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Intoxicant Testing in the Workplace

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Live Webinar | Wednesday 19th September | 2:00pm

Overview

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Who We Are

Randox Testing Services is part of the Randox Laboratories group, a global market leader in the diagnostics industry with over 35 years' experience. Founded in 1982 by the current Managing Director, Dr Peter FitzGerald CBE FREng, Randox is dedicated to accurate and sensitive sample testing. The organisation employs over 1,400 people globally, with offices and distribution in over 145 countries.

We are a market leader in the drug and alcohol testing industry. Our expertise is relied upon by a range of leading safety-critical companies across the world, as well as the medico-legal sector.



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Construction Industry in Republic of Ireland

- Employment in construction continues to be one of the key drivers of recovery in the Irish labour market, with overall employment in the sector rising to 137,700, an increase of 12,400 in the year.
- It is expected that 1 in 16 people in the economy will be employed in construction by 2019 as industry enters sustained growth phase.
- Over 50,000 jobs have been created in the Irish construction industry since 2013.

Drugs & Alcohol in the Workplace

- The **National Diary Survey** was carried out in 2013 by the Health Research Board, to estimate personal consumption of and expenditure on alcohol amongst the general Irish population aged 18 to 75 years living in private households.
- 3,276 respondents who work or are in education missed 1,083 days of work or study due to alcohol-related illness in the 12 months prior to the survey (which equates to 4.5 person work-or-study-years).
- 4.2% of employed respondents reported that they had missed days from work due to their alcohol use in the 12 months prior to the survey. On average, each of these respondents missed 3.3 days. Based on 2013 employment figures, we can extrapolate that of the 1,869,900 persons in employment, 78,536 missed work in the previous year due to alcohol.



Drugs & Alcohol in the Workplace

Summary of Workplace Injury, Illness and Fatality Statistics (2016)

- 8,381 non-fatal injuries reported to the HSA in 2016; of these:
 - 7,957 (95%) involved workers
 - There were nine worker fatalities in the construction sector, making this sector the 2nd highest number of fatalities since 2012.
- Construction industry in Ireland employed 135,775 in 2016. With the reported 8,381 injuries, the construction sector accounted for 601 injuries (7.2% of the total).

The large employment numbers, combined with injury rates and alcohol consumption within the working age population, make it a distinct possibility that accidents will occur on the construction site due to drugs & alcohol, and employees will have illegal substances present in their system whilst working.

Why Test for substance misuse?

- With the widespread availability of drugs and alcohol, there is an increased risk of substance abuse in the workplace leading to huge ramifications for a business and its employees.
- Jeopardising the safety of not only the user, but also their co-workers and in some cases the general public, it affects the whole business environment and puts those present at serious risk of harm.
- To counteract the negative effects substance misuse can have on a company, many organisations implement a policy that outlines their expectations concerning working whilst under the influence of alcohol and drugs.



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When to test for illegal substances?

Our testing solutions ensure coverage of all types of employee testing, and meet the needs of all businesses.

Pre-Employment Testing – as an indicator of candidate suitability, it forms an essential part of a company's recruitment process, and helps maintain the safety of its current employee workforce and business environment.

Random Testing – is the most effective deterrent of drug abuse or alcohol misuse among employees. Ensuring integrity of staff across all levels, random testing can be conducted with employees at any level, at any time.

With-Cause Testing - conducted when there is suspected drug abuse or alcohol misuse in the workplace.

Post-Incident Testing – occurs after an accident or incident in the workplace to determine if drugs or alcohol may have contributed to the cause.



How to conduct workplace testing?

Our testing solutions ensure coverage of all types of employee testing, and meet the needs of all businesses.

Urine

- Most common sample type for drug & alcohol testing
- Simple and practical to obtain, offers short-term drug abuse profiling
- Considered non-intrusive and sample collection is not observed.

Detection Window

Drugs: 4 hours – 8 days (30 days for regular cannabis users)

Alcohol: <12 hours



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How to conduct workplace testing?

Breath

- Breath can be tested for alcohol using handheld devices which provide immediate results. These devices are specific to alcohol and can gauge blood alcohol content (BAC) by measuring deep lung air.
- This type of testing can accurately determine whether a person has recently consumed alcohol or is currently over the legal or pre-determined limit.
- Radox Testing Services use Intoximeters breathalysers which are Home Office approved. They are legally defensible and designed to meet the unique and rigorous requirements of evidential breath testing.



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How to conduct workplace testing?

