

**AN ACT STRENGTHENING COMPLIANCE  
WITH OCCUPATIONAL SAFETY AND  
HEALTH STANDARDS AND PROVIDING  
PENALTIES FOR VIOLATIONS THEREOF  
(RA 11058)**



# DECLARATION OF POLICY



## The State:



- affirms labor as a primary social and economic force, and that a safe and healthy workforce is an integral aspect of nation building



- shall ensure a safe and healthful workplace for all working people by affording them full protection against all hazards in their work environment



# DECLARATION OF POLICY



## The State:

- shall ensure that the provisions of the Labor Code of the Philippines, all domestic laws, and **internationally-recognized standards** on OSH are being fully enforced and complied with by the employers, and shall provide penalties for any violation
- shall protect every worker against injury, sickness or death through safe and healthful working conditions
- shall promote **strict but dynamic, inclusive, and gender-sensitive** measures in the formulation and implementation of policies and programs related to OSH



# COVERAGE



This Act shall apply to all establishments, projects, sites, including **Philippine Economic Zone Authority (PEZA)** establishments and all other places where work is being undertaken in all branches of economic activity, **except in the public sector.**



The Secretary of Labor and Employment shall issue the appropriate standards of occupational safety and health for such purpose **based on the number of employees, nature of operations and the risk or hazard involved.**





# DEFINITION OF TERMS



**“Certified first-aider”** – refers to any person trained and duly certified to administer first aid by the Philippine Red Cross (PRC) **or any organization authorized by the Secretary of Labor and Employment.**

## **“Competency Standards”**

– refers to industry-determined specification of proficiency required for effective work performance.



**“Covered Workplaces”** – **refers to establishments, projects, sites and all other places where work is being undertaken** wherein the number of employees, nature of operations and risk or hazard involved in the business **require compliance**



# DEFINITION OF TERMS

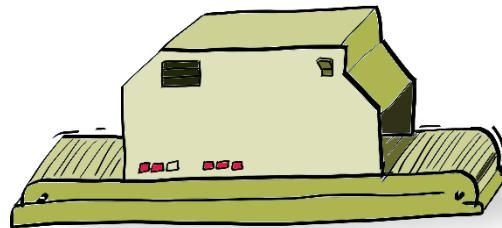
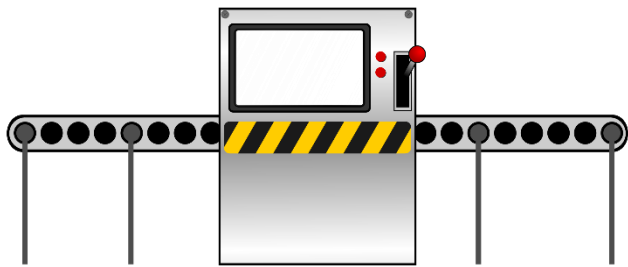


**“Employer”** – any person, natural or juridical, including the contractor, subcontractor, and principal employer who directly or indirectly benefit from the services of the employee



**“General safety and health inspection”** – an examination of the work environment, including the location and operation of machinery other than those covered by technical safety audits, ventilation, and other possible sources of safety and health hazards in the workplace;

**“Equipment”** – any machine with engine or electric motor as prime mover;



**“Imminent danger”** – a situation caused by a condition or practice in any place of employment that could reasonably be expected to lead to death or serious physical harm;



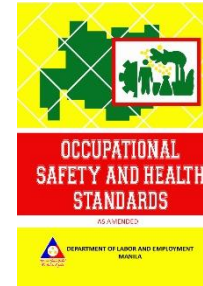
# DEFINITION OF TERMS



**“Micro and Small Enterprises (MSEs)”**  
– establishments employing less than 10 employees and establishments employing less than 100 employees



**“Occupational Health Personnel”** – a qualified first aider, nurse, dentist or physician engaged by the employer to provide occupational health services in the establishment



**“Occupational Safety and Health Standards (OSHS)”** – issued by the Secretary of Labor and Employment pursuant to Articles 168 and 175, Chapter 2, Title I of Book Four of the Labor Code of the Phils.



