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August 08, 2022

**Regional Memo Order No. 77**  
Series of 2022

**SUBJECT: DRUG-FREE WORKPLACE POLICY AND PROGRAM**

In compliance with Article V of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and its implementing Rules and Regulations, Executive Order No. 66, series of 2018 (Institutionalizing the Philippine Anti-Illegal Drugs Strategy), Civil Service Commission Memorandum Circular No. 13, series of 2017 (Guidelines in the mandatory random drug test for public and employees and for other purposes), Civil Service Commission Memorandum Circular No. 05, series of 2019 (Amendment to CSC Resolution No. 1700653 dated March 15, 2017), and as part of our commitment to safeguard the well-being of our personnel and to provide a safe environment for everyone, the Department of Trade and Industry XII hereby adopts the following policies and programs to achieve a drug-free workplace, as follows:

**SECTION I. DEFINITION OF TERMS**

- a. **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.
- b. **Challenge Test:** a drug test conducted as a result of a challenge filed by a public official or employee who tested positive for drug use in a confirmatory test.
- c. **Confirmatory 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.
- d. **Dangerous Drugs:** include those identified and listed in R.A. No. 9165 and its annexes, subject to any reclassification, addition or removal of any drug from said list by the Dangerous Drugs Board, in accordance with Section 93 of R.A. No. 9165.
- e. **Drug Dependent:** a person identified for using drugs/ other substances (mind-altering or not) without medical need, in an amount large enough or over a period long enough to threaten the quality of life or health and safety of the user or others.
- f. **Drug Test:** the process undertaken to determine the presence of dangerous drugs in a person's system, to include both screening test and confirmatory test.

- g. **Employee Assistance Program or EAP:** a program that offers assistance to government officials or employees who have alcohol or drug-related issues and problems that may affect work performance. It shall be jointly implemented by the agency, the employees, and employee's union.
- h. **For 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.
- i. **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.
- j. **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.
- k. **Public Officials and Employees:** include any person holding or performing a public function in the legislative, executive, administrative or judicial office in the government, regardless of status of employment or engagement.
- l. **Random Testing:** a method of drug testing where the selection process results in equal probability that any employee from a group of employees will be tested, and without any prior notice of the date and venue.
- m. **Republic Act No. 9165:** refers to the Comprehensive Dangerous Drugs Act of 2002.
- n. **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 to his/ her capabilities and potentials, and become a law abiding and productive member of the community.
- o. **Screening Test:** a rapid test performed to establish potential/ presumptive positive result.
- p. **Unlawful Acts:** refer to any of the unlawful acts penalized under Art. II of RA 9165.
- q. **Workplace:** a place where work is usually performed.

## SECTION II. CREATION OF A DRUG-FREE WORKPLACE COMMITTEE

In order to institutionalize and oversee the implementation of the Regional Drug-Free Workplace Program, a Drug-Free Workplace Committee and sub-committee shall be created.

The Regional Committee shall be composed of the following:

- a. All Division Chief/Officer-in-Charge of every division:
  - 1. Office of the Regional Director (ORD)
  - 2. SME Development Division (SDD)
  - 3. Industry Development Division (IDD)
  - 4. Consumer Protection Division (CPD)
  - 5. Administrative, Financial and Management Division (AFMD)



- b. Human Resource Management Officer
- c. 1<sup>st</sup> and 2<sup>nd</sup> level EU representatives
- d. Safety Officer

A sub-committee at the Provincial/ Field Offices shall be composed of the following:

- a. All Division Chief/Officer-in-Charge
- b. Administrative Officer
- c. EU representatives
- d. Safety Officer

Functions of the Committee:

- a. To implement an anti-drug abuse policy and programs;
- b. To oversee the formulation and implementation of the drug-free workplace policy/ programs;
- c. Initiate capability building programs for officials and employees;
- d. Conduct continuing education and awareness program for the officials and employees;
- e. Initiate and adopt value formation, family enhancement and other related and relevant programs;
- f. Facilitate and coordinate conduct of random drug test;
- g. Shall act as the Assessment Team, who shall assist in the conduct of substance abuse awareness and prevention programs and shall be actively involved in the implementation of the Employee Assistance Program; and,
- h. Submit to the Dangerous Drugs Board (DDB) every month of February of each year, an annual report outlining or detailing accomplishments relative to the DTI XII tasks, undertakings, programs, and projects under the Philippine Anti-Illegal Drugs Strategy (PADS).

