

**RE-EVALUATING DRUG TESTING: QUESTIONS OF MORAL
AND SYMBOLIC CONTROL**

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*Working Paper 46/05
July 2005*

**DEPARTMENT OF MANAGEMENT
WORKING PAPER SERIES
ISSN 1327-5216**



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INTRODUCTION

In recent years, new techniques and improved technology related to monitoring and surveillance in the workplace have advanced dramatically (Hartman, 2005; Holland, 2003; Moore, 2000; Persson & Hansson, 2003). With costs steadily reducing, this technology is now within the reach of most organizations. At the forefront of these developments is workplace drug testing which is viewed as a measure designed to enhance efficiency and productivity through fewer workplace accidents and the elimination of problem employees. Despite arguments that justify drug testing under the rubric of occupational health and safety, these developments are increasingly seen in the context of the rights of the individual (Holland & Wickham, 2002).

The debate over workplace drug testing can be depicted as a question of competing interests between the provision of a safe and productive workplace and the individual's right to privacy (Cranford, 1998). Yet, these contrasting perspectives are not as clearly delineated as they may initially appear, as the issue is blurred by a number of factors. These factors include the notion that drug testing may provide the employer with information that is not job-related; the inaccuracy and unreliability of current drug testing techniques; and the availability of more appropriate testing alternatives to assess fitness for duty.

This chapter addresses the question of why employers continue use drug testing in the workplace despite the moral and practical evidence against it. The chapter begins with brief overview of the extent and nature of drug use and drug testing in US organizations. This is followed by an outline of traditional arguments for and against workplace drug testing. Both practical and moral issues are considered. The review suggests that, on balance, the arguments against drug testing outweigh the arguments in favor of drug testing. The chapter then explores other potential explanations for the continued use of drug testing in the workplace. Two major ideas are posited: first, that drug testing is used to focus on employees' illegitimate and wrongful behavior in order to distract from systemic and work related conditions that may have brought about the employees' drug use in the beginning; second, that drug testing is used by employers as a form of symbolic control of the workplace, a way of asserting moral superiority and demanding employee compliance - management's right to manage. These two propositions are not mutually exclusive, and, in fact, share commonality in the idea that employers use drug testing to claim the moral high ground over employees.

DRUGS AND DRUG TESTING IN THE WORKPLACE

Substance abuse and potential dangers it poses in the workplace are well documented (Allsop & Pidd, 2001; Greenburg & Greenburg, 1995; Wall, 1992), as are the substantial costs in human and economic terms. Whilst levels of drug use are difficult to quantify various studies in the field do indicate similar findings. Normand, Lempert and O'Brien (1994) for example identified that 7 per cent of the US workforce reported taking illicit drugs in the previous month and 6 per cent reported having drunk heavily. They also estimated that slightly less than 10 per cent of workers used marijuana in the past 12 months, with less than 3 per cent identified in the study as regular users, and less than 3 per cent of workers could be described as heavy drinkers over the previous 12 months. Hoffman and Larison (1998) in their study found that slightly less than 10 per cent of workers had used marijuana in the past 12 months with 3 per cent being regular users. However Normand et al, (1994) did find that many the workers frequently using drugs were poly-drug users often taking a cocktail of

drugs simultaneously. Despite these relatively low figures, the concern regarding drug use in the workplace has increased over the last two decades fuelled by assessments of the on-going cost to the workplace which Hartford Insurance Company loss control department (HCLD, 1999) classified in terms of the average drug user to be:

- 2.5 times more likely to use 8 or more days of sick leave per year;
- absent about 40 per cent more than non-users
- 3.6 times likely to be involved in an accident;
- 5 times as likely to file a compensation claim;
- one-third less productive and
- likely to incur 300 per cent higher medical costs

These results are supported by Normand et al. (1994), and Hoffman and Larison (1998: 169) who note that:

Field studies have consistently linked alcohol and drug abuse to higher rates of absenteeism; they also provide evidence of an association between alcohol and perhaps other drug use and increased rates of accidents.

One tacit outcome of these findings has been an increase in drug testing in the workplace in the US by an estimated 277 per cent in the period 1987 - 2002 (ACLU, 2002), with 98 per cent of the Fortune 200 companies employing some form of drug testing. The industry sectors of utilities (80 per cent) and manufacturing (64 per cent) have been leading the drive. It is also estimated that 69 per cent of medium sized companies conduct drug-testing on job applicants (HCLD, 1999). However, as Hoffman and Larison (1998: 9) point out:

The findings indicate that drug use among the US workforces was rare. Although there were many former users of marijuana and cocaine in the workforce, few were currently using and fewer still using frequently. For instance, weekly use of marijuana and cocaine was very uncommon among workers.

PRACTICAL ARGUMENTS FOR AND AGAINST DRUG TESTING

In addition to economic costs, drug abuse has significant human costs for which management is ultimately responsible (Richmond, Heather, Holt, & Hu, 1992). Under Occupational Health and Safety legislation employers are obligated to provide a safe workplace for all employees and visitors to their sites. Employers subject to liability under the law and face significant penalties if found to be in breach. Employer liability extends to their employees' actions and/or omissions, regardless of their state of mind. This responsibility can be regarded as a catalyst for drug testing in the workplace as it reflects management taking responsible steps to reduce harm stemming from drug related negligence.

