

VIRTUAL DONE WELL DAVAO, INC.

DRUG-FREE WORKPLACE POLICY AND PROGRAM

Virtual Done Well Davao, Inc. acknowledges the problem of drug abuse in our society. As our company sees drug abuse as a serious threat to our staff and customers, it hereby addresses the problem by issuing this substance abuse policy and program to ensure that our company, Virtual Done Well Davao, Inc., will be a drug-free workplace.

In compliance with Article V of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drug Act of 2002, and its implementing Rules and Regulations, DOLE Department Order No. 53-03 Series of 2003 (Guidelines for the Implementation of a Drug- Free Workplace Policies and Programs for the Private Sector), with its Implementing Rules and Regulations under Executive Order 032 Series of 2018, Virtual Done Well Davao, Inc. hereby adopts the following policies and programs to achieve a drug-free workplace:

I. DEFINITION OF TERMS

- A. *Employee* shall mean any person hired or permitted to work by an employer. The term employee includes permanent, regular, temporary, casual, part-time, and contractual workers.
- B. *Employer* includes any person or entity acting directly, or indirectly in the interest of the employer, in relation to an employee and shall include nonprofit private institutions or organizations.
- C. *Workplace* refers to an 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 employer for company functions.
- D. *Assessment Team* refers to the team composed of the safety and health committee including OSH personnel, human resources managers, employers and workers' representatives trained to address all aspects of drug prevention, treatment and rehabilitation.
- E. *Random* refers to the selection of the employees of the establishment who will undergo the drug testing to avoid any preparations or scheme on the part of the employees in order to manipulate the results.
- F. *Random Drug Test* refers to an 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.
- G. *Screening Test* is 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.

- H. *Confirmatory Test* refers to 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 the specimen.

II. POLICY ON DRUG-FREE WORKPLACE

Virtual Done Well Davao, Inc. policy is intended to deter and eradicate the use of illegal drugs by the employees within or outside the company premises. It explicitly prohibits:

- A. The use, possession, solicitation for, or sale of dangerous drugs in VDW premises or while performing an assignment.
- B. Being impaired or under the influence of dangerous drugs away from the company, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the company's reputation.
- C. Possession, use, solicitation for, or sale of dangerous drugs away from the company's premises, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, our puts at risk the company's reputation.
- D. The presence of any detectable number of dangerous drugs in the employee's system while at work, while in the premises of the company. "Dangerous Drugs" includes 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 Singles Convention on Psychotropic Substances as enumerated in the attached Annex of R.A. 9165.

III. PROGRAM ON DRUG-FREE WORKPLACE

It is a standard of conduct of employees of Virtual Done Well Davao, Inc. that employees shall not use illegal drugs. In order to maintain this standard, the company shall establish and maintain the programs related to prevention of drug abuse in the workplace.

- A. To ensure that only those qualified shall be screened and recruited to prevent the detrimental effects (*e.g. lower productivity, poor decision making, increased accidents, more compensation claims, and reduced team effort*) which drug use and abuse may cause in the workplace, the conduct of mandatory drug test shall be required for pre-employment.

- B. Virtual Done Well Davao, Inc. avails of the services of a DOH Accredited Drug Testing Laboratory for its Mandatory Random Drug Testing under the supervision of the Philippine Drug Enforcement Agency once in every three years.
- C. It shall be mandatory to conduct a Random Drug Testing to Virtual Done Well Davao, Inc. employees covering at least 100% of the total workforce.
- D. Any employee may also volunteer to undergo drug testing.
- E. Virtual Done Well Davao, Inc. may also conduct drug testing under any of the following circumstances:
 - 1. **FOR- CAUSE TESTING.** Virtual Done Well Davao, Inc. may ask an officer/employee to submit to a drug test at any time it feels that the officer/employee may be under the influence of drugs, including, but not limited to, the following circumstances: evidence of drugs on or about the employee's person or in the employee's vicinity, unusual conduct on the employee's part that suggests impairment or influence of drugs, negative performance patterns, or excessive and unexplained absenteeism or tardiness.
 - 2. **POST- ACCIDENT TESTING:** ANY OFFICER/ EMPLOYEE INVOLVED IN A "Near-Miss" incident or "Work Accident" under circumstances that suggest possible use or influence of drugs may be asked to submit to a drug test. As defined herein, "Near- Miss" means an incident arising from or in the course of work which could have led to injuries or fatalities of the worker and/or considerable damage to the employer had it not been curtailed. "Work Accident" refers to 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.
- F. All drug test shall employ, among others, two (2) testing methods, the screening test which will determine the positive result as well as the type of the drug used and the confirmatory test which will confirm a positive screening test. Where the confirmatory test turns positive, the Virtual Done Well Davao, Inc. Assessment Team shall evaluate the results and determine the level of the care and administrative interventions that can be extended to the concerned employee.
- G. Virtual Done Well Davao, Inc. shall inform the officer/employee who was subjected to a drug test of the test- results whether positive or negative.
- H. The cost of the random drug testing and confirmatory testing shall be borne by Virtual Done Well Davao, Inc. Should the employee challenge the confirmatory test result, the cost shall be borne by the employee. Employee may challenge the confirmatory result within 10 days.