### **SECTION III. Drug Testing Program for Official and Employees**

The program shall detect and end drug abuse among officials and employees, without distinction as to rank, status or salaries. This is to prevent the detrimental effects which drug use and abuse may cause in the workplace such as low productivity, poor decision-making, and increased accidents, among others.

Authorized drug testing shall be 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.

All drug tests 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. If the confirmatory test turns positive, the **agency's assessment team** shall evaluate the results and

determine the level of care and administrative interventions that can be extended to the concerned official/ employee.

In case of negative drug test result, no further action is needed.

A positive drug test result from the confirmatory test shall immediately be known to the Head of Agency, who shall notify the public official/ employee concerned. The public official/ employee shall have fifteen (15) days from receipt of notice to challenge the result of the confirmatory test. Using the same specimen, a challenge test shall be conducted by a drug testing laboratory accredited by the DOH. All expenses incurred in the conduct of the challenge test shall be borne by the concerned public official/ employee.

A positive drug test result from the challenge test is deemed final and the public officer shall be subjected to administrative proceedings. Failure to file a challenge within the prescribed period shall make the positive drug test result from the confirmatory drug test final. The agency shall then take appropriate action.

Drug testing shall be conducted under any of the following circumstances:

**A. Mandatory Drug Testing**

1. Mandatory drug testing shall remain a requirement for initial entry to government service. Any applicant found positive for drug use shall be denied entry to government service.
2. Expenses shall be borne by the applicant.

**B. Random Drug Testing**

1. Officials and employees may be selected randomly for drug testing at any interval determined by the agency. DTI XII retains its prerogative to subject any official or employee to random drug testing even without the physical signs or symptoms, or other visible or outward manifestations of drug use.
2. The frequency of subsequent random drug tests shall be prescribed by the DTI XII taking into consideration, among others, the number of public officials and employees, nature of work being discharged, funding, and other logistics.
3. Subsequent random testing shall be periodically conducted in an interval not to exceed two (2) years.
4. Expenses shall be borne by DTI XII.

**C. For-cause testing**

1. The DTI XII may ask an officer/ employee to submit drug test at any time it feels that the employee may be under the influence of drugs (e.g., evidence of drugs on or about the employee's vicinity/ possession of dangerous drugs paraphernalia, unusual conduct that suggests impairment or influence of drugs, negative performance patterns, unexplained tardiness, or absenteeism.)
2. Expenses shall be borne by DTI XII.



#### **D. Post-accident Testing**

1. 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 a drug test.
2. Expenses shall be borne by DTI XII.

#### **SECTION IV. Employee Assistance Program: Treatment, Rehabilitation and Referral**

- a. The Employee Assistance Program shall provide referrals and additional services to any official/ employee who seeks proper intervention prior to the conduct of authorized drug testing. A drug dependency examination shall be conducted to determine the level of substance use disorder and the applicable intervention.
- b. The Employee Assistance Program shall not apply to any official/ employee who are found to be positive for drug use after the conduct of a confirmatory test in an authorized drug testing activity.

#### **SECTION V. Advocacy, Education, and Training**

To increase the awareness on the harmful effects and dangers of drug abuse in the workplace, the DTI XII shall be responsible for the continuous advocacy, education and training programs/ activities to all its officials and employees.

The orientation/ education program may include, among others, the following topics:

- a. Salient features of Republic Act and its Implementing Rules and Regulations (IRR);
- b. Adverse effects of abuse and/or misuse of dangerous drugs on the person, workplace, family and the community;
- c. Preventive measures against drug abuse; and
- d. Steps to take when intervention is needed, as well as available services for treatment and rehabilitation.

Other activities may include the following:

- a. Display of billboard or streamer in a conspicuous place with a standard message of "THIS IS A DRUG FREE WORKPLACE; LET'S KEEP IT THIS WAY!" or other messages of similar importance.