This prima facie evidence illustrates why drug testing is commonplace in the US and is supported by research which indicates that the use of drug testing programs in both employment and pre-employment testing has been a major factor in the reduction of absenteeism and accidents (Flynn, 1999; Hartwell, Steele, French, & Rodman, 1996). It is therefore, identified as the most popular method of removing the issue of substance abuse in the workplace and potential litigation and reputation damage associated with these issues (Flynn, 1999; Greenburg & Greenburg, 1995; Hartwell et al., 1996; Osterloh & Becker, 1990). Hence, it can be argued that drug testing in the workplace to ensure that first, the employee is meeting his/her contractual obligations to a satisfactory standard, and second, to meet the employer's requirements of duty of care under occupational health and safety legislation (DesJardins & McCall, 1990). Implicit in these points is the potential that employers who do

not have drug testing policies and programs are maintaining an unsafe workplace (Redeker & Segal, 1989). This perceived onus is extended by the increasing availability and low cost of the technology to undertake drug-testing, putting it within the range of small to medium sized operations, and is reflected in increases in drug-testing over the last two decades notes above (ACLU, 2002).

However, the cost-effectiveness and overall value of drug testing is questionable. The American Civil Liberties Union (ACLU) argues, based on an analysis by a committee of the National Academy of Sciences (NAS), that "most workers who use illicit drugs never use them at work, and when they use drugs on their own time, they do so in a way that does not affect work performance" (ACLU, 1999: 16). In addition they note that "lost productivity" studies claiming that drug users cost industry up to \$100 billion each year are based on dubious comparisons of household drug use and income, with no analysis of actual productivity data.

Within the scope of a contract of employment, the issue of productivity raises an important consideration in the drug testing debate. As DesJardine and McCall (1990) question: to what level of performance are employers entitled? If an employee's productivity is satisfactory, he/she is meeting contractual obligations. Under these circumstances knowledge of the employee's drug use on the grounds of productivity is not pertinent. In addition, whilst the issue of duty of care is important, not every job has the potential to do harm. Evidence shows that hard core drug users are usually not in the workforce but are often chronically unemployed (Maltby, 1999). Thus, it is argued that "to say that employers can use drug testing to prevent harm is not to say that every employer has the right to know about the drug use of every employee" DesJardine and McCall (1990: 204).

An important and often overlooked is the nature of work and the work environment. Within the larger context of the employment relationship, work culture and the social environment are critical and complex factors in the drug-testing debate. For example, a culture of drug use, both legal and illicit drugs, has been linked to geographically isolated locations (Allsop, Phillips, & Calogero, 2001). As Allsop and Pidd (2001: 5) note:

In a variety of cultures, formal and informal pressures still encourage weekly after work team building and relaxation based on alcohol consumption. Sanctioned drugs such as caffeine and tobacco have been embraced in ritualised breaks in work time.

A burgeoning body of research has focused upon the relationship between the nature of work and associated drug use. Issues of control, alienation and stress, linked with individuals' perceptions of their powerlessness, have been identified as factors related to drug use in the workplace and to a certain extent are in the control of the employer (Ames, 1999; Greenburg & Greenburg, 1995; Seeman & Seeman, 1992; Trice & Sonnenstuhl, 1990). As Midford (2001: 46) argues: "to gain an understanding of workplace drug problems, one must look at a full range of factors that influence patterns of drug use".

The nature of drug-testing is also a contentious issue which causes tension because of its invasive and humiliating nature in the test require a body sample such as urine, blood or hair. In a study of 63 Silicon Valley companies, Shepard and Clifton (1998) identified that undertaking urine testing actually reduced productivity. This occurrence may result from to a perceived lack of trust the employer has in their workforce, and may explain the finding by the US government that the real or explicit cost to find one drug user is on average \$77 000 (Maltby, 1999). In addition there is also the issue of error in testing and the consequences for both false positive and false negative results, on morale, trust and safety. Indeed, the ACLU (2002) argue that in 1992 an estimated 22 million tests were administered and, using a conservative estimate of 5 per cent positive results, approximately 1.1 million people could have been sacked or denied employment because of mistakes. Further, it is suggested that

setting up such mistrust in the employment relationship can deter high quality workers from joining such an organization on the grounds of unjustified intrusion (Maltby, 1999). It is also important to note that such testing does not identify actual impairment which is the real on-the-job issue. Alternate approaches for measuring impairment, such as the use of computer based performance tests, are available. These tests measure hand-eye coordination and response times which are very effective in determining whether an employee is fit for duty. Fitness for duty is supposedly the key issue of concern in the debate on drug testing and as such it would seem logically to test it directly. Doing so takes into account a wider perspective of impairment causes, including fatigue or illness, and certainly is less invasive. In summary, when drug abuse may not be negatively related to productivity, when so few organizations (as little as 8 per cent of US firms in 1996) evaluate their programs (Maltby, 1999), and when there is an alternative practice available, this leads to obvious questions about the real worth of drug-testing programs.

MORAL ARGUMENTS FOR AND AGAINST DRUG TESTING

Traditionally the debate about the moral issues involved in workplace drug testing have been posed as a balance between the rights of individual employees to protect their privacy and the obligations of the employer to provide a safe workplace and to ensure the organizations profitability. These arguments are reviewed in the following sections.

