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1.0 OBJECTIVE

The concept of Healthy Universities or Health-Promoting Universities stems from the idea that institutions of learning have an important role in improving public health care through health promotion, education and policy development for its students and workers, and one of the key objectives of a health-promoting university is to provide a healthy working environment.

The WHO has defined a healthy workplace as: *“one in which workers and managers collaborate to use a continual improvement process to protect and promote the health, safety and well-being of workers and the sustainability of the workplace by considering the following, based on identified needs:*

- *health and safety concerns in the physical work environment;*
- *health, safety and well-being concerns in the psychosocial work environment including organization of work and workplace culture;*
- *personal health resources in the workplace; and*
- *ways of participating in the community to improve the health of workers, their families and other members of the community.”*

The Ateneo de Manila University strives to achieve transformational impact in the areas of teaching and learning, whole-person formation, research, and social engagement in a way that not only preserves but also promotes the health and well-being of each and every member of the University community.¹ It is within this context that the University commits itself to providing a safe work environment and to fostering the health and well-being of its employees.

In line with such commitment, it must be noted that, particularly, it is illegal for any individual to traffic or consume narcotic and other illicit substances deemed dangerous by law. Even more pernicious is an individual user’s misuse or abuse thereof.

As part of its commitment to safeguard the well-being of its employees, the University shall conduct mandatory drug testing, consistent with the Healthy University Framework it has adopted and in compliance with Republic Act No. 9165 (the Comprehensive Dangerous Drugs Act of 2002), its Implementing Rules and Regulation (IRR), the Dangerous Drugs Board (DDB) Board Regulation No. 02-04 (Guidelines for the Formulation and Implementation of a Drug-Free Workplace Program and the Conduct of Authorized Drug Testing by All Offices, Bureaus, and Agencies of the National and Local Governments, Government-Owned and Controlled Corporations and Other Institutes of

¹ Policy Statement on University Health and Well-Being. Issued by the University President on 11 November 2021, Memo *U2122-039.

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Learning Including State Colleges and Universities), the Department of Labor and Employment's (DOLE) Department Order No. 53-03 (Guidelines for the Implementation of a Drug Free Workplace Policies and Programs for the Private Sector) and Republic Act No. 11036 (the Mental Health Act) and its IRR.

2.0 SCOPE

This policy shall cover all University employees, as well as those otherwise engaged in other capacities² to the extents this policy is pertinent to the latter, and shall encompass all campuses, as well as other venues where employees are assigned to render work.

3.0 POLICY GUIDELINES

3.1 The University explicitly prohibits:

- 3.1.1 the possession, use, abuse, transport, or sale of dangerous drugs and/or equipment, instruments, apparatus, paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into a human body; and
- 3.1.2 being impaired by the use, or being under the influence, of dangerous drugs, whether within University premises or while on official duty away from such premises, regardless 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 University's reputation.

3.2 Random Drug Testing

- 3.2.1 The University shall conduct drug testing under any of the following circumstances:
 - 3.2.1.1 **Random Testing** – Employees shall be selected at random to undergo compulsory testing for the presence of dangerous drugs (as these are classified by law) at any interval determined by the University ("drug testing"). The University may undertake such random drug testing at any time, to be conducted by a laboratory accredited and monitored by the Department of Health (DOH).

² e.g. Independent Contractors

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3.2.2 Should an employee refuse to participate in random drug testing, he/she may be held liable for refusal to abide by the provisions of the Employee Code of Discipline, specifically:

- 3.2.2.1 (6.1) Endangering oneself and/or members of the University Community through the willful disregard of the recommendation /order of a competent authority;
- 3.2.2.2 (6.3) Refusal to submit to or abide by campus security regulations;
- 3.2.2.3 (6.5) Refusal/failure to heed the physician's recommendation in regard to any medical finding;
- 3.2.2.4 (3.20) Insubordination or refusal to carry out a reasonable work order, including but not limited to, refusal to accept work, change shift, or work location assigned by a supervisor or the University.

