

PORO POINT MANAGEMENT CORPORATION

DRUG-FREE WORKPLACE POLICY

I. PURPOSE:

To promote a safe and healthy drug-free work environment as well as to prevent drug abuse inside the Poro Point Freeport Zone and PPMC workplace through an institutionalized "Drug-Free Workplace Policy and Program" and effective drug testing program which shall be carried out not to harass but rather, to prevent the entry of illegal drugs and the abuse thereof.

II. REFERENCE:

Republic Act No. 9165, An Act Instituting the Comprehensive Dangerous Drugs Act of 2002, Repealing Republic Act No. 6425, Otherwise Known As The Dangerous Drug Act of 1972, As Amended, Providing Funds Therefore, and for Other Purposes

III. POLICY STATEMENT:

It is the policy of PPMC to protect the well-being of its stakeholders, officials and employees from the harmful effects of dangerous drugs and the threats posed by drug abuse in the workplace such as but not limited to decreased productivity, increased accidents, absenteeism, lapses in the performance of assigned task and criminality. Thus, PPMC absolutely prohibits the use of dangerous drugs in and outside the office by all officials and employees.

PPMC shall adopt and implement an effective anti-drug abuse program, projects and activities to include, among others, advocacy, education, trainings, general health and welfare programs and the conduct of drug testing in the workplace.

IV. SCOPE/ COVERAGE:

This policy shall apply to all officials and employees of Poro Point Management Corporation, regardless of rank/ status or position and to include those who will apply for positions in PPMC.

All locators inside the Poro Point Freeport Zone are likewise covered by this policy and these guidelines.

V. DEFINITION OF TERMS

1. **Policy** – a definite course or method of action from among alternatives and in the light of given conditions to guide and usually determine decisions to be made.
2. **Workplace** – a place where work is usually performed.

3. **Authorized Drug Test** - The testing done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. It shall employ, among others, two (2) testing methods, the screening and confirmatory tests. The examination of a person's urine specimen to determine the presence of dangerous drugs shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH;
4. **Center** – Any of the treatment and rehabilitation centers which undertake treatment, aftercare and follow-up treatment of drug dependents. It includes institutions, agencies and the like whose purposes are: the development of skills, arts and technical know-how, counseling and/or inculcating civic, social and moral values to drug dependent patients, with the aim of weaning them away from dangerous drugs and keeping them drug-free, adapted to their families and peers and readjusted into the community as law abiding, useful and productive citizens;
5. **Rehabilitation** – A dynamic process including aftercare and follow-up treatment directed towards the physical, emotional/psychological, vocational, social and spiritual change of a drug dependent to enable him/her to live without dangerous drugs, enjoy the fullest life compatible with his capabilities and potentials and render him/her able to become a law abiding and productive member of the community;
6. **Treatment** – Medical service rendered to a patient for the effective management of physical and mental conditions arising from his/her drug use;
7. **Confirmatory Drug Test** - An analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which will validate and confirm the result of the screening test. It refers to the second or further analytical procedure to more accurately determine the presence of dangerous drugs in a specimen, which shall likewise be done by any government laboratory or by privately owned and operated drug testing laboratories accredited and monitored by the DOH having confirmatory test capabilities;
8. **Dangerous Drugs** - Include those listed in the Schedules annexed to the 1991 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in the attached annex which is an integral part of RA 9165;
9. **Drug Test Certificate** - A declaration/statement of the result of the drug test issued by accredited drug testing centers. It shall be valid for a one-year period from the date of issue and which may be used for other purposes, as referred to in Section 36, Article III of the Act;