**“Safety and Health Audit”** – a regular and critical examination of project sites, safety programs, records, and management performance on program standards on safety and health;



# DEFINITION OF TERMS



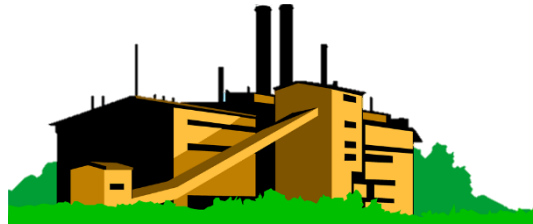
## “Safety and Health Committee”

– a body created within the workplace tasked to monitor & inspect, all aspects of the work pertaining to safety & health of workers;



“Safety and Health Program” – a set of detailed rules to govern the processes and practices in all economic activities to conform with the safety and health standards

“Workplace” – any site or location where workers need to be or to go to by reason of their work and which are under the direct or indirect control of the employer.



“Safety officer” – refers to any employee or officer of the company **trained** by the DOLE and tasked by the employer to implement an OSH program in accordance to OSHS



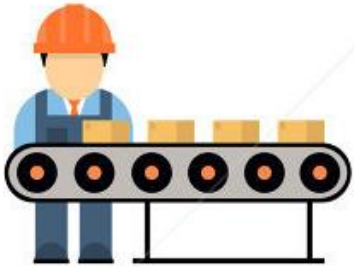
“Safety signage” – any emergency, warning or any safety instruction using the standard colors and sizes including the standard symbols for safety instructions and warnings in the workplace prescribed by the DOLE



# DUTIES OF EMPLOYERS, WORKERS AND OTHER PERSONS



(a) Every employer contractor or subcontractor, if any, and any person **who manages, controls, or supervises** the work being undertaken shall:



- (1) Furnish the workers a place of employment free from hazardous conditions that are causing or are likely to cause death, illness, or physical harm to the workers;
- (2) Give complete job safety instructions to all the workers, especially to those entering the job for the first time, including those relating to familiarization with their work environment;
- (3) Inform the workers of the hazards associated with their work, health risks involved or to which they are exposed to, preventive measures to eliminate or minimize the risks, and steps to be taken in case of emergency;



# DUTIES OF EMPLOYERS, WORKERS AND OTHER PERSONS



- (4) Use only approved devices and equipment for the workplace;
- (5) Comply with OSHS including training, medical examination, and where necessary provision of protective and safety devices such as personal protective equipment (PPE) and machine guards;
- (6) Allow workers and their safety and health representatives to participate actively in the process of organizing, planning, implementing and evaluating the program to improve the safety and health in the workplace;
- (7) Provide, where necessary, for measures to deal with emergencies and accidents, including first-aid arrangements.



# DUTIES OF EMPLOYERS, WORKERS AND OTHER PERSONS



- (b) Every worker shall participate in ensuring compliance with OSHS in the workplace.



The **worker shall make proper use of all safeguards and safety devices furnished for his/her protection** and that of others and shall observe instructions to prevent accidents or imminent danger situation in the workplace.

They shall observe the prescribed steps to be taken in case of emergency.



The **worker shall report to the supervisor any work hazard that may be discovered in the workplace.**



# DUTIES OF EMPLOYERS, WORKERS AND OTHER PERSONS



- (c) It shall be the duty of any person, including the builder or contractor who visits, builds, renovates, or installs devices or conducts business in any establishment or workplace, to comply with the provisions of this Act and all other regulations issued by the Secretary of Labor and Employment.
- (d) Whenever two or more undertakings are engaged in activities simultaneously in one workplace, it shall be the duty of all engaged to collaborate in the application of OSH standards and regulations.





