

Drugs and Alcohol in Construction

Matt Taylor, Randox Testing Services

Geny Foster, Medigold Health



Introduction:

- What is a drug?
- *“Drugs and alcohol don’t effect my workforce”*
- *“What they do in their own time is not my concern”*
- *“We have tight margins so cannot afford to do testing”*
- *“We have a multi-cultural workforce so cannot do testing”*
- *“It’s against Human Rights”*
- *“I have ‘lone workers’ – I can’t manage them”*
- *“I am only a sub-contractor so it is not my responsibility”*
- *“I assumed that it is done automatically by Occupational Health”*

Drugs and Alcohol in Construction:

Construction companies that test for drugs appear to have a reduction of workplace injuries, according to the study “Evaluation of Drug Testing in the Workplace: Study of the Construction Industry” (USA). It found:

- Construction has the highest percentage of problem drinkers, with nearly one in seven workers having a serious alcohol problem.
- The use of alcohol and other substances while at the worksite greatly influences a person’s ability to perform job functions safely.
- There is an increase in the likelihood for work site accidents and injury.
- The implementation of a drug and alcohol free workplace program directly influences a reduction in injury incident rates.

Drugs and Alcohol in Construction:

Continued...

- The average company experienced a 51% reduction in its injury rate within two years of implementing a drug and alcohol testing program.
- The average company experienced an 11.41 percent reduction in its employees' compensation but firms that did not drug test experienced no decline.
- Drug and alcohol testing sees most effect in reducing accidents in the first three years immediately following the implementation of a program.
- The number one reason why employers in the construction industry drug and alcohol test their employees and job applicants is to promote the safety of their workers and those who use their products and services.
- Company officials also believe that drug testing contributes positively to a company's image and is an effective deterrent in preventing drug abuse.

Our D&A Positive record goes to...

- Alcohol reading of 87 and positive for 4 illegal drugs and 2 prescription drugs on a Construction site in Scotland in 2012.
- Tested a gang of 12 construction workers just outside Glasgow. 10 out of the 12 failed. The gang leader said to me *“Nee bother mate, we will just get a job wi someone else...”*. He then rang a Company in front of me, told the guy that some of the guys had just failed their D&A test and that they could all start tomorrow.
They got offered the job!

The Drug and Alcohol Policy exists to:

- Protect the health and safety of all employees, customers and the public.
- Safeguard company assets from theft and destruction.
- Maintain product quality and company integrity and reputation.
- Comply with the Health and Safety at Work Act and other applicable laws/legislation.
- Open up new markets/opportunities for the Company.

The Drug and Alcohol Policy should answer:

- What is the purpose?
- Who is covered?
- When does it apply?
- What behaviour is prohibited?
- Does the policy include drug & alcohol screening?
- What are the consequences?
- How is employee confidentiality protected?
- Who is responsible for enforcing the policy?

The Law

- Employers have a general duty under Section 2 of the **Health and Safety at Work Act** to ensure the health, safety and welfare at work of all employees.
- If an employer knowingly allows an employee under the influence of drugs to continue working and his behaviour places himself or other employees at risk then the employer could be prosecuted.
- There is a potential criminal liability for employers who knowingly allow, or at the very least tolerate, the use of controlled drugs on company premises under the **Misuse of Drugs Act**.

The Law

General duties of care are placed on **employees** under Section 7 of the **Health and Safety at Work Act** so that they must:

- Take reasonable care of their own health and safety and that of others who may be affected by their activities.
- Co-operate with their employer to enable them to comply with health and safety duties imposed on them.
- Breaches of Health and Safety Regulations are breaches of Criminal Law and may result in fines, imprisonment or both.
- Corporate Manslaughter/Corporate Homicide.

The Law

Employers/Managers break the law if they:

- Fail to carry out risk assessments
- Ignore risks
- Do not provide adequate training
- Allow staff to persist in bad practise

Employees break the law if they:

- Fail to report a dangerous work situation or shortcoming in their employers protection arrangements

Those Responsible

1. Your Directors and Board.
2. Departmental Managers and Supervisors.
3. Employees, Unions, Contract employees, Contractors/Sub-Contractors, Clients and Visitors.
4. <https://www.youtube.com/watch?v=Qm6S3vbItfg>

Impact of Substance Misuse in the Workplace

1. Employee health.
2. Productivity.
3. Decision making.
4. Safety.
5. Employee Morale.
6. Security.
7. Brand Protection.

Reasons for Use

1. Experimentation.
2. Social/Recreational.
3. Stress relief.
4. Biological.

Abuse

Abuse: using a substance to modify or control mood or state of mind in a manner that is illegal or harmful to oneself or others.

Potential consequences of abuse include:

1. Accidents or injuries
2. Health problems
3. Blackouts
4. Legal problems
5. Poor job performance, loss of employment
6. Family problems
7. Financial problems

Reasons for carrying out testing

1. Pre Employment
2. Random
3. For Cause / Post Incident
4. Return to Duty / Compliance
5. Periodic
6. Pre Appointment

Most Common Types of Testing

1. On-site breath testing – Alcohol
2. Urine testing (POC or BTL), Oral Fluid testing (POC or BTL), Hair testing
3. Adulterant testing



Alcohol Limits – what is “safe”?

1. The England and Wales “drink/drive” limit is 35 micrograms/100ml breath
2. The Scotland (*and Ireland/European*) “drink/drive” limit is 22 micrograms/100ml breath
3. Other safety critical industries use lower still:

Network Rail = 13 micrograms/100ml breath

Air transport (“airside”) = 9 micrograms/100ml breath

4. Any reading >0.00 is a POSITIVE and should be addressed / investigated.
Any amount of alcohol can have an adverse impact.

Consider: Company vehicles (including plant, Insurance cover, Sending employees home (allowing to drive), English/Scottish sites and/or Employees.

POC Drug Screening and Confirmation

1. The initial on-site screen provides a preliminary result. (Qualitative)
2. A more specific method is used to obtain a **confirmed** result.
3. This is a laboratory technique called **Liquid Chromatography Mass Spectrometry** (LC-MS). (Quantitative)
4. The 'gold-standard' for workplace drugs of abuse testing for many years.
5. Confirmation is the "legally defensible" result.
6. Do not take punitive disciplinary action based upon a drug screen result only.

Some common signs and symptoms

1. Hung over. Early morning nausea. Smell of alcohol on breath.
2. Lacks incentive to do anything. Frequently tired. Absenteeism.
3. Increase in mistakes or accidents. Becomes less productive.
4. Mood swings. Unusual flare ups. General changes in attitude.
5. Slurring of words. Loss of co-ordination. Unusual pupil/eye appearance.
6. Unusual sweating. Constant sniffing / blocked nose / runny nose.
7. Unhealthy look to skin. Deterioration of physical appearance and grooming.

By themselves, these signs don't mean a problem exists. An employee could have a serious illness or other domestic trauma. Fatigue and stress may be contributing factors. Management training is crucial to enable correct and consistent action.

What should you do?

1. Always ensure yours and their safety. Watch, observe, record. Recognise and take responsible and positive action.
2. Don't "accuse". Present facts. Discuss. Assess.
3. Seek 2nd opinion where required. HR? Other manager?
4. Know your Company Policy & your responsibilities. Follow Company procedures and policy.
5. Carry out testing – to rule out / rule in.
6. Don't ignore information or "gut feeling". Don't be an enabler.
7. If you don't take action, you may be in breach of Policy and H&S legislation. Ignorance can lead to accidents and sometimes death.
8. Contact Medigold / Randox. We are here to help and advise.