



# **Preparing Your Workplace for the Creeping Opioid Crisis**

# 1 The Rising Threat of Opioids

On June 13, 2018, the White House passed a series of legislations addressing one of the most pressing concerns gripping the American workforce: opioids. In the beginning of 2019, a National Safety Council (NSC) study revealed that for the first time in the nation's recorded history, the odds of dying from an opioid overdose (1:96) surpassed those of dying in an auto accident (1:103).<sup>1</sup>

**As a result, opioid overdoses are now the number one cause of preventable deaths in the United States.**

The federal government's stand and the grim findings of the NSC followed in quick succession to the American opioid crisis being declared a public health emergency by the U.S. Department of Health and Human Services in 2017. Organizations have begun to fear the worst when it comes to dealing with opioid usage and its impacts. Keep in mind that, in the age group between 18 and 64 years, 75% of people with a substance use disorder are in the workforce.

According to a recent survey by The Hartford insurance company, an alarming 67% of HR professionals believe that their companies are either currently affected by opioid use or are expected to be in the future.<sup>2</sup> A majority (65%) of companies reported negative financial impacts.

The rise in opioid prescription rates has been directly linked to the drop in the U.S. labor force between 1999 and 2015.<sup>3</sup> Moreover, lower productivity due to opioid-induced impairment, rising medical costs, and workers' compensation increased company expenses. What's more, organizations face financial risks for violating federal and state regulations around workplace safety.