3.3 Advocacy, Education, and Training

3.3.1 The University shall be responsible for increasing the awareness and education of its employees, as well as those engaged in other capacities³ to the extents this policy is pertinent to the latter, on the adverse effects of the misuse and abuse of, or dependence on, dangerous drugs. The following subject matters must be included in a Drug-Free Workplace orientation-education program to be devised and implemented by the University:

- 3.3.1.1 Salient Features of RA 9165, its IRR, or any other related laws, whether or not of a penal nature, as well as the legal repercussions of the use, abuse, possession, and/or selling of, and/or dependency on dangerous drugs;
- 3.3.1.2 DOLE Department Order No. 53-03 (Series of 2003);
- 3.3.1.3 University policies and programs on a drug-free workplace;
- 3.3.1.4 Adverse effects of abuse and/or misuse of dangerous drugs on persons, workplaces, families and communities;
- 3.3.1.5 Preventive measures against drug misuse and/or abuse; and
- 3.3.1.6 Steps to take when intervention is needed, as well as available services for treatment and rehabilitation.

3.3.2 Training on prevention, clinical assessment, and counseling for employees, and other related activities shall be given to those occupational safety and health personnel, human resource/line managers, and the employers' and employees' representatives who shall

³ e.g., Independent Contractors

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form part of an assessment team which shall address all aspects of drug abuse prevention, treatment and rehabilitation.

3.4 Assessment Team

3.4.1 Violation/s of the provision/s of this Drug-Free Workplace Policy shall be referred to a duly-constituted and empowered University Assessment Team (UAT) for holistic assessment. Specifically, the UAT shall be tasked with the following:

3.4.1.1 To determine whether an employee diagnosed with drug dependence for the first time on account of the University's drug testing or who directly turns to the UAT for assistance after disclosing results having been independently diagnosed for drug dependence, would need referral for treatment and/or rehabilitation in a DOH-accredited center or similar facility. This option to be so referred is given only to an employee:

- 3.4.1.1.1 who is diagnosed with drug abuse and/or drug dependence for the first time; or
- 3.4.1.1.2 who turns to or approaches the UAT for assistance with independent diagnosis thereof; and
- 3.4.1.1.3 who would benefit from undergoing treatment and/or rehabilitation in a rehabilitation center or similar facility.

3.4.1.2 Following treatment and rehabilitation, to evaluate the status of the reformed drug dependent employee and to recommend to the University HR Operations Shared Services Office (UHROSS) the resumption of the employee's work if he/she poses no serious danger to himself/herself, co-employees and/or the workplace, in consultation with the head of the rehabilitation center or facility in which the employee underwent rehabilitation.

3.4.2 The University Assessment Team shall be composed of:

- 3.4.2.1 the University Physician or a designated representative by the Assistant Vice President for Health, Care, and Well-Being;
- 3.4.2.2 an HR Administrator designated by the Vice President for Human Resources;

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- 3.4.2.3 a representative from the University Legal and Compliance Office (ULCO);
- 3.4.2.4 a representative from the Campus Safety and Mobility Office (CSMO);
- 3.4.2.5 a representative from the Occupational Safety and Health Committee;
- 3.4.2.6 One (1) representative from among Faculty members;
- 3.4.2.7 One (1) representative from among Professionals;
- 3.4.2.8 One (1) representative from among non-union Staff members; and
- 3.4.2.9 One (1) representative from Ateneo de Manila University Employees and Workers Union.

- 3.4.3 The members of the UAT shall be trained on drug abuse prevention, clinical assessment, counseling of employees, and other related activities.

