

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

DEPARTMENT ORDER NO. 53-03
Series of 2003

GUIDELINES FOR THE IMPLEMENTATION OF
A DRUG-FREE WORKPLACE POLICIES AND PROGRAMS
FOR THE PRIVATE SECTOR

In accordance with Article V of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and its Implementing Rules and Regulations and in consultation with the Tripartite Task Force created under DOLE Department Order No. 37-03, s 2002 (Tripartite Task Force), the following guidelines are hereby issued to assist employers and employees in the formulation of company policies and programs to achieve a drug-free workplace.

A. COVERAGE

1. These guidelines shall apply to all establishments in the private sector, including their contractors and concessionaires.

B. FORMULATION OF DRUG-FREE WORKPLACE POLICIES AND PROGRAMS

1. It shall be mandatory for all private establishments employing ten (10) or more workers to formulate and implement drug abuse prevention and control programs in the workplace, including the formulation and adoption of company policies against dangerous drug use. Establishments with less than ten (10) workers are also encouraged to formulate and adopt drug-free policies and programs in the workplace.

2. The workplace policies and programs shall be prepared jointly by management and labor representatives and shall be made an integral part of the company's occupational safety and health and related workplace programs.

3. In organized establishments, the workplace policies and programs shall be included as part of the Collective Bargaining Agreements.

4. Assistance in the formulation and implementation of a Drug-Free Workplace Policies and Programs may be sought from the Tripartite Task Force (see Annex 1), through the Occupational Safety and Health Center. The Regional Offices of the DOLE shall serve as focal center in their respective areas of jurisdiction in providing information on RA No. 9165 and on the prevention and control of drug abuse in the workplace.

C. COMPONENTS OF A DRUG-FREE WORKPLACE POLICIES AND PROGRAMS

1. Workplace policies and programs on drug abuse prevention and control to be adopted by companies shall include, among others, the following components:

a) Advocacy, Education and Training

i. Employers shall be responsible for increasing awareness and education of their officers and employees on the adverse effects of dangerous drugs as well as the monitoring of employees susceptible to drug abuse. Topics which may be included in the orientation-education program shall include, among others, the following:

Salient Features of RA 9165 (the Act) and its Implementing Rules and Regulations (IRR)

- The Company policies and programs on drug-free workplace
- Adverse effects of abuse and/or misuse of dangerous drugs on the person, workplace, family and the community
- Preventive measures against drug abuse
- Steps to take when intervention is needed, as well as the services available for treatment and rehabilitation.

ii. Employers are enjoined to display a billboard or streamer in conspicuous places in the workplace with standard message like "THIS IS A DRUG-FREE WORKPLACE; LET'S KEEP IT THIS WAY!" or such other messages of similar import.

iii. Curricula developed by the Task Force shall be used as widely as possible for awareness raising and training. May be accessed through the OSHC website (www.oshc.dole.gov.ph)

iv. Training on prevention, clinical assessment, and counseling of workers and other related activities shall be given to occupational safety and health personnel, the human resources manager and the employers and workers representatives. These trained personnel shall form part of an Assessment Team which shall address all aspects of drug abuse prevention, treatment and rehabilitation.

v. In the absence of such capability, particularly in small establishments, DOLE shall, to the extent possible, provide relevant information on experts and services in their localities.

vi. In the context of their Corporate Social Responsibility Programs, employers are encouraged to extend drug abuse prevention advocacy and training to their workers' families and their respective communities.

b) Drug Testing Program for Officers and Employees

i. Employers shall require their officials and employees to undergo a random drug test (as defined in Annex 2) in accordance with the company's work rules and regulations for purposes of reducing the risk in the workplace. Strict confidentiality shall be observed with regard to screening and the screening results.

ii. Drug testing for teaching and non-teaching staff in private schools shall be in accordance with the guidelines provided by DepED, CHED and TESDA.

iii. Drug testing shall conform with the procedures as prescribed by the Department of Health (DOH) (www.doh.gov.ph). Only drug testing centers accredited by the DOH shall be utilized. A list of the accredited centers may be accessed through the OSHC website (www.oshc.dole.gov.ph).

iv. Drug testing shall consist of both the screening test and the confirmatory test; the latter to be carried out should the screening test turn positive. The employee concerned must be informed of the test results whether positive or negative.

v. Where the confirmatory test turns positive, the company's Assessment Team shall evaluate the results and determine the level of care and administrative interventions that can be extended to the concerned employee.

vi. A drug test is valid for one year; however, additional drug testing may be required for just cause as in any of the following cases:

After workplace-related accidents, including near miss;

- Following treatment and rehabilitation to establish fitness for returning to work/resumption of job
- In the light of clinical findings and/or upon recommendation of the assessment team.

vii. All cost of drug testing shall be borne by the employer.

c) Treatment, Rehabilitation and Referral

i. The drug prevention and control program shall include treatment, rehabilitation and referral procedure to be provided by the company staff or by an external provider. It shall also include a provision for employee assistance and counseling programs for emotionally-stressed employees.

ii. The Assessment Team shall determine whether or not an officer or employee found positive for drugs would need referral for treatment and/or rehabilitation in a DOH accredited center.

iii. This option is given only to 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.

iv. Following rehabilitation, the 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.

v. Repeated drug use even after ample opportunity for treatment and rehabilitation shall be dealt with the corresponding penalties under the Act and its IRR.

vi. An updated list of drug treatment and rehabilitation centers accredited by the DOH shall be disseminated through the OSHC website (www.oshc.dole.gov.ph)

d) Monitoring and Evaluation

i. The implementation of the drug-free workplace policies and programs shall be monitored and evaluated periodically by the employer to ensure that the goal of a drug-free workplace is met. The Health and Safety Committee or other similar Committee may be tasked for this purpose.

D. ROLES, RIGHTS AND RESPONSIBILITIES OF EMPLOYERS AND EMPLOYEES

1. The employer 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.

2. The employer 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 person concerned.

3. Labor unions, federations, workers organizations and associations are enjoined to take an active role in educating and training their members on drug abuse prevention and control. They shall, in cooperation with their respective private sector partners, develop and implement joint continuing programs and information campaigns, including the conduct of capability-building programs, peer counseling and values education with the end in view promoting a positive lifestyles and a drug-free workplace.

4. All officers and employees shall enjoy the right to due process, absence of which will render the referral procedure ineffective.

E. ENFORCEMENT

1. The Labor Inspectorate of the DOLE Regional Offices shall be responsible for monitoring compliance of establishments with the provisions of Article V of the Act and its IRR and this Department Order.

2. The dissemination of information on pertinent provisions of RA 9165 and the IRR shall be included in the advisory visits of the Labor Inspectorate.

3. The DOLE may, where deemed necessary and appropriate, delegate the monitoring of compliance of establishments with the provisions of Article V of the Act to Local Government Units thru a Memorandum of Agreement.

F. CONSEQUENCES OF POLICY VIOLATIONS

1. 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 RA 9165 and its Implementing Rules and Regulations shall be subject to the pertinent provisions of the said Act.

2. 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 RA 9165.

G. EFFECTIVITY

1. All concerned shall comply with all the provisions of this Department Order within six months from its publication in a newspaper of general circulation.

PATRICIA A. STO. TOMAS (sgd.)

Secretary

14 August 2003