
Drug testing policy

This drug testing policy template is ready to be tailored to your company's needs and can be a starting point for setting up your employment policies.

Policy brief & purpose

Our drug testing policy explains how and when we test job candidates or employees for substance use. We want to ensure that employees (especially those in safety-sensitive roles) are sober and alert when performing their duties.

Drug testing is mandatory when screening candidates for safety-sensitive professions (unless prohibited by law.) Other employees will be tested for drugs under special circumstances that we describe below.

Scope

This policy applies to all employees and candidates.

Respecting individual rights

Drug tests will be conducted by trusted laboratories and medical professionals. Results from any drug test will remain confidential. Candidates or employees will receive copies of their test results.

We will use the most unintrusive types of drug tests available. For example, we will choose hair sample tests over urine sample tests when possible.

Test legality

When establishing drug testing policies in various jurisdictions, we will consult local attorneys and trade unions or workers' associations when applicable. This way we will ensure our processes are legal and preserve our employees' rights to privacy.

Also, we always follow any legal requirements to determine "reasonable suspicion" to administer a drug test. Here are instances that constitute reasonable suspicion:

- [*Abnormal behavior.*]
- [*Physical evidence of drugs or observation (including odors.)*]
- [*Patterns of failing to complete a task due to confusion or disorientation.*]

- *[Reports from colleagues that an employee admitted to using drugs, was seen using drugs or was shown to be under the influence at work.]*

Our company will provide training on how to spot and record drug-related incidents, including how to determine when there is reasonable suspicion.

Drugs we test for

Illegal drugs we test for are *[illegal drugs included in the [5-panel, 10-panel test](#)/ cocaine/ methamphetamine/ heroin/ phencyclidine (PCP)/ drugs specified by law.]*

We test for prescription drugs included in the 10-panel test.

Policy elements

We don't discriminate against people with disabilities who may need to take drugs for their conditions. But, we also want to make sure that our employees don't breach our [drug-free workplace policy](#) and put their own and their colleagues' safety at risk. This is why we have established drug testing procedures.

Here we outline our requirements ensuring that we follow the law of our state/ country.

Testing candidates

When hiring people in safety-sensitive roles (e.g. [Drivers](#), [Machine Operators](#)) we require them to pass a drug test for illegal substances. Recruiters are obliged to mention this in job ads and give candidates copies of this policy before they are tested.

This drug test will be the final stage before hiring. We may test candidates we have already extended a job offer to, but that offer will be contingent upon them clearing the drug test. Candidates have the right to refuse drug testing and thus decline our job offer.

We test candidates based on their job role. We do not single out candidates based on protected characteristics (e.g. race, disability.)

Illegal substances

Candidates who test positive for illegal substances (e.g. cocaine, PCP) fail our drug test and we may refuse to hire them.

Marijuana

We treat marijuana as a special case. The following rules apply to marijuana testing:

- If you test positive for marijuana at a country/ state we operate in where marijuana is illegal, you fail the drug test and we may rescind our job offer.
- If you test positive for marijuana at a country/ state we operate in where marijuana is legal (e.g. the Netherlands,) you will pass the drug test, provided you test negative for all other drugs.
- If you are using medical marijuana at a country/ state we operate in where there are provisions for medical use, you may need to provide a doctor's note and valid prescription, or be examined by a medical professional of our choice for a fitness for duty evaluation. We won't ask you to disclose your condition, but we may refuse to hire you if we conclude you can't perform your safety-sensitive duties properly.

Keep in mind that we maintain a drug-free workplace. This means that you are not allowed to use marijuana in the workplace, even if marijuana is legal in your country/state.

Prescription drugs

We test candidates for prescription drugs before we hire them for certain jobs like [*jobs that involve operating heavy machinery/ Drivers.*] When you are called to the lab to provide samples, please:

- Inform the lab professionals about any prescription drugs (including medical marijuana) you take or have taken in the past year.
- Bring valid prescriptions with you when possible. The lab will not disclose any information you provide about your medical conditions to our company.

If your prescribed medications (e.g. types of opiates) bring about positive results, we may ask a medical professional to examine you and determine whether you are fit to complete your safety-sensitive job duties. If you are not, we may rescind our job offer.

Alcohol

We do not test candidates for alcohol.

Testing employees

Our employees may need to go through two different types of drug testing:

Scheduled testing: We will establish [*bi-annual*] drug testing for all employees in safety-sensitive positions. These drug tests will be scheduled and employees will be informed of the dates [*a week*] before the tests. Refusing to undergo a scheduled drug test may result in disciplinary action.

Unscheduled testing: Because employees can prepare for periodical tests by stopping their drug use in time, we may incorporate unscheduled drug testing in certain cases. When unscheduled drug testing is allowed by law, it might create resentment between our company and its employees. So, we will conduct this type of drug tests in jurisdictions that allow them only if:

- We have reasonable suspicion of substance abuse.
- We want to promote, transfer or re-establish an employee to a safety-sensitive position, or even another country.
- We see one or more serious on-the-job accidents (e.g. injuries, fatalities, vandalisms of company property) happen under dubious circumstances. In this case, we will test *all* employees who may have had a connection with the accident and we will not discriminate against certain employees.
- We receive official reports or complaints from colleagues or clients.

