

Employee Use of Prescription Medication in the Workplace



As a fact of life, many individuals take prescription medications to treat episodic or ongoing medical or psychological conditions. It may be medically necessary for an employee to take the medication or treatment before or during work. Unfortunately, some medications may have side effects that could affect one's cognitive or physical abilities and overall fitness for duty. As a result, this impairment may conflict with the employer's efforts to maintain a safe and healthful place of work.

Consider the following:

- The Americans with Disabilities Act, Family and Medical Leave Act, and other employment laws require privacy with respect to employees taking or being under the influence of prescription medication while in the workplace.

As a matter of practice, an employee should not be required to tell his or her supervisor of the specific medications being taken. Rather, employers should require that an employee be able to safely perform the functions of the job with or without prescription medication. When there is a question whether the employee can safely perform the work, be careful not to assume that the cause is the prescription medication. Instead, gather the medical facts from the employee's doctor. If available, a medical representative of the company should confidentially discuss the situation with the physician. The supervisor or human resources representative should not be involved in determining an employee's medical condition or fitness for duty.

- If an employee is on medication, he must use it in accordance with the doctor's order and must have consulted with the doctor to ensure that he can work safely. Only prescriptions issued in the employee's name and stored in the original container should be permitted on the premises.
- Employees who require time away from work or who need extended break periods for the purpose of taking medication or receiving treatment should consult the Human Resources Department. The employee may be eligible for an intermittent leave of absence or disability accommodation.



To communicate the expectations of employees with regard to prescription drug use in the workplace, employers should include a drug and alcohol policy in their employee handbooks and policy manuals and address the topic at new hire orientation.

Drug and alcohol policies and practices should be consistent with federal and state disability and privacy laws and respect each individual's legal rights.

Supervisors and employees should be instructed to notify Human Resources when tardiness, absenteeism, or extended time away from work is necessary due to a medical condition or the treatment of such a condition.


- Employers have a right to subject an employee to drug and/or alcohol testing consistent with the company's established policy for all employees. If it is determined by a certified medical provider that the employee's use of certain prescription medications may pose a safety risk, the company may have the option—or obligation—to deny employment, transfer the individual to a less safety-sensitive position, or even terminate the employment relationship. Each situation should be reviewed on a case-by-case basis, which may include the opinions of medical providers representing both the employee and the employer.
- If an employee voluntarily chooses to notify the supervisor of the use of prescription medication, it is the supervisor's responsibility to keep that information confidential and only share it on a need-to-know basis. Other than in an emergency situation, this information may only be shared with the consent of the employee. An employer may not discriminate in any employment decision, knowingly or inadvertently, based on an employee's medical condition or use of prescription medication unless it is directly relevant to the employee's ability to perform the essential functions of the job or poses a safety risk to the individual or others.

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The fact that an employee has a physical or mental condition that requires medical supervision does not, in itself, preclude him from enjoying all the employment rights offered to other employees. However, a company does have the right to establish and maintain minimum standards of conduct and to enforce those consistently among all employees. A company also has an obligation to provide a safe work environment for its employees. It is essential that each situation be reviewed individually with respect to employee rights, safety, applicable federal and state laws, and general employer standards.

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