

Policies to Transform Culture and Protect the Workplace

Prevention

✔ Educate Employees and Supervisors

Educating employees on opioid use and associated risks can help prevent the likelihood of their misuse of opioids as well as its potential consequences. The benefits can also extend to the community, as employees can educate their families and friends. This education should focus not only on general topics related to opioid use, but also how substance and opioid use is handled in the workplace. Potential topics to cover include:

- **Relationship between pain and opioids**
- **Risks of opioid use**
- **Alternative methods to opioid use**
- **Company approaches to addiction**
- **Opioid overdose prevention and response**
- **Safe disposal of prescription opioids**
- **Helpful resources for themselves, coworkers, or family members**

Educating supervisors and managers can provide many of the same benefits as educating employees, and also ensures that supervisors and managers are well-equipped to manage opioid-related situations. In addition to the previous topics, supervisor education should ensure content mastery and include topics such as:

- **Workplace substance use and drug testing policies**
- **Laws and regulations on prescription drug use at work**
- **Signs of impairment and factors that may support drug testing**
- **Stigmatizing language and effective communication**

Methods of communicating information to employees can be largely dependent on the workforce's size, culture, and employer resources. To ease implementation, employers should consider utilizing their existing communication channels. Additionally, they may consider adoption of existing targeted training programs and messaging from campaigns such as National Prevention Week, Rx Awareness, Choosing Wisely, or National Take Back Days.

Workplace Naloxone Programs

In addition to educating employees on opioid overdose response, employers may consider implementing a naloxone availability program in the workplace. The Center's for Disease Control and Prevention (CDC) has a guide to aid in this decision, "Using Naloxone to Reverse Opioid Overdose in the Workplace: Information for Employers and Workers." See it at www.cdc.gov/niosh/docs/2019-101/default.html.

✓ Create a Culture of Support

Creating a culture of support in the workplace can help reduce the risk of employees being exposed to opioids, as well as increase their likelihood of seeking help and treatment. By creating and reinforcing a culture of support around opioid- and substance-related challenges in the workplace, employees will feel more empowered to seek help.

Integration of substance misuse prevention messaging into existing workplace wellness programs can help build this culture without the need for many additional resources. This messaging should focus on providing resources to employees, whether through a company EAP or local social support and treatment services, as well as conveying employer support. Communicating trust and openness around the subject of SUD and OUD can help reassure employees that their employer has their best interest in mind and can help them access necessary resources. Furthermore, employees will be better equipped to make healthcare decisions, seek help when needed, and navigate treatment. As part of this messaging, employers should pay special attention to the use of non-stigmatizing language. Stigma creates issues of trust among people who have SUDs and creates negative perceptions of the disease. The Substance Abuse and Mental Health Services Administration (SAMHSA) has a guide for appropriate language, “Words Matter: How Language Choice Can Reduce Stigma.”



Promotion of an employer’s culture and policies toward SUD can also serve as a valuable recruitment and retention tool. Going public with workplace policies and benefit changes in support of prevention, treatment, and recovery can position employers in their community as a champion of compassionate and transparent employment. Employees who feel well-supported by their employers, regardless of what personal challenges they may be facing, will be more inclined to stay with their employer.

In addition to supporting current employees, employers should consider partnering with organizations and programs to hire individuals who may already be in recovery. Individuals in recovery are often highly motivated to succeed and are a potentially untapped group of quality employees, available at a time when unemployment is at record lows. Programs such as Work Opportunity Tax Credits (WOTC) and KY Federal Bonding are in place that benefit employers who hire individuals with barriers to employment. Additionally, other programs exist that partner employers with prospective employees who are in recovery. Employers should consider reaching out to state and local career centers to better understand these programs, as well as explore community or non-profit organizations dedicated to this cause.

Develop a Workplace Drug and Alcohol Policy

Developing a workplace drug and alcohol policy with clear expectations around substance use is an important step in protecting both the employee and the employer. Historically, workplace substance use policies have adopted a zero-tolerance approach. Taking a supportive approach in this policy can benefit employees and employers. For example, in comparison to the general workplace, employees who are in recovery from SUD miss fewer work days and have a higher retention rate.⁴ This policy should focus on being recovery-friendly, striking a balance between supporting and retaining employees who are seeking treatment or in recovery, while also enhancing safety. Employees should sign this policy at the initiation of employment to ensure that both parties are well informed of the terms that are being set forth. A well-designed substance use policy is the foundation for workplace conduct around substance use, as well as legal protection in the case of workplace substance-related incidences. For companies with collectively bargained employee groups, employers should involve the labor relations team. All companies should consult with legal counsel. A drug and alcohol policy should include:

- Policy Rationale and Goals**
 - Reason for having a policy
 - Intended outcomes of the policy
 - How and with whom the policy was developed