Individual Rights To Privacy

The right of a person to privacy is considered to be a fundamental human right. Oliver (2002) describes individual privacy as the preservation of the confidentiality of information about individuals, which is essential in the protection of personal autonomy and democracy. Before assuming the existence of a moral duty to uphold privacy rights it is necessary to consider particular conditions of workplace drug testing. First there is the question of whether the employment contact mitigates the employee's right to privacy to any extent. Second there is the consideration of how the actual nature of drug testing, that it is physically invasive and that it is subject to inaccuracy, affects employees' privacy rights. Finally, there is the possibility that information gathered by drug testing may be used by the employee for purposes other than stated. To infringe upon moral imperatives such as the protection of individual privacy has inherent moral risks and, as such, must be balanced against other moral imperatives or possible benefits.

Employment as a special case

It is recognized that when an individual is at work, he or she is no longer on 'private time'. It is generally accepted that employees give up considerable expectations to privacy upon entering the 'public arena' of the workplace to perform paid work, and should expect to be observed by their superiors (Oliver 2002). This argument is often cited in favor of workplace surveillance and monitoring. Employers are entitled to know about employee drug use on the grounds that "such knowledge is relevant to assessing an employee's capability to perform according to the terms of the (employment) agreement" (Cranford, 1998: 1807). However, despite employees being to a large extent under management control whilst at work, it cannot be assumed that they completely abandon their basic right to privacy upon entering the workplace. Whilst some erosion of privacy may be accepted, employees retain an expectation to be treated with dignity and respect, evident in a degree of 'private space' in the workplace, such as toilets, change rooms, locker areas and lunch rooms (Coleman & SaratChandran, 2004: 3.54).

It is possible that employees could test positive to drug use having used illicit substances outside of work hours. A drug test may yield a positive result as drug metabolites can appear in a person's urine long after the drug has ceased to affect their behavior. Under such

circumstances the prohibited substance may have no effect on an individual's work performance and therefore be of no regard to the employer (Comer, 1994). The employment relationship only extends to the selling of one's work, not the selling of oneself such as in slavery (Persson & Hansson, 2003); hence drug testing is an intrusion into an employee's private life which wrongly appropriates time which was not purchased (Caste in Comer, 1994). Drug testing surpasses the employer's legitimate sphere of control by dictating the behavior of employees on their own time (Maltby, 1987). Certainly information about an employee's personal life is their own concern and an employer has no right to violate this privacy and intrude into their employees' private lives (DesJardine & Duska, 2001; Moore, 1989).

A counter argument for the testing for drugs used in private time, is that such testing acts as deterrent against drug use and as such is of benefit to the drug-using employees themselves (Comer, 1994; Cranford, 1998). This action, however, could be viewed as management taking upon itself the role to which it is not entitled, that of de-facto parents or police. Such an overly paternalistic standpoint risks undermining employees' autonomy and dignity in addition to their fundamental rights.

Given the potential to invade the privacy rights of employees, it is imperative that drug testing and other forms of monitoring be undertaken only with the voluntary consent of employees (DesJardine & Duska, 2001; Moore, 2000). DesJardine and Duska (2001) view the purpose of the employment relationship purely as the means to satisfy the economic interests of the contracting parties and any obligations incurred by each party are only those that it takes on voluntarily. However, Moore (2001) introduces the concept of 'thin consent' whereby consent has been obtained with some degree of coercion. Thin consent is "thinner" in environments where jobs are threatened and employment is precarious (Moore 2000: 701) and in organizations where there is low trust and job security. Consent may be particularly thin for the less employable - less skilled, less mobile and older workers. Employees with such limited options employees may relinquish their privacy rights for fear of the consequences if they do not. Further, the employment relationship is inherently marked by such a power imbalance as to undermine the notion of entirely free or voluntary consent (Coleman & SaratChandran, 2004). The questionable nature of the voluntary consent given by employees in some circumstances further jeopardizes the moral foundation of workplace drug testing.

Invasive and inaccurate techniques

The techniques involved in collecting the samples for drug testing are both highly invasive and intrusive. A blood test involves puncturing the skin, whilst a urinalysis compels an employee to provide a urine sample on demand (Nolan, 2000). This sample must be acquired under direct observation to guard against substitution and falsification of results (Wagner DeCew, 1994). These practices involve significant imposition on individuals not only in a physical manner, but also in a psycho-social sense as they require an individual to expose themselves, or submit themselves, to other. Such impositions may be particularly injurious for individuals from certain religious or ethic backgrounds, individuals with psychological problems or previous experiences of trauma, and physically disabled or older employees.

Furthermore the accuracy of drug testing is questionable as the test procedures are far from foolproof and there is a high incidence of error. Although there are many types of testing instruments available, the accuracy, validity and reliability vary considerably (MacDonald, Wells, & Fry, 1993). Some opponents of drug testing claim that tests yield inaccurate results as often as 60 per cent of the time (Wagner DeCew, 1994). More conservative estimates suggest that error rate is much lower yet still significant (as noted earlier, 5 percent of positive results may be inaccurate). A false positive result, whereby a person is wrongly accused of drug use when there has been none, may lead to moral and legal issues such as

defamation due to damage to their reputation, discrimination and wrongful dismissal (MacDonald et al., 1993). Additionally, false negative test results may cause the failure to prevent employees under the influence of drugs from conducting safety sensitive tasks whilst impaired, thus placing their own safety and the safety of the workplace at risk. Given the likelihood of inaccurate results and gravity of the consequences such results, it is doubtful that drug testing is an appropriate means of testing for on the job impairment to prevent harm.

