

The background of the slide is a close-up photograph of a heavily rusted metal structure, likely part of a bridge or industrial building. The rust is a mix of brown, orange, and dark grey, with some blue paint visible in the upper right corner. The lighting is dramatic, with strong shadows and highlights.

Chubb Construction Risk Engineering

Substance Abuse

CHUBB®

Substance Abuse

Overview	3
Supervisor's Responsibilities	4
Drug-Free Workplace Policy	4
Best Practices	4
Practical Aspects	4
Enabling	4
Supervisor Traps	5
Identifying Potential Crisis Situations	5
Recognizing Problems	6
Intervention and Referral	7
Document the performance problem	7
Get yourself ready	7
Set the stage	7
Use constructive confrontation	7
Refer for assistance	7
Follow up on progress towards meeting performance goals	8
Final Considerations	8
Protecting Confidentiality	8
Continued Supervision	9
Do's and Don'ts for Supervisors	9

Overview

As a supervisor, you need to know if your workers are fit for work. An important part of that evaluation involves the potential of substance abuse. Knowingly allowing a worker to work who is under the influence of drugs or alcohol puts the worker at an increased risk of injury as well as to others, in addition to having the quality and progress of the job suffer. It can also create a scenario of thinking “what if” that can resonate for the rest of your life if actions are not taken soon enough.

Construction companies that test for drugs appear to have a reduction of workplace injuries according to the study, “Evaluation of Drug Testing in the Workplace: Study of the Construction Industry,” which was published in the Journal of Construction Engineering and Management. This study examined the effectiveness of drug testing of construction company employees in making the workplace safer.

The study looked at the construction industry and the impact a drug-free workplace program had on the reduction of injury incident rates and related workers’ compensation ratings.

Statistically, construction and mining have the highest percentage of problem drinkers, with nearly one in seven workers in these fields having a serious alcohol problem.

The use of alcohol and other substances while on a worksite greatly influences a person’s ability to perform job functions safely. With a large number of high-risk and safety-sensitive positions within the construction industry, there is an increase in the likelihood for work-site accidents and injury. This increase in injury

directly affects a company’s workers’ compensation experience- rating modification factors.

Other findings of the study include:

- The average company that drug tests in the study sample experienced a 51% reduction in its injury rate within two years of implementing a drug-testing program.
- The rate of incidents fell from a rate of 8.92 incidents per 200,000 work-hours to 4.36 incidents.
- The difference was proven statistically significant when compared to the 14% decline in the average construction firm during the same time period

As a result of fewer job site accidents and injuries, the average company that drug tests in the study sample experienced an 11.4% reduction in its workers’ compensation experience-rating modification factor. Firms that did not drug test experienced no decline. This means that companies that drug test can save substantially on their workers’ compensation premiums.

The number one reason why employers in the construction industry drug test their employees and job applicants is to promote the safety of their workers and those who use their products and services. In addition, company officials believe that drug testing contributes positively to a company’s image and is an effective deterrent in preventing drug abuse. The leading reason why some employers in the construction industry do NOT drug test their employees and job applicants is a concern for increased legal liability.

Larger construction companies are significantly more likely to test workers for drugs and alcohol. In addition,

state laws prohibiting or restricting an employers' right to drug test significantly hinder the implementation of programs

A Federal government survey revealed that the construction industry has some of the highest rates of alcohol and drug abuse.

Among full-time construction workers between the ages of 18 and 49:

- More than 12 percent report illicit drug use during the past 30 days;
- Almost 21 percent report illicit drug use during the past year;
- Approximately 13 percent admit to heavy alcohol use

Rates of substance abuse among different types of personnel within the construction industry are as follows:

Position	Current Illicit Drug Use (%)	Past Year Illicit Drug Use (%)	Current Heavy Alcohol Use (%)
Construction Laborers	12.8	25.4	19.9
Construction Laborers	17.2	25.9	12.7
Construction Supervisors	17.3	23.4	20.6

Source: Department of Health and Human Services Substance Abuse and Mental Health Services Administration. Drug Use Among US Workers: Prevalence and Trends by Occupation and Industry Categories.

Supervisor's Responsibilities

As a supervisor, it is your responsibility to:

- Maintain a safe, secure and productive environment for employees
- Evaluate and discuss performance with employees
- Treat all employees fairly
- Act in a manner that does not demean or label people

It is *not* your responsibility as a supervisor to:

- Diagnose drug and alcohol problems
- Have all the answers
- Provide counseling or therapy
- Act as a police officer

Legally sensitive areas:

- Safeguarding employees' confidentiality
- Ensuring the policy is clearly communicated
- Establishing procedures to thoroughly investigate alleged violations
- Providing due process and ample opportunity for response to allegations
- If testing is included, ensuring quality control and confirmation of positive tests
- Conforming to union contracts, if applicable

Drug-Free Workplace Policy

Drug policies and testing requirements and prohibitions vary by state. The Drug-Free Workplace Policy accomplishes two major things:

1. Sends a clear message that use of alcohol and drugs in the workplace is prohibited.
2. Encourages employees who have problems with alcohol and other drugs to voluntarily seek help.

