

## Employment as a Social Determinant of Addiction

*On April 28, 2022, AIR presented *Employment as a Social Determinant of Addiction*, the third webinar in an AIR CARES webinar series focusing on the social determinants of addiction. This brief provides a summary of the framing discussion and panelist remarks. Additional information and references can be found within the webinar presentation. Watch the recording here: <https://www.air.org/webinar-series-social-determinants-addiction#web3>*



### **Framing the Conversation on Employment as a Social Determinant of Addiction: Amanda Latimore, PhD**

Director, AIR CARES

Looking across the social determinants of addiction, employment and economic stability are consistently among the most important predictors of substance use disorder (SUD) and overdose. In one study that examined the impact of automobile plant closures on opioid overdose death in U.S. manufacturing counties, opioid overdose mortality rates were 85% higher in counties with plant closures than in those without plant closures during the study period (1999–2016).

The economic stability afforded by employment protects against overdose, but employment is more than an income. Employment provides individuals with productive routines, social connection and access to pro-social networks, a sense of self-efficacy, and access to a range of services. These protective factors make employment a priority at all stages of recovery.

Because of the stigma that surrounds SUD, some may find it surprising that most people with SUD are successful and valuable contributors to the workforce. Seventy-five percent of adults with SUD are members of the workforce, suggesting that there is no “us” versus “them” when it comes to SUD. People with SUD are our colleagues and friends, they are us.

However, roughly 20% of people with opioid use disorder have a criminal record due to the punitive approach to addiction taken in the United States. Research indicates that having a criminal record can make it difficult for people with SUD to obtain employment; having a criminal record on your résumé can cut call-back rates from employers by as much as 50%. Having a criminal record also creates additional roadblocks to employment by making it difficult to pass a background check, obtain a driver’s license, or maintain professional licensure. People

with a criminal record are at an additional disadvantage if they are Black, in which case they are likely to face hiring discrimination on account of both their race and their criminal record.

Although employers often harbor concerns about hiring people in recovery and the perceived liability risks, some research suggests that workers in recovery take fewer days off and stay in jobs longer than other workers. Ultimately, employers should consider an employee in recovery like any other employee instead of singling them out as a source of liability or cost savings. Employers should instead consider an investment in primary, secondary, and tertiary SUD prevention as a cost-benefit, which means improving workplace conditions that contribute to SUD, establishing workplace policies to support—rather than punish—people who use drugs, and providing employment opportunities for people in recovery and with active SUD.



### **Practice and programs: James Potts, MSc**

Senior Consultant, Cognitive/Neurological Team, Job Accommodation Network (JAN)

Under Title I of the Americans with Disabilities Act (ADA), individuals with a disability are entitled to accommodations, or modifications to the job environment or application process that allow people with a disability to fulfill the functions of the position. However, not everyone who uses drugs or has a SUD is entitled to accommodations under Title I. For instance, someone who uses illegal drugs, as opposed to legal drugs like alcohol, does not qualify for an accommodation even if their substance use constitutes a disability. Employees with SUD can choose to disclose other medical conditions that would be covered by the ADA, such as anxiety, bipolar disorder, depression, and alcohol use disorder, and they can receive accommodations for those conditions.

When other avenues have failed and an employer has a right to terminate an employee based on observed behaviors, a last-chance agreement might prevent termination. Employers and employees may make an agreement about the behavioral changes necessary to avoid termination. Last-chance agreements can help employers retain employees and reduce costs associated with turnover and hiring.

The selected examples below discuss cases of SUD in the workplace and how employees and/or employers might pursue a best course of action to maintain employment and address behavioral concerns related to substance use. More examples are available in the webinar recording above.

**Example 1. An employee discloses they are addicted to cocaine and asks for leave time for treatment.**

- Because cocaine is an illegal drug, the employee would not be covered or entitled to an accommodation under the ADA.
- However, the employee could consider existing leave policies and use vacation or sick days to attend treatment, avoiding the need to disclose their cocaine use.

