



Tuesday July 20 2004 12.15pm to 2.00pm - Health and Safety Laboratory

### Drugs in the workplace

**Speaker - Howard Mason**  
Principal Scientist,  
Health and Safety Laboratory

Howard will speak about abuse of illegal drugs and other substances in the workplace. He will also talk about the responsibility of the employers to ensure that the safety and health of the employees is protected according to **The Health and Safety at Work Act 1974** and **Management of Health and Safety At Work (MHSAW) 1999**.

Howard will also describe how **Workplace Drug and Alcohol Policies** can be drafted and implemented.

A light buffet will be provided. Please park in the pay and display directly outside the building.

To book a place please either return the slip below to Shamim Rahman at the Health and Safety Laboratory, Broad Lane, Sheffield S3 7HQ, telephone 0114 289 2933 or email healthyworkmatters@hsl.gov.uk

Please reserve ..... places at the Network meeting, "Drugs in the Workplace" Tuesday July 20 2004 at the Health and Safety Laboratory.

#### Registration Form:

Name:

Position:

Company:

Address:

Tel:

Fax:

email:

If there are any occupational health topics that you would like the newsletter to cover, please include in the space below.



the newsletter of the Sheffield Occupational Health Development Group

# Drugs in the workplace

The abuse of drugs is a complex problem for society. It involves not only the so-called illegal "drugs" but also the abuse of drugs legitimately prescribed by a doctor/GP and abuse of other chemicals that may be readily purchased or found in the workplace.

#### What these terms mean?

Drug Abuse, Drug Dependence and Drug addiction!

These terms are very confusing and sometime interchangeable. However distinction can be made by the following definitions

**Drug dependence:** Many people are prescribed long-term medications for chronic illnesses and the body adapts to the presence of these drugs and develops tolerance. As a consequence the body needs higher doses of drug to achieve the same effect and sudden withdrawal of the drug is difficult to cope with by the individual. Drug dependence in itself is not a problem as the person can be weaned off the drug over a period of time.

**Drug Abuse:** The drug is administered without medical supervision and for reason other than medical need.

**Drug Addiction:** It refers to the overwhelming urge to take drugs for feelings of ecstasy without considering the financial ruin, ill effects on health and the legal complications.

In the context of work place "Substance abuse" may be a better general term to describe the problem as it covers the range of chemicals that may be involved. Any "substance abuse" in the work place will affect personal



performance with impaired judgement an efficiency. This will in turn affect the other workers in the firm, customers and the general public. Problems with abuse of alcohol appear to be a much larger problem than illegal drugs.

#### Legislation

**The Health & Safety at Work Act 1974:** Defines the responsibilities for employers to ensure the safety and health of all within a workplace and to protect employees and the general public from work activities.

**The Management of Health and Safety at Work (MHSAW) 1999:** This deals with the legislative framework and

controlling the risk of the "abuser's" behaviour to themselves and to others in the work place

**The Transport and Works Act 1992:** Specifically deals with railways and other guided transport systems such as trams detailing with the responsibilities for employees & employers. Operators must show "due diligence" in trying to prevent an offence such as being unfit for work through the effects of alcohol or drugs.

**The Road Traffic Act 1988:** Deals with the offences of driving while intoxicated by alcohol and drugs over the legal limits.

**The Misuse of Drugs Act 1971:** This is the general legislation that deals with substance abuse in it widest context, and it also covers the deliberate use of work premises for supply, production, or misuse of drugs. Therefore company managers and owners may be in breach of this law if they know that illegal drug dealing or use is being carried out on their premises and turn a blind eye to the problem. This is also the original piece of legislation where "controlled" drugs are categorised into

*continued overleaf*

## In this issue

**Drugs in the workplace**  
Howard Mason  
Principal Scientist, HSL

**Workplace drug and alcohol testing**  
Kate Jones  
Senior Scientist, HSL

**Network Meeting**  
Drugs in the workplace

## Editorial

Welcome to the eleventh summer edition of Healthy Work Matters. In this issue, we are focusing on drugs in the workplace both in the newsletter and accompanying network meeting. The newsletter contains interesting articles explaining abuse of substances in the workplace and the legislation relating to this important topic. The second article deals with drug and alcohol testing in the workplace when this is legally required. The lunchtime network meeting will concentrate on the responsibility of employers and employees and drafting and implementing "Workplace Drug and Alcohol Policies".

We would like to encourage you to send in your thoughts, comments and views on the Newsletter and any occupational health issues you would like us to cover. Also, don't forget to visit our website, which contains information and back issues of the newsletter.

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[www.healthyworksheffield.org.uk](http://www.healthyworksheffield.org.uk)



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classes A to C relative to their "harmfulness". Obviously if someone in a workplace either admits to substance abuse or is discovered to have such a problem, then care has to be taken that legislation associated with employment is appropriately applied. In these cases an employer may want to take specialist legal advice.

The booklet (INDG91) 'Drug Misuse at Work' from HSE is a useful source of help and guidance.

### Drugs, Alcohol or Substance Abuse Policies

While all this may sound daunting, the key is to have a policy in the workplace. A policy means that an employer has worked through the issues of having detected a substance abuse problem and how they will handle it. Like any good workplace policy, agreement with the workforce ensures that everyone knows what the company's response to substance abuse is.

#### How do you know if you should have a policy?

As a rule of thumb

1. A large element of a firm's activities involving transportation
2. Any accident caused by an employee's intoxication risking injury to your staff, other workers, or the general public.

