

September 04, 2023

OFFICE ORDER
NO. 19-01
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SUBJECT : DRUG- FREE WORKPLACE POLICIES IN THE FERTILIZER AND PESTICIDE AUTHORITY (FPA)

I. Objectives

The primary goal of these policies is to establish and firmly implement drug – free workplace guidelines in the Fertilizer and Pesticide Authority (FPA). The FPA is dedicated to ensuring that all FPA officials, employees and all other personnel remain drug free through authorized drug testing in accordance with RA No. 9165, the Comprehensive Dangerous Drugs Act of 2002, as amended (the “Act”). By achieving this, the FPA aim to provide the public with efficient government services that are free from the negative impacts of drug use in the workplace, exemplifying the FPA’s commitment to excellence and safety within the agency.

II. Scope

This Policy shall cover all FPA officials, employees and other personnel of the FPA.

III. Definition of Terms

- a. **Authorized Drug Testing** – the testing done by drug testing laboratories accredited by the Department of Health (“DOH”). It 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.
- b. **Challenge Test** – a drug test conducted as a result of a challenge filed by a public officer and all other personnel who tested positive for drug use in a confirmatory test in an authorized drug testing activity.
- 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. **Contract of Service / Job Order** – refers to employment covered by a contract pertaining to lump sum work or services such as janitorial, security, or consultancy services where no employer–employee relationship exists; piece of work or intermittent job of short duration not exceeding six (6) months on a daily basis; all of which are not covered by Civil Service law, rules, and regulations, but covered by Commission on Audit rules; and the public officials or employees involved do not enjoy the benefits received by government

employees, including, but not limited to, personal economic relief allowance, cost of living allowance, and representation and travel allowance.

- e. **Dangerous Drugs** – include those listed in the Schedules annexed to the 1961 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 Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, as amended (the “Act”).
- f. **Drug Dependency Examination** – refers to the examination conducted by a physician accredited by the DOH to evaluate the extent of drug use of a person and to determine whether he/she is a drug dependent or not, which includes history taking, intake interview, determination of criteria for drug dependency, mental and physical status, and the detection of dangerous drugs in body specimens through laboratory procedures.
- g. **Employee Assistance Program** – 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 employees’ union;
- h. **Mandatory Drug Testing** – compulsory submission of a public officer or prospective employee to drug testing as mandated by the Act or by the drug-free workplace program of the agency.
- i. **Public Officer** – any person holding any public office in the FPA, by virtue of an appointment or contract.
- j. **Random Drug Testing** – 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.
- k. **Screening Test** – a rapid drug 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.
- l. **Substance Use Disorder (“SUD”)** – term used in Diagnostic Manual 5 which combines categories of substance use, abuse and dependence into a single disorder measured on a continuum form from mild to severe. Each specific substance is addressed as a separate disorder (e.g. alcohol use disorder, shabu use disorder) and are diagnosed based on the same overarching eleven (11) behavioral criteria. Clinicians can also add “in early remission,” “in sustained remission,” “on maintenance therapy,” and “in controlled environment” in describing their diagnosis which could either be the following:
 - i. **Mild SUD** – a minimum of two (2) to three (3) criteria has been met. Similar to experimental and occasional users;
 - ii. **Moderate SUD** – four (4) or five (5) criteria met which would be similar to regular and habitual users; and

- iii. **Severe SUD** – if six (6) or more symptoms / criteria have been met which is about the equivalent to an abuser and substance dependent individual

IV. Responsibility of the FPA Under the Drug-Free Workplace Policy

- a. The Head of Agency shall ensure the adoption and implementation of a continuing and sustainable substance abuse awareness and prevention program and inform all officials and employees about the following:
 - i. the Drug-Free Workplace Policy of the Agency and distribution of copies thereof to each employee;
 - ii. the medical and social risks associated with drug use;
 - iii. the administrative and criminal sanctions with respect to drug use and violations of the Act; and
 - iv. the availability of the Employee Assistance Program.
- b. The Drug-Free Workplace Policy shall provide for the responsibilities of the Agency which are as follows:
 - i. Maintain a drug-free workplace;
 - ii. Conduct of substance abuse awareness and prevention programs;
 - iii. Conduct of mandatory and random drug testing; and
 - iv. Ensure adequate funding for the implementation of the Drug- Free Workplace Policy.
- c. The Head of Agency shall ensure the creation of a Drug-Free Workplace Committee composed of members of the management, rank and file employees, and the employees' union. The Committee shall assist the Head of Agency in drafting and implementing the provisions of the Drug- Free Workplace Policy. Moreover, the Committee shall assist in the conduct of substance abuse awareness and prevention programs. The agency shall ensure that members of the Committee undergo regular training.
- d. The Head of Agency shall ensure the creation of a sustainable Employee Assistance Program which shall provide resources for and/or referrals to medical interventions for public officers requiring the same as mandated under this policy. The Drug-Free Workplace Committee shall be actively involved in the implementation of the Employee Assistance Program.