# WORKERS' RIGHT TO KNOW



**The right to safety and health at work shall be guaranteed.**

**All workers shall be appropriately informed by the employer about all types of hazards in the workplace, and provided access to training and education on chemical safety and orientation on data sheet of chemical safety, electrical safety, mechanical safety, and ergonomical safety.**



# WORKERS' RIGHT TO REFUSE TO UNSAFE WORK



The **worker** has the right of refusal to work **without threat or reprisal** from the employer if, **as determined by the DOLE**, an **imminent danger situation exists** in the workplace that may result to illness, injury or death, **and corrective actions to eliminate the danger have not been undertaken by the employer.**



# WORKERS' RIGHT TO REPORT ACCIDENTS



Workers and their representatives shall have the **right to report accidents, dangerous occurrences**, and hazards to the employer, to the DOLE and to other concerned government agencies exercising jurisdiction as the competent authority in the specific industry or economic activity.



# WORKERS' RIGHT TO PERSONAL PROTECTIVE EQUIPMENT (PPE)



**Every employer shall provide their workers, free of charge,** protective equipment for their eyes, face, hands and feet, and lifeline, safety belt or harness, gas or dust respirators or masks, and protective shields whenever necessary by reason of the hazardous work process or environment, chemical, radiological, mechanical and other irritants or hazards capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.





# WORKERS' RIGHT TO PERSONAL PROTECTIVE EQUIPMENT (PPE)



The cost of the PPE shall be part of the safety and health program which is a separate pay item pursuant to Section 19 of this Act.



**All PPE shall be of the appropriate type as tested and approved by the DOLE based on its standards. The usage of PPE in all establishments, projects, sites and all other places where work is being undertaken shall be based on the evaluation and recommendation of the safety officer.**



# OCCUPATIONAL SAFETY AND HEALTH INFORMATION



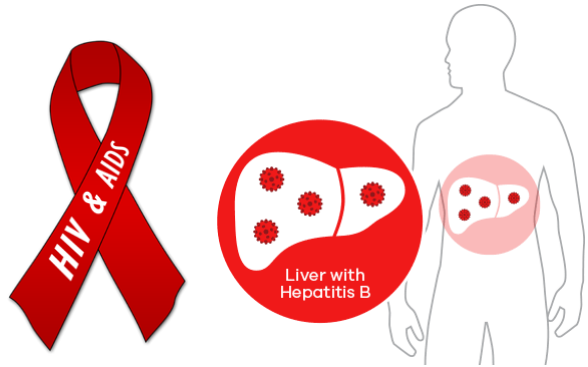
**Workers** in all establishments, projects, sites and all other places where work is being undertaken **shall be provided adequate and suitable information by the employer contractor or subcontractor**, if any, on safety and health standards, and the appropriate measures, including the probable location of workers for the prevention, control, and protection against those hazards.



# OCCUPATIONAL SAFETY AND HEALTH PROGRAM



Covered workplaces shall have a **safety and health program including, but not limited to the following policies, guidelines or information:**



- (a) Statement of commitment to comply with OSH requirements;
- (b) General safety and health, including a drug-free workplace;
- (c) Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS)/tuberculosis/ hepatitis prevention and control;
- (d) Company or project details;
- (e) Composition and duties of the Safety and Health Committee;
- (f) Occupational safety and health personnel and facilities;
- (g) Safety and health promotion, training and education;



# OCCUPATIONAL SAFETY AND HEALTH PROGRAM



- (h) Conduct of toolbox meetings;
- (i) Accident/incident/illness investigation, recording and reporting;
- (j) Provision and use of PPE;
- (k) Provision of safety signage;
- (l) Dust control and management, and regulations on activities such as building of temporary structures, and lifting and operation of electrical, mechanical, communication systems and other equipment;
- (m) Provision of workers welfare facilities;
- (n) Emergency preparedness and response plan;
- (o) Waste management system; and
- (p) Prohibited acts, and penalties for violations.**





# OCCUPATIONAL SAFETY AND HEALTH PROGRAM



The safety and health program shall be prepared and executed by the employer, contractor or subcontractor, if any, in consultation with the workers and their representatives and shall be submitted to the DOLE which shall approve, disapprove or modify the same according to existing laws, rules and regulations, and other issuances.

