

Advantages and Disadvantages of Workplace Drug Testing – © 2004-5 Dave Olson

	Employer Pros	Employers Cons	Strategies	Employees Pros	Employee Cons	Strategies
<p>Pre-Employment Testing * Employment is "at-will" so companies may require any action by applicants</p>	<ul style="list-style-type: none"> - Deters habitual users - Discover medical data about potential employees - Creates an impression of being a 'clean' workplace 	<ul style="list-style-type: none"> - Expensive to test applicants - Lose out on 'creative' or libertarian-minded workers - Doesn't eliminate alcohol (which is biggest problem) 	<ul style="list-style-type: none"> - Advertise policy to prospective employees - Outsource labor to employment agencies 	<ul style="list-style-type: none"> - Gives 'clean' workers advantage over drug users 	<ul style="list-style-type: none"> - Invades privacy (internal and external) w/o compensation - Discloses information without reciprocal knowledge - Rarely account for semi-legal drugs - Discourages casual users from seeking gaining work 	<ul style="list-style-type: none"> - Take labor elsewhere - Start own business - Refuse test and suggest contract basis employment
<p>Random Testing * Employers may conduct random testing with minimal recourse with established policy</p>	<ul style="list-style-type: none"> - Qualify for Federal contracts - Appease shareholders - May reduce on job injuries and workplace accidents 	<ul style="list-style-type: none"> - May create contentious relationship with workers if non-reciprocal - False sense of security (workplace efficiency and safety not necessarily increased) 	<ul style="list-style-type: none"> - Determine if there is a compelling workplace safety reason to test - Judge workers on on-duty performance instead of off-duty habits 	<ul style="list-style-type: none"> - Creates 'safer place to work' - Randomness minimize chance of testing 	<ul style="list-style-type: none"> - Encourages cheating - Refusing test creates suspicion - False positives abound - Doesn't differentiate between casual users and abusers 	<ul style="list-style-type: none"> - Review company test policy diligently for anomalies and exact procedures - Be prepared to 'cheat' if you do not abstain ('snake oil', prosthetics, foul test, dehydrated urine, etc...)
<p>Suspicious activity and/or post accident Testing * Employers may enact a policy to test but must balance expectation of privacy vs. compelling safety reason</p>	<ul style="list-style-type: none"> - Way to 'weed out' undesirable workers - Limits liability in event of accident of illegal behavior 	<ul style="list-style-type: none"> - Risk of unlawful dismissal lawsuits 	<ul style="list-style-type: none"> - Clearly define policy including what is tested for and under what circumstances - Ensure due process followed - Ensure accurate lab work - Establish counseling and treatment options 	<ul style="list-style-type: none"> - May sue for wrongful dismissal or fight non-policy tests 	<ul style="list-style-type: none"> - May shift liability to employee - Livelihood jeopardized by inaccurate science - Marginalizes addicted workers needing help or otherwise capable workers 	<ul style="list-style-type: none"> - If required to test under duress, consider purchasing separate test - Seek advice of attorney or union representative as needed