

Testing times

Expert panels will soon make recommendations to the government on drug and gene testing at work. Many companies are keen on both. *Hazards* editor Rory O'Neill warns that testing is a dangerous distraction that will be bad for your safety and privacy, and argues it may be their company, but your body is your business.

An unregulated workplace drug and alcohol testing industry has already made substantial inroads to UK workplaces. An October 2003 online survey suggested 1 in 8 UK companies are now using drug tests.

If this figure is correct – and one UK drug tester said it is “about right” – it would suggest the number of firms using drugs tests in the UK has more than doubled in a decade.

A July 2003 survey for the Independent Inquiry into Drug Testing at Work found four out of five employers would be prepared to drug test their employees if they thought productivity was at stake.

Ruth Evans, chair of the inquiry, which will advise the government on its approach, said: “There is growing pressure on employers to carry out workplace drugs testing but little evidence or guidance to help them decide if, when and how they should do it.”

Ethical issues in workplace drug testing in Europe, a February 2003 International Labour Organisation (ILO) report, noted that workplace drug testing laboratories in the United Kingdom “report ever increasing demands for their services.”

The drug tests don't work

A *Hazards* investigation into existing drug and alcohol testing programmes at work suggests there may be trouble ahead.

- ◆ TGWU has raised concerns over “the chain of custody” of samples, something tightly controlled in sport, but totally unregulated at work.
- ◆ TGWU reported concerns raised by bus and train drivers about employer insensitivity when demanding urine tests from women while on their period.
- ◆ Bakers' union BFAWU said a major UK company tried to push through mandatory drug tests without adequate consultation. A trial subsequently discovered “there is no need for this type of policy and the cost associated with it,” said the union.
- ◆ Rail union RMT said it was concerned that Network Rail's drug and alcohol tests, intended as a safety measure, were instead being imposed after minor, non-safety related infringements. The company wants to increase the level of random tests from 5 per cent to 10 per cent of the workforce per year.
- ◆ The London-based International Transport Workers' Federation warned the

trend in the sector towards random testing and “zero tolerance” drug and alcohol policies linked directly to disciplinary action “are a violation of privacy, and of individual civil liberties.”

Policing the workers

While the government hasn't yet expressed a view on drug and alcohol testing, it has shown an unhealthy interest in keeping tabs on public employees.

In September 2003, Home Office minister Hazel Blears instructed the Police Advisory Board to investigate options for drug testing police officers. And in October, the Prison Service announced it was introducing compulsory breathalyser tests for its 45,000 staff.

Drink and drug use can be a problem for workers – but that is no justification for workplace testing. In fact, supportive approaches are

far more effective.

ILO's SafeWork programme says that drug and alcohol abuse is not only “an important workplace problem, but that the workplace is an excellent channel for the development of broad partnerships for preventive action.”

Phil Dee, national safety officer with the rail union RMT, whose members work in a sector where the law requires testing for certain jobs, commented: “Our view has always been that education and awareness training – including associated lifestyle and shiftwork issues – should form the main plank of any drug and alcohol policy, and that testing should be used largely to audit the effectiveness of that training.

“Testing – particularly urine – is still a degrading experience for many of our members, and we are not

Private functions

If you think drugs and alcohol tests – or gene tests, or email snooping – are a bit of a liberty, you are not alone.

A 2002 industrial tribunal ruled that a worker fired after being found with marijuana in his pocket in the company car park had been unfairly dismissed. It said his dismissal was unfair and an inadmissible intrusion into his private life, in breach of the privacy rights conferred by the Human Rights Act (*Hazards* 72).

Specific European privacy laws, supported by Europe's unions and opposed by employers, are in the pipeline. The European Commission is consulting on a new law on the protection of workers' personal data.

It says the proposed framework will cover data about employees, including personal health records, emails and internet use, and issues of consent, drug and genetic testing and monitoring and surveillance.

Among the reasons for the legislative move by the European Commission was concern at the increasing use by employers of cheaper and easier drug and genetic tests.



HE'S ON SOMETHING

It's usually hazards, not habits, that's the problem at work.

aware of any evidence that shows it to be cost effective. Indeed, as the amount of testing increases, so the economics of the case becomes weaker."