IV. TREATMENT, REHABILITATION AND REFERRAL

- A. The Assessment Team shall determine whether or not an officer or an employee found positive for drugs would need referral for treatment and/or rehabilitation in a DOH accredited center. An officer/employee who, for the first time, is found positive of drug

use, shall undergo screening using A.S.S.I.S.T. (Alcohol, Smoking, Substance Involvement Screening Test) Tool to determine level of severity of drug dependency and shall be referred to a DOH Accredited Physician for further assessment. Low/mild risk drug dependents shall be referred to TARA NA CBRAP (Tabangan Atong Reformist Aron Naa'y Asenso Community-Based Rehabilitation and Aftercare Program) of Davao City or any DOH accredited facility. Moderate risk shall be referred to health facility-based outpatient intensive treatment and rehabilitation accredited by the DOH. Severe risk shall be referred to an in-patient treatment and rehabilitation facility or to any DOH accredited treatment and rehabilitation center (TRC).

Officers and employees who are diagnosed with drug dependence for the first time, or who turn to the assessment team for assistance or who would benefit from the treatment and rehabilitation will be given the following opportunity:

- a. Low Risk Employee: continue with the job and attend community-based rehabilitation once a week with transportation and food allowance.
 - b. Moderate Risk Employee: relieved from client tasks and reassigned to VDW Admin; referred to DOH accredited outpatient facility once a week with transportation and food allowance.
 - c. High Risk Employee:
 - i. Dismissal with package to be awarded to the family equivalent to monthly basic salary multiplied by the number of years of tenure.
 - ii. Post-rehabilitation evaluation for re-employment.
- B. Following rehabilitation, Virtual Done Well Davao, Inc. Assessment Team, in consultation with the head of the rehabilitation center, shall evaluate the status of the drug dependent employee and recommend to the employer the resumption of the employee's job if he/she poses no serious danger to his/her co-employees and/ or the workplace.
- C. All costs for the treatment and rehabilitation of the drug dependent employee shall be charged to his/her account. The period during which the employee is under treatment or rehabilitation shall be considered as authorized leaves. Employee may utilise his/her annual leave credits.
- D. Repeated drug use even after ample opportunity for treatment and rehabilitation shall be dealt with the corresponding penalties under R.A. 9165 and is a ground for dismissal.

V. ADVOCAY, EDUCATION AND TRAINING

- A. Virtual Done Well Davao, Inc. undertakes to increase the awareness and education of its officers and employees on the adverse effects of dangerous drugs through continuous advocacy, education and training program/ activities to all its officers and employees.
- B. All officers and employees are required to undergo an orientation/education program before assumption of their respective duties. The program shall include the following topics:
 1. Salient Features of R.A. 9165;
 2. Adverse effects of abuse and/ or misuse of danger drugs on the person, workplace, family and the community.
 3. Preventive measures against drug abuse; and

4. Steps to take when intervention is needed, as well as available services for treatment and rehabilitation.
- C. To encourage all officers and employees to lead a healthy lifestyle while at work and at home, Virtual Done Well Davao, Inc. undertakes to conduct the following activities as often as possible:
1. Sportsfest, badminton sessions, recreational and fun-games activities.
 2. Yoga/meditation sessions and other activities promoting health and wellness

VI. ROLES, RIGHTS AND RESPONSIBILITIES OF EMPLOYER AND EMPLOYEES

- A. Virtual Done Well Davao, Inc. shall ensure that the workplace policies and programs on the prevention and control of dangerous drugs, including drug testing, shall be disseminated to all officers and employees. The employer shall obtain a written acknowledgement from the employees that the policy has been read and understood by them.
- B. Virtual Done Well Davao, Inc. shall maintain the confidentiality of all the 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 person concerned.
- C. All officers and employees shall enjoy the right to due process, absence of which will render the referral procedure ineffective.

VII. CONSEQUENCES OF POLICY AND VIOLATIONS

- B. Any officer or employee who uses, possesses, distributes, sells or attempts to sell, tolerates or transfers dangerous drugs or otherwise commits other unlawful acts as defined under Article II of R.A. 9165 and its Implementing Rules and Regulations shall be subject to the pertinent provisions of the said Act.
- C. Any officer or employee found positive for use of dangerous drugs shall be dealt with administratively in accordance with the provisions of Article 282 of Book VI of the Labor Code and under R.A. 9165.
- D. Any officer or employee or any person who intentionally or unintentionally breach the confidentiality of any drug test result shall be charged in accordance with Article VIII, Section 72 of RA 9165.
- E. Refusal of any officer or employee to be subjected to drug screening/test corresponds to insubordination and shall be dealt with accordingly based on Virtual Done Well's Employee Guidelines.

