



**Republic of the Philippines**  
**Department of Social Welfare and Development**  
Batasan Pambansa Complex, Constitution Hills  
Quezon City  
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Memorandum Circular No. \_\_\_\_\_ **3** \_\_\_\_\_  
Series of 2005

**SUBJECT :** ***Guidelines in the Implementation of a Drug-Free Workplace Program and the Conduct of Authorized Drug Testing of DSWD Officials and Employees***

**I. Reference:**

The passage of RA 9165 also known as the Comprehensive Dangerous Drugs Act of 2002 "concretizes the government policy in promoting a drug free workplace. Specifically, Section 36 letter (d) of the same Act states that officers and employees of PUBLIC and private offices whether domestic or overseas, shall be subjected to undergo random drug test as contained in the company's work rules and regulations which shall be borne by the employer for purposes of reducing risk in the workplace. Said mandate is further articulated in the Dangerous Drugs Board (DDB) regulation No.2, Series of 2004.

**II. Goal:**

To achieve a drug-free workforce and workplace.

**Objectives:**

1. To aid the management in the development/ conduct of anti drug abuse programs/ activities thereby promoting a safe and healthy work environment free from dangerous drugs;
2. To create awareness and enhance knowledge among officials and employees on the ill effects of drug abuse;
3. To build the capacities of the officials and employees in the prevention of drug abuse.
4. To organize a drug free workplace committee which will oversee the formulation and implementation of the drug abuse policy/ programs of the Department; and
5. To establish linkages with GOs and NGO, to sustain implementation of the program.

**III. Coverage:**

The guidelines shall apply to all DSWD regular employees without distinction as to rank and status.

**IV. Definition of Terms: (Board Regulation no. 2 series of 2004)**

1. Workplace – a place where work is usually performed.
2. Authorized Drug Test – The testing 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. 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;

3. Center – Any of the treatment and rehabilitation centers that 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 activities with the aim of inculcating civic, social and moral value to drug dependent patients, with the goal 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;
4. 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 to become a law abiding and productive member of the community;
5. Treatment- Medical service rendered to a patient for the effective management of physical and mental conditions.
6. 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 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;
7. Dangerous Drugs- 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;
8. 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;
9. Employee assistance program or EAP- A program that offers assistance to workers who has 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;
10. "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 drug;



11. Mandatory Drug Test – Compulsory submission of an official and employee for drug testing as required by RA 9165 and by the agency's internal rules and regulations;
12. Random Drug Test- subjection of personnel for drug testing as selected following no specific pattern and without prior notice/information;
13. Screening Drug Test – A rapid 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.
14. 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;
15. 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 the purpose of medication.
16. Unlawful acts - -Refers to any of the unlawful acts penalized under Art.II of RA 9165.
17. RA 9165- - Refers to the Comprehensive Dangerous Drugs Act of 2002.

**V. Program Components:**

1. Creation of a Drug Free Workplace Committee

1.1 Composition

1.1.1 Central office

- a. Undersecretary for General Administration and Support Services Group
- b. Director of the Human Resource Management and Development Service
- c. Medical Officer
- d. SWEAP Representative
- e. Social Welfare Institute and Development Bureau
- f. Social Marketing Service

1.1.2 Field Office

- a. Director
- b. Human Resource Officer
- c. SWEAP Representative
- d. Information Officer
- e. Training officer

## 1.2 Functions of the Committee

- a. To formulate and implement an anti-drug abuse policy and programs in the Department;
- b. To oversee the formulation and Implementation of the drug-free workplace policy/programs in the Department;
- 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. Formulate reporting matrix to capture all data and other information needed; and
- h. Consolidate national reports for submission to the Dangerous Drugs Board (DDB)

## 2. Advocacy, Education and Training

Capability building activities shall be provided to all officials and employees on the ill-effects of dangerous drugs likewise providing preventive measures against drug abuse. Other activities may include the following:

- 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
- Develop a training curriculum and provide training/orientation on drug abuse prevention in the workplace

## 3. Drug Testing Program for Officials and Employees

The program shall detect and deter drug abuse among officials and employees. It shall conform to proper procedures as prescribed by the DOH. The authorized drug tests are screening and confirmatory tests. Confirmatory testing shall be carried out should screening results be positive.

