

ACTIVITY : HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT	DEPARTMENT OF LABOR & EMPLOYMENT Reference Code: HRMD-01.11
SUB - ACTIVITY: GENERAL OFFICE POLICIES	Version No. OCT 24 10/17/2014
SECTION : DRUG-FREE WORKPLACE	Page No. 1

TIME: _____

I. ACTIVITY DESCRIPTION

The Bank affirms its drug-free workplace policy and shall strictly implement programs towards the prevention and control of drug abuse, consistent with Article V of RA 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002 and its Implementing Rules and Regulations. An employee's repeated use of dangerous drugs even after ample opportunity for treatment and rehabilitation shall warrant corresponding administrative sanction/penalty.

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II. POLICY GUIDELINES

1. The Bank strongly advocates the safety and well-being of its employees. Bearing in mind the adverse effects of abuse and/or misuse of dangerous drugs on the employee, workplace, family and the community, the Bank shall implement measures to promote a drug-free workplace policy to ensure the health and safety of its employees. This is also in line with Article V of RA 9165 or the Comprehensive Dangerous Drugs Act of 2002 (the Act) and its Implementing Rules and Regulations (IRR).
2. The Bank strictly prohibits any employee's use, distribution, sale, attempted sale or possession of unlawful drugs or drug paraphernalia.
3. The Bank shall monitor and evaluate the implementation of the drug-free workplace policies and programs annually to ensure that the goal of a drug-free workplace is met.

Advocacy, Education and Training

4. To increase awareness of all Bank officers and rank-and-file employees on the adverse effects of dangerous/prohibited drugs, the Bank through HRMDD shall conduct an orientation-education program on:
 - a. the salient features of RA 9165 and its IRR
 - b. the Bank's drug-free workplace policies and programs
 - c. the adverse effects of abuse and/or misuse of dangerous drugs on the person, workplace, family and the community
 - d. preventive measures against drug abuse
 - e. steps to take when intervention is needed, as well as the services available for treatment and rehabilitation.
5. The terms used and defined by the Act and its IRR are shown as **Exhibit No. 1** to facilitate understanding and appreciation of this policy.
6. Human Resource Management and Development Division (HRMDD) shall obtain a written acknowledgement from the employees that they have read and understood the Bank's drug-free workplace policy (please refer to **Exhibit No. 2**).
7. The policy shall be discussed with new hires during the New Employees Orientation.

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Assessment Team

8. Violation of the drug-free workplace policy shall be referred by HRMDD to an Assessment Team which shall address all-aspects of drug abuse prevention, treatment and rehabilitation. Specifically, the Assessment Team shall be tasked with the following:
 - a. To determine whether or not an officer or rank-and-file employee found positive for drugs would need referral for treatment and/or rehabilitation in a Department of Health (DOH) accredited center. This option is given only to an employee:
 - who is diagnosed with drug dependence for the first time, or
 - who turns to the Assessment Team for assistance, or
 - who would benefit from the treatment and rehabilitation.
 - b. To evaluate, following rehabilitation, the status of the drug dependent employee and recommend to HRMDD the resumption of the employee's job if he/she poses no serious danger to co-employees and/or the workplace, in consultation with the head of the rehabilitation center.
9. The Bank's Assessment Team shall be composed of:
 - HRMDD Head or designated representative
 - One (1) representative from Legal Services Division
 - One (1) Security Officer
 - One (1) Union Officer
 - Medical Retainer

The members of the Assessment Team shall be trained on drug abuse prevention, clinical assessment and counseling of employees and other related activities.

Drug Testing Program

10. Bank employees shall be required to undergo random drug tests for the purpose of reducing the risks of using dangerous drugs in the workplace. Strict confidentiality shall be observed with regard to scheduling, screening and the screening results. Rescheduling of the drug test shall not be allowed.
11. Immediate Supervising Officer may nominate an employee for drug testing if said employee is displaying evident behaviors consistent to a person under the influence of dangerous drugs.

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12. Drug testing shall conform to the procedures prescribed by the Department of Health (DOH) and shall be conducted only by PDEA- and DOH-accredited drug testing centers.
13. Drug tests shall consist of both the screening test and the confirmatory test. The confirmatory test shall be carried out should the screening test turn positive. Test results, whether positive or negative, must be made known to the employee concerned.
14. Where the confirmatory test turns positive, the Bank's Assessment Team shall evaluate the results and determine the level of care and administrative interventions that can be extended to the concerned employee.
15. The Bank shall maintain the confidentiality of all information relating to drug tests or to the identification of drug users in the workplace. Exceptions may be made only where required by law, in case of overriding public health and safety concerns, or where such exceptions have been authorized in writing by the employee concerned.
16. A drug test is valid for one (1) year; however, additional drug testing may be required for just cause as in any of the following cases:
 - a. After workplace-related accidents, including near miss.
 - b. Following treatment and rehabilitation to establish fitness for returning to work/resumption of job;
 - c. In the light of clinical findings and/or upon recommendation of the Assessment Team.
17. Cost of drug testing shall be borne by the Bank.

