

## **Inter-Office Memorandum**

*Reference No. GA 2013.02.077*

**TO : ALL EMPLOYEES**  
**FROM : ADMINISTRATIVE DIVISION**  
**SUBJECT : DANGEROUS DRUGS POLICY**  
**DATE : February 18, 2013**

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### **INTRODUCTION:**

In line with the Implementing rules & regulation of **RA 9165 COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002** FUJITSU DIE -TECH CORPORATION OF THE PHILs. (FDTP) issued this Policy to safeguard the integrity of the company and the well-being of its employees from the harmful effects of dangerous drugs.

### **SCOPE:**

- (1) All officers and employees of Fujitsu Die-Tech Corporation of the Philippines., regardless of position and rank.
- (2) Job Applicants
- (3) Employees of suppliers, dealers, contractors, agencies and all other service providers who are assigned to work inside the Company premises.
- (4) Visitors and Guest

### **POLICY:**

- (1) FUJITSU DIE -TECH CORPORATION OF THE PHILs. (FDTP) officers & Staffs are law abiding citizens, highly competent & well trained.
- (2) FDTP is committed to the maintenance of a pleasant and drug free working environment.
- (3) From the time an individual becomes part of the organization, his well-being becomes the primordial concern of the Company & shall ensure that all are free from the influence of illegal, banned or prohibited drugs; that its workplace is at all times safe and its operations and all other Company activities are efficiently managed.
- (4) The Company, as a matter of policy shall subject its employees to undergo Drug Testing on an unannounced date and time.

### **LEGAL BASIS OF THE POLICY**

- (1) **Section 36, paragraph [d] of the RA 9165 COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002:** "[d] Officers and employees of public and private offices. - - Officers and employees of the public and private offices, whether domestic or overseas, shall be subjected to random drug

tests as contained in the Company's work rules and regulations, which shall be borne by the employer, for purposes of reducing the risk in the workplace. Any officer or employee found positive for the use of dangerous drugs shall be dealt with administratively which shall be ground for suspension or termination, subject to provisions of Article 282 of the Labor Code and pertinent provisions of the Civil Service Law."

- (2) Pertinent Provisions in the present Code of Conduct & Discipline, are incorporated in the POLICY:

**OFFENSE AGAINST SAFETY, HEALTH & SECURITY, P15, #7**, "Being under the influence of drugs, possessing narcotics or, any prohibited drugs inside the Company".

**Penalty:** 1<sup>st</sup> Offense – Dismissal

**OFFENSE AGAINST PUBLIC MORALS, P17, #1**, "Any act which constitutes commission of a crime regardless of the time and place; whether the crime is committed outside of Company time and premises".

**Penalty:** 1<sup>st</sup> Offense - Written reprimand; 2<sup>nd</sup> Offense – 7 days Suspension; 3<sup>rd</sup> Offense – Dismissal

**OFFENSE AGAINST PUBLIC MORALS, P18, #1** "Pending investigation of rule #1 above".

**Penalty:** 1<sup>st</sup> Offense 30 days Suspension

**OFFENSE AGAINST PUBLIC MORALS, P18, #3** "Conviction of # 1".

**Penalty:** Dismissal

Note: Offences Against Public Morals, Rule no. 1, is applicable in cases of being under the influence of drugs, possessing narcotics or, any prohibited drugs inside the Company.

These are criminal offenses.

Amendments and/ or revisions to the Code of Conduct pertaining to the use of illegal drugs shall automatically be part of THE POLICY.

## **GENERAL GUIDELINES**

1. Once a year, regular employees, regardless of rank are required to undergo Drug Test as part of the FDTP's Regular or Annual Medical or Physical Examination Program.
2. Employees to undergo Drug tests shall be randomly chosen by draw lots. However, it will be given priority to those employees who had committed an unsafe act causing accident and/or committed violation of FDTPs code of conduct (they are employees who had already incurred 3 or more days of suspension due to any kind of offense).
3. Costs of Drug tests shall be shouldered by FDTP.