3.5 Treatment, Rehabilitation, Referral

- 3.5.1 Assistance and counseling shall be provided for emotionally stressed employees as part of a drug prevention and control program to be devised and implemented by the University. Likewise, spiritual accompaniment and/or counseling shall be made available as a supportive measure at any time, including during the ongoing treatment, if allowed access to the employee by the administrators of the rehabilitation facility.
- 3.5.2 Employees found to be drug abusers or drug dependents will be given one (1) chance to undergo treatment and rehabilitation for a maximum period of six (6) months, subject to the terms and conditions embodied in this policy and pertinent laws; provided that there is no other violation of any of the provisions of the University's Employee Code of Discipline, and/or rules and regulations, and/or policies and procedures, and/or other relevant manuals, guidelines, memoranda, in conjunction with the employee's drug abuse and/or drug dependence.
- 3.5.3 If the employee with a pending case is undergoing rehabilitation or on official leave from the University, the case will be put on hold until their return.
- 3.5.4 An employee will be subjected to disciplinary/administrative proceedings, up to and including termination for cause (without prejudice to being proceeded against criminally) if, after it is initially determined by a DOH-

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accredited physician that he/she is a drug abuser and/or drug dependent or tests positive for drug abuse and/or drug dependence by a laboratory accredited and monitored by the DOH:

3.5.4.1 he/she refuses to undergo treatment and rehabilitation; or

3.5.4.2 he/she tests positive for drug abuse and/or dependence a second time after: a) submitting to initial confinement and/or the maximum six (6) month treatment and rehabilitation period, and/or b) after being allowed to report back to work.

3.5.5 Any employee who, having been determined to be a drug abuser and/or drug dependent as referred to in 3.5.3 above, who has voluntarily submitted himself/herself to undergo the University-endorsed treatment and rehabilitation program, and who is finally discharged from confinement after a maximum period of six (6) months, may be allowed back to work and shall be exempt from any administrative liability directly relating to drug abuse and/or drug dependence, provided that the following conditions are met:

3.5.5.1 The employee has complied with the rules and regulations of the rehabilitation center or facility, and the applicable rules and regulations of the Dangerous Drugs Board (DDB);

3.5.5.2 The employee has never been charged and convicted of any offense punishable under Republic Act No. 9165, Republic Act No. 6425 (the "Dangerous Drugs Act of 1972"), as amended; the Revised Penal Code, as amended; or any special penal laws;

3.5.5.3 The employee poses no serious danger to himself/herself or the community, which shall be solely determined by the UAT upon due consultation with a DOH-Accredited physician;

3.5.5.4 The employee agrees to be examined by a DOH-accredited physician and be subjected to an independent drug test by a laboratory accredited and monitored by the DOH, at the direction of the UAT, at various dates for up to eighteen (18) months after discharge from a rehabilitation center or facility; and

3.5.5.5 The employee shall not have committed an alleged violation, constituting a Major offense as defined in the provisions of the University's Employee Code of Discipline, other rules and

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regulations, policies and procedures, and/or other relevant manuals, circulars, memoranda, and/or guidelines.

- 3.5.6 The UAT, in consultation with the head of the rehabilitation center or facility, shall evaluate the status of the employee who is determined to be a drug abuser and/or a drug dependent. It may recommend the employee's resumption of work if he/she poses no serious danger to himself/herself, to co-employees and/or to the workplace.
- 3.5.7 Strict confidentiality shall be observed with regard to the screening and their results and all other information relating to drug tests or to the identification of drug users in the workplace, subject to disclosures as may be required by law, in case of overriding public health and safety concerns, or where authorized in writing by the person concerned.
- 3.5.8. Refusal by any employee to undergo a drug test after treatment and rehabilitation, and at any time up to eighteen (18) months after release from a rehabilitation center or facility and/or after being allowed back to work, shall result in his/her being subjected to disciplinary/administrative proceedings with possible disciplinary action, up to and including termination of employment for cause.
- 3.5.9. Any employee who cannot return to work for any reason whatsoever after the maximum six (6) month period referred to in 3.5.5, above, shall be subjected to pertinent administrative proceedings which would lead to separation from employment.
- 3.6.0. Continued or repeated drug use after one (1) opportunity for treatment and rehabilitation shall be dealt with under the University's Employee Code of Discipline.