The approved safety and health program shall be communicated and be made readily available to all persons in the workplace.



# OCCUPATIONAL SAFETY AND HEALTH COMMITTEE



To ensure that the safety and health program is observed and enforced, covered workplaces shall organize a Safety and Health Committee composed of the following:

- a) Employer or a representative as the Chairperson, ex officio;
- b) Safety officer of the company or project as the Secretary;
- c) Safety officers representing the contractor or subcontractor, as the case may be, as members;



# OCCUPATIONAL SAFETY AND HEALTH COMMITTEE



- d) Physicians, nurses, certified first-aiders, and dentists as members, ex officio, if applicable; and
- e) **Workers' representatives** who shall come from the union if the workers are organized or elected by the workers through a simple majority vote if they are unorganized, as members.



The Committee shall effectively plan, develop, oversee, and monitor the implementation of the safety and health program.



# SAFETY OFFICER



To ensure that a safety and health program is duly followed and enforced, covered workplaces shall have safety officers who shall:

- a) **Oversee the overall management of the safety and health program;**
- b) Frequently monitor and inspect any health or safety aspect of the operation being undertaken;
- c) Assist government inspectors in the conduct of safety and health inspection at any time whenever work is being performed or during the conduct of an accident investigation; and
- d) **Issue work stoppage order when necessary.**





# SAFETY OFFICER



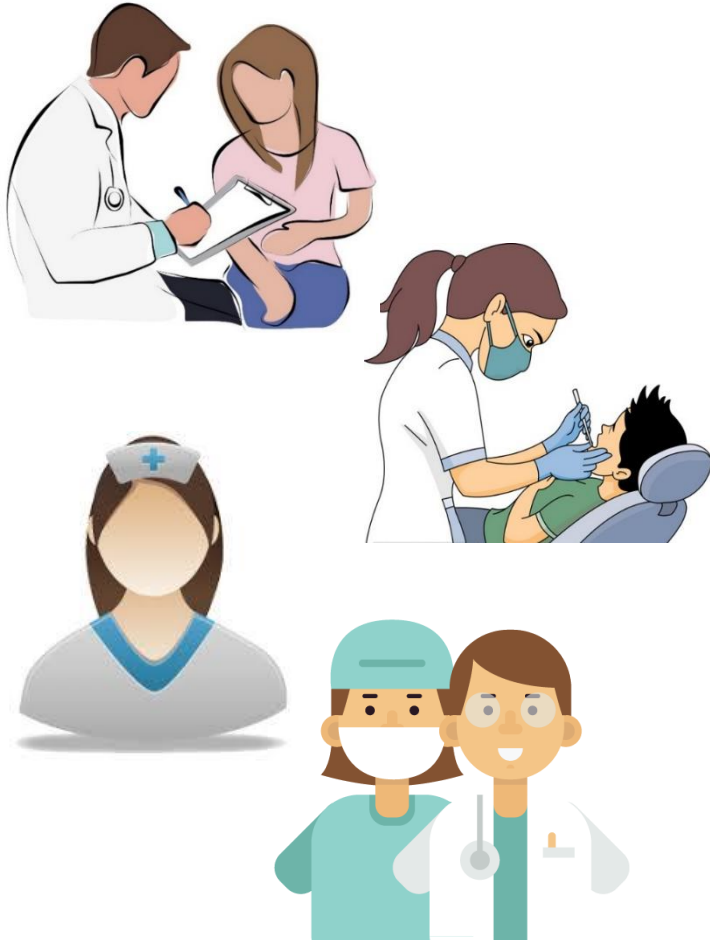
- The number and qualification of safety officers shall be proportionate to the total number of workers and equipment, the size of the work area, and such other criteria as may be prescribed by the DOLE.