The policy exists to:

- Protect the health and safety of all employees, customers and the public
- Safeguard employer assets from theft and destruction
- Protect trade secrets
- Maintain product quality and company integrity and reputation
- Comply with the Drug-Free Workplace Act of 1988 or any other applicable federal, state or local laws

Best Practices

- Drug & Alcohol testing program fully implemented and executed
- Testing is for pre-employment, random, reasonable suspicion and post accident
- Sub contractors required to abide by all drug & alcohol testing program requirements
- Testing company or facility has been identified to perform testing operation and program managed by GC/CM
- Drug & Alcohol testing conducted for all workers at each assigned project
- Testing results documented and filed
- Company has a program to assist employees seeking rehabilitation assistance
- Employees observed using drugs or consuming alcohol at the job site or when using company vehicles are immediately terminated
- Testing for reasonable suspicion implemented and conducted
- Nine Panel Test performed

Practical Aspects

Enabling

Enabling is action you take that protects the employee from the consequences of his or her actions which actually helps the employee to NOT deal with the problem.

Examples of enabling include:

- **Covering Up:** Providing alibis, making excuses or even doing an impaired worker's work rather than confronting the issue that he/she is not meeting his/her expectations
- **Rationalizing:** Developing reasons why the person's continued substance abuse or behavior is understandable or acceptable.
- **Withdrawing/Avoiding:** Avoiding contact with the person with the problem.
- **Blaming:** Blaming yourself for the person's continued substance abuse or getting angry at the individual for not trying hard enough to control his/her use or to get help.
- **Controlling:** Trying to take responsibility for the person by throwing out his/her drugs, cutting off the supply or trying to minimize the impact by moving him/her to a less important job.
- **Threatening:** Saying that you will take action (ceasing to cover up, taking formal disciplinary action) if the employee doesn't control his/her use, but not following through

Supervisor Traps

Examples of supervisor traps:

- **Sympathy:** Trying to get you involved in his/her personal problems.
- **Excuses:** Having increasingly improbable explanations for everything that happens.
- **Apology:** Being very sorry and promising to change. ("It won't happen again.")
- **Diversions:** Trying to get you to talk about other issues in life or in the workplace.
- **Innocence:** Claiming he/she is not the cause of the problems you observe, but rather the victim. ("It isn't true." "I didn't know." "Everyone is against me.")

- **Anger:** Showing physically intimidating behavior, blaming others. ("It's your fault.")
- **Pity:** Using emotional blackmail to elicit your sympathy and guilt. ("You know what I'm going through. How can you do this to me now?")
- **Tears:** Falling apart and expressing remorse upon confrontation.

Identifying Potential Crisis Situations

If possible, when dealing with an employee regarding suspected use of alcohol and/or other drugs, a supervisor should call in another supervisor or manager who can act as a reliable witness. One of a supervisor's first responsibilities when dealing with drugs and/or alcohol in the workplace is to distinguish between a crisis situation and a performance problem. It is important to note that crisis situations are less common than performance problems.

Crisis situations include:

- Dangerous behavior
- Threatening behavior
- Obvious impairment
- Possession of alcohol and other drugs
- Illegal activity

To investigate a potential drug or alcohol crisis situation, the supervisor should ask himself/herself the following questions:

- Does there appear to be illegal activity, policy violations or unusual behavior taking place?
- Is a group of people involved or a single employee?
- Are reliable witnesses available?
- Is any physical danger involved in taking action or not taking action?
- Is the situation serious enough to require calling security or law enforcement?
- Is there a specific policy that applies to the situation?

- Does the situation require expert consultation from Human Resources, the Employee Assistance Program (EAP), if applicable, or security?
- Is this a situation that calls for reasonable-suspicion testing?
- Have you documented what you see and what you have done in response?

The following are recommended actions a supervisor should take when confronted with a possible drug or alcohol situation:

- Ask the employee to come to a private area with another supervisor and/or security personnel
- Inquire about the behavior, rumor or report
- Inform the employee of your concerns
- Get his or her explanation of what is going on
- If you feel there is a problem, notify your superior
- If there is evidence or suspicion of recent use and based upon the employee's response and your drug-free workplace policy, the supervisor should:
 - Refer the employee to the EAP, if applicable
 - Place the employee on suspension until a formal investigation takes place
 - Arrange for the employee to be escorted home
 - Escort the employee to a collection for the drug test, if applicable (remember, if the employee is in no shape to work, he/she is in no shape to drive)

If you make observations regarding the illegal distribution, possession, sale, transportation or manufacturing of controlled substances onsite, contact local law enforcement. These situations usually result in a uniformed officer responding to conduct an investigation, make an arrest (if appropriate), and prepare a report.

