



Ethical Dilemma

Drug Testing in the Workplace

Description	An ethical dilemma: the use of drug testing of employees
Task Type	In-class activity, tutorial or assignment
Time	45 minutes – 1 hour
Level	Appropriate as introductory, developmental or final level (see tips)
Class Size	Small or large classes. Class needs to be divided into groups of 4-6 students
Learning Outcomes	<p>Students should be able to:</p> <ul style="list-style-type: none"> ✱ Demonstrate an understanding of social responsibility and sound business practices in the context of a workplace environment. ✱ Demonstrate an understanding of the role of personal and corporate responsibilities. ✱ Demonstrate an understanding of the ethical issues involved.
Method	<p>Students are asked to read the three readings before the class (see student instructions below).</p> <p>In groups of two or three, students discuss the main points of the readings. Half the groups are asked to examine the main issues from the point of view of the employers and the other half to examine the main issues from the point of view of the employee. The following general questions should be considered.</p> <ul style="list-style-type: none"> ✱ Is the knowledge of drug use job-relevant? If so why? Is it relevant in all work situations? ✱ What are the implications of drug testing for the rights of the employees? For the rights of employers? ✱ Do employers and employees have a role to play in managing drug use in the interest of the public

	<p>Groups are then matched (employers and employees) into groups of 4-6 to discuss the following question.</p>
<p>Concluding Activity</p>	<p>Each group should present a summary to the class of the issues covered in their discussion. The class discussion should cover:</p> <ul style="list-style-type: none"> ✳ The costs and benefits of drug testing from the employers and employees point of view. ✳ The question, under what circumstances can an invasion of an employee's private life be justified? Does your answer depend on whether the drugs are legal or illegal?
<p>Assessment</p>	<p>Assessment activities:</p> <ul style="list-style-type: none"> ✳ If the group oral presentations are to be assessed, students should be given some time to prepare them, for example the presentations should be in a subsequent session. ✳ Alternatively groups could be asked to submit a written report. ✳ Students could be assessed individually on a written report covering the question. The length would depend on the weight given to the assignment. Material covered in group discussions would form a basis for individual assignments.
<p>Tips</p>	<p>The industry chosen could vary according to the students' level. For example in first year a more straight forward industry example could be used, e.g. a firm working in the mining industry thinking about introducing drug testing for workers on the mining site.</p> <p>Students may need guidance on ethical frameworks.</p>
<p>Student Instructions</p>	<p>Students are asked to read the three readings before the class:</p> <ul style="list-style-type: none"> ✳ 'Drug checks a testy issue'th <i>Sydney Morning Herald</i>, 27 February 2009 (see attachment). ✳ 'AFL and AFLPA enhance illicit drug policy' [link] ✳ 'Alcohol and drug testing at NSW Rail' [link] <p>Students will be asked to consider the business case for drug testing and the ethical arguments.</p> <p>The question</p> <p>You work for an IT company providing contract IT services to industry. One of your major employers is the Department of Defence. Working there requires security clearances of different levels according to the sensitivity of the issues involved. The firm is concerned to maintain high performance standards in this competitive market and is considering introducing random drug testing of employees. Do you as a group think this is a useful</p>

	<p>innovation? In answering this question you need to consider:</p> <ul style="list-style-type: none"> ✳ The business case for introducing drug testing of employees. How do the costs and benefits compare? ✳ The ethical issues involved.
Additional Materials	<p>These are here to get students started. The issue of drug testing is discussed in other human resource management textbooks.</p> <p>DesJardins, J. and Duska, R. (1987) 'Drug testing in employment', <i>Business and Professional Ethics Journal</i>, 6. Reprinted in Beauchamp T. and Bowie, N. <i>Ethical Theory and Business</i> 6th edition, Prentice Hall, 2001</p> <p>Grace D. and Cohen S., <i>Business Ethics</i>, Oxford University Press, 2nd Edition.</p> <p>Shaw, W. (2005) <i>Business Ethics</i>, Thomson, ch 7.</p>

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Drug checks a testy issue

Substance abuse costs billions but workplace screenings are a minefield, writes Joshua Jennings.

It's Monday. "Jodie" should be at work but on Saturday night she ingested a cocktail of party drugs and her brain is still fried. She rings her manager, lies and says she has the flu, and goes back to sleep.

Figures from the 2007 National Drug Strategy Household Survey show scenarios like this are now common and damaging to business than you might think. Authorities estimate the use of legal and illegal drugs costs the economy \$2.6 billion a year, through problems such as injury, workplace underperformance, illness, violence and crime.

Given the figures, it's understandable employers would want to reduce drug use by workers. But the solution isn't necessarily straightforward.

One option is to introduce drug testing. Advances in technology have made testing reliable and efficient. But employers who demand their workers submit blood or urine samples may be entering a legal minefield.

Tim Frost from law firm Allan Arthur Robinson says a lack of clear national guidelines and policies means employers could potentially question the legality of testing. "There is some uncertainty about whether an employer would ultimately be found to have a right to undertake or require drug testing in the workplace," he says.

Take the case of a truck driver whose employment was terminated in 2001 because he refused to take a drug test.

The South Australian Industrial Relations Commission found terminating the employment was harsh, unjust and unreasonable for several reasons.

Firstly, the employer's drug and alcohol policy did not clearly state whether blood or urine would be used for random testing. Secondly, the test could only detect the presence of marijuana and not whether the employee was actually intoxicated by marijuana. Finally while the employee admitted to smoking marijuana on the day he declined the test, there was no evidence that his work performance had been impaired by doing so. The employer was ordered to pay the driver \$37,000 in compensation.

One solution to this would be to introduce mandatory national guidelines for workplace drug testing and a licensing and accreditation system for drug testing service providers, like those in the US.

Dr Ken Field, deputy director of the National Centre for Education and Training on Addiction at Flinders University, says the American model benefits employees and staff in several ways. "First, it informs and unifies both parties of their rights and responsibilities concerning the issue," he says. "Second, the accreditation and licensing of drug testers allows for an appropriate standard and quality of testing services to be enforced."

Contrast this with the Australian system, where there is no such legislation or process.

Debate ... Australia has no national guidelines for workplace drug tests.

"Many employees and employers are unsure of their rights and obligations and there is no adequate quality control mechanism to ensure an adequate standard of drug-testing services," Field says.

However David Gregory from the Victorian Employees' Chamber of Commerce and Industry says Australian agreement of how to implement drug testing in the workplace is slowly improving.

"There was probably a bit of a knee-jerk reaction to drug testing because of some of the testing arrangements that became available because of some of the changes in occupational health and safety legislation," he says.

There's since been disputes and court cases and matters to the Industrial Relations Commission that arose because of those actions and I think out of that there has been information developed by some of the WorkSafe authorities and organisations like ours."

Many companies have realised

alternative strategies can work. These include employee assistance programs, health promotion and peer intervention programs.

Tim Frost from Allan Arthur Robinson says businesses need to think seriously about how suitable drug testing is for their operations.

"I don't think anybody would seriously suggest that drug testing is inappropriate ... in a mine site environment where there's heavy equipment being operated and enormous scope for injury and damage to plant equipment and so on - in the event of an accident," he says.

"But of course lots of us don't work in that sort of environment and rather do work in an environment where the likelihood of an accident of that kind is very much less."

Frost says in a more typical workplace, issues about employee gateway might weigh more heavily than the importance or the significance of a risk of a workplace accident.

Businesses need to think about how suitable testing is for their operations.