4.0 PROCEDURE

4.1 Random Drug Testing Program

- 4.1.1 The University will require all employees, as well as those otherwise engaged in other capacities⁴, to undergo random drug testing in accordance with the provisions of the Drug-Free Workplace Policy, except when:

⁴ e.g., Independent Contractors

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4.1.1.1 the employee is confined due to an illness so grave that a random drug test will endanger the life of the employee, as determined by a DOH-accredited physician or is recommended for isolation due to severely contagious diseases; or

4.1.1.2 the employee is then on leave or on official business outside of his/her designated workplace, where the distance from the site of the drug testing presents a real hindrance to participating in the random drug test, or is out of the country;

4.1.2 The employee will still be required to undergo mandatory drug testing once he/she returns to or resumes work.

4.1.3 The conduct of the drug testing shall conform with the procedures prescribed by the DDB/DOH. Only drug testing centers accredited by DOH shall be utilized.

4.1.4 Drug testing shall consist of both: (a) a screening test, and (b) if found positive for drug abuse and/or drug dependence, a confirmatory test. The employee concerned must be informed of the test results, whether positive or negative.

4.1.5 Where the confirmatory test is positive, the UAT shall evaluate the results and determine the level of care and administrative/medical interventions that can be extended to the concerned employee.

4.1.6 The costs of random drug testing shall be borne by the University. The results of the drug test shall be valid for one (1) year. However, additional drug testing may be required for just causes, in any of the following cases:

4.1.6.1 Workplace-related accidents as well as accidents that may occur outside of the workplace, including near-miss incidents;

4.1.6.2 Following treatment and rehabilitation, to establish fitness for returning to work/resumption of one's job;

4.1.6.3 In the light of clinical findings and/or upon recommendation of the UAT; or

4.1.6.4 Other reasons analogous to any of the foregoing.

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4.2 Leave of Absence during Treatment and Rehabilitation

- 4.2.1 An employee who is instructed by the UAT or ordered by any government authority to undergo a drug test by a laboratory accredited and monitored by the DOH, or is apprehended or arrested and who is found to be positive for the use/abuse and/or dependency of any dangerous drug, after a confirmatory test and certification, may apply with the DDB or its duly authorized representative, for treatment and rehabilitation.

The unit to which the employee who undergoes treatment/rehabilitation belongs shall prepare a Leave Application Form (LA Form) [F-009-035-001-1], duly signed by the immediate supervisor, which shall be submitted to the Office of Human Resource Management and Organization Development.

- 4.2.2 This document shall be considered the official notification of the employee's Leave of Absence from work during his/her treatment/rehabilitation, even if without his/her signature. The leave applied will be considered Leave without Pay.
- 4.2.3 Any leave without pay attributable to treatment and rehabilitation of an employee who is declared to be a drug abuser and/or a drug dependent is deducted from an employee's length of service record and, consequently, the computation for one's retirement benefits is accordingly affected.

4.3 Resumption of Work (or Return to work)

- 4.3.1 After treatment and rehabilitation for a maximum period of six (6) months, an employee found negative for drug abuse and/or drug dependence and who does not pose a threat to himself/herself or the community may be allowed back to work.
- 4.3.2 The UAT, in coordination with the OUPC, may review the fitness of the employee to report back for work upon presentation of a certification of successful treatment, rehabilitation and discharge from a rehabilitation center or facility or from the DOH-accredited physician supervising the employee where there is no center or facility near or accessible to the residence of the employee and after complying with the provisions of this Policy.
- 4.3.3 The employee's supervisor and/or unit head must provide their/his/her endorsement to UHROSS, and the UHROSS Director must issue a

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memorandum of approval to allow the employee to return to work. This memorandum will be placed in the employee's 201 file.

- 4.3.4 An employee may be made to undergo a drug test during the after-care/follow up program for a period of up to eighteen (18) months after release from a rehabilitation center or facility and/or being allowed to report back to work as deemed necessary by the UAT.
- 4.3.5 Aftercare program (ACP) such as counselling services and spiritual accompaniment will be made available to employees who have been allowed to return to work. The aftercare program intends to facilitate the employee's reintegration to the workplace and to provide support in preventing relapse into drug dependency.

