

Epidemic at work?: Businesses forced to deal with drug abuse

September 20 2017, by Joyce M. Rosenberg



In this Friday, Aug. 25, 2017, photo, Kristen Nielsen Donnelly, director of personnel at Abbey Color Incorporated, poses for a photograph in Philadelphia. The epidemic of drug use in the U.S. is forcing many small business owners to think about what they would do if they suspect an employee is abusing drugs or alcohol. Abbey Color Inc., which seeks to help people who are struggling economically and personally, is located in a neighborhood where drug use has taken a toll. (AP Photo/Matt Rourke)

After a troubled youth himself, Phillip Cohen made it a practice to hire

people at his woodworking business who have also struggled with addiction and mental health issues. But when an employee died from a drug overdose, he adopted a zero-tolerance policy.

"I think I have saved lives," says the owner of Cohen Architectural Woodworking in St. James, Missouri—an area hit very hard by the nation's growing opioid epidemic. Opioids range from prescription pain medicine like oxycodone to [illegal drugs](#) like heroin.

Cohen still hires former [drug](#) addicts, felons and people who have been traumatized in life. One person, now a top employee, was hired right after he finished drug rehabilitation. Another used to sell illegal drugs. Still, Cohen says, if a worker fails a periodic random drug or alcohol test, "we'll fire them on the spot."

The epidemic of drug use—a report from the surgeon general last year said that 20 million Americans have a substance use disorder—is forcing many small business owners to think about what they would do if they suspect an employee is abusing drugs or alcohol.

Between 1999 and 2015 the number of overdose deaths from opioids and heroin quadrupled, the National Institute on Drug Abuse says. The government also reported more than 15 million adults with what's called alcohol use disorder in 2015.

Over 70 percent of employers with 50 or more workers have been affected by prescription drugs, according to a survey released this year by the National Safety Council. But more than 80 percent don't have a comprehensive drug-free workplace policy.



In this Friday, Aug. 25, 2017, photo, Kristen Nielsen Donnelly, director of personnel at Abbey Color Incorporated, poses for a photograph in Philadelphia. The epidemic of drug use in the U.S. is forcing many small business owners to think about what they would do if they suspect an employee is abusing drugs or alcohol. Donnelly's company, which seeks to help people who are struggling economically and personally, is located in a neighborhood where drug use has taken a toll. (AP Photo/Matt Rourke)

Although Cohen understood the dangers of drugs and knew that some staffers had a history of [substance abuse](#), he wasn't prepared when a worker overdosed in 2010, three days after the staffer attended a leadership conference.

"I didn't care what people did at first," says Cohen, whose workers use saws and other potentially dangerous machinery to create reception desks, cabinets and furniture for businesses, schools and health care facilities. But the devastating death of an employee prompted him to hire

an attorney to write a tough drug policy that workers must read and sign.

"You have to draw the line somewhere," says Cohen, who also brings in counselors and people who run support groups to help staffers who are struggling with personal problems.

Many [small business owners](#) don't think ahead and create a written policy on alcohol and substance abuse, says employment law attorney Shira Forman. That forces them to be reactive, trying to figure out what to do when presented with an employee who shows up drunk, high or hung over, whose work is suffering or who causes an accident.

"It's often not something that an employer knows how to deal with until they're confronted with a scenario," says Forman, who works at Sheppard, Mullin, Richter & Hampton in New York.

Having a policy in place doesn't make it easier for a boss to confront a staffer they believe to have a drug or alcohol problem. It's hard on an emotional level, especially if the employee denies there's an issue and gets angry. But there can also be legal questions that must be considered before an owner broaches the topic.



In this Tuesday, Aug. 29, 2017, photo, Phillip Cohen, president of Cohen Architectural Woodworking, poses for a photo at his business in St. James, Mo. Cohen believes in hiring former drug addicts, like himself, as well as felons and people with mental health issues. "I think I have saved lives," he says. (AP Photo/Jeff Roberson)

While a staffer's behavior might seem to point to a substance abuse problem, it's often not a clear-cut situation, says Michael Schmidt, an employment law attorney with Cozen O'Connor in New York. An employee may have a prescription for opioids, and therefore be protected by federal, state or local laws. A staffer might have shaking hands, a sign of possible alcohol withdrawal but also a symptom of anxiety or a condition like Parkinson's disease.

Even when it's clear that the problem is due to drugs or alcohol, many owners seek help from a lawyer or HR professional. David Grant was taken by surprise when an employee at his public relations company told

him that a co-worker had gotten drunk at a lunch with a client.

Grant turned to his human resources provider and a consultant on dealing with alcoholics.

"It was a world I don't know anything about," says Grant, whose eponymous company is based in New York. "I was aware of how litigious everyone is, so I did it by the book."

Grant's HR provider had created a substance abuse policy that he followed. He told the staffer she had a choice: go into rehabilitation treatment for a month or be fired. She chose treatment, which Grant paid for. He also warned she'd be dismissed if it happened again. And it did; a few weeks after she returned to work she was again drunk at a client lunch.

"I fired her instantly," Grant says. He had to follow some painful advice from his consultants: "You can't back off. You can't be a nice guy."



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At Abbey Research, a market research firm based in Philadelphia, the substance abuse policy calls for employees to be suspended if they fail a random drug test or tell management they have a drug problem.

Their jobs will be held until they pass a drug test, since the company wants to give people a second chance, says Kristen Donnelly, who is in charge of human resources. But if they fail a second time, they'll be fired.

The company, which seeks to help people who are struggling economically and personally, is located in a neighborhood where drug

use has taken a toll. Two staffers have been suspended and then fired for drug use in the 18 months since Donnelly has headed HR.

But even afterward, the company has helped them find resources aimed at getting them back on their feet. "First and foremost they're human beings, and they're human beings with a disease," Donnelly says.

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