V. Pre-Employment Drug Testing

Mandatory drug testing shall remain a requirement for individuals seeking initial entry into government service with the FPA. Should an applicant test positive for drug use, entry into the FPA government service will be denied.

VI. Mandatory Drug Testing

Mandatory drug testing shall also be conducted in the following instances:

- a. Employees manifesting signs of drug abuse
- b. Past history of drug abuse
- c. Involvement in an accident

- d. Discovery of possession of paraphernalia
- e. Detention by police/ filing of charges in court for drug related cases
- f. Employees reporting for work after undergoing rehabilitation in a treatment and rehabilitation center

VII. Guidelines in the Conduct of Authorized Drug Testing

- a. The Drug-Free Workplace Policy of the FPA shall include the conduct of authorized drug testing, the purpose of which is to prevent the entry of dangerous drugs in the FPA and use of dangerous drugs among personnel thereof. The frequency of such testing, which shall be conducted in a random manner, shall take into consideration, among others, the number of public officers, nature of work being discharged, funding, and other logistics. Contract of Service or Job Order employees shall likewise be subject to the conduct of authorized drug testing. All results of authorized drug testing activities shall be strictly confidential. Only the Head of Agency and the members of the Drug-Free Workplace Committee shall have access to such results.
- b. Authorized drug testing shall be conducted only by a drug testing laboratory accredited by the DOH.
- c. In case of negative drug test result, no further action is needed.
- d. A positive drug test result from the confirmatory test shall immediately be known to the Head of Agency, who shall notify the public officer concerned. The public officer 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 officer.
- e. 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 Head of the FPA through the recommendation of the Drug-Free Workplace Committee shall then take the appropriate action. All drug test results and records shall strictly be held confidential and shall be attached to the 201 File of all officials and employees.

VII. Employee Assistance Program

A public officer, prior to the conduct of authorized drug testing, may seek proper intervention in coordination with the Employee Assistance Program, which shall provide referrals and additional services to the public officer concerned. A drug dependency examination shall be conducted in order to determine the level of Substance Use Disorder and the applicable intervention.

This type of assistance shall not apply to public officers who are found to be positive for drug use after the conduct of a confirmatory test in an authorized drug testing activity.



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possession of such data and information, reveals their content to any person not authorized to have access thereto, shall be prosecuted for violation of Section 32, Article II of the Act.

XI. Funding

The FPA shall ensure annual funding for the implementation of this policy in the Agency's respective budgets pursuant to the Philippine Anti-Illegal Drugs Strategy. Funds may also be sourced from allocated budget for employee health and wellness.

XII. Repealing Clause

All memoranda, orders, instructions, and circulars inconsistent with this policy shall be deemed accordingly repealed and/or modified.

XIII. Separability Clause

If any part or provision of this Regulation is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

XIV. Effectivity Clause

This Order shall take effect immediately.


JULIETA B. LANSANGAN
Executive Director III

VIII. Sanctions

- a. A 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 Grave Misconduct without prejudice to Section 32 of RA 9165.
- b. Any public officer found to have tampered the result of a drug test, interfered with 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.
- c. The Philippine Drug Enforcement Agency shall cause the filing of cases for the FPA concerned.
- d. Any public officer found arrested/ apprehended or charged in court for commission of any of the unlawful acts provided for under Article 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 Commission, without prejudice to criminal prosecution.

IX. Responsibilities of the FPA Drug-Free Workplace Committee

- a. **Policy Formulation:** The FPA Drug-Free Workplace Committee shall be responsible for crafting comprehensive guidelines and policies tailored to the specific needs and objectives of the FPA, subject to the approval of the Head of the FPA.
- b. **Orientation and Dissemination:** The FPA Drug-Free Workplace Committee shall conduct orientation session and actively promote the widespread dissemination of this policy, ensuring that all FPA personnel are well-informed and educated about the drug-free workplace initiative.
- c. **Reporting and Documentation:** The FPA Drug-Free Workplace Committee shall diligently compile and submit the FPA's drug-free workplace programs and reports to the Dangerous Drugs Board ("DDB"). This report includes, but is not limited to:
 - i. number of officials and employees subject to drug testing;
 - ii. those found positive for drug use; and
 - iii. action undertaken by the Committee on those found positive for drug use.
- d. **Support to the Head of the FPA:** The FPA Drug-Free Workplace Committee shall provide unwavering support the Head of the FPA in all matters related to the execution of the authorized drug testing, ensuring seamless coordination and adherence to the established policies and procedures.

X. Confidentiality

Any person who, having official custody or access to all data and information relative to the conduct of the authorized drug testing, or anyone who, having gained

