

# OPIOIDS AT WORK

## EMPLOYER TOOLKIT



## Developing Drug Free Workplace Programs

Human resources and safety professionals know that employees cannot be impaired by drugs or alcohol on the job. Drug free workplace programs (DFWPs) protect both employers and employees from harm. These programs should include prevention, detection and treatment components that align with the organization's chosen policy.

### THE BASICS

The program should include the following elements, detailed in this toolkit:

- Clear, precise written policies and procedures that define employee and employer responsibilities
- Education and resources for employees and supervisors
- Drug testing guidelines
- Effective employee benefits such as health care coverage, employee assistance programs and flexible sick time/PTO
- Mechanisms for directing employees into treatment and re-integrating employees in recovery

DFWPs should be customized to fit the individual circumstances of the workplace. Workplaces are subject to a variety of legal and safety regulations on federal, state and municipal levels. Programs should also reflect the values and characteristics of the workplace.

### Policy development

Convene a group of internal (leadership, human resources professionals, safety professionals, supervisors and other employees) and external (union stewards and attorneys or legal counsel) stakeholders when planning or updating a DFWP. Obtaining input about priorities, understanding the needs of different parts of the organization, and closing gaps will help a workplace develop a robust, effective policy that has buy-in across the company.

### Education for employees and supervisors

Education and awareness are key tools in combating the opioid crisis. Educating employees on prevention mechanisms, equipping them with Warn Me labels and communicating clearly about risk and expectations will enhance an organization's DFWP. Training of supervisors will help them identify impairment and early signs of a substance use disorder, and how to link employees to an Employee Assistance Program (EAP) or treatment.

### Effective employee benefits

Effective employee benefits are an essential component to preventing opioid misuse or developing substance use disorder (SUD) or opioid use disorder (OUD), and to linking employees to treatment resources. Recovery from a SUD can be a complicated process. It is very doable – more than 10% of Americans live in recovery from a substance use disorder – but people may need formal, medical treatment to find a path to recovery. It is essential that multiple forms of treatment are offered and covered by health benefit policies so that employees have an opportunity to use the best course of treatment for their individual needs.

### Drug testing guidelines

Drug testing is frequently used to deter use of illicit drugs, an important components to building a DFWP, but can also be used for many other reasons, including pre-employment hiring decisions, investigation after workplace incidents, reasonable suspicion of illicit drug use, and to comply with federal, state, municipal or union regulations. It may also be used as part of a return-to-work agreement when employees are in treatment for a substance or opioid use disorder.

Drug testing policies must be made in consultation with an attorney or legal counsel to ensure compliance with federal, state and municipal level regulations. The DFWP must define when drug testing will occur, what substances will be tested for, what type of test will be used, and how the results of those tests will be addressed with the individual. Learn more about building a drug testing program in *Drug Testing and Opioids*.

### Helping employees get into treatment and recovery

- Initial linkage to treatment can be a key part of helping an employee find treatment and recovery. While it is not the responsibility of a manager or an HR professional to identify or diagnose a substance use disorder or link an employee to treatment, there are other options available.
- One option is to link an employee to the company EAP. Despite best intentions, employees may bring personal issues and stress with them to the workplace. An EAP helps employees resolve personal problems that may be adversely affecting their performance.

### Employee Assistance Programs

Services offered by an EAP may include:

- Professionals to assess employees' problems and link them to appropriate care
- When urgent response is appropriate, provision of emergency intervention measures
- Solution-focused counseling (typically used to resolve non-urgent problems)
- Referrals to resources and professionals who can best address the issue
- Substance use counselors who provide assessment and treatment referrals for individuals struggling with substance use disorders

Having a confidential, knowledgeable and professional resource available can assist employees in getting the help they need – with an issue related to addiction, employees are often hesitant to disclose to their employer the nature of issue at hand.

EAPs can serve as a third party and help with case management and return-to-duty recommendations for employees. When negotiating with your EAP, ask them how they can help with the return-to-work process. Learn more about EAPs and the opioid crisis later in this section.

If you don't have an EAP, employees can access resources with the [Treatment Services Locator](#) or calling the SAMHSA 24/7, 365-day-a-year treatment referral and information hotline at 800-662-HELP (4357). Though this is not a confidential option for the employee, sometimes a link to help can make all the difference for someone who is struggling with a substance or opioid use disorder.



## Key Steps for Employers

- ✓ Develop policy with a core group of stakeholders to ensure buy-in and efficacy
- ✓ Engage and educate employees and supervisors on opioid use and misuse
- ✓ Clearly communicate the when, how and why of drug testing
- ✓ Design health care benefits, as well as sick time and PTO, to support the potential development of a long-term, relapsing condition such as a substance or opioid use disorder
- ✓ Provide confidential resources for employees to access the support they need
- ✓ Consult with an attorney or legal counsel to ensure consideration of legal questions and compliance with all relevant regulations

## Legal considerations

To ensure compliance, DFWPs must be developed in partnership with the organization's legal advisers. Every component of the DFWP must:

- Safeguard employee confidentiality
- Comply with federal, state and local regulations, including but not limited to OSHA, the Americans with Disabilities Act, Mental Health Parity Act and HIPAA
- Comply with union and industry regulations

The Opioids at Work Employer Toolkit has been developed to raise awareness with businesses about how to respond to the risks associated with the misuse of opioids and other drugs. The content is meant for educational purposes only and not for the purpose of providing legal advice or replacing the work needed to develop a responsible drug-free workplace program. As such, it should not be used as a substitute for consultation with a legal professional, or other competent advisor.

*Medical advice and information in this document were approved by NSC physicians who advise the Council on our substance use harm initiatives. These doctors also are members of the [NSC Physician Speakers Bureau](#).*