

Wade L. Robison's Commentary on "Drinking in the Workplace"

Commentary On
Drinking in the Workplace

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.



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.