Recognizing Problems

Addiction: The irresistible compulsion to use alcohol and other drugs despite adverse consequences. It is characterized by repeated failures to control use, increased tolerance and increased disruption in the family.

On-the-Job Indicators of Addiction

• Early Phase

Disease Progression	Impact	Visible Signs
<ul style="list-style-type: none"> • Uses to relieve tension • Tolerance increases • Memory blackouts • Lies about use 	<ul style="list-style-type: none"> • To 90% efficiency • Criticism from boss • To 75% efficiency 	<p>Job Performance</p> <ul style="list-style-type: none"> • Makes more mistakes • Misses deadlines <p>Attendance</p> <ul style="list-style-type: none"> • Late • Absent <p>General Behavior</p> <ul style="list-style-type: none"> • Co-workers complain • Overreacts to criticism • Complains about being ill • Lies

• Middle Phase

Disease Progression	Impact	Visible Signs
<ul style="list-style-type: none"> • Sneaks use • Guilty about use • Tremors • Depression • Loss of interest in activities 	<ul style="list-style-type: none"> • Loss of Job Advancement • Warnings from boss • Family problems • Financial problems • Wage garnishment 	<p>Job Performance</p> <ul style="list-style-type: none"> • Spasmodic work space • Difficulty concentrating <p>Attendance</p> <ul style="list-style-type: none"> • More days off for vague reasons <p>General Behavior</p> <ul style="list-style-type: none"> • Undependable • Avoids associates • Exaggerates • Unreasonable resentments

• Late Middle Phase

Disease Progression	Impact	Visible Signs
<ul style="list-style-type: none"> • Avoids discussion of problem • Attempts to control use fail • Neglects food • Isolates self from others 	<ul style="list-style-type: none"> • Disciplinary action • Trouble with the law • To 30% efficiency • Financial problems • Serious family problems 	<p>Job Performance</p> <ul style="list-style-type: none"> • Far below expectations • Difficulty concentrating <p>Attendance</p> <ul style="list-style-type: none"> • Frequent time off • Doesn't return after lunch <p>General Behavior</p> <ul style="list-style-type: none"> • Aggressive; belligerent • Domestic problems interfere • Loss of ethical values • Won't talk about problem

• Late Phase

Disease Progression	Impact	Visible Signs
<ul style="list-style-type: none"> Believes that other activities interfere with use Blames people, places and things for problems 	<ul style="list-style-type: none"> Final warnings at work Termination Serious financial problems 	<p>Job Performance</p> <ul style="list-style-type: none"> Formal discipline No improvement <p>Attendance</p> <ul style="list-style-type: none"> Prolonged unpredictable absences <p>General Behavior</p> <ul style="list-style-type: none"> Use on the job Physical deterioration

Intervention and Referral

Steps you should take when you have identified a performance problem and are going to discuss it with the employee:

- Document the performance problem
- Get yourself ready
- Set the stage
- Use constructive confrontation
- Refer for assistance
- Follow up on progress towards meeting performance goals

Document the Performance Problem

Documentation includes:

- The name of the employee
- The date, time and location of the incident
- A summary of supervisor's observations
- Any involvement of witnesses
- Action the supervisor takes to intervene
- The employee's response

Documentation provides:

- The employee specific evidence of the performance problem
- Objective factual information
- The performance picture over time
- The supervisor the ability to recognize the pattern of declining performance
- The means to prevent future meetings with the employee from being "his/her word against yours"
- Support for the corrective action process

Get Yourself Ready

- Review your companies' Substance Abuse Policy
- Discuss the matter with your supervisor and/or a Human Resources representative
- Discuss the problem with the Employee Assistance Program (EAP), if applicable*
- Prepare what you are going to say in advance and make notes
- Discuss the performance problem with the employee without delay, before it becomes more serious

**If EAP services are not available, supervisors may find it useful to consult with a community mental health professional or addiction treatment center with expertise in conducting interventions. This may help supervisors prepare for confronting an employee who is having performance problems that may be linked to alcohol and drug abuse. However, it is important to note that these professionals may not fully understand the limits in the workplace and the importance of keeping interventions focused on job performance matters only.*

Set the Stage

- Meet with the employee in a private place where interruptions will be limited
- Choose the best time of day considering workload and the employee's behavior
- Allow sufficient time for the meeting, but set a time limit