Oral Fluid

- Oral fluid testing analyses a saliva sample for parent drugs and their metabolites.
- Providing analysis of short-term drug abuse, an oral fluid test is used for-cause testing and post-incident testing with results detectable 30-60 minutes after ingestion.

Detection Window

Drugs: 24 – 48 hours after consumption (drug dependent).



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How to conduct workplace testing?

Hair

- A hair drugs test offers a longer window of detection than alternative testing and provides a detailed month-on-month view or overall picture of drug use.

Detection Window

Typically up to 90 days using a 3cm sample (1cm of head hair = 1 month detection).

Body hair can be used to provide an extended window of up to 1 year.



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Testing Protocols

At Radox Testing Services we have stringent protocols in place to ensure the integrity of testing and any samples collected.

We have in place a detailed procedure from the moment of enquiring with RTS, right through to result reporting.

Whilst this procedure is being implemented, we also operate under chain of custody procedures. Chain of custody refers to the system of controls governing the collection, processing and storage of samples.

Chain of custody ensures any challenge that is made regarding testing can be defended as we have robust analytical systems in place to cope with the challenges that may arise.



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Legislation

THERE IS NO REQUIREMENT FOR EMPLOYEES TO UNDERGO TESTING FOR INTOXICANTS UNDER HEALTH AND SAFETY LEGISLATION.

THERE IS ALSO NO REQUIREMENT UNDER HEALTH AND SAFETY LEGISLATION FOR EMPLOYERS TO TEST EMPLOYEES.



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Legislation

However...

- Employers have a general duty under the **Safety, Health and Welfare at Work Act 2005** to ensure the health, safety and welfare at work of all employees (Section 8 of Act).
- In the Act there is a clause (13.1(c)) which allows for regulations to be made for testing for intoxicants.
- Any employee, while at work, must ensure that he or she is not under the influence of an intoxicant where the extent of the intoxicant could endanger his or her own safety, health or welfare at work or that of any other person present (Section 13 (1) (b) of the Act).
- The Health & Safety Authority (HSA) advise that where a company wants to prevent accidents that may arise as a result of the hazard of intoxicant, then it must be addressed within the company's overall health & safety policy.



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Legislation – Workplace Testing Policy

A substance misuse policy is a written document encompassing a company's outlook on drug and alcohol consumption.

These policies are extremely important as they outline company expectations of drug and alcohol consumption at work as well as company rules, regulations, testing procedures and disciplinary procedures.

A substance misuse policy can form part of a wider overall company health & safety policy.



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HSA Publication: Intoxicants at Work Information Sheet

[https://www.hsa.ie/eng/Publications_and_Forms/
Publications/Occupational_Health/Intoxicants_at
Work_Information_Sheet.html](https://www.hsa.ie/eng/Publications_and_Forms/Publications/Occupational_Health/Intoxicants_at_Work_Information_Sheet.html)

Intoxicants at Work Information Sheet

Information Sheet for Employers and Employees on
Requirements under Health and Safety Legislation

September 2011

Introduction

From time to time both employers and employees ask questions of the Health and Safety Authority (HSA) about intoxicants at work and specifically the duties that arise for the employer and for the employee. The HSA can answer only those questions that arise under our legislation – i.e. The Safety, Health and Welfare at Work Act 2005, which we will call “The Act”.



So, what follows below, in a “Frequently Asked Questions” format, attempts to provide responses which we hope will serve the purpose of guiding you on intoxicants in relation to health and safety at work. Depending on the structure and size of your company, you may be able to get assistance from whoever is accountable for human resource management or owner / manager or trade union in regard to other aspects of managing intoxicants at work.

The first thing that needs to be said is that there is no requirement for employees to undergo testing for intoxicants under health and safety legislation. There is also no requirement under health and safety legislation for employers to test employees for intoxicants. In the Act there is a clause 13 (1) (c) which allows regulations to be made for testing for intoxicants. However, until or unless such a regulation is introduced by the relevant Minister, this clause does not apply. So, there is no requirement for employers to test or for employees to be tested.

1. What is included in the definition of Intoxicants when considering the health and safety at work aspects?

Intoxicant is defined in the Act as including alcohol and drugs and any combination of drugs or of drugs and alcohol. It encompasses both legal and illegal substances. So, prescribed drugs and over the counter medications are included.

2. As an employer, what exactly are my duties in regard to intoxicants at work under health and safety legislation?

Your relevant duties are set out principally in Section 8 of the Act which requires you to ensure, so far as is reasonably practicable, the safety, health and welfare at work of all employees. This includes managing and conducting work activities to prevent improper conduct or behaviour likely to put employees at risk.



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**Thank you
for your
time**



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