### 3.1 When to conduct mandatory drug test;

- Pre-employment wherein expenses shall be borne by the applicant
- Staff/employees manifesting signs of drug abuse
- Past history of drug use
- Involvement in an accident
- Discovery of possession of dangerous drugs paraphernalia
- Detention by police / filing of charges in court for drug related cases
- As a requirement for promotion
- Employees reporting for work after undergoing rehabilitation in a treatment and rehabilitation center.



### 3.2 Conduct of Random Drug Test

The Department shall conduct a random drug tests from among the list of its officials and employees. Strict confidentiality shall be observed with regard to screening and its results.

Conduct of random drug testing shall be done annually. Selection of random drug testing shall be determined by a statistician from the DSWD using the standard formula of the DOH.

### 3.3 Procedure of the conduct of the Random Drug Test in the Workplace

- a. The Drug-free Workplace or Assessment Committee will notify the randomly selected officials or employees to go for urine specimen collection to the medical clinic with the assistance of security office who in turn delivers them to the Drug Test Laboratory for drug testing.
- b. The selected officials/employees must immediately report for the drug test.
- c. The test shall only be conducted by any government Drug Testing duly authorized and accredited by the DOH and shall be conducted in the following manner:
  1. The selected officials/employees shall fill up the form issued to them by the DOH accredited drug testing center.
  2. The urine specimen bottles must be properly labeled to contain the name, ID number, employment number position, date and the time when the urine sample was taken.
  3. The urine sample must be done in an area where manipulation (e.g. adding water) is not possible.
  4. The urine specimen/sample, which tested positive after the screening test, must be properly labeled and must be kept separately from the samples that tested negative for dangerous drugs.
  5. All urine samples which turned out positive on dangerous drug must be submitted for confirmatory testing to a laboratory with confirmatory capability.
  6. After the confirmatory test, the same urine sample must be kept for the purpose of challenging the result.
  7. After the test is conducted, a drug test result shall be issued by the drug testing laboratory directly to the Head of the Committee and not to the person tested. The same result must be signed by the authorized signatory of the laboratory, the employee/officials concerned and a witness.
- d. No further action is needed when the result is negative. The Drug Test Certificate is good for one (1) year and could be used for other purposes.

### 3.4 Procedure in handling a Positive Result after Confirmatory Test

- a. Upon discovery that a urine sample is tested positive for dangerous drugs after confirmatory test, such result shall immediately be made known to the Committee or Assessment Chairperson or the Head of office/agency or to any person designated by the said office /agency who requested the test.



- b. After receipt of such information, the same shall be made known to the immediate supervisor and the employee/official.
- c. The office/agency shall then take the appropriate action in accordance with Drug-Free Workplace Policy.
- d. All records must strictly be held confidential as provided for under the pertinent provisions of RA 9165

#### 4. Employee Assistance Program

4.1. The Department shall provide any of the following services:

- a. Counseling Services
- b. Stress Debriefing Activities
- c. Referral for treatment and rehabilitation
- d. Financial Support, when indicated

4.2 If an official or employee found positive for drug abuse, the committee shall refer the employee to a DOH -accredited physician for evaluation. Upon recommendation of the accredited physician, the staff shall undergo treatment/rehabilitation in a DOH accredited rehabilitation center. Necessary support shall be extended to the employee based on the assessment of the HRMDS/HRMO', e.g., granting of official leave, counseling to employee's family, financial assistance etc..

4.3 Following rehabilitation, the committee, in consultation with the rehabilitation center shall evaluate the status of the drug dependent employee and recommend to the management the resumption of the employee's job.

