

DRINKING IN THE WORKPLACE

I

Branch, Inc. has been losing ground to its competitors in recent years. Concerned that substance abuse may be responsible for much of Branch's decline, the company has just adopted a policy that imposes sanctions on those employees found to be working under the influence of alcohol or illegal drugs.

John Crane and Andy Pullman have worked together in one of the engineering divisions of Branch for several years. Frequently John has detected alcohol on Andy's breath when they were beginning work in the morning and after work breaks during the day. But, until the new policy was announced it never occurred to John that he should say anything to Andy about it, let alone tell anyone else about it. Andy's work always has always been first rate, and John is not the kind of person who feels comfortable discussing such matters with others.

Two days before the announcement of the new alcohol and drug policy, Andy tells John that he is being considered for the position of head of quality control. Although pleased at the prospect of Andy's promotion, John wonders if Andy's drinking will get in the way of meeting his responsibilities. John worries that, with additional job pressures, Andy's drinking problem will worsen. What should John do?

- 1) Talk with Andy about his drinking.
- 2) Keep quiet and mind his own business, leaving the problem up to Andy and those who have the responsibility to select someone for the job.
- 3) Other.

II

Harvey Hillman, Plant Manager at Branch, knows that Andy and John have worked together many years. He has narrowed his choice for Head of Quality Control to Andy and one other person. He invites John out for lunch to see if he can learn something more about Andy from John. Should John volunteer information about Andy's drinking? Suppose Harvey says, "This is a really important decision. We need a top person for the quality control job. We've had some real problems the last few years with shoddy production, probably because of alcohol and drug abuse in the workplace. I had to move Jack Curtis out of head of quality control because **he** was drunk on the job. We have to get this under control. The new policy might help. But quality control will still have to keep a really close eye on things." Should John say anything now?

III

Branch's policy on the use of alcohol and drugs has been in effect for a year. It does not seem to have made a significant difference. Absenteeism is still high. Shoddy workmanship continues. And Branch's profit margins are still declining. Management is now proposing mandatory random drug testing for its non-professional workforce, and mandatory drug testing for all new workers. The labor union protests that such a policy is undesirable in two respects. First, it is an unwarranted invasion of the privacy of workers. Second, exempting professionals from the testing is discriminatory and, therefore, unjust. Since John knows you have a longstanding, serious interest in ethics, he asks you what you think about the two concerns of the union.

COMMENTARIES

Kenneth L. Carper

Substance abuse, or rather the abuse of persons by harmful substances, is a serious problem in the workplace. In construction and in other engineering industries, alcohol and drugs contribute to lost workdays, increased medical costs, inefficient productivity, poor quality work, and safety problems. These effects of substance abuse impact not only the drug user, but also other employees, the employer, clients and, in some cases, the general public.

Mandatory testing for drugs has been implemented in some industries, such as the transportation industry, where impaired judgment can result in significant injuries and deaths to innocent parties. Expansion of mandatory testing into other areas of the workplace has been the subject of many journal articles and several fulllength books (Coombs 1991, NASPE 1984, Tulacz 1989). This topic raises important ethical questions. The protection of society and the rights of employers are in conflict with the civil rights of individuals, their freedom and their privacy.

Troubling moral questions have particularly been directed at those mandatory testing programs that are not accompanied by successful rehabilitation efforts. Such programs are not usually founded in concern for the individual. They are more likely based in concern for diminishing productivity. Those programs that simply use testing results to dismiss abusers from employment have feeble moral ground for existence, for they view individuals only as means to an end, rather than as objects having intrinsic value.

Immanuel Kant and many other philosophers have placed emphasis on the intrinsic value of human beings. Moral theory encourages the treatment of people as ends in themselves, never only as means to an end (Rachels 1986). It is precisely this point, the intrinsic value of human individuals, that suggests the proper course of action for John Crane.