#### **SECTION VI. General Health and Well-Being Programs**

DTI XII shall conduct various activities to encourage all officials and employees to lead a healthy lifestyle while at work and at home, such as:

- a. Lifestyle assessment programs on health nutrition, weight management, stress management, alcohol abuse, smoking cessation, and other indicators of risk diseases;
- b. Health wellness screenings (e.g. blood pressure and heart rate, cholesterol test, blood glucose, percent body fat and/or body mass index, fitness level, bone mineral density, posture assessment, etc.);
- c. Sports, recreational and fun-game activities; and,
- d. Other activities promoting health and wellness.

## **SECTION VII. Roles, Rights and Responsibilities of the DTI XII and employees**

- a. DTI XII shall ensure that the workplace policies and programs on the prevention and control of dangerous drugs, including drug testing, shall be disseminated to all its officials and employees. The management shall obtain a written acknowledgement from the employees that the policy has been read and understood by them.
- b. DTI XII shall maintain the confidentiality of all information relating to drug tests or the identification of drug users in the workplace. The drug test result shall be attached to the 201 file of the public official or employee; 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. DTI XII shall ensure that members of the Assessment Team shall undergo regular training(s) relevant in the discharge of their functions, such as but not limited to Appreciation Course for a Drug-Free Workplace, Basic Occupational Safety and Health (BOSH), Drug Assessment Team Training for a Drug Free Workplace, etc.
- d. All officials and employees shall enjoy the right to due process, absence of which will render the referral procedure ineffective.

## **SECTION VIII. Administrative Liability/ Sanctions**

- a. Any official/ 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 RA 9165 and its IRR shall be subject to the pertinent provisions of the said Act.

In accordance with CSC Memorandum Circular No. 13, series of 2017, and under the Board Regulation No. 13, series of 2018 of the Dangerous Drugs Board, the following are the administrative liabilities/ sanctions, to wit:

- b. Any official/ employee who, after being tested positive of drug use, shall refuse to undergo treatment or rehabilitation, or fails to complete his/her treatment or rehabilitation program, shall be formally charged with the administrative offense of Grave Misconduct.



The charge of Grave Misconduct shall be grounded on the fact that said public official or employee was tested positive of drug use and not on his/ her refusal to undergo or failure to complete his/ her treatment.

- c. An appointive public officer who refuses, without any valid reason, to submit himself/herself to authorized drug testing, or is found positive for drug use after the conduct of a confirmatory test in an authorized drug testing activity shall be charged with the administrative offense of Gross Insubordination and Grave Misconduct.
- d. Any public official or employee found to have tampered the result of a drug test or interfered in the conduct of the drug test or in the release of drug test results or violated rules of confidentiality of records shall be charged with the administrative offense of Grave Misconduct without prejudice to the filing of a case for violation of Section 32, Article II of the Act.
- e. Any official or employee caught using or peddling drugs shall be charged with the administrative offense of Grave Misconduct, without prejudice to the filing of appropriate criminal charge/s under R.A. 9165 and other pertinent laws.

#### **SECTION IX. Monitoring and Evaluation**

- a. The implementation of these policies and programs shall be monitored and evaluated periodically by the management and Drug-Free Workplace Committee to ensure a drug-free workplace through the Drug-Free Workplace Committee.

#### **SECTION X. Funding Requirements**

- a. Funds for the conduct of the screening and confirmatory drug test may be sourced from the DTI XII regular budget for employees' health and wellness and Occupational Safety and Health (OSH) standards program.
- b. Cost requirements for the implementation of the programs/ activities shall be provided by the management and shall be part of the yearly budgetary appropriation.

This Order takes effect immediately after its ratification by the management and employees and its posting in the agency's bulletin board and shall remain in force until revoked by a competent authority.

All Regional Memo Orders inconsistent herewith are hereby revoked.

For information and compliance.

  
**FLORA D. POLITUD-GABUNALES, CESO V**  
OIC-Regional Director 

Cc: All DTI XII Personnel  
Bulletin Board

As an official/ employee of the Department of Trade and Industry XII, I hereby certify that I have read the Drug-Free Workplace Policy and Program in the workplace and affirm and confirm my commitment to unconditionally abide to all that is provided therein, and I shall be answerable to the DTI XII for whatever violation that I may commit.

[illegible]

Designation