#### VI. Sanctions:

1. Subject to the provision of Section 15. Art.II of RA 9165 (Use of dangerous drugs) in conjunction with Section 54 (Voluntary submission of a drug dependent to confinement, treatment and rehabilitation) and Section 61 (Compulsory confinement of a drug dependent who refuses to apply under the voluntary program) of the same Act, without prejudice to the agency's or office's Employees Assistance Program, any official or employee found to have violated the policy may suffer any or a combination of the following sanctions:
  - a. Failure on the part of the Head of office to implement DDB Regulation No. 2 within a reasonable period after its effectivity shall be dealt with in accordance with Section 32, article II. of RA 9165.
  - b. Any government official/employee who, without any valid reason after being tested positive for drugs use, shall refuse to undergo the recommended rehabilitation program will be administratively dealt with in accordance with the existing agency or office rules and regulations without prejudice to suspension or dismissal from the service as provided for under Section 36 (d) of RA 9165.
  - c. Any government official/employee who refuses, without any valid reason, to submit himself/herself for random/mandatory drug test, whichever is applicable, will be administratively dealt with in accordance with the existing office/ agency rules and regulations without prejudice to Section 32 of RA 9165.

- d. Subject to the existing Employees' Assistance Program, any government official/employee who is found to be positive for drug use and after undergoing a Drug Dependency Examination conducted by the DOH or by any medical practitioner accredited by the said Office to conduct the drug dependency test may undergo the following treatment and rehabilitation program:
  1. Experimenter- Outpatient, guidance counseling
  2. Occasional User- Outpatient, guidance counseling and urine surveillance
  3. Chronic User/Drug Dependent- Mandatory 6-month treatment and rehabilitation in any of the government rehabilitation centers
2. Officers or employee who for the second time have been detected to be using dangerous drugs after completion of his/her treatment and/or rehabilitation may either be suspended or dismissed from the service subject to the Civil Service Laws, Rules and Regulations.
3. Employees who are found arrested/ apprehended or charged in court for commission of any of the unlawful acts provided for under Art. II of RA 9165 will either be suspended/dismissed from the service depending on the degree of the offense committed, subject to existing Laws, Rules and Regulations of the Civil Service, without prejudice to criminal prosecution.

## **VII. Monitoring**

The Regional office shall submit quarterly accomplishment report to the committee who will in turn consolidate and submit the annual national compliance report to the Dangerous Drugs Board. The report shall include drug prevention / drug testing activities the number of personnel who have already undergone testing the dates and the name of drug testing laboratories that conducted the test.

## **VIII. Confidentiality of Records**

- a. All result of the drug test conducted shall remain strictly confidential.
- b. Any person who intentionally breach the confidentiality of any drug test shall be dealt with accordingly in accordance with Section 72 of RA 9165.

## **IX. Roles and Responsibilities**

1. Social Technology Bureau
  - Develop program guidelines
  - Act as Resource Person in the conduct of trainings.
2. Human Resource Management and Development Service (HRMDS)
  - Implement program according to established guidelines
  - Create and convene the Drug Free Workplace Committee
  - Monitor and provide technical assistance of program implementation at the Field Offices
  - Provide counseling services and stress debriefing activities
  - Collection of urine specimen for Drug Test



- Assist in the conduct of drug testing activities
- Provide/refer employees for appropriate rehabilitation/ counseling services
- Safekeeping of records and results of Drug Test

3. Social Welfare and Institutional Development Bureau

- Develop training programs relative to the development of a drug free workplace.
- Provide resource person in the conduct of trainings

4. Regional Office – DSWD

- Implement program according to established guidelines
- Create and convene the Regional Drug Free workplace committee
- Conduct of capability building activities to the employees
- Submit quarterly reports to HRMDS

5. Social Marketing Service

- Develop, coordinate and implement advocacy program along drug abuse prevention for DSWD employees.

**X. Funding Requirements**

Cost requirements for the implementation of the programs/activities shall be provided by the management and be part of the yearly budgetary appropriation.

**XI. Effectivity**

This order shall take effect immediately and revokes all previous orders contrary hereto.

  
**CORAZON JULIANO-SOLIMAN**  
Secretary  
Department of Social Welfare and Development