John Crane's dilemma is this: Should he talk with Andy Pullman about Andy's drinking problem, or should he overlook it? John is not the kind of person who is comfortable with the prospect of discussing this problem with Andy. In this respect, most people are like John. There are not very many people in this world who find it easy to initiate such a conversation. However, John and Andy have worked together for several years. During that time, John has developed a respect for Andy's work, and it appears that they have a close working relationship. Andy is extremely fortunate to have a friend like John. John may be the best person to talk with Andy, and he should do so.

Friends can have an impact when they show genuine concern. A common public service announcement says, "Friends don't let friends drive drunk." Friends don't stand quietly by and let friends abuse themselves and their future with harmful substances, without expressing their concerns. Certainly, there are important aspects of privacy and freedom to consider, but an honest attempt should be made to communicate.

Often, substance abuse is a symptom of low selfesteem. This may not be the case in Andy's situation, but if it is, it will be encouraging to Andy to find out that John values him enough to discuss the problem with him.

John's concerns are genuine and sincere. His motives are founded in his respect for Andy and his desires for Andy's prosperous future. He is not motivated by selfinterest, and Andy will likely understand this. If more persons were willing to lay aside their discomfort, and express genuine concerns for each other, mandatory drug testing might not be an issue. The concerns expressed by friends for each other are founded in the treatment of

individuals as objects of intrinsic value.

Harvey Hillman, the Plant Manager, asks John later to comment on the appropriateness of placing Andy in the top quality control position. It seems that John should not raise his concerns in this forum, unless he has been willing to discuss the problem first with Andy. If he hasn't already done so, he should approach Andy immediately following his visit with Harvey.

Of course, John should discuss the problem with Harvey if his visit with Andy is not productive. Andy's promotion may place him in a position such that others are adversely impacted by his impaired judgment. There is a point, beyond which, a concern for the intrinsic value of those other individuals must take precedence.

Suggested Readings:

1. Coombs, Robert H. and L. J. West 1991. Drug Testing: Issues and Options, Oxford University Press, New York, NY.
2. National Association of State Personnel Executives and Council of State Governments 1984. Drug Testing: Protection for Society, or Violation of Civil Rights?, Lexington, KY.
3. Rachels, James 1986. The Elements of Moral Philosophy, Temple University Press, Philadelphia, PA, pp. 114-117.
4. Tulacz, Gary J. 1989. What You Need to Know About Workplace Drug Testing, PrenticeHall, Old Tappan, NJ.

W. Gale Cutler

Very few who have managed people in industry have not had to deal with an alcohol problem and, with the present growth of the drug culture, the chance of needing to deal with drug usage in the workplace grows even greater.

In no way can use of alcohol or drugs in the workplace be condoned or sanctioned. A user cannot be a 100% performer (although many will assure you they are) if he (or she) is using alcohol or drugs in the workplace. A user--as a less than 100% performer--cheats the company in his performance. He (or she) cheats himself/herself, too, by giving a performance that may cost the individual chances for pay raises and promotion.

In a workplace where machinery use is involved, the user runs the risk of injury to himself, and possibly to others, because his reaction time has slowed down. In quality control, or other functions where decisions must be made quickly, and where the decision affects the operations of other departments, it is absolutely critical that the decision-maker not be under the influence of drugs or alcohol.

In the case described here, John, as a friend must speak to Andy about his drinking problem (and it is a problem if he is drinking at the beginning of work and on breaks--in truth, Andy is undoubtedly an alcoholic) and urge him to seek help. Paralleling the slogan of today, "Friends don't let friends drive drunk," John should bring home to Andy that "Friends don't let friends risk their job by working drunk."

Andy must be a good worker if he can use alcohol and still perform at a level that merits him consideration for a promotion. Think how much better he could be if he could free himself from alcohol-dependence!

After John and Andy have talked, if Andy takes no action to curb his problem, John should let company management know of Andy's problem. This action is a form of "whistleblowing." End of a friendship?--perhaps, but this action may keep Andy from a job whose pressure will deepen his need to drink. Not getting the job, if followed by appropriate advice from management, may shock Andy into admitting his problem and doing something about it. Andy will never give up his drinking until he admits he has a drinking problem and seeks a cure.