#### What should a Workplace Substance of Abuse Policy look like, and what should it contain?

1. The company policy should state clearly that substance abuse is not approved, and that intoxication, supply, or dealing with illegal drugs on the premises is not tolerated. The policy is for everyone so that a healthy and productive workplace can be maintained for employees and customers.
2. The policy should mention what substances are being considered.
3. The employers should be supportive of any individual with such a problem and should try to maintain their employment by referring the employee for help.
4. Training and information for managers implementing the policy and the staff should be in place. Early signs of a problem should be spotted before a serious problem develops.
5. If disciplinary action is suggested within the policy you should consult an employment lawyer detailing under what circumstances it will be applied.
6. Does not necessarily need medical input.
7. The policy should be short and should be reviewed at regular intervals.

#### Requirement for "Drug Testing"

Having a "Workplace Substance Abuse Policy" **DOES NOT** mean that drug testing has to be carried out on the staff (Most policies will not entail or mention drug testing).

Drug testing is reserved for those industries involved in **transportation** or other **"safety critical"** activities where carrying out "due diligence" to prevent an illegal offence or serious accident occurring, is important

#### If drug testing is necessary, what does it entail?

A description of workplace drug testing is given in the accompanying article.



# Workplace drug and alcohol testing

Drug and alcohol testing should not be carried out unless there is a workplace drug and alcohol policy in place. If drugs and alcohol testing is to be introduced, a rationale for such testing, the safeguards that will be implemented and the procedures involved need to be described in the policy. Employees or their representatives (e.g. trade unions) must be consulted because of the ethical, legal and practical issues involved. Further information on drafting and implementing workplace drug and alcohol policies are available from a number of sources including HSE ([www.hse.gov.uk](http://www.hse.gov.uk)), drug misuse agencies and trade unions. Employers should have reason of why testing is required and an understanding of the consequences and limitations of testing.

#### What type of samples are required?

Samples that can be analysed include urine, saliva (or oral fluid) and hair. Analysis can vary from on-site testing using 'instant' dipsticks to laboratory analysis using immunoassay screening tests and confirmation assays by mass spectrometry. Current recommendations of the Faculty of Occupational Medicine are that only urine sample collection (although saliva sampling is becoming more widespread) with laboratory-based analysis should be used and that legal advice be sought prior to establishing a testing regime. Any testing programme will need someone trained in sample collection and a medical review officer (for interpretation of test results). These can be provided in-house or externally. Urine testing can only detect recent (1-2 days) drug or alcohol use (except cannabis).

Points to be considered include:

- What are the objectives of testing?
- When will testing be undertaken? (random, "with cause", pre-employment)
- What action will be taken if a result is positive?
- Arrangements for sample collection
- Medical and laboratory expertise
- Confidentiality/legal issues

#### Sample Collection

The provision of the sample should be observed to guard against adulteration or sample switching. For legally defensible testing, samples should be split into two tubes (A and B) to allow for secondary independent testing if

necessary. Both samples should be sealed in the presence of the worker with tamper-proof labels prior to despatch to the laboratory.

#### Chain of Custody

Chain of custody procedures provide confidence that the sample is valid and has not been tampered with subsequent to its collection. Tamper proof labels should be used to seal sample bottles in the presence of the donor



(worker), who should initial these labels. They should also sign the chain of custody form; any medication (prescribed, over the counter or "herbal") should be noted on this form as these can influence test results. Usually a barcode number links the collection form and the sample. Samples and form are then sealed in a bag.

On receipt at the laboratory, the bags and samples should be checked for breach of security. Within the laboratory there should be procedures covering handling, analysis and storage of samples.

#### Laboratory analysis

Different laboratories will operate different testing procedures but generally samples undergo an initial screening analysis. Screening is usually based on immunoassay techniques to identify the presence of certain drug groups in the urine sample. The sample may also be analysed for ethanol (alcohol) and for indicators of adulteration such as creatinine or pH. The drug classes offered vary according to the laboratory but usually include amphetamines, cannabis, cocaine and opiates. If a sample is positive, the result may need to be confirmed by mass spectrometry. This procedure also identifies the individual drug (not just the drug class). There are recommended 'cut off' limits (such as proposed by the UK Workplace Drug Testing Forum), which will govern whether or not a sample is reported as positive.

All laboratories offering drugs testing should be accredited by a recognised body (e.g. UKAS) for the tests they use and should participate in an externally organised quality assurance scheme.

#### Medical Review

If a sample tests positive, it should be subject to toxicological review. This involves considering the level of drug found, it's toxicokinetics and any medication or medical condition reported by the donor, to assess the significance of the result. The outcome of the review should be discussed with the responsible doctor (they may either be involved in the company's drug testing programme or be provided independently by the testing laboratory). The donor should also be offered medical consultation to discuss the results and determine whether the donor has drug or alcohol problems and requires support and treatment.

### General categories of substances that may be abused with specific examples

#### Substance abuse

Illegal drugs e.g. Category A to C drug under the Misuse of Drugs Act 1971

Legitimately prescribed drugs

Legal drugs

Readily available chemicals

Workplace chemicals

#### Examples

Heroin, cocaine, amphetamines, "ecstasy" and cannabis

Tranquillisers and painkillers. Methadone and buprenorphine (used for heroin treatment programmes)

Alcohol, tobacco

Lighter fuel, some propellants in pressurized cans, correcting fluids, nail varnish remover

Solvents such as toluene