



American Drug Testing

Drug-Free Workplace Programs

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DRUG-FREE WORKPLACE ADVISOR

AN ONGOING SERIES TO PROTECT YOUR COMPANY BY HELPING TO KEEP DRUGS OUT OF YOUR WORKPLACE.

Safe & Sober Message About Workplace Parties and Drinking

The workplace is frequently a place where employees and employers get together to celebrate special events. Workplace parties typically mean lots of music, food and drinks. If the drinks include alcohol the potential for unfortunate consequences greatly increases. Opinions vary regarding the appropriateness of making alcoholic beverages available at workplace parties or other company-sponsored events. Ignoring the possibility that some employees or guests may drive home “under the influence” invites trouble.



Improper use of alcohol may expose employers to liability under tort, workers' compensation or other laws. For example, an employer may be held liable if a person consumes alcoholic beverages at a company-sponsored party and subsequently causes a crash. Some employers have been held liable because negligent acts by employees un-

der the influence of alcohol consumed at employer-sponsored events were found to be within the scope of their employment. In other cases, individuals have been held liable merely because they provided alcohol to social guests.

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Each time an employee is involved in an impaired driving crash, businesses pay in the form of increased absenteeism and use of health-care benefits. According to the National Highway Traffic Safety Administration's (NHTSA), the annual employer cost of motor vehicle crashes in which at least one driver was alcohol-impaired is more than \$9 billion, including wage-risk premiums. Furthermore, if the employee caused the crash or is arrested for impaired driving even if a crash did not occur, administrative and legal procedures such as court time and traffic school may require further time away from work. And certainly no employer can deny the emotional difficulty and decreased morale employees experience when a colleague suffers from a severe injury or dies—two un-

fortunate, but not uncommon, outcomes of mixing alcohol and driving.

Depending on the nature of their business, some employers may have additional incentives to ensure their employees are educated about the potential legal vulnerabilities associated with impaired driving. Employers whose businesses serve or sell alcohol may be held liable if an individual consumes alcohol at their establishment and subsequently causes a crash. Employers with employees who drive as part of their job—such as couriers, delivery persons and sales representatives—may also be subject to legal action if the impaired employee causes a crash while conducting business. These employers must consider the costs of insuring and maintaining company vehicles, in addition to the time managers spend taking care of these procedures. The return on investment for employer-sponsored impaired driving prevention is considerable when compared to the financial burden caused by just one crash, especially for small businesses. All employers run a risk if they serve alcoholic beverages at workplace celebrations and other company-sponsored events because they may be held liable if a person causes a crash subsequent to consuming alcoholic beverages at such an event. However, if an employer does decide to provide or allow alcoholic beverages at an office event, state laws regarding their use and resulting employer legal responsibilities should be consulted and addressed. Also, there

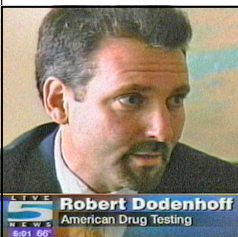
are several measures employers can take in attempt to minimize any negative consequences of alcohol consumption. The good news is that employers have enormous power to protect their businesses from the negative impact of impaired driving by educating employees about its harmful effects and supporting efforts to prevent it in their communities. By doing so, employers do more than just safeguard their business assets—they contribute to the nationwide campaign to eliminate a devastating and preventable crime and play a part in making their communities safer for their friends and families and those of their employees.



This information provided by the US Department of Labor is not intended to be a substitute for legal advice and should not be regarded as a guarantee against liability.)

For additional tips, see the “client area” at www.AmericanDrugTesting.net or call 843-747-4111.

The Drug-Free Workplace Advisor is published by



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