- In the case of contractor or subcontractor, a safety officer must be deployed at each specific area of operations to oversee the management of the safety and health program **for its own workforce.**



# OCCUPATIONAL HEALTH PERSONNEL AND FACILITIES



Covered workplaces shall have qualified occupational health personnel such as physicians, nurses, certified first-aiders, and dentists duly complemented with the required medical supplies, equipment, and facilities.

The number of health personnel, equipment, and facilities, and the amount of supplies shall be proportionate to the total number of workers and the risk or hazard involved, the ideal ratio of which shall be prescribed by the DOLE.



# SAFETY AND HEALTH TRAINING



- (a) All safety and health personnel shall undergo the mandatory training on basic occupational safety and health for safety officers as prescribed by the DOLE.
- (b) All workers shall undergo the mandatory 8 hours safety and health seminar as required by the DOLE
- (c) All personnel engaged in the operation, erection, and dismantling of equipment and scaffolds, structural erections, excavations, blasting operations, demolition, confined spaces, hazardous chemicals, welding, and flame cutting shall undergo specialized instruction and training on the said activities.



# OCCUPATIONAL SAFETY AND HEALTH REPORTS



All employers, contractors, and subcontractors shall submit all safety and health reports and notifications prescribed by the DOLE.





# WORKERS COMPETENCY CERTIFICATION



In order to professionalize, upgrade, and update the level of competence of workers, the **Technical Education and Skills Development Authority (TESDA)** or the **Professional Regulatory Commission (PRC)**, as the case may be shall establish **national competency standards and prepare guidelines** on competency assessment and certification for critical occupations.

In this regard, **all critical occupations shall undergo the mandatory competency assessment and certification by the TESDA.**



# COST OF SAFETY AND HEALTH PROGRAM



The total cost of implementing a duly approved safety and health program shall be an integral part of the operations cost. It shall be a separate pay item in construction and in all contracting or subcontracting arrangement.



# EMPLOYER'S RESPONSIBILITY AND LIABILITY



The employer, project owner, general contractor, contractor or subcontractor, if any, and any person who manages, controls or supervises the work being undertaken shall be jointly and solidarily liable for compliance with this Act.



# VISITORIAL POWER OF THE SECRETARY OF LABOR AND EMPLOYMENT



The Secretary of Labor and Employment (SecLab) or the Secretary's authorized representatives shall have the authority to enforce the mandatory occupational safety and health standards in all establishments and conduct, together with representatives from the labor and employer sectors, an annual spot audit on compliance with OSH standards.





# VISITORIAL POWER OF THE SECRETARY OF LABOR AND EMPLOYMENT



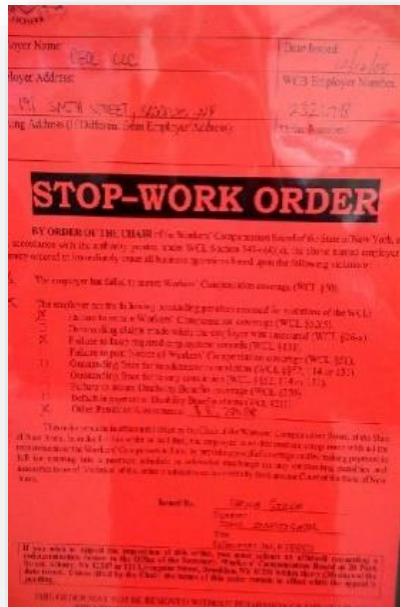
No person or entity shall obstruct, impede, delay or otherwise render ineffective the orders of the SecLab or the Secretary's duly authorized representatives and **no inferior court or entity shall issue temporary or permanent injunction or restraining order** or otherwise assume jurisdiction over any case involving the enforcement orders.