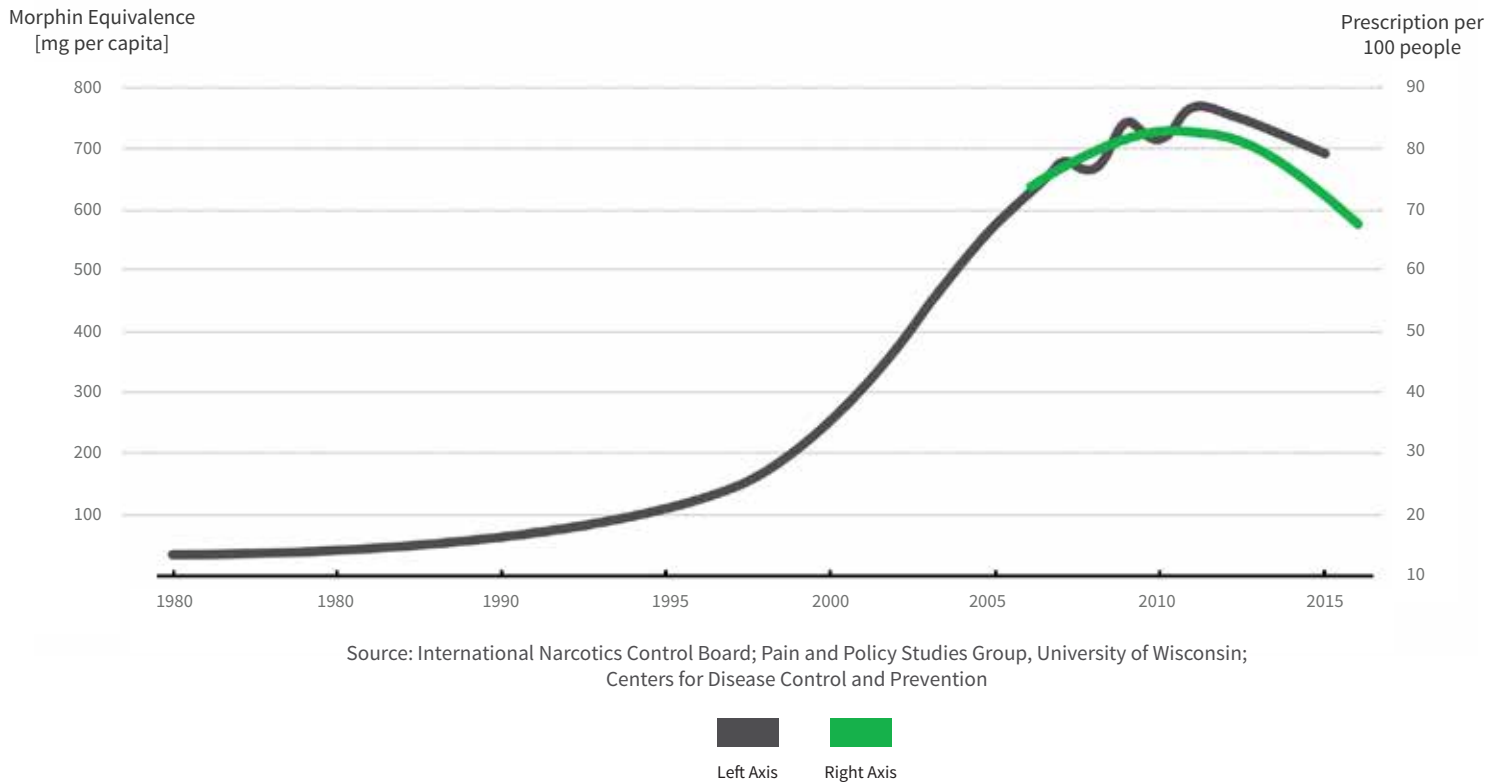


Fig. 1: Rise in Consumption of Opioids (1980-2015)<sup>4</sup>

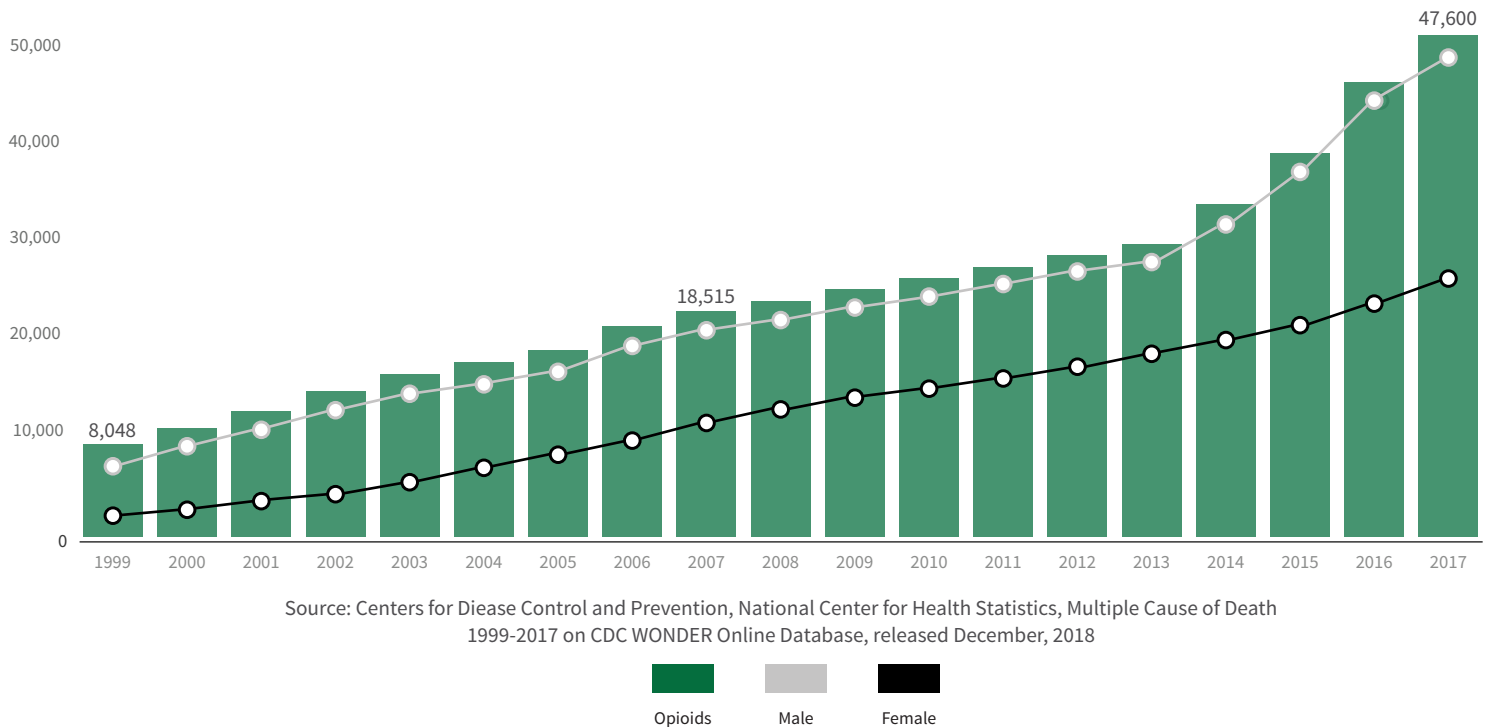


Fig. 2: Drug Overdose Deaths Involving Opioids (1997-2017)<sup>5</sup>

## 2

# Workplace Incidents from Opioid Consumption

The trouble with regulating the use of opioids (for example, methadone) is that they are prescription drugs, unlike their cousins, opiates (example: heroin). This means that workplace incidents from opioids are typically a result of accidental overdose or non-medical usage.