As to compulsory drug testing--companies are now beginning to make drug testing a part of the pre-employment physical exam. This is done with the full knowledge of the prospective employee who can refuse the exam if he (or she) chooses. However, refusal removes any opportunity for obtaining the job.

Unions will have to be convinced, through appropriate negotiations, that mandatory drug testing and the elimination of drug users from the workplace is necessary for the overall health of the company and subsequent improvement of the lot of the worker in such a company. One suggestion to help to get the union to agree to drug testing is to offer rehabilitation at company expense to drug users revealed by the testing program.

I see no reason to exempt the professional workforce at Branch from drug testing--this case study has already shown us problems in existence in the professional work force! Some may see drug testing as an invasion of privacy, but it is truthfully a means of saving a professional worker from destroying himself (herself). As suggested above, the company could enhance drug testing by offering paid leave for rehabilitation of addicted individuals.

The troubles at Branch seem to be so deeply rooted that one must fault top management of the company. Absenteeism, shoddy workmanship, profit decline, drug and alcohol problems are symptoms of management out of touch with what is actually going on in the company. If I were on the Board of Directors of this company, I'd push for major changes in company management and an overhaul of supervisory practices.

Michael Davis

This seems to be a time to blame alcohol and illegal drugs for many of our problems, including crime, inefficiency, and low scores on achievement tests. The empirical evidence is too incomplete to establish even a strong correlation between, say, drug use and inefficiency. And what evidence we do have does not tell us which is cause and which effect. For example, unprofitable companies may have more alcoholism, absenteeism, and accidents than efficient companies. But are they unprofitable because their workers are drunk on the job, absent too much, and prone to accidents? Or are the workers drunk, absent too much, and prone to accidents because the company treats their workers so badly that they just don't care anymore/ Some companies have been able to reduce alcoholism, absenteeism and accidents simply by making work more interesting. Profitability has followed. Other companies (like Branch) have adopted drug testing with no noticeable increase in productivity. So, we must be careful not to confuse symptoms of trouble with causes.

Managers are as human as the rest of us. Like the rest of us, they tend to blame others for a problem long before they consider blaming themselves. Every manager wants to be a "can do guy". Few will admit to being stymied. None will say, "I'm the problem. I'm a bad manager. Fire me." Yet, managers certainly can be stymied. And some are bad managers and should be fired--or, at the very least, put in a position of less responsibility.

From this perspective, Branch looks like a badly run company the management of which is looking for someone to blame. Like many American companies these days, they have hit upon those who "abuse" alcohol and certain

illegal drugs. Those who "abuse" tobacco, coffee, and chocolate are exempt; as are those who drive wildly or can't pull themselves from the TV set. The result is predictable: a witch hunt more likely to hurt efficiency than help it.

Consider Andy Pullman. His work has always been first rate. By all the usual standards, he should be promoted to head Quality Control. Yet, John Crane now has doubts. He has frequently smelled alcohol on Pullman's breath. Pullman apparently drinks on the job. Crane has never seen him drunk, unable to perform. But, we are told, Crane worries that, with new responsibilities, Pullman's "drinking problem" will worsen. Why suppose Pullman has a drinking "problem"? What makes drinking alcohol during the day--but not drinking coffee during the day--a "drinking problem" at all? Every drunk begins as a drinker, no doubt, but most drinkers remain drinkers. The correlation between drinker, even heavy drinker, and problem drinker is not strong, unless the correlation is made by definition (for example, by defining as a "problem drinker" anyone who averages more than two drinks a day). Equally important, we are not very good at predicting who will be a good manager. The only reliable way to find out whether Pullman can take the pressure is to give him the chance.

Pullman does have a problem. He likes to drink on the job and his company now has a policy against that. Crane has a problem too. He works for the same company. He knows of a fellow employee who is violating company policy and has (in effect) been asked whether he knows anything that would justify not promoting Pullman. Crane is an engineer. What should he do?