10. **Employee Assistance Program or EAP** - A program that offers assistance to workers who have problems, primarily alcohol and drug related, that may affect job performance. It shall be formulated as much as possible, jointly by the employer and the employees or employees' union;
11. **“For Cause” or “ Probable Cause” Drug Test** - Drug testing required when there is a “probable cause” or “reasonable ground” to believe that a person is using or is under the influence of dangerous drugs;
12. **Mandatory Drug Test** - Compulsory submission of an employee for drug testing as required by RA 9165 and by the agency's internal rules and regulations;
13. **Random Drug Test** - Subjection of personnel for drug testing as selected following no specific pattern and without prior notice/information;
14. **Screening Drug Test** - A rapid drug test performed to establish potential or presumptive positive result. It refers to the immunoassay test to eliminate a “negative” specimen, i.e. one without the presence of dangerous drugs, from further consideration and to identify the presumptively positive specimen that requires confirmatory test.
15. **Drug Dependence** - Refers to a cluster of physiological, behavioral and cognitive phenomena of variable intensity, in which the use of psychoactive drug takes on a high priority thereby involving, among others, a strong desire or a sense of compulsion to take the substance and the difficulties in controlling substance-taking behavior in terms of its onset, termination, or level of use;
16. **Administer** - Any act of introducing any dangerous drugs into the body of any person, with or without his/her knowledge, by injection, inhalation, ingestion or other means or of committing any act of indispensable assistance to a person in administering a dangerous drug to himself/herself unless administered by a duly licensed practitioner for purposes of medication.
17. **Unlawful Acts** - Refer to any of the unlawful acts penalized under Art. II of RA 9165. 18. RA 9165 – Refers to the Comprehensive Dangerous Drugs Act of 2002.

VI. RESPONSIBILITIES OF PPMC:

1. Adopt a continuing and sustainable substance abuse awareness program to inform its locators and employees about:
 - a. Its policy of maintaining a drug-free workplace;
 - b. The dangers posed by the abuse of dangerous drugs;
 - c. The availability of employees assistance program; and

- d. The consequences, penalties, and administrative sanctions in violation thereof.
2. Distribute a copy of the Policy to each PPMC employee. A copy of the said policy shall also be distributed to PPMC locators.
3. Supervise the implementation Drug-Free Workplace Policy and Program of locators inside the Poro Point Freeport Zone in accordance with Department of Labor and Employment's Department Order No. 53-03, series of 2003, dated August 14, 2003.
4. Create a Committee that will implement to the fullest the contents of the Policy.
5. To display Bill Board at strategic places in the office with the message: "This is a Drug Free Workplace. Let's Keep it That Way"

VII. RESPONSIBILITIES OF PPMC OFFICIALS AND EMPLOYEES:

1. Any government employee must never possess and/or use dangerous drugs and other substances of abuse.
2. Any government employee must not directly or indirectly sell, give, provide or administer any dangerous drugs and/or other substance of abuse to his/her co-employees or others and/or to commit or abet/aid in the commission of any unlawful acts penalized under RA 9165.
3. The officials and employees must faithfully abide by the terms of the Policy as a condition for continued employment.
4. The employees must voluntarily seek treatment and rehabilitation if they have problems related to dangerous drugs.
5. To advocate against drug abuse.
6. To help maintain a drug free workplace.

VIII. RESPONSIBILITIES OF LOCATORS:

1. Comply with the Department of Labor and Employment's Department Order No. 53-03, series of 2003, dated August 14, 2003.
2. Create its own Drug-Free Workplace Policy and Program.
3. Create a Committee that will implement to the fullest the contents of the said Policy.
4. Provide Poro Point Management Corporation a copy of its own Drug-Free Workplace Policy Program patterned in the attached sample copy of the Drug-

Free Workplace Policy and Program from the Department of Labor and Employment for Private Sectors.

5. Confirm and Affirm Commitment to Poro Point Management Corporation's Drug-Free Workplace Policy and Program using the attached form and submit the said form to PPMC.

GUIDELINES IN THE CONDUCT OF THE AUTHORIZED DRUG TEST FOR PPMC EMPLOYEES

I. PURPOSE:

To promote a safe and healthy drug-free work environment as well as to prevent drug abuse inside the Poro Point Freeport Zone and PPMC workplace through an institutionalized "Drug-Free Workplace Policy and Program" and effective drug testing program which shall be carried out not to harass but rather, to prevent the entry of illegal drugs and the abuse thereof.

II. RATIONALE:

The rationale behind the conduct of mandatory or random drug test is to help promote a safe and healthy drug-free environment as well as to prevent drug abuse in the workplace.

III. KINDS OF AUTHORIZED DRUG TESTS:

- a. Screening Test**
- b. Confirmatory Test**

The authorized drug test is the testing done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the Department of Health (DOH) to safeguard the quality of test results. It shall employ, among others, two (2) testing methods: the **screening test** which will determine the positive result as well as the type of drug used and the **confirmatory test** which will confirm a positive screening test.

IV. SCOPE/ COVERAGE:

The guidelines shall apply to all officials and employees of Poro Point Management Corporation, regardless of status or position and to include those who will apply for positions in PPMC.