Information may be used for other purposes

Another possible intrusion into an employee's right to privacy involves the use of drug testing to obtain information other than drug usage. The individual's interest in safeguarding the confidentiality of the information contained in the sample taken (Wagner DeCew, 1994). Analysis of blood or urine samples can be used to obtain information about personal medical conditions, such as the use of contraceptives, pregnancy, epilepsy, manic depression, diabetes, schizophrenia or heart trouble (Wagner DeCew, 1994) that is not relevant to job performance and therefore not the employer's business (Khan, Chawla, & Cianciolo, 1995). An employee's right to privacy is violated whenever personal information is requested, collected or used by an employer in a way for any purpose that is irrelevant to the contractual relationship that exists in employment (Persson & Hansson, 2003). Hence the use of bodily samples obtained under the pretext of drug testing to obtain information other than that clearly stated represent such a violation. Indeed, the acquisition of information in this manner would be deceitful and illegal and therefore present moral risks over and above the invasion of privacy rights.

Employer Obligations

Maximizing performance and profit

Drug or alcohol abuse accounts for up to 25 per cent of workplace accidents, according to the World Health Organization; whilst the International Labour Organization attributes 15 per cent of workplace fatalities to drugs and alcohol (Buckley, 2000). It is not surprising that an employee's performance would be impaired, as these substances alter a person's body functions, behavior and personality. Consequently, on the job motor skills, reaction time, sensory and perceptual ability, attention, concentration, motivation and learning ability are all likely to be impaired (Jardine-Tweedie & Wright, 1998). Butler (1993 in (Jardine-Tweedie & Wright, 1998) suggests that such a chemically dependent employee is less than 75 per cent effective. Further expenses borne by the organization could include absenteeism, lost productivity, quality control problems, increased health insurance costs, increased worker's compensation costs, turnover costs and employee theft (Wagner DeCew, 1994). Whilst this argument is most often depicted as purely an economic argument, it is also potentially a moral argument. From the classical and neo-classical perspective managers, as agents of the shareholders, have a moral responsibility to allocate company resources in a manner that will protect and maximize the shareholders' investment (Friedman, 1970; Sternberg, 1997). As agents of the owners, the managers are morally bound to safeguard the interest of the owners. It follows that it is in an employer's best interests to reduce and eliminate the use of drugs by its employees in the pursuit of profit maximization. Further, it can be argued that others involved in contractual arrangements with the company, whether they be employees, customers or suppliers will have their best interests served by the organization being left to its own devices, as the market will ensure that self-interested profit-seeking behavior results in optimal outcomes for all parties.

Preventing potential harm

Persson and Hansson (2003) further advance the moral argument by suggesting that organizations do not have only an economic interest in preventing harm to employees, but also a moral responsibility established through the relationship created by the contract of employment. This relationship places the onus on the employer for the employee's work-

related interests, primarily the provision of a safe work environment. Hence, as the employer would be held morally responsible for any injury sustained by the employee at work, and is held financially accountable for compensating any third party injured by their employees in the course of performing their duties, then they must have the means to prevent such harm from happening (Persson & Hansson, 2003). Moore (1989) describes this assertion as the “ought implies can” argument.

Proponents of drug testing claim regular or random testing programs inhibit use and serves as a deterrent for fear of the ramifications of a positive result (DesJardine & Duska, 2001). Random drug testing has been likened to breath testing for blood alcohol concentration of road users, which has proven to be a very effective deterrent that has resulted in a significant decrease drunk driving (Knott, 2003). Knot (2003) takes the ‘prevention is better than cure’ stance, claiming that testing after an incident is pointless other than to find fault. Prevention is particularly salient in workplaces which are safety sensitive and operate heavy plants, machinery and equipment, such as mines, airlines and heavy manufacturing require zero tolerance for such impairment.

This safety-first argument is supported by Occupational Health and Safety (OHS) legislation and, as such, OHS is frequently identified as a key driver for employing workplace drug testing programs. The key principle of OHS legislation is the duty of care responsibility which requires everything reasonably practicable to be done to protect the health and safety of the workplace and an obligation to avoid the risk of injury (Coleman & SaratChandran, 2004; DeCieri, Kramer, Noe, Hollenbeck, Gerhart, & Wright, 2003). Accordingly, it can be argued that as employers have the responsibility to prevent harm from occurring (DesJardine & Duska, 2001), drug testing falls under management prerogative and thus employers should have the right to manage and control their workplace to protect themselves against potential legal liability (Coleman & SaratChandran, 2004). Such measures may be considered to be consistent with employee expectations, who do indeed expect the employer to provide them with a safe workplace (Coleman & SaratChandran, 2004), which would include managing the potentially unsafe behavior of other employees.

In summary, an employer’s knowledge of an employee’s drug use may be considered vital as a person who is in an impaired state poses an immediate threat to the safety of themselves and others, particularly in potentially dangerous industries. Accordingly, drug testing is justified by utilitarianism argument that it prevents harm and ensures a safer work environment for the many.

AN UNNECESSARY MORAL RISK

Drug testing of employees poses the moral risk of violating individuals’ human rights. However, Moore (1989) recognizes that whilst fundamental human rights are universal, not all rights are absolute. Whilst overriding an individual’s rights should be avoided where possible, such action may be justified if, in doing so, a fundamental good is served. Under these conditions drug-testing is only permissible if it is essential for the protection of public safety. Furthermore, it is argued that if employers are held legally and morally responsible for public safety, then it is only right that they should be permitted to be allowed to use the means necessary to fulfill such responsibilities. This “ought implies can argument” however has one additional caveat, and that is, that no other more morally acceptable way exists to achieve this goal (Moore, 1989).