He must, I think, first make up his mind whether he thinks Pullman can handle the job. He must make up his mind about that because Hillman has asked him what he thinks about that, not whether Pullman has a drinking problem. He has referred to the drinking policy and old Curtis' drunkenness to illustrate the sort of thing he had in mind. The "drinking problem" is only a problem if it unfits Pullman for the job.

If Crane believes that it might unfit Pullman for the job, he should say something. Pullman has no right to confidentiality on this. Pullman did not voluntarily reveal his drinking to Crane as a secret between friends. Crane simply smelled Pullman's breath. Crane has at his professional judgment at his employer's disposal. What he is being asked is within his competence (and not morally wrong or contrary to any professional obligation).

If, however, Crane does not think Pullman's drinking unfits him for the job, he can honestly say, "I think he would make a good Head of Quality Control." But he should not stop there. If I were Crane, I would continue in some such way as this: "Since you mentioned shoddy production, I'll give you my professional opinion on that too: we should be paying more attention to worker complaints about too few rest breaks, bottlenecks on the assembly line, and our failure to design parts for easy assembly. Quality Control is a devilish job the way we've set up the manufacturing process. I'm not surprised old Curtis turned to drink."

An engineer is supposed to be a "faithful agent and trustee" of her employer. Crane's employer is Branch, Inc., not any manager or collection of them. As trustee, he should take into account not only the company's present policies but its longterm welfare. Of course, Crane must be careful not to take too much on himself. He cannot just substitute his judgment for management's. But if, after resolving all reasonable doubts in favor of management, he still believes a certain policy is against his employer's longterm interests, he need not go along with it. He may work against it as best he can (so long as he can do so without lying, deception, or other unethical acts). A faithful trustee will look beyond management fads.

John B. Dilworth

This case gives the initial impression of involving several distinct (though related) issues about drug use, with each requiring a separate discussion based on a variety of considerations. Nevertheless, a central common theme is provided by the issue of the privacy rights of workers. Our discussion will concentrate on this all-important aspect of the situations described in the case.

In terms of privacy rights, the critical issues of the present case concern whether Branch, Inc. has a right to know specific items of information concerning the property or behavior of their workers. One useful clear case is provided by the following example. Suppose workers may rent private lockers from Branch Inc., in which they could keep any personal items they might want to use at work (lunchboxes, coats, radios, etc.) Suppose that John Crane happens to see that Andy Pullman regularly has a bottle of whiskey in his locker, with a fluctuating level suggesting a pattern of frequent consumption.

Should John talk to Andy about this (as a concerned employee of Branch, Inc. rather than as a friend), or even tell the company about what he has seen? No he shouldn't, because what Andy has in his locker and the use he makes of it is nobody's business but his own. If Branch Inc. is concerned about this possibility, they should stop renting private lockers, or issue a specific regulation forbidding use of them to store alcohol, or forbidding consumption of alcohol so stored. Workers could then conform to or challenge these regulations in court. If Branch does neither of these things, (stopping renting, or issuing regulations) then they have no right to know the information. Hence John as an employee has no business to be nosing around discovering such items of information on behalf of Branch Inc.

We can extract the following general principle from this 'locker' example. A worker has privacy rights in all information about their property and actions on the job, except for those items which are specifically provided for or specified as non-private in the contract under which they work (which contract includes any ongoing changes in regulations etc.).

The initial situation actually described in the present case is quite similar to the 'locker' case. It differs only in how John acquires information about Andy's alcohol use: he detects alcohol on Andy's breath at various times in the day. Our question is, does Branch Inc. have a right to know this information? Branch has a right to it only if Andy does not have a right to privacy with respect to the information.

In terms of our general principle stated above, the question becomes whether Andy's contract with Branch Inc. specifically provides that Branch is entitled to acquire or make use of information about what Andy's breath smells like. Almost certainly there is no such specification or implication in the contract, and therefore Branch has no right to the information. Thus as before, John shouldn't try to acquire for Branch information which they have no right to know. So he shouldn't pass on or reveal such information (or implications from it which he might draw) to other employees of Branch, whether or not they are in higher management positions. If Branch wants to detect alcohol use through breath tests, they should do so by proposing specific regulations, and re-negotiating the employment contracts of all affected workers.