In the NHS, a joint union-employer expert working group has negotiated a supportive approach. It advises: "Random testing of staff as a tool for managing substance misuse is not considered an appropriate form of action for NHS employers at this time."

Instead, guidance focuses on rehabilitation, occupational health support, self-referral for assistance and addressing any poor work performance as a capability and not a disciplinary issue.

Member to member

The TUC believes employers should draw up alcohol and drug policies in consultation with unions, with an emphasis on confidentiality and assistance for workers with alcohol and drug problems (*Hazards* 77).

A new and more effective variant on the increasingly

common Employee Assistance Programmes (EAP) could be an effective part of this strategy. Member Assistance Programmes, run by unions at workplace or local level for their members, have proved a big hit.

New York's Smithers Institute, an alcohol and drug policy research and advice group at Cornell University, reports there are 5,000 plus local union-run programmes in the US using workplace "peer counsellors" – and says these are achieving better results than "professional" employee assistance programmes.

Professor Samuel Bacharach, director of the Smithers Institute, said: "Member Assistance Programmes are built on the premise that labour [unions] can provide education, constructive confrontation, and access to treatment in an environment which would not threaten the worker.

"To the degree that mutual aid and fellowship has always been the backbone of organ-

ised labour, nothing seems more appropriate to me than the expansion of such programmes to every national union, every local, every plant."

It is an approach that has been adopted successfully elsewhere. In Australia, a building union initiated Drug and Alcohol Safety and Rehabilitation Programme has been "developed by workers for workers" and "uses peer education strategies, where fellow workers (site safety committee or other nominated peers) undertake interventions."

In Canada, autoworkers' union CAW negotiates company-funded workplace "Substance abuse/Employee and family assistance programmes" that are "designed to provide strictly confidential and professional assistance to help employees resolve their problems through a process of assessment, referral and aftercare."

For UK unions, it would seem a no-brainer. The alternative, after all, is letting employers take the piss.

Publications

Drunk or disordered, TUC, December 2001. £15 (£4.75 to union members) from TUC Publications, tel: 020 7467 1294. www.tuc.org.uk/publications

Alcohol and drug problems at work: The shift to prevention, ILO, 2003. ISBN: 92-2-113373-7. £6.95 from ILO publications, tel: 020 7828 6401. Email: pubvente@ilo.org.

Member assistance programs in the workplace: The role of labor in the prevention and treatment of substance abuse, ILR Bulletin no. 69, Cornell University Press, 1994. ISBN 0 87546 336 3.

www.cornellpress.cornell.edu
For details of the Australian, Canadian and US member assistance programmes, see the *Hazards* drink and drugs webpage: www.hazards.org/workstyle

Get your hands off our genes!

Europe's top union body has called for a ban on genetic testing in the workplace.

The ETUC position was spelled out at a 29 October 2003 workshop, where it called for the prohibition to be included explicitly in a European Commission directive on the protection of workers' personal data.

The proposed Europe-wide law is opposed by European employers' groups and strongly supported by unions.

ETUC said gene testing wasn't yet a problem in EU workplaces and said EC legislators should make sure this remains the case.

It said it would distract attention from efforts to remedy occupational hazards "in particular in the chemical field" and it could "introduce discrimination among workers according to certain genetic characteristics.

"The United States' experience shows that genetic screening could lead to indirect forms of racial discrimination."

ETUC added: "From the prevention point of view, nothing justifies a genetic screening compared to risks at work." Austria, Belgium and Finland have already prohibited genetic screening in the workplace, it said.

The European Group on Ethics in Science and New Technology, a European Commission advisory panel, issued a 28 July 2003 *Opinion on the ethical aspects of genetic testing in the workplace* which concluded "employers should not in general perform genetic screening nor ask employees to undergo tests."

In the UK, TUC has called for a UK ban on genetic testing at work (pages 16-17). The TUC statement came on 25 September 2003, the day the Human Genetics Commission met to consider the UK government's response to its recommendations on genetic discrimination.

In October, the US Senate backed draft legislation to ban the practice at work (pages 16-17).

Gene machine: Your genetic fingerprint is not personnel information – centrepages.org.

www.hazards.org/genescreeen