Fitness for duty testing (also known as performance, behavior or skills testing) is a more accurate assessment of work performance including safety and impairment issues that screening for illicit drugs. Fitness for duty tests an individual’s physical and mental dexterity through eye-hand coordination, balance, reflexes, reasoning ability, alertness and reaction

time (DesJardines & Duska, 1987; Moore 1989; Comer, 1994). Such tests are less intrusive, are more easily administered and give instant results (DesJardines & Duska, 1987). These tests are more informative about an employee's job ability and are more effective in preventing harm than drug testing. Such tests also take into consideration impairment caused by illness, sleep deprivation or emotional preoccupation, which are also important factors in an employee's performance in safety sensitive industries (Comer, 1994). Fitness for duty testing holds far fewer potential moral risks than drug testing and as such, is considered morally preferable.

Consequently overriding individual privacy rights by drug testing is unjustified, and drug testing represents an unnecessary moral risk, as there are more morally appropriate means to protect public safety. It also focuses on the broader issue of occupational health and safety rather than the employee's private life.

ALTERNATIVE EXPLANATIONS FOR DRUG TESTING

Blaming the Individual

Thus far this chapter has presented the traditional arguments for and against drug testing in the workplace. In doing so, it has been argued that workplace drug testing serves neither the interests of the employees nor the employers, and that fitness for duty testing offers employers a viable alternative. Given that such an alternative is available, why do employers continue to employ workplace drug testing? One possible explanation advanced here is that employers pursue drug testing in order to place the onus and responsibility for any drug abuse in the workplace solely on the individual employees. Blaming the employee has the added feature of being a means of diverting attention away from their own role in creating working conditions that may induce employees to use drugs to cope:

Holding the view that drug use is a problem for the individual worker is functional from the employer's point of view because it avoids any exploration of how the workplace, and management's support of such an environment, may contribute to the problem. (Midford 2001: 46).

Focusing on fitness for duty would have the opposite effect. By testing for actual work performance, fitness for duty assessment would not exclude impairment caused by work related factors. As such, work conditions which are under the control of the company such as overtime, stressful work conditions, and poor training could be identified through such testing.

Ironically, these very work conditions may be complicit in employee drug use. It has been argued that drug use may be symptomatic of issues of control, alienation and stress due to underlying structural problems such as hazardous work, a poor work environment, unrealistic deadlines, lack of job satisfaction, lack of participation and control, perceptions of powerlessness, inadequate training and supervision, shift work and the culture of the industry (Holland, 2003; Holland & Wickham, 2002). Charlton (1994 in (Jardine-Tweedie & Wright, 1998) acknowledges that problems in the workplace that lead to stress and fatigue should be eliminated where possible, as these contribute directly to drug use. He suggests such problems include excessive overtime, boring repetitive tasks and poorly planned shift work. Evidence also suggests that fatigue, rather than impairment from drug abuse, leads to the majority of workplace accidents (Nolan, 2000). Maltby (1987) thus dismissed drug testing as fundamentally flawed as it tests for the wrong thing. He claims that to be effective in detecting employees whose impairment present potential harm, the initiative would test for the underlying conditions that actually creates the danger rather than merely identification of the symptoms.

Drug testing is becoming increasingly prevalent in a time of decreasing union control and the increasing use of casual and contract employees (and the simultaneous reduction of management responsibility to these employees). Understandably, employees and unions have questioned why drug testing has assumed such priority in an industrial climate where increasing demands have been placed upon workers (Nolan, 2000). These endless pressures of working longer and harder are rarely linked to illicit drug use that may be sustaining these work patterns (Holland, 2003). Thus by focusing on drug use as the individual's problem, it absolves management from any responsibility and ignores their contributing role in creating stressful and unsustainable working conditions.

Symbolic and Moral Control

Another explanation for the practice of drug testing is that the employer undertakes this activity as a way of enforcing a form of indirect or symbolic control over employees. Drug taking tends to be seen in our society as an irrational and anarchistic activity pursued by deviants. In modern organizations, drug use and the presence of drug using employees threatens to undermine organizational rationality by introducing elements of disorder and deviance. More than endangering productivity and performance, drug use threatens the fundamental 'rational' foundations of organizations by undermining the work ethic and promoting an immoral disregard for the collective well being of the organization (Cavanaugh & Prasad, 1994). Such irrationality cannot be controlled through the use of traditional managerial techniques (Cavanaugh & Prasad, 1994) but requires control through the management of more abstract and emotional elements of the organization. Cavanaugh and Prasad (1994) posit that drug testing offers three interrelated 'symbolic' functions for employers: as means for restoring or creating the image of managerial control; as providing management a scientific and rational response to an irrational and chaotic situation; and, as providing management moral legitimation in the eyes of its constituents and stakeholders.

Creating the image of control

In the perceived volatile and chaotic environment created by drug use, management is symbolically demonstrating through workplace drug testing that they are nevertheless in control and taking action. Otherwise, in failing to act, management may be perceived as being passive and futile, and the situation as being out of their control, leading to their authority being undermined (Cavanaugh & Prasad, 1994). Hence despite the controversy surrounding drug testing, the existence of such testing programs focuses attention on the fact that at least something is being done to combat the drug problem in the workplace.