APPROVED BY


Roberto C Yap SJ
President

Date: 23 July 2024

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5.0 APPENDICES

Document No.	Document Title - Page Type	Filename / Hyperlink
F-009-035-001-1	Leave Application Form (LA Form)	F-009-035-001-1 Leave Application Form.doc (if procedure outlining the filing of an LOA is written in this policy of if SLP will be allowed to be used
F-009-035-001-2	Absence Report Form (AR Form)	F-009-035-001-2 Absence Report Form.doc

VIOLATIONS OF ANY OF THE PROVISIONS CONTAINED IN THIS POLICY SHALL BE GOVERNED BY THE UNIVERSITY'S POLICY AND CURRENT PRACTICES ON DISCIPLINARY ACTION CASES AND GRIEVANCES, IF APPLICABLE.

THE UNIVERSITY ADMINISTRATION IN THE EXERCISE OF ITS SOLE AND EXCLUSIVE PREROGATIVE, MAY ADD, AMEND, REVISE AND/OR DELETE THIS POLICY.

THIS SUPERSEDES ALL POLICIES, CIRCULARS AND MEMORANDA INCONSISTENT WITH THOSE CONTAINED IN THIS DOCUMENT.

IN THE EVENT ANY PORTION OF THIS POLICY IS REPEALED BY PROVISION OF LAW, IT SHALL NOT AFFECT THE REMAINING PROVISIONS NOT INCONSISTENT WITH THE LAW.

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AMDG

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Annex A

Definition of Terms:

- a. **Administer** – any act of introducing any dangerous drug into the body of any person, with or without their 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 purposes of medication.
- b. **Assessment Team** – will be composed of the safety and health committee including occupational safety and health personnel, human resources managers, employers' and workers' representatives trained to address all aspects of prevention, treatment and rehabilitation.
- 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. It refers to the second or further analytical procedure to more accurately determine the presence of dangerous drugs in a specimen;
- d. **Dangerous Drugs** – includes those listed in the Schedules annexed to the Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substance as enumerated in the attached annex which is an integral part of this Act. (Annex A)
- e. **Drug Abuse** – The use of illegal drugs or the use of prescription or over-the-counter drugs for purposes other than those for which they are meant to be used, or in excessive amounts.
- f. **Drug Use** – any act of injecting, intravenously or intramuscularly, of consuming, either by chewing, smoking, sniffing, eating, swallowing, drinking or otherwise introducing into the physiological system of the body, any of the dangerous drugs.
- g. **Drug Dependence** – defined as a psychic and physical state of the person characterized by behavioral and other responses resulting in compulsions to take a drug, on a continuous or periodic basis in order to experience its psychic effect and at times to avoid the discomfort of its absence.

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- h. **Employee** – shall mean any person hired, permitted, or suffered to work by an employer. The term employee includes permanent, regular, temporary, casual, part-time, and contractual or contracted workers.
- i. **Employer** – includes any person or entity acting directly, or indirectly in the interest of the employer, in relation to an employee and shall include non-profit private institutions or organizations.
- j. **Instrument** – anything that is used or intended to be used, in any manner, in the commission of illegal drug trafficking or related offenses;
- k. **Near miss** – an incident arising from or in the course of work which could have led to injuries or fatalities of the workers and/or considerable damage to the employer if there were injuries or fatalities.
- l. **Prevention** – the promotion of drug-free lifestyle thru strategies such as advocacy, information dissemination, and capability building through training.
- m. **Random Drug Test** – refers to 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.
- n. **Screening Test** – 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.
- o. **Treatment, Rehabilitation and Counseling** – the dynamic process, including after-care and follow-up treatment, directed towards the physical, emotional/psychological, vocational, social and spiritual change/enhancement of a drug dependent to enable him/her to live without dangerous drugs, enjoy the fullest life compatible with their capabilities and potentials and render him/her able to become a law-abiding and productive member of the community.