This leads us to the issue of mandatory random drug testing, proposed by Branch and mentioned at the end of the present case. Is this, as in the union's view, an "unwarranted invasion of the privacy of workers"?

Well, at least Branch Inc. is going about this the right way, by proposing a regulation rather than by relying on an ad hoc network of spies or informants to achieve their goals. Also, if one accepts the account given here of individual privacy in the workplace, the question of which issues are privacy rights and which are not is generally open to negotiation between management and workers. Those objecting to the ethics of mandatory drug testing

would have to give compelling reasons why this issue should not be settled by negotiation.

In the U.S. constitution, the only available "compelling reasons" for non-negotiation are provided by the provisions regarding 'unalienable rights'. These are rights which legally cannot be voluntarily given up by a person, and which hence are not subject to negotiation. Examples are the right not to be enslaved, or the right not to be medically experimented upon with hazardous substances. However, there are no explicit provisions regarding privacy rights in the constitution, so each proposed case has to be legally established through a long and arduous process. In the present case, there is no current provision saying that one cannot give up a right not to be tested for drug use. So the burden of proof is on those who find mandatory testing morally objectionable. They need to make their case strongly enough to produce a corresponding change in constitutional law on the topic. (Analogous points would apply in other, non-U.S. legal systems).

Finally, is Branch, Inc.'s proposed testing discriminatory and unjust, in that professionals are exempted from it? Clearly there are various moral objections which one might make to this. But are any so compelling that it should be illegal to institute or freely negotiate such a policy? No, because if we agree that workers and management have the right to negotiate working conditions as they see fit, then society shouldn't interfere in the process (other than on constitutional grounds, as discussed above). We may agree that Branch's proposal is stupid and short-sighted, in that it would create resentment and damage the morale of the workforce. But the proper remedies are such things as worker demands that the whole policy should be withdrawn, or that professionals and managers should be included in any testing.

Wade L. Robison

I

John should talk to Andy about his concerns. Though it may be true that Andy's work has always been first-rate, continued drinking may cause a deterioration in quality just at a time when Andy needs to be sure that his work is at least as good, if not better, than it has been. In addition, getting a promotion can be stressful, and the likelihood is that someone who drinks will drink more under such conditions. Andy needs to know that someone else has noticed that he drinks and that someone else is concerned about it. If one can notice, others can as well.

There is also a concern, which is perhaps more important, that Andy will be in a supervisory position and the most important one, that of quality control. If Branch, Inc., has been losing ground to its competitors, then one of the likely sources of loss of competitive edge is the quality of its products. If Branch has identified substance abuse as one of the sources of its loss of competitive edge, then the company would be ill-advised to put in as head of quality control someone who drinks. From the company's perspective, that is like putting a fox in a henhouse to guard the hens. That is, quite independently of whether Andy will do a good job, the company has committed itself to a view about whether those who drink do a good job or are harming the company, and the company will presumably be surprised, and no doubt angry, to discover that its new head of quality control himself drinks. The repercussions of Andy's being discovered to drink after being promoted would no doubt be disastrous for Andy, but the main point is that John has an obligation to the company to make sure that those in positions of responsibility are doing what the company requires. In this situation, the company has made a commitment of a certain sort--has a corporate policy, publicly proclaimed--and so one's normal obligations to make sure that the company is not ill-served by its employees takes on added emphasis.

In addition, those in supervisory positions are supposed to present role models for those they supervise. If Branch is now making a concerted effort to prevent substance abuse in the workplace, having Andy in a

supervisory position, and in that crucial supervisory position, will undermine its overall commitment should those working under him, or others within the company, discover that he drinks.

So there are three reasons John has for talking with Andy--Andy's own self-interest in doing a good job in an important position, the interests of the company in making sure that those who work for it, especially in that supervisory position, are not abusing any substance, and the interests of the company in making sure that those who are in supervisory positions are proper role models for those they supervise.