Pfeffer (1981) has suggested that persistent management behavior that is ineffective in pursuing stated organizational goals is best understood as "symbolic" behavior. Such behavior, rather than being aimed at achieving organization goals, is aimed at reinforcing power and control relationships in the organization. Because of our focus on the rational and the analytic, we tend to downplay the potency of symbolic action (Pfeffer, 1981). Language, ceremonies, and settings are important in the exercise of influence because we are rarely conscious of their effects on us. Indeed, "the effectiveness of this symbolic action is enhanced by the confusion of all involved between substantive and symbolic results" (Pfeffer, 1981: 47).

Trade unions often see the introduction of activities such as drug testing as management exercising control under the guise of its 'right' to manage (Holland & Wickham, 2002). Such actions are also seen as strategies to marginalize the countervailing power of unions, limiting their effectiveness while significantly increasing managerial control, particularly where there has been no consultation (Holland & Wickham, 2002). This view is particularly salient as many policy issues associated with employer directed substance testing can result in employee-union conflict.

The continued use of workplace drug testing suggests that privacy rights do not seem to be included in the negotiated terms of employment. This omission may be due to the acceptance of the invasion of information privacy rights as being less intuitively 'wrong' than invasions of other rights (Oliver, 2002). However, the fundamental issue underlying such disregard of individual privacy rights is the reluctance for employers to sacrifice their management prerogative to run their workplace in order to protect these rights. It is argued that when employers are prevented from performing monitoring such as drug testing, they are effectively being prevented from controlling their own workplace (Oliver, 2002). Thus retaining management control may be considered an underlying motivation for the over-riding of employee privacy rights. The changing nature of the employment relationship, and consequent increasing support of management prerogative, may provide some indication as to why drug testing is continuing.

Scientific response

Drug testing further can demonstrate that a neutral, scientific response is being employed (Cavanaugh & Prasad, 1994). Sonnenstuhl (1980 in Cavanaugh & Prasad, 1994) observes that historically management has often introduced a number of policies designed to set work standards, motivate workers and control deviants under the guise of science. Modern day drug testing is historically and ideologically consistent with previous managerial responses to lack of order and rule adherence. It is intended to strengthen management's symbolic control over employees by responding rationally and scientifically.

American sociologist Robert Merton argued in 1947 that science and technology was not benign and neutral as it is often represented (Buchanan & Huczynski, 1985). He argued that the use of technology in corporations has significant social implications and, as such, should be regarded as a political tool. The scientific management of Taylorism has been identified as an ideological effort to establish managerial legitimacy and control over the workforce (Littler & Salaman, 1982). The ideology of technocracy with "its attendant insistence on neutrality and inevitability of modern, scientific, rational technologies and social structures" is said to have significantly influenced employees' attitudes (Littler & Salaman, 1982: 258). The notion that management uses calculated and ordered activities to "technologize", and thus "prematurely colonize", potentially sensitive activities has been explored in alternate contexts (see (Power, 1991) on auditing and (Livesey, 2002) on sustainable development).

Scientific and rational language is used in organizational discourse in order to form arguments in a manner as to make it hard them rebut or undermine by presenting them as 'objective' or 'fact' and, by inference, fair and rational (Livesey, 2002; Potter & Wetherell, 1994). Managers may be able to manipulate employees through the use of science and technology by appealing to the technological determinist argument "We have to do this because the technology demands it". Consequently, technological determinism is often used to justify unpopular management decisions (Buchanan & Huczynski, 1985: 243).

Moral legitimation

The prevalence of drug testing has further been strengthened out of concern for maintaining the organization's reputation, as no organization wants to be perceived as being "soft on drugs" (Rothman, 1988). The moral legitimacy of an organization is understood as the acceptability of the organization, the product it supplies and the manner in which the product is created, as to whether its activities promote social welfare. Moral legitimacy "reflects the positive normative evaluation of an organization and its activities" based on "judgments about whether the activity is "the right thing to do" (Suchman, 1995: 589). Hence, the moral legitimacy of an organization is based to a large extent on the projected image or reputation of that organization. Legitimacy is not considered a characteristic of the organization per se but rather a measure of societal perceptions of the adequacy of corporate behavior

compared to societal expectation of corporate activity (Nasi, Nasi, Phillips, & Zyglidopoulos, 1997).

Organizations seek to influence stakeholders' behavior by demonstrating that they are morally legitimate. Organizational activities such as drug testing are undertaken to legitimate the organization in the eyes of its constituents and stakeholders (Cavanaugh & Prasad, 1994). Organizational responsiveness to social problems such as drug use can be understood as strategically appealing to stakeholders to further the interests of the company (Goodpaster, 1991). In this pursuit of maximizing shareholder value, community perceptions of zero tolerance against drugs are incorporated into the organization's own stance, translated into drug testing practices. The organization is seen to be reflecting and supporting the community's values.

There is corporate peer pressure to be perceived as responsive to drug issues (Rothman, 1988). This sense of corporate peer pressure echoes Aldrich (1979:265 in (DiMaggio & Powell, 1983) who argued that among "the major factors that organizations must take into account are other organizations". Organizations compete not just for resources and customers, but also on the basis of political power and institutional legitimacy and social acceptance.