The **Bureau of Labor Statistics (BLS)** found that workplace overdose deaths from non-medical use of drugs increased by 38% annually during the 2013-2016 period.<sup>6</sup>

The growing trend of opioid-related workplace incidents is often portrayed as a closed cycle where workers develop dependence on drugs that were prescribed to deal with workplace injuries. In fact, a recent study by Massachusetts Department of Public Health shows higher opioid overdose incidents occurring in industries that have a higher chance of work-related injury.<sup>7</sup> Among these, construction and manufacturing are the two industries most heavily affected.

### Top five industries affected by non-medical opioid use:



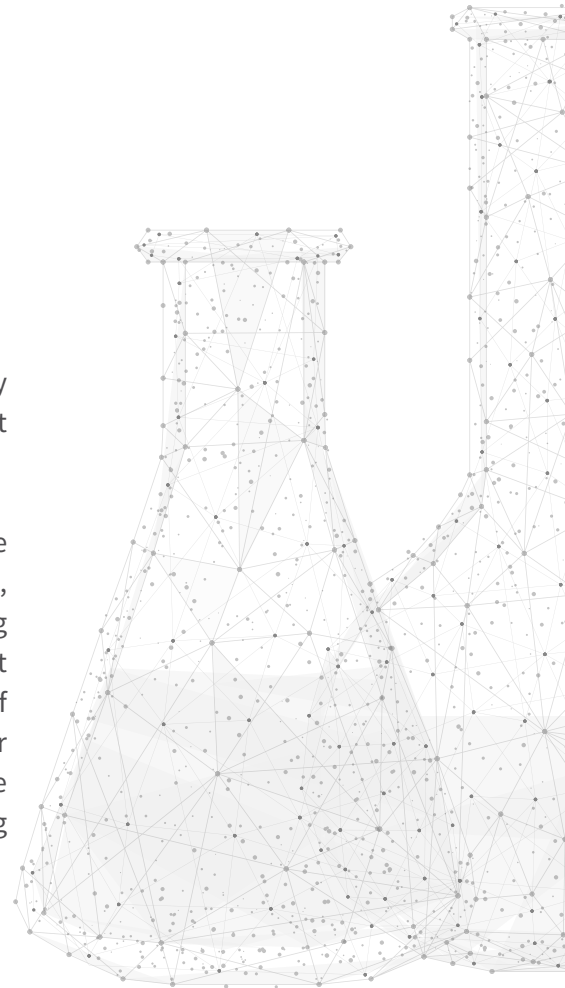
# 3 Employers' End of the Bargain: Keeping Up with Testing Requirements

Irrespective of size or industry, companies need to deal with the far-reaching impact of the opioid epidemic on the workforce. In 2016, large companies paid USD 2.6 billion for the treatment of non-medical opioid use – up from USD 300 million only 12 years earlier.<sup>8</sup> While the numbers may not be as staggering for small and mid-sized companies, they are still substantial. And we have already mentioned the decline of the American labor force in correlation with the rise in opioid prescription.

**Despite the looming possibility  
of an eroding economic future,  
organizations still seem  
underprepared.**

In a survey conducted by the NSC, only 13% of organizations reported that they were confident about spotting signs of misuse, yet an alarming 76% do not provide education programs to address this gap.<sup>9</sup>

But this is only the tip of the iceberg. Companies face an even more formidable crisis. With workers often reluctant to undergo pre-employment drug screens, the number of companies that forego pre-employment drug screening programs is increasing.<sup>10</sup> Management at most organizations are unsure about how to address disciplinary issues involving workers under the influence of prescription opioids without fear of a backlash. Nevertheless, eliminating or even limiting pre-employment drug tests increases the risks of workplace safety incidents and, in some cases, even violates state or federal drug testing directives.



## 4

## Varying Drug Testing Requirements: The Current Stand

While there are no generally accepted rules that guide organizations to address the opioid crisis, keeping abreast of current standards and interpretations could go a long way toward managing this epidemic in the workplace.