To ensure we enforce this policy, we ask managers to keep detailed, verifiable records of drug-related incidents, behaviors or reports.

Testing employees randomly (through a computer-generated selection) is prohibited or heavily restricted in some states/ countries (e.g. [Canada](#).) We will follow any legal guidelines in this matter.

Procedure and provisions

We will ask for our employees' permission before conducting drug tests. We are bound by law and ethics to not conduct any covert test (e.g. taking a sample without the employee's permission or knowledge.) But, keep in mind that refusing to undergo drug testing in any of the above cases may be grounds for us to terminate you. The same applies if you try to stall when called to take your drug test.

If we suspect you abuse drugs, we may ask you to not come to work, while awaiting for your test results. You will be paid as normal for this waiting period if your results are negative. We may arrange transportation for you to and from the testing center.

Illegal substances

If our employees test positive for illegal substances (e.g. cocaine, heroin) we may terminate them. If there are laws protecting employees in this context, we will follow the law.

Marijuana

The rules that apply to candidates apply to employees too. Where marijuana is an illegal substance, we may terminate you for using it. This decision is at your manager's discretion.

If you are using medical marijuana at a country/ state we operate in where there are provisions for medical use, you may need to provide a doctor's note and valid prescription, or be examined by a medical professional of our choice. We won't ask you to disclose your condition, but we may terminate you if we conclude you can't perform your safety-sensitive duties properly. We may make reasonable accommodations when possible (e.g. re-assign your most safety-sensitive tasks or temporarily transfer you to a less risky position.)

Keep in mind that we maintain a drug-free workplace. We will take disciplinary action if:

- You use marijuana in the workplace.
- We conclude that you abuse marijuana.
- You are under the influence while working.
- You (try to) sell or buy marijuana in the workplace.

Off-duty use: Please be responsible when it comes to your off-duty marijuana use. Often, marijuana effects need several hours to wear off and can create safety risks at work. Track the intensity and duration of these effects on your cognitive ability and movements and ensure you won't be impaired while working. For example, if you know you will need to drive a company vehicle at the beginning of your shift, avoid using marijuana in the previous hours. If you absolutely need to use medical marijuana before you start working, ask your manager or HR for reasonable accommodations.

Prescription drugs

Prescription drugs are allowed in the workplace with the exception of medical marijuana. In some countries (e.g. France,) employers are prohibited from asking about (or testing for) prescription drugs employees or candidates take. If we operate in those countries, we will follow the law.

In countries where testing for prescription drugs is legal, we will only test employees if:

- We have reasonable suspicion of drug abuse.
- Employees experience frequent side effects that impact workplace safety (e.g. drowsiness.) In this case, you might also need to be examined by a medical professional for a fit for duty evaluation.
- We notice the employee is unable to complete their job duties at an acceptable level and we have reasonable suspicion that this happens due to prescription drugs.

If you test positive for prescription drugs in the above cases, you may need to answer disability-related questions and provide your prescriptions. Note that we:

- May terminate you if we conclude that you abuse prescription drugs.
- May make reasonable accommodations if your prescription drugs have unforeseen side

effects (e.g. re-assign your most safety-sensitive tasks or temporarily transfer you to a less risky position, if possible.) When asking for reasonable accommodations, you may need to provide documentation (e.g. valid prescription.)

If you see that your prescription drugs unexpectedly affect your senses, thinking or movements, please ask for time off.

Contesting false positives

If you test positive for drugs without having used any substances, please contact HR as soon as possible. Think about any foods or supplements you may have consumed that could be responsible for the false positive (e.g. poppy seeds.) If possible, bring them to the lab that conducted your drug test. The lab may try to cross-check your false positive, often using a sample other than urine. We may order a retest, at the employee's expense, when appropriate.

Alcohol

We do not test employees for alcohol, unless in special cases (e.g. testing a school bus driver before a trip, re-establishing a recovering alcoholic in a safety-sensitive role.)

We prohibit employees from consuming alcohol during working hours. You may consume alcoholic drinks in moderation at company events. Note that if you become inebriated and behave inappropriately towards colleagues, customers or stakeholders, we will take disciplinary action, up to and including termination.

Employees who are alcoholics can seek help from a [*mental health professional.*] Ask your insurance provider if you are covered. If you become unable to perform your duties due to alcoholism, we may terminate you.

Preventative action

Testing our employees for drugs is sometimes necessary to ensure we are not placing them or their colleagues in danger. But, we prefer to focus on how we can prevent substance abuse instead. For this reason, we have implemented preventative measures like:

- [*Information sessions on substance abuse and its consequences.*]
- [*Periodical health and safety trainings.*]
- [*A [mental health policy](#)/ [Employee Assistance Program \(EAP\)](#) to help employees who face mental health problems.*]
- [*Open door policies and frequent communication between team members and managers.*]

Disclaimer: This drug testing policy template is meant to provide general guidelines and should be

used as a reference. It may not take into account all relevant local, state or federal laws and is not a legal document. Neither the author nor Workable will assume any legal liability that may arise from the use of this policy. Please ask your attorney to review your policies and employee handbook.

Further reading:

- [Drug abuse and employment law in Europe](#)
- [Pre-employment Drug Testing laws in the U.S.](#)
- [Drug testing laws by state](#)
- [Drug Test Your Workforce Lawfully, Effectively](#)