**Example 2. An employee recovering from opioid addiction was having trouble concentrating and asked to reduce workplace distractions. Her employer provided cubicle walls and a noise-canceling headset.**

- The accommodations provided in this case and other simple solutions, like making use of unused conference rooms, may be sufficient in some instances. There may also be value in exploring remote work options. In any case, the costs and benefits of providing different accommodations must be evaluated. For instance, the benefits of remote work would need to be weighed against the costs of losing in-person social connections at the office, which could be a protective factor for someone with SUD.
- In other cases, shifting work schedules, adjusting communication methods, and/or structuring check-ins could be reasonable accommodations to help employees manage common SUD-related challenges and triggers.



**People: Joy Rucker**

Harm reduction consultant

In the context of employment, employing people with active substance use is an effective harm-reduction strategy and means of fostering social connection. The social connection that a job provides could also facilitate medical care and the delivery of social services. Rather than trying to uncover drug use through background checks and drug testing, employers should focus on employee performance to gauge whether a work-related issue needs to be addressed. If employers find that substance use is interfering with an employee's job performance, they should work with that employee to address problem behaviors and ensure they can meet their work standards.

Some basic harm-reduction principles for employers include the following:

### **Let's focus on behavior and employee performance.**

- If an employee meets work expectations, their drug use should not be of concern to their employers.
- If an employee cannot meet work expectations due to drug use, employers should work with them to identify a plan of action to improve job performance. This plan should be realistic about the current state of the employee's drug use.

### **Employers should make a safe space that encourages problem-solving.**

- Employers should work to foster a culture of trust where employees feel comfortable having honest conversations about drug use and asking for help when they need it. Employers might begin by establishing less punitive policies.

### **We don't need to play detective.**

- The results of a drug test or background check are not indicators of job performance, and policing drug use in the workplace perpetuates stigma. The reality is that employers are faced with potential undisclosed risks when they hire any new employee, many of which would be unrelated to the results of a urinalysis or background check.
- In cases where employers are required to maintain a drug-free work environment, they should focus on behaviors to gauge whether a problem needs to be addressed.



### **Panelist Question and Answer**

In the final portion of the webinar, the panelists answered questions from the webinar attendees.

### **How can privacy protections help or hinder trust, and what should someone do if they find out that an employee or coworker is using drugs outside of work?**

- Mr. Potts said that Title I of the ADA requires employers to keep medical information confidential. If an employer does not know that an employee has a disability, they should focus on addressing inappropriate or unsafe work conduct through a reasonable plan of action that may include accommodations.
- Ms. Rucker shared that if you become aware of an employee's or coworker's drug use, you should consider whether their substance use impacts their work performance before assuming that they have a problem. People often assume that substance use is a problem

without considering the full context. If a coworker's drug use does not impact their work, it is most likely not your problem. If you are friends with your coworker, creating a safe environment can help facilitate supportive discussions if the situation calls for it.

### **What should employers do when they face pressure to drug test, and how has marijuana legalization complicated this issue?**

- Ms. Rucker said that drugs are a common scapegoat for workplace accidents but that oftentimes drugs are not involved. In cases where drug testing is mandated, employers and employees may have to comply with those mandates.
- Mr. Potts shared that, from an ADA perspective, illegal drug use is not considered grounds for an accommodation. While marijuana use is considered illegal at the federal level, marijuana legalization laws that protect employers might limit the enforcement of federal laws and regulations in some states.

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Social Determinants of Addiction 101 <a href="#">Webinar Materials</a>	Tuesday 2/22/22
Healthcare Access and Quality as a Social Determinant of Addiction <a href="#">Webinar Materials</a>	Tuesday 3/22/22
Employment as a Social Determinant of Addiction <a href="#">Webinar Materials</a>	Thursday 4/28/22
Criminal Legal System as a Social Determinant of Addiction <a href="#">Register</a>	Tuesday 5/24/22
Housing as a Social Determinant of Addiction Registration information coming soon.	August 2022, date TBD
Prevention, Education, and Social Support as a Social Determinant of Addiction <a href="#">Register</a>	Thursday 9/22/22
Year in Review and Looking Ahead <a href="#">Register</a>	Monday 10/24/22