Furthermore, when one organization publicly takes this stance many others are likely to follow. This process of homogenization is consistent with DiMaggio and Powell's (1983) concept of institutional isomorphism. Hawley (1968 in DiMaggio & Powell 1983) describes isomorphism as a constraining process which forces one unit in a population to resemble other units that face the same set of environmental conditions. DiMaggio and Powell's (1983) description of mimetic isomorphic processes is consistent with the conditions surrounding drug testing. They claim uncertainty is a powerful force that encourages imitation. When the environment creates symbolic uncertainty, organizations tend to model themselves on other organizations. Isomorphism may explain why so many organizations continue to adopt drug testing procedures.

CONCLUSION

This chapter has addressed the question of why drug testing continues to be used in workplaces. Following a review of the traditional arguments it is concluded that the moral arguments against drug testing outweigh those in favor of drug testing. We concur with Moore's argument (1989), that the moral considerations regarding drug testing render the economic considerations irrelevant. Despite this, as she argues, drug testing is still not able to be morally justified. It is unnecessary and wrong to impinge on the privacy rights of individuals if doing so will not necessarily ensure the health and safety of others and, indeed, if there exists morally less hazardous alternatives.

What then is the attraction for employers to drug test? Two related alternatives have been posited. One explanation is that by focusing blame on individual employees for socially unacceptable drug use, the spotlight is drawn away from the contributing role of the employer which may in fact cause and sustain such deviant behavior. These might include the imposition of intense rosters and long hours, alienation, high pressure, the stress of job insecurity, poor working conditions, and the lack of adequate training and supervision. Indeed, these factors may have been complicit in creating a problem for the employee in the first place. The second explanation is that in an environment where traditional forms of control may not be effective, managers may seek more abstract and symbolic forms of control. Drug testing may provide symbolic control through a number of mechanisms. A common theme in these alternative explanations is that drug testing allows management to "seize the moral high ground" (Moore, 2000: 701).

REFERENCES

- ACLU. 2002. Drug Testing: An Overview: American Council of Civil Liberties. <http://www.aclu.org/DrugPolicy/DrugPolicy.cfm?ID=10997&c=79>.
- Allsop, S., Phillips, M., & Calogero, C. (Eds.). 2001. *Drugs and Work: Responding to Alcohol and Other Drug Problems in Australian Workplaces*. Melbourne: IP Communications Pty Ltd.
- Allsop, S., & Pidd, K. 2001. The Nature of Drug-Related Harm in the Workplace. In S. Allsop, M. Phillips, & C. Calogero (Eds.), *Drugs and Work: Responding to Alcohol and Other Drug Problems in Australian Workplaces*. Melbourne: IP Communications Pty Ltd.
- Ames, G.G., J.W. 1999. Alcohol Availability and Workplace Drinking: Mixed Method Analysis. *Journal of Studies of Alcohol*, 60(3): 383-393.
- Buchanan, D.A., & Huczynski, A.A. 1985. *Organisational Behaviour*. London: Prentice Hall.
- Buckley, S. 2000. Drugs and alcohol - An issue for the coal industry. Paper presented at the Queensland Mining Industry Health and Safety Conference.
- Cavanaugh, J.M., & Prasad, P. 1994. Drug testing as symbolic managerial action: In response to "A case against workplace drug testing". *Organization Science*, 5(2): 267-271.
- Coleman, S., & SaratChandran, P. 2004. *Workplace Privacy Options Paper*. Melbourne: Victorian Law Reform Commission.
- Comer, D. 1994. A case against workplace drug testing. *Organization Science*, 5(2): 259-266.
- Cranford, M. 1998. Drug testing and the right to privacy: Arguing the ethics of workplace drug testing. *Journal of Business Ethics*, 17(16): 1805-1815.
- DeCieri, H., Kramer, R., Noe, R., Hollenbeck, H R., Gerhart, B., & Wright, P.M. 2003. *Human Resource Management in Australia*. Sydney: McGraw Hill.
- DesJardine, J.R., & Duska, R. F. 2001. Drug testing in employment. In T. L. Beauchamp, & N. E. Bowie (Eds.), *Ethical Theory and Business*, 6th ed. New Jersey: Prentice Hall.
- DesJardins, J.R., & McCall, J.J. 1990. *Contemporary issues in business ethics*. Belmont, CA: Wadsworth Publishing Company.
- DiMaggio, P.J., & Powell, W.W. 1983. The iron cage revisited: Institutional isomorphism and collective rationality in organizational fields. *American Sociological Review*, 48(2): 147-160.
- Flynn, G. 1999. How to Prescribe Drug Testing. *Workforce*, 78(1): 107.
- Friedman, M. 1970. The social responsibility of business is to increase profit, *The New York Times Magazine*.
- Goodpaster, K.E. 1991. Business Ethics and Stakeholder Analysis. *Business Ethics Quarterly*, 1(1): 53-73.
- Greenburg, E., & Greenburg, S. 1995. Work Alienation and Problem Alcohol Behavior. *Journal of Health and Social Behavior*, 36(1): 83-102.
- Hartman, L.P. 2005. Technology and ethics: Privacy in the workplace. In A. Gini (Ed.), *Case Studies in Business Ethics*. Upper Saddle River, NJ, USA: Pearsons Education.
- Hartwell, T.D., Steele, P. D., French, M.T., & Rodman, N.E. 1996. Prevalence of drug testing in the workplace. *Monthly Labour Review*, 19(11): 35-42.