V. MANDATORY DRUG TEST

Mandatory drug test is the compulsory submission of an official or employee for drug testing under the law which is conducted in any of the following instances:

1. Pre-employment;
2. Persons in high-risk/decision-making positions;
3. Past history of drug use;
4. Involvement in accidents;
5. Discovery of dangerous drugs paraphernalia
6. Detention by police/filing of charge in court for drug-related cases
7. As a requirement for promotion;
8. Employees reporting to work after undergoing rehabilitation in treatment and rehabilitation center.

VI. RANDOM DRUG TEST

Random drug test is the subjection of personnel for drug testing:

1. Without prior notice or information of the date and venue of the drug test;
2. On selected employees chosen by the Committee until all officials and employees have undergone the test; and
3. Under random selection process or procedure with no specific pattern.
4. Regardless of whether the personnel had just undergone random drug test, the same shall also be conducted "for cause" or "probable cause" when there is reasonable ground to believe that a random drug test is necessary, e.g.:
 - a. Attendance — frequent unauthorized absences, repeated tardiness, truancy from the job
 - b. Personal Appearance — slurred speech, bloodshot eyes, drastic change in appearance, etc.
 - c. Mental Factor — hot-headedness, irritability, increased difficulty in handling assignments, etc.
 - d. General Performance — missed deadlines, low productivity, increased wastage, public complaints, frequent accidents, carelessness, etc.
 - e. Peer Relations — isolation, frequent quarrels with officemates, heavy borrowing, frequent mood swings, etc.

VII. PROCEDURE IN THE CONDUCT OF THE RANDOM DRUG TEST IN THE WORKPLACE

1. The Drug-Free Workplace or Assessment Committee will notify the randomly selected officials or employees to undergo a urine test using the Notice of Drug Testing Form. The PPMC Nurse will accompany them to the place where the test will be conducted.
2. The selected officials/employees must immediately report for the drug test.
3. The test shall only be conducted by any government Drug Testing Laboratory or by any drug-testing laboratory duly authorized and accredited by the DOH for the screening test, which shall be conducted in the following manner:
 - a. The selected officials/employees will fill up and sign the consent and chain of custody form issued to them.

- b. The urine specimen bottles must be properly labeled to contain the name, ID number, employment number, position, date and the time when the urine sample was taken.
 - c. The taking of the urine sample must be done in an area where manipulation (e.g. adding water) is not possible.
 - d. The urine specimen/sample which tested positive after the screening test must be properly labeled and must be kept separately from the samples that tested negative for dangerous drugs.
 - e. All urine samples tested positive must be submitted for confirmatory testing to a laboratory having the confirmatory capability using the same urine sample.
 - f. After the confirmatory test, the same urine sample must be kept for the purpose of challenging the result.
 - g. After the test is conducted, a drug test result shall be issued by the drug testing laboratory directly to the Head of the office or agency and not to the person so tested. The same result must be signed by the authorized signatory of the laboratory, the employee/officials concerned and a witness.
4. No further action is needed when the result is negative. The Drug Test Certificate is good for one (1) year and could be used for other purposes.

VIII. PROCEDURE IN HANDLING A POSITIVE RESULT AFTER CONFIRMATORY TEST

1. Upon determining that a urine sample has tested positive for dangerous drugs after a confirmatory test, such result shall immediately be made known to the Committee Chairman.
2. After receipt of the result, the same shall be made known to the employee/official concerned.
3. PPMC shall then take the appropriate action in accordance with the Drug-Free Workplace Policy.
4. All records must strictly be held confidential as provided for under the pertinent provisions of RA 9165.

IX. MONITORING

Poro Point Management Corporation through the Committee shall submit to the Dangerous Drugs Board a yearly compliance report on the drug testing activities conducted. The report shall include the number of personnel who have already undergone testing, the dates and the names of drug testing laboratories that conducted the test.

X. ISSUANCE OF CERTIFICATE AFTER UNDERGOING REHABILITATION PROGRAM

XI. CONFIDENTIALITY OF RECORDS

1. All results of the drug test conducted by drug testing laboratories shall remain strictly confidential.
2. Government officials, employees and/or any person who breach the confidentiality of any drug test result shall be charged in accordance with Section 72 of RA 9165.

XII. FUNDING/COST REQUIREMENTS

The initial cost of the drug testing shall be funded in the current budget of PPMC. For CY 2019, a budget of Php 100,000.00 shall be re-allocated for the Community Projects Budget. The succeeding funding requirement shall be included in the annual budgetary appropriation.