VIII. MONITORING AND EVALUATION

The implementation of these policies and programs shall be monitored and evaluated periodically by management to ensure a drug- free workplace. For this purpose, an Assessment Team shall be constituted in accordance with D.O. 53-03.

IX. EFFECTIVITY

The provision of these policies and programs shall be immediately effective after its ratification by the management and the employee's representatives and its posting in the company's bulletin board

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Operations Manager

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Date: _____

APPENDIX - EXERPTS OF REPUBLIC ACT NO. 9165

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Appendix 1 - ARTICLE II: Unlawful Acts and Penalties

1.1 Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

1.2 Section 11. Possession of Dangerous Drugs. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

- (1) 10 grams or more of opium;
- (2) 10 grams or more of morphine;
- (3) 10 grams or more of heroin;
- (4) 10 grams or more of cocaine or cocaine hydrochloride;
- (5) 50 grams or more of methamphetamine hydrochloride or "shabu";

(6) 10 grams or more of marijuana resin or marijuana resin oil;

(7) 500 grams or more of marijuana; and

(8) 10 grams or more of other dangerous drugs such as, but not limited to, methylenedioxymethamphetamine (MDA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxyamphetamine (GHB), and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements, as determined and promulgated by the Board in accordance to Section 93, Article XI of this Act.

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

(1) Life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or "shabu" is ten (10) grams or more but less than fifty (50) grams;

(2) Imprisonment of twenty (20) years and one (1) day to life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantities of dangerous drugs are five (5) grams or more but less than ten (10) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or three hundred (300) grams or more but less than five (hundred) 500) grams of marijuana; and

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.

1.3 Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs. - The penalty of imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess or have under his/her control any equipment, instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body: *Provided*, That in the case of medical practitioners and various professionals who are required to carry such equipment, instrument, apparatus and other paraphernalia in the practice of their profession, the Board shall prescribe the necessary implementing guidelines thereof.

The possession of such equipment, instrument, apparatus and other paraphernalia fit or intended for any of the purposes enumerated in the preceding paragraph shall be *prima facie* evidence that the possessor has smoked, consumed, administered to himself/herself, injected, ingested or used a dangerous drug and shall be presumed to have violated Section 15 of this Act.

1.4 Section 15. Use of Dangerous Drugs. – A person apprehended or arrested, who is found to be positive for use of any dangerous drug, after a confirmatory test, shall be imposed a penalty of a minimum of six (6) months rehabilitation in a government center for the first offense, subject to the provisions of Article VIII of this Act. If apprehended using any dangerous drug for the second time, he/she shall suffer the penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a fine ranging from Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00): *Provided*, That this Section shall not be applicable where the person tested is also found to have in his/her possession such quantity of any dangerous drug provided for under Section 11 of this Act, in which case the provisions stated therein shall apply.

Appendix 2 - ARTICLE V: Promotion of a National Drug-Free Workplace Program With the Participation of Private and Labor Sectors and the Department of Labor and Employment

2.1 Section 47. Drug-Free Workplace. – It is deemed a policy of the State to promote drug-free workplaces using a tripartite approach. With the assistance of the Board, the Department of Labor and Employment (DOLE) shall develop, promote and implement a national drug abuse prevention program in the workplace to be adopted by private companies with ten (10) or more employees. Such program shall include the mandatory drafting and adoption of company policies against drug use in the workplace in close consultation and coordination with the DOLE, labor and employer organizations, human resource development managers and other such private sector organizations.

2.1 Section 48. Guidelines for the National Drug-Free Workplace Program. – The Board and the DOLE shall formulate the necessary guidelines for the implementation of the national drug-free workplace program. The amount necessary for the implementation of which shall be included in the annual General Appropriations Act.

Appendix 3 - ARTICLE VIII: Program for Treatment and Rehabilitation of Drug Dependents

3.1 Section 72. Liability of a Person Who Violates the Confidentiality of Records. – The penalty of imprisonment ranging from six (6) months and one (1) day to six (6) years and a fine ranging from One thousand pesos (P1,000.00) to Six thousand pesos (P6,000.00), shall be imposed upon any person who, having official custody of or access to the confidential records of any drug dependent under voluntary submission programs, or anyone who, having gained possession of said records, whether lawfully or not, reveals their content to any person other than those charged with the prosecution of the offenses under this Act and its implementation. The maximum penalty shall be imposed, in addition to absolute perpetual disqualification from any public office, when the offender is a government official or employee. Should the records be used for unlawful purposes, such as blackmail of the drug dependent or the members of his/her family, the penalty imposed for the crime of violation of confidentiality shall be in addition to whatever crime he/she may be convicted of.