II

If Harvey Hillman makes it a point of putting John in a position where it would be awkward for him not to say something about Andy's drinking, then John will have to say something. It should be noted that Harvey does not ask John whether Andy drinks, but the nature of the conversation is such that if he did drink, and it was later discovered that he does and that John knew and said nothing, John would be, quite properly, criticized for not volunteering the information. The question Harvey is asking is indirect, but about as direct an indirect question as one can ask under the circumstances.

If John has not talked with Andy about any of this, he would be in a far worse position than if he has. If he has talked to Andy, he can then explain to him that he, Andy that is, had a chance to go to Harvey himself, explain his problem, and make whatever arrangements were mutually agreeable--to vow to stop drinking and take the position conditionally, perhaps. He could have said to Andy that there was no way that he could continue in that supervisory position without being discovered, especially given the company's publicly expressed commitment to control substance abuse, and that eventually things would come down on him and that he would be well-advised to discuss the issue up front with Harvey. Having been told that, Andy has only himself to blame if John now says to Harvey that perhaps Harvey ought to talk to Andy. He can say, quite honestly, "Andy has done superb work, and I really think that he will do a great job in that position, but, to be honest, I have smelled alcohol on his breath from time to time, and though it has not interfered with his work, you may want to check it out with him."

If he has not talked to Andy about this at all, then he is in a really awkward position. He will feel, rightly, that he has not forewarned his friend and that to say anything now would be somewhat unfair to him. But not to say anything now would be unfair to Branch, and to his superior. In addition, it would not likely help since, in the long run, Andy is bound to be found out. And, so, not saying anything now would likely hurt Andy more in the long run and would hurt John as well. After all, if Andy is up front at the beginning, then perhaps something can be worked out--some conditional arrangement: "I'll try to stop drinking, and we'll check it out in three months." But if he is not up front about this, then when he is found out, if he is, he will probably not be given a second chance: he will be perceived as having deceived the company. And John will be perceived in the same way. Having been given an opportunity to do something beneficial for the company, and for his friend, he will be perceived by Harvey as having let Harvey down personally--since, after all, Harvey will be the one who will have to take responsibility for having put a fox in the henhouse and so for not having properly checked out whether he was a substance abuser--and by the company for not being loyal to the company.

One way of determining what it is proper for someone to do is to ask whether one can ask of anyone in such a situation to do such a thing. If I see someone drowning, and want to know whether I should go in to save them, then it is proper to ask whether I could ask of anyone, similarly situated, to do the same. The answer will vary depending upon the circumstances. Since I am not a strong swimmer, it would be crazy of me to try to save someone in a rapid current, or in an undertow: I would not save the person and I would likely die, too. I could not ask anyone, similarly situated, to make such a risk. Just so, we can ask whether Andy can properly ask of

John that John not respond to Harvey's indirect question, and the answer, I suggest, is that Andy can see that if he were in that position, he would feel compelled to answer: his own self-interest, his concerns about the long-term interests of his friend, his concern about Harvey's interests in making a good choice, and his concerns about the company's well-being (and thus his job, his friend's job, his colleagues's jobs throughout the company) all conspire to make a response reasonable.

III

Mandatory random drug testing raises a variety of ethical issues, and one could go on at great length about all the difficulties. Let us concentrate upon two concerns:

First, the proposal to exempt present professionals and test its nonprofessional workforce does raise issues of fairness. This is particularly so since the professionals are the ones responsible for ensuring that the workmanship not be shoddy. One shoddy worker can ruin a product, but if Branch's problems are systemic, it is much more likely that a variety of factors are at work and that proper management could alleviate the problem. So the likelihood, in such a situation, is that the professional managers are as likely culprits as the nonprofessionals.