Treatment, Rehabilitation and Referral

18. Assistance and counseling shall be provided for emotionally-stressed employees as part of the drug prevention and control program.
19. Any officer or rank-and-file employee confirmed as a first-time drug user shall be referred for treatment and/or rehabilitation in a DOH accredited center for at least six (6) months up to a maximum of one (1) year. During treatment, the employee shall utilize his/her earned sick leave credits. If all SL credits are exhausted, additional leaves taken shall be charged to the employee's accrued vacation leave credits. If both of these have been exhausted, then the leave of absence shall be considered as leave without pay.

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20. Following treatment and/or rehabilitation, the Bank's Assessment Team, in consultation with the rehabilitation center head, shall evaluate the status of the drug dependent employee. They may recommend the employee's resumption of the job if he/she poses no serious danger to co-employees and/or the workplace.

Sanctions

21. Use, possession, distribution, sale or attempted sale of dangerous or other unlawful drugs shall be a ground for suspension or termination as detailed below, consistent with the provisions of Article 282 of the Labor Code.

INFRACTION	CONSEQUENCE
1. Drug use defined as: a. Unauthorized taking of dangerous drugs or b. Working under the influence of dangerous drugs within the workplace or while on official duty outside or c. Drug dependence as diagnosed during the mandatory drug test	First Offense: Referral for treatment and/or rehabilitation in a PDEA- or DOH - accredited center as determined by the Assessment Team
2. Possession of unlawful drugs or such equipment, instrument, apparatus and other paraphernalia fit or intended for use, distribution, sale or attempted sale of dangerous drugs within the workplace or while on official duty outside the workplace. This shall be presumed as violation of Section 15 of the Act.	Second Offense: Termination
3. Delivery, sale or attempted sale of unlawful drugs or passing of dangerous drugs to another, personally or otherwise, and by any means within or outside the workplace.	First Offense: Termination

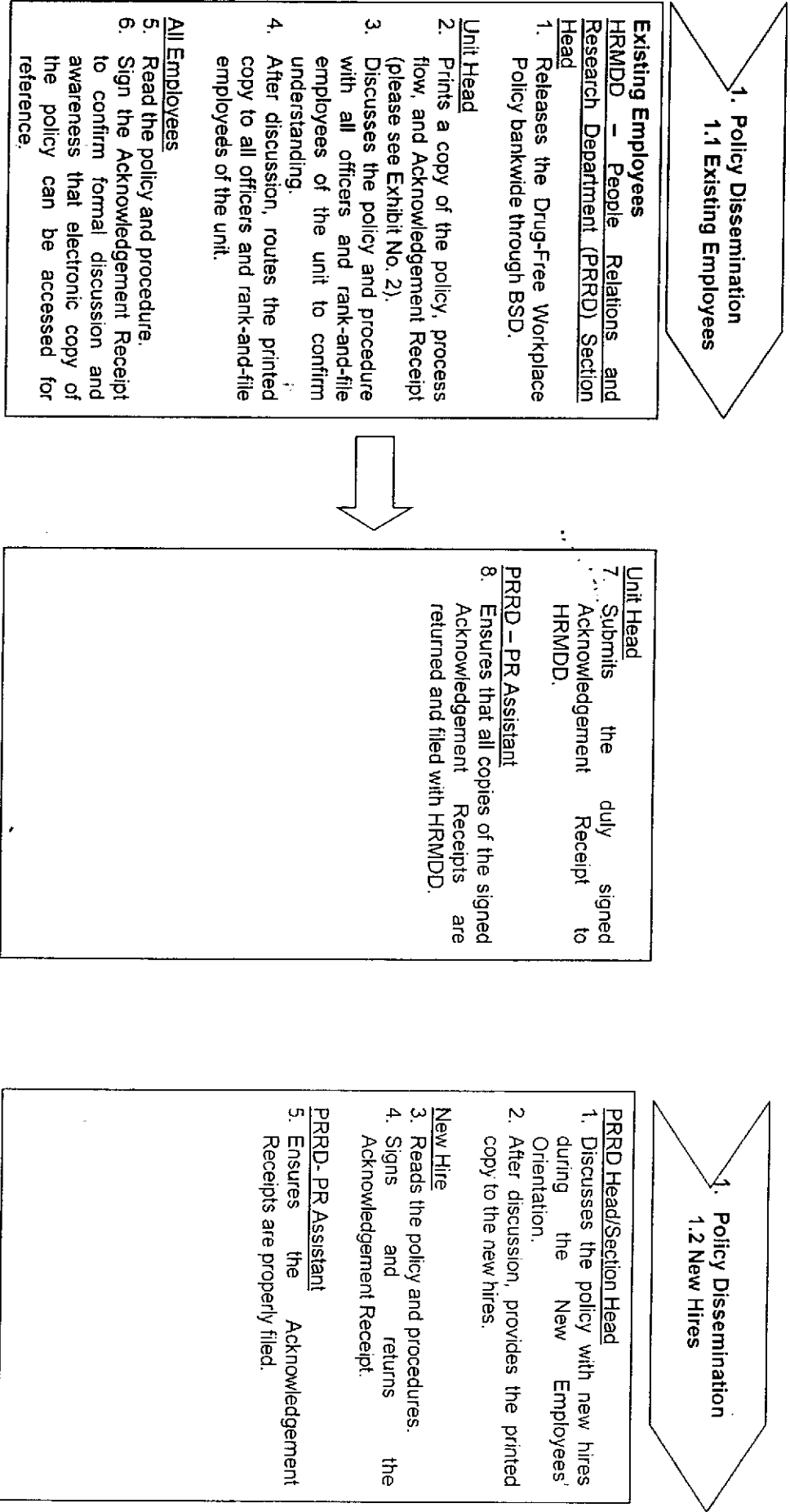
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INFRACTION	CONSEQUENCE
4. Maliciously and surreptitiously inserting, placing, adding or attaching directly or indirectly through any overt or covert act, whatever quantity of any dangerous drug and/or controlled precursor or essential chemical in the person within the workplace of an innocent employee for the purpose of incriminating or imputing the commission of any violation of the Act.	First Offense: Termination
5. Refusal to undergo drug test	First Offense: Termination
6. Work accident, loss of or damage to the Bank caused by an employee while under the influence of dangerous drugs.	Restitution, restoration or payment for damages without prejudice to the aforesaid penalties