# VISITORIAL POWER OF THE SECRETARY OF LABOR AND EMPLOYMENT



The Secretary of Labor and Employment may likewise order stoppage of work or suspension of operations of any unit or department of an establishment when non-compliance with law or implementing rules and regulations poses grave and imminent danger to the health and safety of workers in the workplace.



# VISITORIAL POWER OF THE SECRETARY OF LABOR AND EMPLOYMENT



The procedure for inspecting work premises, notifying employers of violations, and issuing compliance or stoppage orders shall be **pursuant to the procedure laid down in Article 128 of the LCP**, as amended, as implemented by relevant regulations issued by the DOLE on administration and enforcement of labor laws.



# VISITORIAL POWER OF THE SECRETARY OF LABOR AND EMPLOYMENT



However, chartered cities may be allowed to conduct industrial safety inspections of establishments within their jurisdiction in coordination with the DOLE:



Provided, That they have adequate facilities and competent personnel for the purpose as determined by the DOLE and subject to national standards established by the latter.



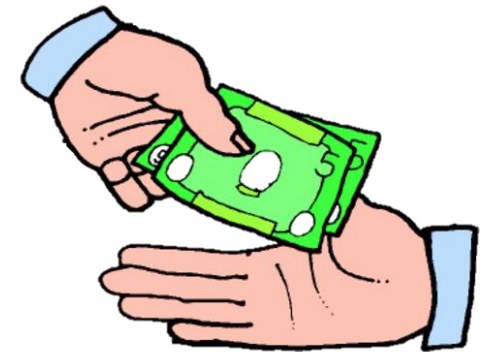


# PAYMENT OF WORKERS' INCOME DURING WORK STOPPAGE DUE TO IMMINENT DANGER



If stoppage of work due to imminent danger occurs as a result of the employer's violation or fault, the employer shall pay the affected workers concerned their wages during the period of such stoppage of work or suspension of operation.

For purposes of payment of wages and any other liabilities arising from a work stoppage order (WSO), the employer is presumed a party at fault if the WSO is issued secondary to an imminent danger situation which would imperil the lives of the workers.



# STANDARDS SETTING POWER OF THE SECRETARY OF LABOR AND EMPLOYMENT



The SecLab shall, in consultation with the other concerned government agencies and relevant stakeholders, by appropriate orders, set and enforce mandatory OSH standards to eliminate or reduce occupational safety and health hazards, depending on the number of employees of the establishment, the nature of its business operations and the risk or hazard involved. industry.



# STANDARDS SETTING POWER OF THE SECRETARY OF LABOR AND EMPLOYMENT



The Secretary shall also **institute new, and update existing programs** to ensure safe and healthy working conditions in all workplaces especially in **hazardous industries such as mining, fishing, construction, and maritime industry.**



# INCENTIVES TO EMPLOYERS



There shall be an established **package of incentives** under such rules and regulations as may be promulgated by DOLE to qualified employers to recognize their incentives toward ensuring compliance of OSH and general labor standards, such as **OSH training packages, additional protective equipment, technical guidance, recognition, awards** and other similar incentives.



# PROHIBITED ACTS



- a) Willful failure or refusal or gross negligence of an employer, contractor or subcontractor, to comply with the required OSH standards or with a compliance order issued by the Secretary of Labor and Employment or by the Secretary's authorized representative;



It shall make such employer, contractor or subcontractor, liable for an administrative fine not exceeding Php100,000.00 per day until the violation is corrected, counted from the date the employer or contractor is notified of the violation or the date the compliance order is duly served on the employer. The maximum amount shall be imposed with violations with a risk of death, serious injury or serious illness.