4. Drug Test results shall be the exclusive property of the Company and treated with utmost confidentiality.
5. An employee may be required to undergo a Drug Test without observing the random selection process for scheduled Drug Testing. However, there must be evidence enough like, but not limited to frequent violation of Company safety and Security rules to justify the required/compulsory Drug Testing.
6. Employees who are tested positive of illegal drugs shall be subjected to an administrative penalty with due process in accordance with the law and shall be allowed to challenge the findings if warranted, before final judgment.
7. Unjustified refusal by an employee who was randomly chosen or was required to undergo a Drug Test would be a prima facie evidence of his being a drug addict or dependent. As such:
  - a. He shall be banned from entering and/or from reporting for work, until he submits himself to Drug Testing.
  - b. Failure to submit a medical certificate from a DOH accredited Drug Testing center showing that a Drug Test was passed (which fact must be confirmed by the Company Physician) would be deemed a conclusive proof of his being a drug addict/dependent. He shall then be dismissed for cause (after due process).
8. If before the Drug Test (whether randomly chosen or required) an employee confesses in writing that he is a drug user/dependent/addict and volunteers to undergo drug rehabilitation, he shall not be subjected to the pertinent provisions of the Code of Conduct.
  - a. Moreover, while on drug rehabilitation, he shall be considered on sick leave (SL) with pay depending on the number of SL days he is entitled under the policy on the matter.
  - b. After his SL with pay, and for a period of not more than 6 months, he shall be considered on an authorized leave of absence without pay.
  - c. After 6 months, if he is able to submit a certification from the drug rehabilitation center that he is no longer a drug dependent/ addict and is already free from the influence of illegal, banned or prohibited drugs and this fact was duly confirmed by a Company appointed medical doctor, he may report back to work. If not, he may be terminated based on the provisions of the law on medical termination.
9. Aside from the institution of an administrative charge, any employee caught selling, buying, taking or in possession of illegal, banned or prohibited drugs or similar substances and/ or in possession of equipment, instrument, apparatus and paraphernalia for dangerous/illegal or banned or similar substances shall also be reported and turned over to the police/PDEA authorities.
10. Employees of dealers, suppliers, contractors, agencies and service providers and all other persons (including visitors and their companions, including drivers), who were caught selling, buying, taking or in possession of illegal, banned and prohibited drugs or similar substances, while inside FDTP premises or its immediate environs shall be reported and turned over to the police/PDEA authorities.
11. Job applicants (including OJTs) to any position shall be required to undergo Drug Tests, at the expense of applicant and at a medical clinic chosen by the Company. Refusal to undergo such Drug Testing or any positive finding shall be sufficient ground not to hire his/her services.
12. Regular Dealers, suppliers, contractors, agencies and all service providers shall provide FDTP with the Drug Test Result of their employees and/ or personnel before they are assigned to FDTP.

Otherwise, their employees will not be allowed to enter the Company's premises and/ or to render work/service. Drug test must be taken by a reputable Clinic, Hospital or Drug Testing Center.

13. Guests, visitors, including their drivers who are obviously under the influence of illegal or prohibited drugs shall not be allowed to enter the Company's premises. Illegal or prohibited drugs found in their possession (car) shall be confiscated and the concerned person shall be turned over to the police/PDEA authorities.

In view of the foregoing, any specific rules and guidelines stated in the **RA 9165 (Comprehensive Dangerous Act of 2002)** not mentioned in this policy shall apply.


For your guidance and compliance.

Prepared by:

  
**CASTOR T. ISON**  
*GA Supervisor*

Reviewed by

  
**ANNABELLE ARAMBULO**  
*HR Asst. Manager*

  
**RICHARD H. CAJUCUM**  
*GA Manager*

Approved by:

  
**YASUO YOSHINOSONO**  
*Admin Senior Manager*

  
**KATSUHIKO ORIKASA**  
*Vice President/Treasurer*

  
**KAZUHIRO TAKAHASHI**  
*President*