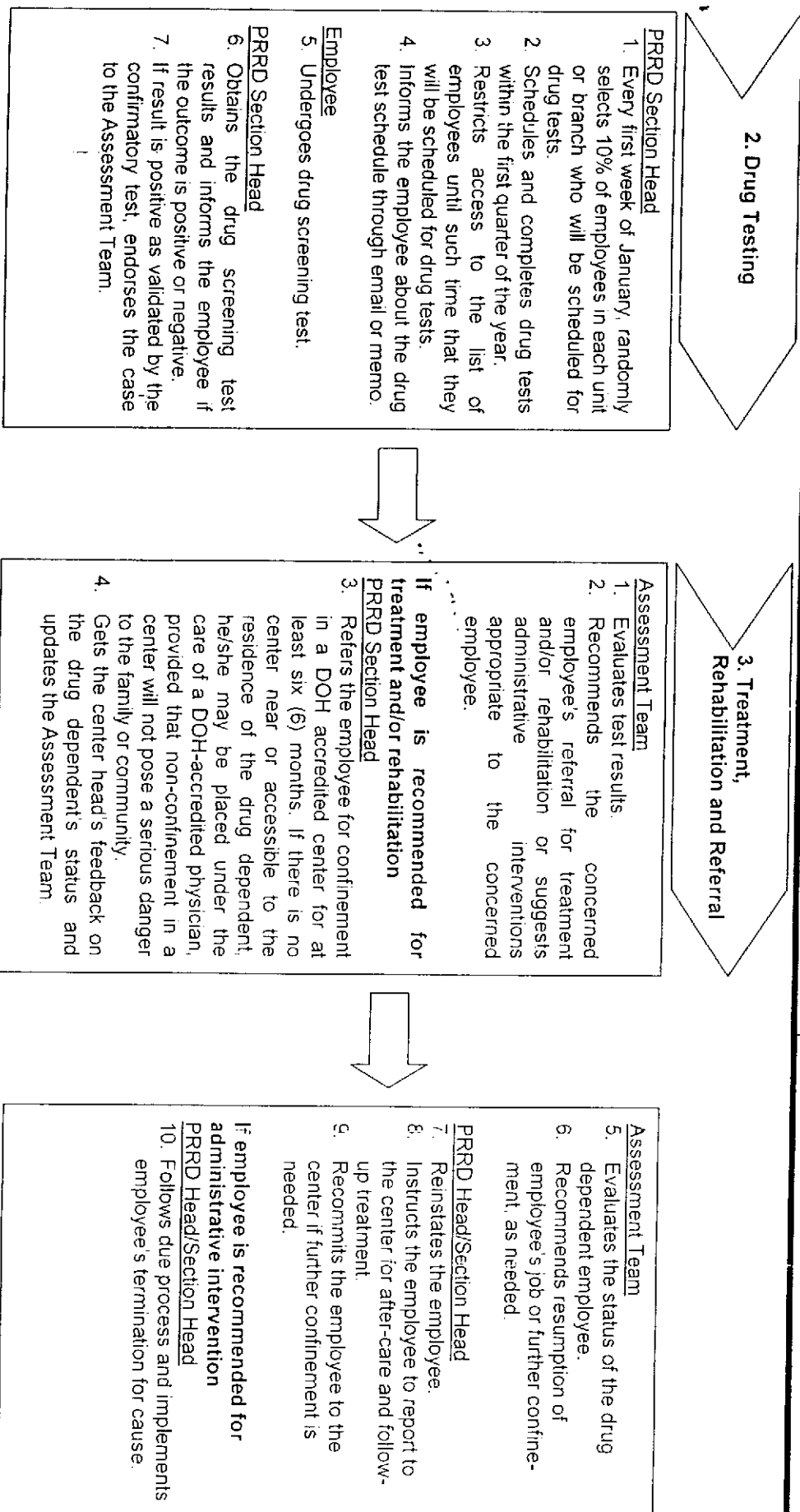
22. Repeated drug use even after ample opportunity for treatment and rehabilitation shall be dealt with the corresponding penalties.