- HCLD. 1999. Drug screening in the workplace: Rationale and guidelines. Hartford CT: Hartford Company Loss Control Department.
- Hoffman, J., & Larison, C. 1998. Drugs and the Workplace Report. Chicago: National Opinion Research Center University of Chicago.
- Holland, P. 2003. Case-study: Drug testing in the Australian mining industry. *Surveillance and Society*, 1(2): 204-209.
- Holland, P., & Wickham, M. 2002. Drug testing in the workplace: Unravelling the issues. *Journal of Occupational Health Safety - Australia New Zealand*, 18(1): 55-59.
- Jardine-Tweedie, L., & Wright, P.C. 1998. Workplace drug testing: avoid the testing addiction. *Journal of Managerial Psychology*, 13(8): 534-543.
- Khan, Z.U., Chawla, S.K., & Cianciolo, S.T.A. 1995. Ethics of drug testing: What are workers attitudes? *Business Forum*, Summer/Fall: 17-20.
- Knott, S. 2003. Shorten out of touch with current approach to drug and alcohol issues in the workplace, Media Release. Melbourne: Australian Mines and Metals Association. http://www.amma.org.au/publications/Shorten's%20opposition%20to%20random%20drug%20and%20alcohol%20testing_DRAFT.pdf.
- Littler, C.R., & Salaman, G. 1982. Bravermania and beyond: Recent theories of labour process. *Sociology*, 16(2): 251-269.
- Livesey, S.M. 2002. The discourse of the middle ground. *Management Communications Quarterly*, 15(3): 313-349.
- MacDonald, S., Wells, S., & Fry, R. 1993. The limitations of drug screening in the workplace. *International Labour Review*, 132(1): 92-113.
- Maltby, L. 1987. Why drug testing is a bad idea, Inc.: 152.
- Maltby, L.L. 1999. Drug Testing - A Bad Investment: 1-27. New York: American Civil Liberties Union.
- Midford, R. 2001. The Nature and Extent of Drug-Related Harm in the Workplace. In S. Allsop, M. Phillips, & C. Calogero (Eds.), *Drugs and Work: Responding to Alcohol and Other Drug Problems in Australian Workplaces*. Melbourne: IP Communications Pty Ltd.
- Moore, A. 2000. Employee monitoring and computer technology: Evaluative surveillance v. privacy. *Business Ethics Quarterly*, 10(3): 697-709.
- Moore, J. 1989. Drug testing and corporate responsibility: The "ought implies can" argument. *Journal of Business Ethics*, 8(4): 279-287.
- Nasi, J., Nasi, S., Phillips, N., & Zyglidopoulos, S. 1997. The evolution of corporate social responsiveness. *Business and Society*, 36(3): 296-321.
- Nolan, J. 2000. Stuffed or stoned, Workers Online. Sydney: Labour Council of NSW. <http://workers.labor.net.au/71/c_historicalfeature_drugs.html>.
- Normand, J., Lempert, R.O., & O'Brien, C.P. 1994. *Under the Influence? Drugs and the American Work Force*. Washington D.C: National Academy Press.
- Oliver, H. 2002. Email and internet monitoring in the workplace: Information privacy and contracting out. *The Industrial Law Journal*, 31(4): 321-352.
- Osterloh, J., & Becker, C. 1990. Chemical Dependency and Drug Testing in the Workplace. *Western Journal of Medicine*, 152(2): 506-513.
- Persson, A.J., & Hansson, S.O. 2003. Privacy at work - Ethical criteria. *Journal of Business Ethics*, 42(1): 59-70.

- Pfeffer, J. 1981. Management as Symbolic Action: The Creation and Maintenance of Organizational Paradigms. In L. L. Cummings, & B.A.Straw (Eds.), *Research in Organizational Behavior*, Vol. 3: 1-52. Greenwich: JAI Press.
- Potter, J., & Wetherell, M. 1994. *Analyzing Discourse*. In A. Bryman, & R. G. Burgess (Eds.), *Analyzing Qualitative Data*: Routledge.
- Power, M. 1991. Auditing and environmental expertise: Between protest and professionalisation. *Accounting, Auditing and Accountability Journal*, 4(3): 30-42.
- Redeker, J., & Segal, J. 1989. Profits Low? Your Employees May Be High! *Personnel*, 66(6): 72-77.
- Richmond, R., Heather, N., Holt, P., & Hu, W. 1992. *Workplace policies and programs for tobacco, alcohol and other drugs in Australia*. Canberra: AGPS.
- Rothman, M. 1988. Random drug testing in the workplace: Implications for human resource management. *Business Horizons*, March/April: 23-27.
- Seeman, M., & Seeman, A.Z. 1992. Life Strains, Alienation and Drinking Behaviour. *Alcoholism. Clinical and Experimental Research*, 16: 199-205.
- Shepard, E., & Clifton, T. 1998. Drug Testing: Does it really improve labor productivity? *Working USA*: 76.
- Sternberg, E. 1997. The defects of stakeholder theory. *Corporate Governance: An International Review*, 5(1): 3-10.
- Suchman, M.C. 1995. Managing legitimacy: Strategic and institutional approaches. *Academy of Management Review*, 20(3): 571-610.
- Trice, H.M., & Sonnenstuhl, W.J. 1990. On the Construction of Drinking Norms in Work Organisations. *Journal of Studies in Alcohol*, 51(3).
- Wagner DeCew, J. 1994. Drug testing: Balancing privacy and public safety. *Hastings Center Report*, 24(2): 17-23.
- Wall, P.S. 1992. Drug Testing in the Workplace: An Update. *Journal of Applied Business Research*, 8(2): 127-132.