- Expectations and Compliance**
 - Employee positions included
 - When and where the policy applies
 - Expected employee behaviors
 - Prohibited behaviors and substances
 - Drug testing procedures

- Consequences and Appeals**
 - Consequences of a policy violation
 - Process for determining violations
 - Process for employees to appeal a violation if desired

- Benefits and Assurances**
 - Methods of helping employees comply with the policy
 - Acknowledgment of covered standards of care in health plan
 - Resources for employees (prevention, treatment, and recovery)
 - Employee rights and processes for taking leaves of absence or flexible scheduling
 - Employee confidentiality and privacy protections
 - Fair and consistent implementation policies

Implement Effective and Privacy-Sensitive Drug Testing

Drug testing programs can be valuable tools for deterring drug use, preventing drug-related incidents, and reducing associated risks. Some employees may view them as intrusive, but some employers are required to administer them by state and federal laws. Thoughtful and targeted construction of a program is critical for ensuring compliance, effectiveness, and employee privacy.

In the instance of a positive test, employers have many considerations. Legal, prescription drug use can yield a positive result on a drug test and may be protected by the Americans with Disabilities Act

(ADA). These cases may require workplace accommodations. In the case of confirmed illegal drug use, employers should consider offering employees a chance to access treatment and initiate their recovery as opposed to immediate termination. Employers should also be advised of differences between tests indicating immediate impairment on the job and tests that indicate past use. When developing a drug testing program, there are many components that should be considered:

Time of Administration | Drug testing can be implemented at multiple points in employment: pre-employment, random, post-accident, when there is suspicion of influence, or as part of an annual physical. Employers should consider keeping drug testing frequency at the minimum required to ensure safety.

Drug Panels Tested | Many different drug panels exist. A drug testing panel indicates the number of substances that are being tested for and can range from five to 12. Employers should consider their industry and applicable laws, regional drug use patterns, and workplace culture when deciding how comprehensive a drug testing panel should be.

Test and Result Processing | Where drug tests are carried out and who evaluates them are critical components to protecting employers and employees both in testing efficacy and in case of legal challenges. Laboratories processing drug test results should be certified by the U.S. Department of Health and Human Services or a state agency. After results are processed, they should be evaluated by a medical review officer (MRO). Receipt and processing of results must be conducted within the same agency.

Confidentiality and Privacy | Drug test results must be carefully protected. They should be handled either by an EAP or designated employee who is well trained in the company's confidentiality protocols, as well as relevant regulations. Records for all drug tests and their corresponding justification should be securely maintained in employees' medical files, not personnel files. Additionally, employees should have access to their drug test results.

Some industries may be required to implement a Drug Free Workplace Program which incorporates specific guidelines for workplace drug testing. The Substance Abuse and Mental Health Services Administration (SAMHSA) provides general guidance on this program at www.samhsa.gov/workplace/toolkit.

Treatment and Recovery

Offer Leaves of Absence and Flexible Scheduling

When accessing treatment for OUD or supporting a family member, employees may need to take a leave of absence or adopt a more flexible work schedule. For example, appointments for counseling or receipt of Medication for Opioid Use Disorder (MOUD) may interfere with their regular work schedule. Accommodating these requirements can help support the employee in their treatment and recovery from OUD.

Privacy can be a concern for employees in need of scheduling accommodations. To mitigate this, employers should ensure that information on how to apply for a leave of absence is readily available and that administrators are well-versed in employee rights. Eligible employees may take up to twelve weeks of unpaid leave for their or their family member's serious health condition under the Family and Medical Leave Act (FMLA).

Provide Support Group Resources

A workplace support group can be an effective tool for employees dealing with substance use challenges. Although privacy concerns can keep employers from facilitating support group meetings, employers can support these gatherings by offering a space for employees to independently convene.

Employers can also help in connecting employees to external support group resources. Multiple organizations exist that help in either determining a support group curriculum for a new group or welcoming people into existing groups. Much like treatment, the philosophy and success of the group are largely dependent on the individual. The Substance Abuse and Mental Health Services Administration (SAMHSA) has information on many of these programs at <https://findtreatment.samhsa.gov/>.

Develop a Return-to-Work Policy

A return-to-work policy for follow up to a treatment episode for OUD is similar in concept to other chronic health conditions. This policy can set clear expectations for the employee's workplace conduct and responsibilities upon their return. Employee capabilities will largely be determined by their prescribed medical release and possible restrictions. An agreement should be reached with employee and employer input and include the following designations, at minimum:

- **Medical release form and potential restrictions**
- **Employer accommodations**
- **Periodic medical and job performance evaluations**
- **Designated length of agreement**

A well-constructed return-to-work policy can help support the employee in successfully reintegrating into the workplace. In some circumstances, employees returning to work after treatment of a SUD are protected under the Americans with Disabilities Act (ADA).

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