

[DDB BOARD REGULATION NO. 2, March 26, 2004]

GUIDELINES FOR THE FORMULATION AND IMPLEMENTATION OF A DRUG-FREE WORKPLACE PROGRAM AND THE CONDUCT OF AUTHORIZED DRUG TESTING BY ALL OFFICES, BUREAUS, AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS AND OTHER INSTITUTES OF LEARNING INCLUDING STATE COLLEGES AND UNIVERSITIES

Pursuant to the powers vested in it under Section 77, Article IX of RA 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002 in relation to Section 16, Art. II and Section 48, Art. V of the same Act, the Dangerous Drugs Board (DDB) hereby prescribe the following guidelines for the formulation and implementation of a drug-free workplace program and the conduct of authorized drug testing for offices, bureaus and agencies of the national and local governments, government owned and controlled corporations and other institutes of learning including state colleges and universities.

SECTION 1. Guidelines in the Formulation of a Drug Abuse Policy in the Workplace and the Conduct of Authorized Drug Testing - Every agency/office shall adopt its own drug abuse policy in the workplace, which shall serve as a legal document that communicates the organization's position in the use of illegal drugs as well as outlining the responsibilities of the employer, the employees and the employees' unions. The policy must be developed through a process where consensus is achieved regarding its contents.

GUIDELINES IN THE FORMULATION OF POLICY

1. Creation of a Drug-Free Workplace Committee or Assessment Committee - Every government agency is enjoined to immediately establish a Drug-Free Workplace Committee or Assessment Committee which shall be composed of the following:

- a. Head of Office or Representative
- b. Representative of the Employees' Union / Association
- c. Head of the Personnel Department or Representative
- d. Head of the Medical Department or Representative

The Committee shall undertake the following duties and responsibilities:

1. To oversee the formulation and implementation of the drug abuse policy in the agency
2. Initiate training programs for supervisors
3. Initiate continuing education and awareness program for the employees
4. Initiate and adopt value formation, family enhancement and such other related and relevant programs

2. Content - To make a drug-free workplace policy effective and more sustainable, it must contain, among others, the following:

a. Title

b. Purpose - The primary purpose of the policy must be clearly stated. It must relate to the maintenance of safe and healthy work environment free from use of dangerous drugs

c. Reference - RA 9165

d. Policy Statement - The statement of the office in recognizing the threat posed by drug abuse in the community of employers and employees. This may include, among others, decreased productivity, increased accidents, absenteeism, lapses in the performance of assigned task, criminality, etc. and thereby, absolutely prohibits the use of dangerous drugs in and outside the office by all officials and employees.

e. Scope/Coverage - Every adopted drug abuse policy in the workplace must be applicable to all employees in the office or agency without distinction as to rank, status or salaries.

f. 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.

g. Responsibilities of the Office/Agency under the Policy

1. Adopt a continuing and sustainable substance abuse awareness program to inform its 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
- d. The consequences, penalties, and administrative sanctions in violation thereof

2. Distribute a copy of the Policy to each employees

3. Create a Committee that will implement, to the fullest, the contents of the Policy

4. To display a Bill Board at a strategic place in the office with the message:

" This is a Drug Free Workplace. Let's Keep it That Way"

h. Responsibilities of the Employees and the Officials of the Office/Agency

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