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S. No. 1317

Republic of the Philippines
Congress of the Philippines
Metro Manila
Seventeenth Congress
Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth day of July, two thousand seventeen.

[REPUBLIC ACT NO. 11058]

AN ACT STRENGTHENING COMPLIANCE WITH
OCCUPATIONAL SAFETY AND HEALTH STANDARDS
AND PROVIDING PENALTIES FOR VIOLATIONS
THEREOF

*Be it enacted by the Senate and House of Representatives of the
Philippines in Congress assembled:*

CHAPTER I

DECLARATION OF POLICY

SECTION 1. *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.

The State shall ensure a safe and healthful workplace for all working people by affording them full protection against all hazards in their work environment. It shall ensure that the provisions of the Labor Code of the Philippines, all domestic laws,

and internationally-recognized standards on occupational safety and health are being fully enforced and complied with by the employers, and it shall provide penalties for any violation thereof.

The State shall protect every worker against injury, sickness or death through safe and healthful working conditions thereby assuring the conservation of valuable manpower resources and the prevention of loss or damage to lives and properties consistent with national development goals, and with the State's commitment to the total development of every worker as a complete human being.

The State, in protecting the safety and health of the workers, shall promote strict but dynamic, inclusive, and gender-sensitive measures in the formulation and implementation of policies and programs related to occupational safety and health.

CHAPTER II

GENERAL PROVISIONS

SEC. 2. *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 based on the number of employees, nature of operations, and the risk or hazard involved.

SEC. 3. *Definition of Terms.* — As used in this Act:

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

(b) *Competency standards* refer to industry-determined specification of proficiency required for effective work performance. These are expressed as outcomes with focus on workplace activity rather than training or personal attributes, and the ability to apply new skills in new situations or changing work organization;

(c) *Covered workplaces* refer 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, as determined by the Secretary of Labor and Employment, require compliance with the provisions of this Act;

(d) *Employer* refers to any person, natural or juridical, including the principal employer, contractor or subcontractor, if any, who directly or indirectly benefits from the services of the employee;

(e) *Equipment* refers to any machine with engine or electric motor as prime mover;

(f) *General safety and health inspection* refers to an examination of the work environment including the location and operation of machinery other than those covered by technical safety audits, adequacy of work space, ventilation, lighting, conditions of work environment, handling, storage or work procedures, protection facilities and other possible sources of safety and health hazards in the workplace;

(g) *Imminent danger* refers to 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;

(h) *Micro and Small Enterprises (MSEs)* refer to establishments employing less than ten (10) employees, and establishments employing less than one hundred (100) employees, respectively;

(i) *Occupational health personnel* refers to a qualified first aider, nurse, dentist or physician engaged by the employer to provide occupational health services in the establishment, project, site or workplace;

(j) *Occupational Safety and Health (OSH) standards* refer to the Occupational Safety and Health Standards issued by the Secretary of Labor and Employment pursuant to Articles 168 and 171, Chapter 2, Title I of Book Four of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, and such other standards as may be issued pursuant to this Act;

(k) *Safety and health audit* refers to a regular and critical examination of project sites, safety programs, records, and management performance on program standards on safety and health;

(l) *Safety and health committee* refers to a body created within the workplace tasked with the authority to monitor, inspect and investigate all aspects of the work pertaining to the safety and health of workers;

(m) *Safety and health program* refers to a set of detailed rules to govern the processes and practices in all economic activities to conform with OSH standards, including the personnel responsible, and penalties for any violation thereof;

(n) *Safety officer* refers to any employee or officer of the company trained by the Department of Labor and Employment (DOLE) and tasked by the employer to implement an occupational safety and health program, and ensure that it is in accordance with the provisions of OSH standards;

(o) *Safety signage* refers to any emergency, warning or danger signpost 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; and

(p) *Workplace* refers to 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.