# PROHIBITED ACTS



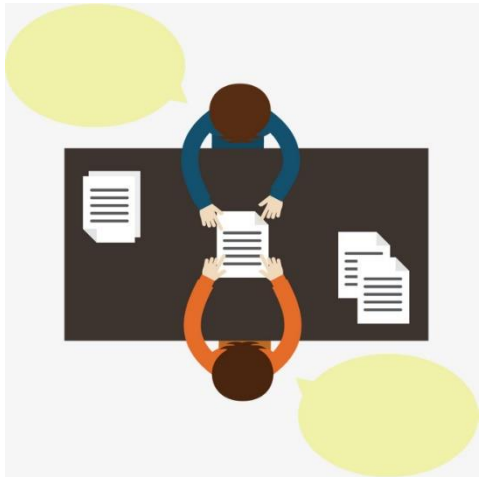
- b) An employer, contractor or subcontractor who willfully fails or refuses to comply with the required OSH standards or with a duly issued compliance order and engages in any of the following acts to aid, conceal or facilitate such non-compliance shall be liable for a maximum of Php100,000.00 administrative fine separate from the daily fine imposed in item (a)



# PROHIBITED ACTS



- i. Repeated obstruction, delay or refusal to provide the Secretary of Labor and Employment or any of its representatives access to the covered workplace or refusal to allow access to relevant records and documents or obstruct the conduct of investigation of any fact necessary in determining compliance with OSH standards.



# PROHIBITED ACTS



- iii. Misrepresentation in relation to adherence to OSH standards knowing such statement, report or record submitted to the DOLE to be false in any material aspect.
  
- iv. Making retaliatory measures such as termination of employment, refusal to pay, reducing wages and benefits or in any manner discriminates against any worker who has given information relative to the inspection being conducted.



# PROHIBITED ACTS



For this purpose, the SecLab, in consultation with relevant stakeholders, shall issue a list of offenses with corresponding reasonable administrative fines depending on the severity, frequency and damage caused without prejudice to the filing of a criminal or a civil case in the regular courts, as the case may be



# PROHIBITED ACTS



The **fine collected shall be used for the operation of occupational safety and health initiatives**, including occupational safety and health training and education and other occupational safety and health programs.





# INTER-GOVERNMENTAL COORDINATION AND COOPERATION



DEPARTMENT OF LABOR AND EMPLOYMENT  
Bureau of Working Conditions

The **DOLE shall institute a mechanism for coordination** with the Department of Environment and Natural Resources, Department of Energy, Department of Transportation, Department of Agriculture, Department of Public Works and Highways, Department of Trade and Industry, Department of the Interior and Local Government, Department of Health, Philippine Economic Zone Authority, Department of Information and Communications Technology and all other government agencies, including local government units, **within 60 days from the issuance of the implementing rules and regulations of this Act.**

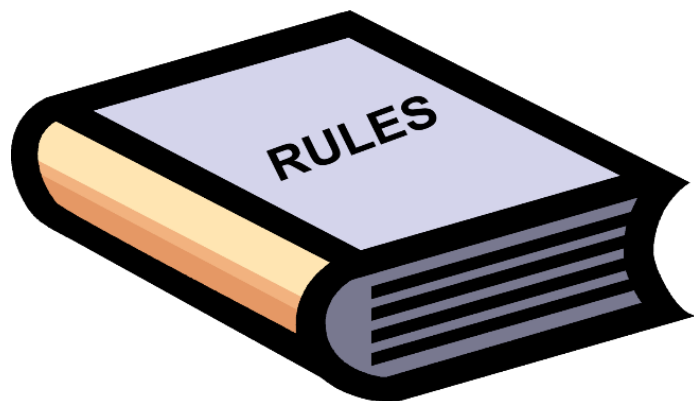
# INTER-GOVERNMENTAL COORDINATION AND COOPERATION



They shall regularly convene to monitor the effective implementation of this Act as well as related programs and projects that are established to prevent and eliminate the incidence of injury, sickness or death in all workplaces.



# IMPLEMENTING RULES AND REGULATIONS



The Secretary of Labor and Employment, in coordination with agencies concerned, shall formulate its rules and regulations within ninety (90) days after the effectivity of this Act.





**THANK YOU!**