All this assumes, of course, that Branch is correct in its assessment that substance abuse is the problem. It seems odd that so much abuse should occur in a single place and cause so much difficulty, and one ought to back off and ask whether that really is the source of difficulty. A good manager can sometimes turn a weakness into an asset and turn around a difficult situation by deft managerial maneuvers. So it may be bad management that is partly at fault. But if so, that is all the more reason not to exempt professionals from such testing.

To do so would be to say to the nonprofessionals that the company holds them, and them alone, as responsible for its problems. It is to shift onto those assigned to do the work all the company's problems in getting out a good product and so alleviate the professional staff from any share in the blame. That is not the way to build a cohesive company. Such a policy will rather wedge apart the professional and nonprofessional staffs and so cause one more problem that is likely to cause Branch's difficulties to increase. After all, one cannot improve a product if those doing the work are not willing to come to the professional staff and point out difficulties. Casting blame on those doing the work of assembly, for instance, is not going to make them likely to come to those who have been given a clean bill of health to explain how to improve the product. After all, the company has already decided that the problem lies with the workers, not the professionals, and so any worker who sees a problem that needs a professional to correct has already been told, by the company policy, that the problem is not likely to be perceived as a real one.

So if there is to be mandatory random drug testing, there ought not be discrimination between employees. Everyone from the President on down ought to be subject to such testing, and the procedure ought to be truly random. Some procedure for selecting those to be tested--like a lottery--ought to be instituted to make sure that everyone is equally subject to the test.

There is an additional reason for the need for a pure procedure besides the unfairness and the problems with creating two or more classes of individuals within the company, and that is that such testing is demeaning, and it is important that no individual be exempted because of his or her position from being so demeaned. Perhaps the realization that the person ordering such testing may himself or herself be tested will make them more reluctant to issue such an order.

For, and this is the second issue that needs to be discussed, one major difficulty with random drug testing is that

it presumes guilt. It is one thing to notice a problem and ask that someone be tested to make sure that what one thought one noticed is in fact the case. That is like a police officer giving a sobriety test to someone who was weaving the car down the street, as though drunk. One has some evidence in hand of a problem, and the test then determines whether the evidence is accurate or not. Since we presumptively have the power not to drive after drinking, we put ourselves in such a situation where we risk being tested. If we do not wish to be subject to such a risk, we need not drive after drinking. But mandatory testing picks out people quite independently of any evidence that there is a problem. It is as though one is presuming guilt until proven innocent, and that presumption demeans people: why should they be treated as though guilty if they have done nothing to merit such treatment?

In addition, the test itself is demeaning. One is forced to urinate, as tests now are conducted, in a place where others can know that one is urinating and that there is no chance that one will replace one's own urine sample with anyone else's. Many will no doubt not be bothered by such a procedure at all, but many will, and it is offensive to subject them to such a procedure--especially when there is no evidence that they have abused any substance.

So mandatory drug testing which exempts the professional staff is not only discriminatory and may well not get at the problem at its roots--if the professional staff is in part, at least, responsible for Branch's competitive decline--but also demeaning to those it tests, both by presuming guilt without evidence and by subjecting those presumed guilty to a demeaning test.

Henry West

I

Whether it is in the context of the workplace or school or personal friendship, intervention to help someone who is thought to have an alcohol or other drug problem is a difficult decision. On the one hand, it is easy to say that it is none of your business or that you risk losing a friend. On the other, if you are a real friend, you may be helping the person to a healthier, happier and more productive life, if your intervention results in the correction of a serious problem.

One of the important variables is how bad is the problem. In the case under discussion, Andy's work is described as always first rate; so his drinking hasn't prevented him from being able to do his job. And he isn't described as being drunk on the job, only as probably having too much to drink the night before and as sneaking a drink during work breaks. These are signs of alcoholism, not just recreational drinking. But many alcoholics are able to carry on their professional work at an adequate level of competence. Andy would feel better in the mornings and probably do an even better job if he were not drinking, but it is only John's "worry" that he would not be able to handle the additional pressures of promotion. There is no firm evidence that he could not.

