

DAILY NEWS

Employers large and small may pay for employees' substance abuse

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Dave: Well, the [United States Supreme Court](#) finally got asked the \$2.5 billion question last week: Will [Exxon](#) have to pay punitive damages for one of their captains running an oil tanker aground while under the influence of alcohol? It turns out, not only was the [Valdez](#)'s captain, [Joseph Hazelwood](#), drinking, Exxon knew he was an alcoholic who had relapsed after treatment!

Bill: Didn't the [Coast Guard](#) say Hazelwood admitted to drinking vodka right before the ship ran aground?

Dr. Dave: If you listen to their phone recordings made that night, you can hear the vodka in Captain Hazelwood's sleepy voice. Right after he ran aground and ripped a hole in the vessel, he describes the problem with all the clarity of a typical boozehound: "Evidently we're leaking some oil and we're going to be here for a while."

Bill: And all this after the Valdez had already spilled over half the final tally of 10 million gallons of crude oil?

Dr. Dave: Three hours later, looking for more information, the Coast Guard asked Hazelwood for a stability report at 3 a.m. His answer was, "We're (in) pretty good shape right now, stability-wise, and, ah, trying to extract her off the shoal here. Once we get under way, I'll let you know, do another damage control assessment."

Bill: If Exxon knew this guy was a drunk -- they got reports he'd gone back to drinking even after they'd ordered him into a rehab -- then what was their excuse for ruining the wildlife, plants and ecology of [Prince William Sound](#)?

Dr. Dave: Exxon's [CEO Lawrence Rawl](#) put it this way: "The judgment to put him back on the ship ... was a bad judgment."

Bill: When I was in rehab, a lot of patients were there because their employers told them, Get sober, "or else." It seems Exxon had more of a "who cares" than an "or else" policy to its employees staying sober.

Dr. Dave: As Director of the Scripps Center in [San Diego](#) and other treatment programs that accepted employee referrals, I can't begin to tell you the twisted logic some companies use to leave workers on the job instead of confronting their substance abuse.

Bill: Well sure, it's the corporate version of denial.

Dr. Dave: What sounds really strange is when that denial is argued before the Supreme Court. The Exxon lawyers were going on and on about an 1818 legal precedent they thought absolved them of responsibility. It was some wild legal tale about pirates looting and plundering a Haitian boat filled with corn. It was called the Amiable Nancy case, after the name of the boat. Noting the Coast Guard tapes, Justice Souter was incredulous that three hours of conversation passed before the Valdez admitted they had a huge oil spill on their hands -- asking how a boat with no phones and a sober captain under siege by 19th century pirates had any relevance to a drunken captain in denial. Brushing off Exxon's denial-based defense based on this Pirates of the Caribbean argument, Justice Scalia derisively called it the "Amiable whatever it is" argument.

Bill: It sounds like the justices treated that argument as laughably as any employer can be expected to be treated if they try to explain why they allowed an alcoholic employee to provide a public service that requires a clear head. That's like some drunk suing the cops for pulling him out from behind the wheel of his car. How far would he get telling the judge, he could drink wherever he wanted? "It's a free country, isn't it?"

Dr. Dave: On the other hand, addiction is legally defined as a disease. If the addict shoulders the responsibility of being clean and sober, s/he is afforded a great deal of rights. With at least one in ten employees experiencing serious issues related to alcohol and drug abuse, no company today, big or small, can afford to be without an Employee Assistance Program.

Bill: Dave, if some employer is reading us right now, do you have a website s/he can turn to for informed help?

Dr. Dave: For handling almost anything from one of your hungover busboys tipping over a table onto a customer ... to a drunken captain tipping over a tanker, go to www.eapassn.org.

[Dr. David Moore](#) is a licensed psychologist and chemical dependency professional who is a graduate school faculty member at [Argosy University's Seattle](#) campus. [Bill Manville](#) is a novelist and writer whose most recent work, 'Cool, Hip & Sober,' is available from Forge Press. Formerly the host of the No. 1 radio show 'Addictions & Answers,' he has been sober now for over 20 years.

Got a question about addiction? E-mail Dr. Dave and Bill at drdaveandbill@yahoo.com. Anonymity is guaranteed.