The U.S. Department of Transportation (DOT), in 2018, expanded its list of screened drugs to include four semi-synthetic opioids – hydrocodone, hydromorphone, oxycodone, and oxycodone. This allowed the DOT to comply with the revised Mandatory Guidelines put forth by the Department of Health and Human Services (HHS).<sup>11</sup>

While the DOT increased its list of screened drugs, the Pipelines and Hazardous Materials Safety Administration (PHMSA) doubled the minimum rate of random drug tests for covered employees from 25% to 50%. As a result, PHMSA-regulated industries are bound to follow suit.

Until recently, employers were uncertain about the legalities of post-incident programs and the implications of enforcing long-standing safety programs. But on October 11, 2018, the Occupational Safety and Health Administration (OSHA) issued a “Standard Interpretation,”<sup>12</sup> clearing the mist surrounding these programs. This new interpretation ■ untangles the complex legalities of post-incident drug testing programs and states that it is retaliatory or unlawful only when the employer seeks to penalize the employee for reporting work-related injuries. It also permits consistent post-incident and other instances of drug testing and encourages safety incentive programs.

**The new OSHA guidelines clearly identify the dos and don'ts of post-incident and workplace safety programs.**

In the instance of a workplace incident, the guidelines state that companies must allow employees eight hours (or until the end of the shift) to report the incident. There has been some debate on whether companies are allowed to offer incentives for zero incident periods, since this process may encourage employees to not report incidents. The official language states that “rate-based incentive programs *are also permissible* as long as they are not implemented in a manner that discourages reporting.” However, employers are encouraged to offer incentives for reporting near-misses or other safety improvement methods.



**Reasonable suspicion arises** when the contractor or employee's behavior is inconsistent with sobriety. This may be inferred from observable changes in walking, standing, speech, demeanor, appearance, or breath.

Fig. 3: The Legal and Illegal Grounds for Drug Testing (Under New Guidelines from OSHA)



## 5

## Reducing Risks to Create a Safer Work Environment

Healthcare costs are significantly higher for employees with substance-use disorders. Moreover, a larger number of disability claims and missed work days can also affect the company's financial performance.

But the fight against the opioid crisis is not a lost cause. Organizations can take a few simple steps to build a healthier and safer work environment; not just to safeguard their finances and reputation, but as part of their responsibility to employees.

**The first and most important step is to recognize substance abuse as a disease and offer health programs to workers seeking to overcome dependency.**

Second, employers should train supervisors and workers to identify warning signs such as slurred speech and drowsiness – often early signs of addiction. Of course, such possible identification may be caused by other health conditions and may not be accurate for opioids or opiates. It is therefore important to have a witness that can confirm these observations in order to avoid any claims of bias.

However, the most effective way would be self-disclosure by affected employees. In order to truly achieve a drug-free workplace, employers should build a culture that makes workers feel safe to disclose opioid dependency and other complications. This would involve encouraging honest, transparent communication, as well as not penalizing employees who are affected by addiction or are taking drugs to ease their pain. To this end, revisiting drug testing failure policies may allow employees to come forth with their opioid-related issues. Frequent drug testing programs including pre-employment tests could also improve the situation.



## 6

## Compliance across the Extended Enterprise

The risks of violating federal and state regulations regarding opioid tolerance do not stop at creating a drug-free work environment within the boundaries of the organization. There still lies the possibility that your suppliers or contractors may not strictly adhere to regulations. Apart from regulatory sanctions, upstream organizations also run the risk of lower competency and supply chain failure in the case of a non-vetted supplier.

With 15 years of experience working with industry leaders, Avetta can help verify whether your suppliers and contractors adhere to drug testing policies that meet your expectations. Our supplier audits allow you to review your suppliers' employee safety manuals, identify issues, and suggest recommendations. When looking for new vendors, you can identify compliant ones within our network or easily complete your prequalification process with our solutions, with the full assurance that any contractors or suppliers you bring on board are aligned with your policies. On top of this, we conduct regular audits that ensure continuous adherence to these requirements.

**More control over your extended enterprise can help you create not just a drug-free workplace but a safe and reliable supply chain.**

Our worker management program lets you audit your suppliers and contractors at an individual worker level, giving you complete visibility into your supply chain. Through the platform you will know all the relevant details about each individual worker on your site, such as whether they have passed all the required tests, certifications, and trainings.



## 7

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Avetta connects leading global organizations with more than 85,000 qualified suppliers, contractors, and vendors across 100+ countries. We support the sustainable growth of supply chains through our trusted contractor prequalification, supplier audits, insurance monitoring, robust analytics and more. With real results in helping companies reduce TRIR, our highly configurable solutions elevate safety and sustainability in workplaces around the world—helping workers get home to their families each night.