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DRUG FREE WORKPLACE POLICY

Pursuant to the provisions of *Section 47, Article V, Republic Act No. 9165, "The Comprehensive Dangerous Drugs Act of 2002"*, and *Department Order No. 53-03, "Guidelines for the Implementation of a Drug-Free Workplace Policies and Programs for the Private Sector"* issued by the Department of Labor and Employment, the following rules and regulations governing the prevention of drug abuse in the workplace and the procedures for the resolution and/or disposition of cases involving dangerous drugs are hereby adopted at **JOHN HAY MANAGEMENT CORPORATION**.

ARTICLE I POLICY

Section 1. Policy Statement and Objective. It is the policy of the Company to safeguard its employees from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation. In view of the foregoing, the Company hereby strengthens its rules and regulations against drug abuse, it being one of today's more serious social ills.

Toward this end, the Company shall pursue an intensive campaign against the use of dangerous drugs and other similar substances through the enforcement of this anti-drug policy, the implementation of anti-drug programs, and other similar projects.

ARTICLE II COVERAGE

Section 1. Officials and Employees. The provisions of this policy shall apply to any officer or employee of the Company irrespective of the nature or status of employment.


Section 2. Applicants and Agency employees. The Rules shall also cover applicants for employment in the Company, as well as employees of agencies (such as security, janitorial, messengerial, etc.) that have been contracted to provide service to the Company.

ARTICLE III

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DRUG-DEPENDENCE ASSESSMENT TEAM

Section 1. Creation. A Drug-Dependence Assessment Team (hereinafter referred to as the “Assessment Team”) shall be established by the Company.

Section 2. Composition. The Assessment Team shall be composed of personnel trained on prevention, clinical assessment and counseling of workers and other related activities. These shall include the following:

- a) The head of Admin Services Department and/or HR Department – Chairman
- b) The concerned employee’s Department Manager
- c) Employee representative
- d) Registered physician

**ARTICLE IV
PROHIBITIONS**

Section 1. Possession of Dangerous Drugs. All employees are prohibited from possessing any dangerous drug. Any employee caught having in his possession any dangerous drug, regardless of quantity or purity, shall be dismissed from employment. In addition, the Company shall also report the employee to the appropriate law enforcement agencies as required by law.

Dangerous drugs shall include cannabis or more commonly known as marijuana; methylenedioxymethamphetamine (MDMA) or commonly known as “Ecstasy; methamphetamine hydrochloride or commonly known as “shabu”; and such other drugs as may be declared “dangerous” by the Dangerous Drug Board.

Section 2. Any officer or employee who uses, possesses, distributes, sells or attempts to sell, tolerates transfer of 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.


Section 3. Use of Dangerous Drugs. Any officer or employee who is found shall be dealt with as follows:

- a. For an officer or employee who is found positive for the first time, or who turns to the Assessment Team for assistance, or who would benefit from the treatment and rehabilitation, shall be referred by the Assessment Team for referral for treatment and/or rehabilitation in a DOH Accredited Center.

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- b. Any officer or employee who, having been found positive after another confirmatory test shall be dismissed from the corporation.
- c. In any other case the officer or employee shall be dismissed from employment in accordance with the provision of Article 282 of Book IV of the Labor Code.

ARTICLE V DRUG TESTING

Section 1. Random Drug Testing Procedure. The Company shall engage the services of an accredited drug testing laboratory to conduct random drug testing among its regular employees on a periodic basis. The selection of employees who will undergo drug tests shall be done by drawing of lots or other fair methods which the Company may deem appropriate.

The initial test shall be a **screening test** to determine the positive result, as well as the type of drug used. Employees who are found to be positive of drugs during the screening test shall be required to undergo a **confirmatory test** to confirm a positive screening test. If found positive, the employee shall be dealt with in accordance with the provisions of *Article III* hereof.

The results of the drug test shall be valid for one (1) year. However, targeted drug testing may be implemented for just cause as provided for in the following section.

Section 2. Targeted Drug Testing. Any manager who has just cause to suspect any employee of being a drug user may require said employee to undergo drug testing. Such just causes may include excessive absences, excessive loss of weight, unfocused attention in the job, after workplace-related accidents or near miss, in the light of clinical findings, and/or upon recommendation of the Assessment Team.

Section 3. Refusal to Undergo Drug Testing. Any employee who intentionally fails or deliberately refuses to undergo drug testing when required shall immediately be investigated and may be penalized with two (2) weeks disciplinary leave for the offense. Should the employee repeat the same offense within a period of one year, the employee may be penalized with dismissal.


Section 4. Mandatory Drug Testing for New Employees. Any new employee, before being hired by the Company, must undergo drug testing at an accredited drug testing laboratory to be designated by the Company. Any applicant who refuses to undergo the drug test, or shows positive findings during the drug test, shall not be hired by the Company.

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ARTICLE VI REHABILITATION

Section 1. Refusal to Undergo Rehabilitation. Any employee who, upon the recommendation of the Assessment Team, is required by the Company to undergo rehabilitation, but refuses to do so, shall be dismissed from employment.

Section 2. Escape from Rehabilitation Center. Any employee who undergoes rehabilitation but escapes from the rehabilitation center, or drops out before completing his rehabilitation program, shall be dismissed from employment

Section 3. Completion of Rehabilitation Program. Once the rehabilitation center has certified that the employee has completed the rehabilitation program and is therefore considered rehabilitated, the employee may be allowed to return to work. However, the Company shall continue to administer periodic drug tests to the employee until it is satisfied that the employee is totally free of drugs. If during these drug tests the employee is found positive of drugs, both during the screening test and the confirmatory test, then the employee shall be dismissed from employment.

Section 4. Extended Drug Rehabilitation Program. Any employee whose rehabilitation period, as determined by the DOH-accredited rehabilitation center, will extend over six (6) months, shall be deemed by the Company as indefinitely unfit to work. As such, his employment with the Company shall be terminated in accordance with the relevant provisions in the Labor Code.

Section 5. Financial Assistance for Rehabilitation. The Company realizes that undergoing a drug rehabilitation program would impose a heavy financial burden on the employee and his/her family. To assist the employee, the company shall advance all possible payments that may be due to the employee such as but not be limited to: prorated 13th Month Pay, conversion of unused SL and VL, etc.


ARTICLE VII OBSERVANCE OF DUE PROCESS

Section 1. It is expressly understood that all the corrective actions provided in this policy shall only be implemented after all the legal requisites of procedural due process have been

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completed as described in the Company's Code of Conduct. Further, any grievance an employee may have against the corrective action imposed upon him shall be settled pursuant to Company policy, as the case may be.

ARTICLE VIII EFFECTIVITY

Section 1. This policy shall take effect fifteen (15) days after the completion of its posting in at least two (2) conspicuous places in the workplace for the information of all concerned.

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