- Make an appointment with the employee in advance
- Allow for union representation, if appropriate

Use Constructive Confrontation

- Tell employee you are concerned about his/her job performance
- State problem
- Refer to documentation of specific events
- Avoid over-generalizations
- Ask for explanation
- Avoid getting involved in discussions of personal problems
- Try to get employee to acknowledge what you see as the problem
- State what must be done to correct problem
- Set time frame for performance improvement
- Specify consequences if problem continues

Refer for Assistance

- Focus only on performance problems
- Do not attempt to determine whether alcohol or drug use is part of the cause
- Assure employee that you are not assuming that there is any kind of problem
- Acknowledge that performance problems are sometimes caused by personal problems
- Advise the employee that it is his/her responsibility to consider whether or not his/her poor performance is caused by an underlying personal problem

If EAP services are available:	If EAP services are not available:
<ul style="list-style-type: none"> • Refer employee to the EAP • Emphasize the confidential nature of the EAP • Be clear about your expectations of the employee's performance and his/her participation in the program • Continue to monitor job performance • Apply progressive discipline as needed • Notify the EAP if performance continues to decline 	<ul style="list-style-type: none"> • Notify employee that if he/she believes there is an underlying problem, help may be available • Offer list of therapists or treatment centers • Emphasize that employee's decision whether or not to seek help is a private one and will not be made public. • Explain any benefits that may be available (LWOP, insurance coverage, etc.) • Be clear about your expectations of the employee's performance • Continue to monitor job performance • Apply progressive discipline as needed

Follow-up on Progress toward Meeting Performance Goals

- Do not expect to get information about the employee's progress from an EAP or treatment provider
- Set a meeting to review the impact of your constructive confrontation and determine what progress has been made in terms of performance
- If employee discloses information about his/her meeting with an EAP or about his/her progress in treatment, this should not be the focus of your discussion.
- If performance is the same or has deteriorated further, review issues again and encourage employee again to seek assistance
- Determine the appropriate next step of discipline up to and including termination
- If performance has improved, let the employee know that you have noticed and appreciate his/her efforts
- Document the improvement

Final Considerations

Protecting Confidentiality

For supervisory referrals to be effective, an employee needs to know that:

- Problems will not be made public
- Conversations with an EAP professional – or other referral agent – are private and will be protected

- All information related to performance issues will be maintained in his/her personnel file
- Information about an employee's referral to treatment, however, will be kept separately
- Information about treatment for addiction or mental illness is not a matter of public record and cannot be shared without a release signed by the employee
- If an employee chooses to tell coworkers about his/her private concerns, that is his/her decision
- When an employee tells his/her supervisor something in confidence, supervisors are obligated to protect that disclosure

If EAP services are available, employees are also assured that:

- EAP records are separate from personnel records and can be accessed only with a signed release from the employee
- EAP professionals are bound by a code of ethics to protect the confidentiality of the employees and family members that serve
- There are clear limits on when and what information the EAP professional can share and with whom

However, there are some limits on confidentiality that may require:

- Disclosure of child abuse, elder abuse and serious threats of homicide or suicide as dictated by state law
- Reporting participation in an EAP to the referring supervisor
- Reporting the results of assessment and evaluation following a positive drug test
- Verifying medical information to authorize release time or satisfy fitness-for-duty concerns as specified in company policy
- Revealing medical information to the insurance company in order to qualify for coverage under a benefits plan

• Continued Supervision

- After constructive confrontation and referral, the employee will need:
- Continuing feedback about behavior and performance
- Encouragement to follow through with continuing care and support groups
- Accurate performance appraisals and fair treatment
- Time to adjust to doing things differently
- Respect for his or her privacy
- Open lines of communication
- Corrective action if old behaviors reappear

Do's and Don'ts for Supervisors

Do	Don't
<p>DO emphasize that you only are concerned with work performance or conduct</p> <p>DO have documentation or performance in front of you when you talk with the employee</p> <p>DO remember that many problems get worse without assistance</p> <p>DO emphasize that conversations with the EAP, if applicable, are confidential</p> <p>DO explain that the EAP, if applicable, is voluntary and exists to help the employee</p> <p>DO call the EAP, if applicable, to discuss how to make a referral</p>	<p>DON'T try to diagnose the problem</p> <p>DON'T moralize. Limit comments to job performance and conduct issues only</p> <p>DON'T discuss alcohol and drug use. Stick strictly to the topic of performance</p> <p>DON'T be misled by sympathy-evoking tactics</p> <p>DON'T cover up. If you protect people, it enables them to stay the same</p> <p>DON'T make threats that you do not intend to carry out. If you threaten disciplinary action, you must follow through</p>



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