One way to approach this problem is to think in terms of the Golden Rule. If you were Andy with a drinking problem, would you want John to talk with you about it? If you were in "denial" and refused to recognize that you had a problem, would you still want John to talk with you about it? Would you want him to ask around to see if others think that you have a problem? If he found that they did, would you want him to bring in a group of co-workers to confront you with the fact that others know it whether you admit it or not? Would you want him to contact an alcoholism counsellor or someone else to talk with you, if he didn't feel comfortable doing it?

Another approach is to try to estimate the consequences of alternative actions. Do you think that John would produce the best consequences by talking with him, by keeping quiet, or by something else?

If John talks with him, he will likely find out more from Andy's reaction, and that may require John to take more action. It may be that Andy will deny that he has a problem, and John must then think about whether he is going to take any further steps. It may be that Andy knows that he has a problem and wants to do something about it. If so, John might need to be prepared to follow up by getting him in contact with an alcoholism counselor or with someone from Alcoholics Anonymous.

If John keeps quiet, how likely is it that Andy's problem will get in the way of his work, whether or not he gets the promotion? John can't know for sure, but will he be doing the best thing for Andy and the company by doing nothing?

What are the other possibilities? Should John inquire privately among other co-workers to see if any of them think that Andy has a drinking problem? Even if done with the best intentions of making a decision whether Andy needs help, could this be construed, by Andy or others, as a sort of talking behind his back? It might start rumors that John doesn't intend to start. But, since John is not the sort of person who feels comfortable discussing such matters with others, John might be able to identify someone who would be better at approaching Andy, or he might find someone who would go with him to talk to Andy. Which would be better--to talk to Andy first, before getting anyone else involved, or to confirm his judgment that Andy has a problem and to get the assistance of others in trying to make Andy realize it? If there is a professional alcoholism counselor accessible to the work force, maybe John should ask his advice, but then that counselor might be required to make a record of the conversation which would work its way onto Andy's record. Is that fair?

II

When John is taken out to lunch, should he volunteer anything about Andy's drinking? It may make a difference if John has already talked with Andy and has more information about Andy's attitude toward his problem. And it may make a difference what the effects of the disclosure would be. On the one hand, to volunteer the information would probably be a service to the company, in that the plant manager could then make a more informed decision. But if Andy has been doing first rate work and has not actually been drunk on the job, perhaps it is a disloyalty to a friend to report evidence which could lead to his being fired. So one factor is what would be the reaction of the manager. Is there a treatment program for those with drug and alcohol problems, or are they simply dismissed?

It is one thing to volunteer the information. It is another to hide it if asked outright. If John is asked if he has any evidence of Andy having a drinking or drug problem, then he would be lying to deny it. Sometimes lying is justified if the alternatives are horrible. For example, it is usually thought permissible to lie to save an innocent life, such as in hiding someone from the Gestapo. Would this be such an extreme case?

III

There are two concerns of the union--the invasion of privacy and the unfairness of exempting professionals from mandatory testing. The second looks like a clear case of discrimination. If testing is justified as a way of improving the quality of the non-professional workforce, then some reason should be given why professionals are exempted, and none seems to have been given. But the privacy issue is a difficult one. It may be thought that the company has a right to test its employees as a means of improving performance. But the issue is not so clear.

If the company's policy of sanctions against those found to be working under the influence of alcohol or illegal drugs has not prevented absenteeism and shoddy workmanship, there is some question whether drug and alcohol

use are the problem and therefore whether random drug testing will answer the problem. A big question is what the company plans to do with the results. Will those who test positive be fired, or be given counselling, or be reported to the police? And what drugs are included? Will recreational users of marijuana be identified and labelled the same as cocaine addicts? Presumably the random "drug" testing is for residues of illegal drugs. If drug users have not been found to be working under the influence, why is testing not a prejudice against socially unacceptable drugs? The company is not testing for residues of alcohol, which is socially accepted. Is this an interference in the private lifestyle of the employees?

Drug addiction is often thought of as an illness. If so, is refusal to employ an addict like discrimination against someone who has some other (non-communicable) illness, such as diabetes or multiple sclerosis?