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III. PROCESS FLOW



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IV. EXHIBITS

Exhibit No. 1 Definition of Terms

Exhibit No. 2 Acknowledgement Receipt

DRUG-FREE WORKPLACE**Exhibit 1 - DEFINITION OF TERMS ***

Act - Refers to Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002.

Administer - Any act of introducing any dangerous drug 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.

Assessment Team - Composed of the safety and health committee including occupational safety and health personnel, Human Resource managers, employers and workers' representatives trained to address all aspects of prevention, treatment and rehabilitation.

Center - Any of the Treatment and Rehabilitation Centers that undertake the treatment, after-care and follow-up treatment of drug dependents as referred to in Section 75, Article VIII of the Act.

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 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.

Confinement - The residential treatment and rehabilitation of trainees, clients and patients in a center.

Confirmatory Test - An analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific that will validate and confirm the results 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.

Dangerous Drugs - Include those listed in the Schedules annexed to the 1961 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 annex A of RA 53-03, which is an integral part of the Act.

Deliver - Any act of knowingly passing a dangerous drug to another, personally or otherwise, and by any means, with or without consideration.

Drug Dependence - As based on the World Health Organization definition, it is 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

* As defined by RA 9165 and DO 53-03 series of 2003

DRUG-FREE WORKPLACE**Exhibit 1 - DEFINITION OF TERMS ***

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 levels of use.

Drug Dependent - A person suffering from drug dependence.

Employee - Shall mean any person hired, permitted or suffered to work by an employer. The term employee includes permanent, regular, temporary, casual, part-time, and contractual workers.

Instrument - Anything that is used or intended to be used, in any manner, in the commission of illegal drug trafficking or related offenses;

Interested Party - Refers to the courts, law enforcement agencies or the employer, and workers' representatives.

Near Miss - An incident arising from or in the course of work which could have led to injuries or fatalities of the workers and/or considerable damage to the employer had it not been curtailed.

Planting of Evidence - The willful act of any person of maliciously and surreptitiously inserting, placing, adding or attaching directly or indirectly, through any overt or covert act, whatever quantity of any dangerous drug and/or controlled precursor and essential chemical in the person, house, effects or in the immediate vicinity of an innocent individual for the purpose of implicating, incriminating or imputing the commission of any violation of the Act;

Random Drug Test - Refers to unannounced schedule of testing with each employee having an equal chance of being selected for testing. The policy on the conduct of random drug test should be known to both employers and employees.

Screening Test - A rapid test performed to establish potential/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;

Sell/Sale - Any act of giving away any dangerous drug and/or controlled precursor and essential chemical whether for money or any other consideration.

Treatment, Rehabilitation and Counseling - The dynamic process, including after-care and follow-up treatment, directed towards the physical, emotional/psychological, vocational, social and spiritual change/enhancement of a drug dependent to enable him/her to live without dangerous drugs, enjoy the fullest life compatible with his/her capabilities and potentials and render him/her able to become a law-abiding and productive member of the community;

* As defined by RA 9165 and DO 53-03 series of 2003

DRUG-FREE WORKPLACE**Exhibit 1 - DEFINITION OF TERMS ***

Use - Any act of injecting, intravenously or intramuscularly, of consuming, either by chewing, smoking, sniffing, eating, swallowing, drinking or otherwise introducing into the physiological system of the body, any of the dangerous drugs.

Work Accident - An unplanned or unexpected occurrence that may or may not result in personal injury, property damage, work stoppage or interference or any combination thereof of which arises out of and in the course of employment.

Workplace - The office, premises or worksite where the workers are habitually employed and shall include the office or place where the workers who have no fixed or definite worksite regularly report for assignment in the course of their employment. It shall also include venues used by the Company for company functions.

* As defined by RA 9165 and DO 53-03 series of 2003