



## Sample Policy

A clear, written policy has never been more important. Involvement of legal counsel in tandem with human resources and employee relations is critical to ensure the policy includes protections for risk management, injury prevention and liability.

These policies should be comprehensive, balancing the safety needs of the employer and worker's health. At a minimum, these policies and procedures should include (detailed processes and key steps for implementing these components are in the Opioids At Work Employer Toolkit documents listed beneath each component):

- Statement of the purpose and scope of the program
  - Developing a Drug Free Workplace Program
  - Opioids, Safety and Impairment
- Definition of what constitutes misuse, including alcohol and all forms of impairing drugs, prescribed, over-the-counter, legal, illegal, synthetic or otherwise
  - Understanding Substance Use Disorders
- Statement of who is covered by the policy and/or program
  - Developing a Drug Free Workplace Program
  - Opioids, Safety and Impairment
- Statement describing under what circumstances drug or alcohol testing will be conducted, including confidentiality of test results
  - Drug Testing and Opioids
- Procedures to ensure fair testing process (confirmation testing, use of medical review officers, worker protections against retaliatory testing)
  - Drug Testing and Opioids
- Training for employees, supervisors, and others in identifying impaired behavior and substance use
  - Training Supervisors
- Employee education (e.g., a substance-free awareness program)
  - Asking for help at work
  - Building Employee Buy-In
  - Preventing Opioid Misuse in the Workplace
- Procedures for dealing with impaired workers
  - Opioids, Safety and Impairment
  - Training Supervisors
- Assistance for those who voluntarily seek help for impairment issues
  - EAPs and the Opioid Crisis
  - Opioids, Safety and Impairment
  - Training Supervisors



### Legal Implications

Every component of the drug free workplace program must:

- Be developed in partnership with the organization's legal advisers
- 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](#).*