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DRUGS OF ABUSE IN THE WORKPLACE

When and how to test employees legitimately.

Many employers face the task of testing employees for drug abuse in the workplace. Often, drug testing is invasive and must be handled very carefully.

Drugs of abuse present many challenges to the employer, particularly in regard to prevention and reliable detection. Even though drugs are illegal and prohibited by law in South Africa, employees cannot be forced to undergo a drug test. An employee must give written consent and permission for the results to be communicated to a third party. Therefore, it is advisable to include this in the employee's contract beforehand.

It is important to get consent from employees when testing for drug use in the workplace. Under certain circumstances, dismissal is justified. However if an employee is found positive for illegal substances and shows a willingness to be rehabilitated, then the company must consider that option as well," said Jan Truter, director of Labour Wise in South Africa.

In one case, an employee for a trucking company, Tanker Services, was found being under the influence of alcohol while driving a 32-ton truck. The court found him subject to justified dismissal as he was unable to perform the duties expected of him in his condition.

Corrective procedures such as disciplinary hearings are the most common method used to deal with this issue in the workplace.

Companies need to follow strict procedures as illegal drug use can have a negative knock-on effect in professions where the user could influence or hurt other people. This is especially true for those in education, healthcare, law enforcement, industrial safety and transportation. Disciplinary hearings, pre-employment screening and random drugs of abuse testing are subject to malpractice.

Currently, one of the main problems with drugs of abuse testing is the use of over-the-counter screening test kits which often produce equivocal results. These kits can, for example, label an employee as an opiate user, when in fact he or she may merely have recently taken a cold remedy. He pointed out that a result from such a test would need to be verified by a definitive laboratory test result, before being presented in a workplace hearing, so, actually, companies could save money by going the laboratory route from the start. Regular testing needs to be set up in order for this process to be effective. The results of the tests are obtained between two and three days and the costs vary from R314 – R744.

Urine, saliva, hair and nails are the most common samples used for drug testing in the workplace. However, urine is the most accurate sample for identifying an unknown drug. Once the samples are collected, biochemical analytical testing methods are used. These methods include Immunoassay Screening Analysis and Tandem Mass Spectrometry Screening Assay, as well as confirmatory testing. The Tandem Mass Spectrometry Screening Assay is capable of identifying all commonly abused drugs in one run. Requests for testing are increasing as substance abuse is on the rise in South Africa.

Drugs of abuse in the workplace is a serious matter. The next time you go out