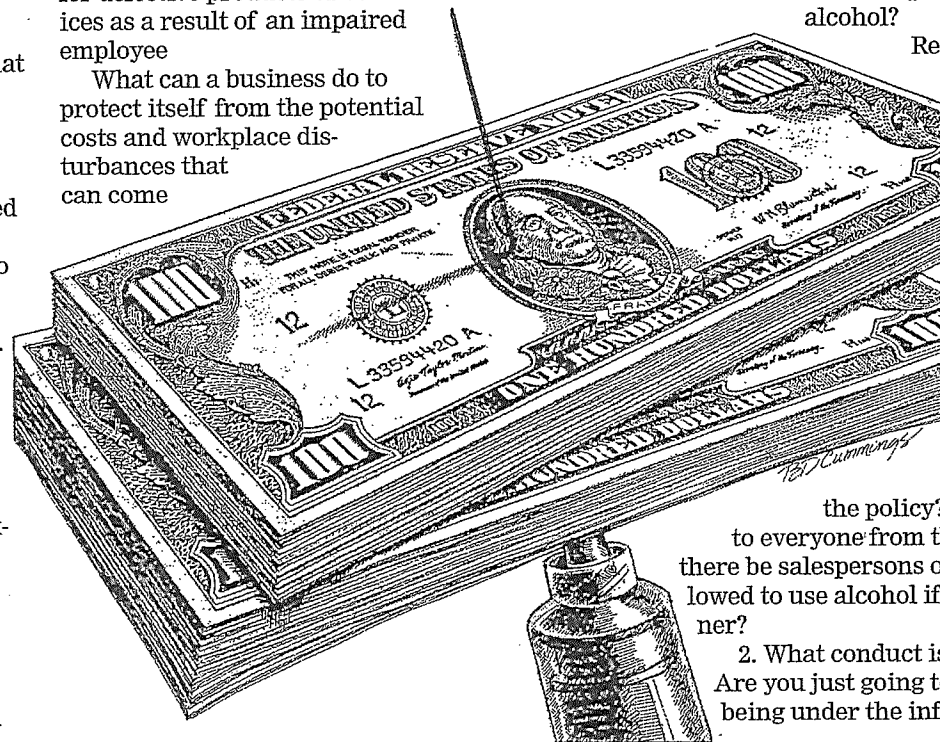
about because of employees who abuse drugs or alcohol?

Recognize that this is a national problem that has to be addressed locally, beginning with policies that protect your business and help those who have a drug or alcohol problem.

Drafting a Substance-Abuse Policy

Here are some questions to ask when drafting a substance-abuse policy that meets your workplace needs.

1. Who will be covered by the policy? Should your policy apply to everyone from the CEO on down? Should there be salespersons or executives who are allowed to use alcohol if they take a client to dinner?
2. What conduct is prohibited by the policy? Are you just going to prohibit employees for being under the influence of alcohol or illegal



LEGAL MATTERS

drugs, or will the policy also apply to the abuse of legal or prescription drugs? Must employees be under the influence or is it enough that they have a prohibited substance in their bodies?

Protect your
business
and help
those who
have a drug
or alcohol
problem.

3. Where will the policy apply? Will your policy apply only to the workplace or will it cover employees' conduct outside the workplace?

4. When will your substance abuse policy apply? Will it apply only to employees who are on duty or will it cover off-duty conduct as well?

5. Why are you adopting a policy? Every good drug and alcohol policy sets forth a rationale that explains the reasons for its prohibitions and means of detection.

6. How will you enforce your policy? Will you

conduct searches of employees' work spaces, their persons, and personal property? Will you implement a drug and alcohol testing policy? Will you provide employee assistance programs?

Various state and federal laws are implicated when adopting and enforcing substance abuse policies, including the Family and Medical Leave Act, the Americans with Disabilities Act, and, for Ohio employers, the Workers' Compensation statute re-

warding employers who maintain a drug-free workplace provided they comply with specific requirements.

Because this is a touchy subject with many legal implications, you need to seek legal counsel to help you navigate the maze of new and changing laws when establishing a substance abuse policy.

Nancy A. Noall is a partner at Walter & Haverfield LLP.