XIII. ADMINISTRATIVE INTERVENTIONS/ SANCTIONS

1. The Head of any office, bureau and agency of the national and local government, government-owned and controlled corporations including state colleges, universities, to include its Officials or Heads of office and employees thereof, who fail to abide by this Regulation shall be penalized with the sanctions embodied in Section 32, Article II of RA 9165.
2. Subject to the provisions of Section 15, Art. II of RA 9165 (Use of dangerous drugs) in conjunction with Section 54 (Voluntary submission of a drug dependent to confinement, treatment and rehabilitation) and Section 61 (Compulsory confinement of a drug dependent who refuses to apply under the voluntary program) of the same Act, without prejudice to the agency's or office's Employees Assistance Program, any officer or employee found to have violated the Policy may suffer any or a combination of the following sanctions:
 - a. Failure on the part of the Head of the office to implement this Regulations within a reasonable period after its effectivity shall be dealt with in accordance with Section 32, Article II of RA 9165.
 - b. Any government official/employee who, without any valid reason after being tested positive of drug use shall refuse to undergo the recommended rehabilitation program will be administratively dealt with in accordance with the existing agency or office rules and regulations without prejudice to suspension or dismissal from the service as provided for under Section 36 (d) of RA 9165.
 - c. Any government official/employee who refuses, without any valid reason, to submit himself/herself for random/mandatory drug test, whichever is applicable, will be administratively dealt with in accordance with the existing

office/agency rules and regulations without prejudice to Section 32 of RA 9165.

- d. Subject to the existing Employees' Assistance Program, any government official/employee who is found to be positive for drug use and after undergoing a Drug Dependency Examination conducted by the DOH or by any medical practitioner accredited by the said Office to conduct the drug dependency test may undergo the following treatment and rehabilitation program:
 1. Experimenter – Outpatient, guidance counseling
 2. Occasional User – Outpatient, guidance counseling and urine surveillance
 3. Chronic User/Drug Dependent – Mandatory 6-month treatment and rehabilitation in any of the government rehabilitation centers
3. Officers or employees who for the second time have been detected to be using dangerous drugs after completion of his/her treatment and/or rehabilitation program or while undergoing treatment and/or rehabilitation may either be suspended or dismissed from the service subject to the Civil Service Laws, Rules and Regulations.
4. Employees who are found arrested/apprehended or charged in court for commission of any of the unlawful acts provided for under Art. II of RA 9165 will either be suspended/ dismissed from the service depending on the gravity of the offense committed, subject to existing Laws, Rules and Regulations of the Civil Service, without prejudice to criminal prosecution.

IX. AFFIRMATION AND COMMITMENT TO THE GUIDELINES

All officials and employees of PPMC shall read this "Drug-Free Workplace Policy" and these "Guidelines on Drug Testing Program" and sign the Confirmation/Affirmation and Commitment to the Policy/Guidelines.

X. EFFECTIVITY

This Policy and Guidelines shall take effect immediately after approval by the PPMC Board of Directors.

XI. REVIEW

To address changing requirements and conditions, the Board may review these policy and guidelines every two (2) years or as often as the Board shall deem necessary.

ATTACHMENTS:

- Sample copy of the Drug-Free Workplace Policy and Program from the Department of Labor and Employment for Private Sectors
- Notice of Random Drug Testing
- Confirmation/Affirmation and Commitment to the Policy/Guidelines – For PPMC Officials and Employees

NOTICE OF RANDOM DRUG TESTING

Name: _____

Position: _____

Pursuant to Poro Point Management Corporation's Drug-Free Workplace Policy and Program, you are hereby instructed to undergo drug-testing and report to the following drug-testing laboratory on the specified date and time:

Laboratory: _____

Date: _____

Time: _____

ATTY. FELIX S. RACADIO

Chairman, Drug-Free Workplace Committee or Assessment Committee

Received by:

Signature over Printed Name

Date:

**THE PORO POINT MANAGEMENT CORPORATION “DRUG-FREE
WORKPLACE POLICY”**

For Locators inside the Poro Point Freeport Zone

As a locator inside the Poro Point Freeport Zone, I hereby certify that I have read the Drug-Free Workplace Policy and affirm and confirm my commitment to unconditionally abide by all that are provided in our responsibilities as a locator. In compliance, I am submitting **NAME OF COMPANY** Drug-Free Workplace Policy Program.

Name and Signature of Company Representative

Date

Received by:

Poro Point Management Corporation’s Representative

Date