CHAPTER III

DUTIES AND RIGHTS OF EMPLOYERS, WORKERS AND OTHER PERSONS

SEC. 4. *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 or orientation 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 cases of emergency;

(4) Use only approved devices and equipment for the workplace;

(5) Comply with OSH standards 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 safety and health program to improve safety and health in the workplace; and

(7) Provide, where necessary, for measures to deal with emergencies and accidents including first-aid arrangements.

(b) Every worker shall participate in ensuring compliance with OSH standards in the workplace. The worker shall make proper use of all safeguards and safety devices furnished for the worker's protection and that of others, and shall observe instructions to prevent accidents or imminent danger situations in the workplace. The worker shall observe the prescribed steps to be taken in cases of emergency.

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

(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 (2) or more undertakings are engaged in activities simultaneously in one (1) workplace, it shall be the duty of all engaged to collaborate in the application of OSH standards and regulations.

SEC. 5. *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, provided access to training and education on chemical safety, and to orientation on the data sheet of chemical safety, electrical safety, mechanical safety, and ergonomical safety.

SEC. 6. *Workers' Right to Refuse 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 in illness, injury or death, and corrective actions to eliminate the danger have not been undertaken by the employer.

SEC. 7. *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.

SEC. 8. *Workers' Right to Personal Protective Equipment (PPE).* – Every employer, contractor or subcontractor, if any, shall provide his 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. The cost of the PPE shall be part of the safety and health program which is a separate pay item pursuant to Section 20 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.

SEC. 9. *Safety Signage and Devices.* – All establishments, projects, sites and all other places where work is being undertaken shall have safety signage and devices to warn the workers and the public of the hazards in the workplace. Safety signage and devices shall be posted in prominent positions at strategic locations in a language understandable to all, and in accordance with the standards set by the DOLE.

SEC. 10. *Safety in the Use of Equipment.* – In relation to the use of equipment, the employer, contractor or subcontractor, if any, must comply with the DOLE requirements in the different phases of the company or project operation including the transport to and from the establishment, project, site or place where work is being undertaken.

SEC. 11. *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 hazards, and the appropriate measures, including the probable location of workers, for the prevention, control and protection against those hazards.

CHAPTER IV

COVERED WORKPLACES

SEC. 12. *Occupational Safety and Health (OSH) Program.* – Covered workplaces shall have a safety and health program including 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;
- (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, communications 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.

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.

SEC. 13. *Occupational Safety and Health (OSH) Committee.* – To ensure that the safety and health program is observed and enforced, a safety and health committee shall be organized in covered workplaces 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;
- (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.

SEC. 14. *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 orders when necessary.

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 a 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 of its own workforce.

SEC. 15. *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.

SEC. 16. *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 eight (8) hours safety and health seminar as required by the DOLE which shall include a portion on joint employer-employee orientation.

(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.

SEC. 17. *Occupational Safety and Health Reports.* — All employers, contractors or subcontractors, if any, shall submit all safety and health reports, and notifications prescribed by the DOLE.

SEC. 18. *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 Regulation 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.

An occupation shall be considered critical when:

(a) The performance of a job affects the people's lives and safety;

(b) The job involves the handling of tools, equipment and supplies;

(c) The job requires a relatively long period of education and training; and

(d) The performance of the job may compromise the safety, health and environmental concerns within the immediate vicinity of the establishment.

SEC. 19. *Workers' Welfare Facilities.* — All establishments, projects, sites and all other places where work is being undertaken shall have the following welfare facilities in order to ensure humane working conditions:

(a) Adequate supply of safe drinking water;

(b) Adequate sanitary and washing facilities;

(c) Suitable living accommodation for workers, as may be applicable; and

(d) Separate sanitary, washing and sleeping facilities for men and women workers as may be applicable.

SEC. 20. *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 arrangements.

CHAPTER V

JOINT AND SOLIDARY LIABILITY

SEC. 21. *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.

CHAPTER VI

ENFORCEMENT OF OCCUPATIONAL SAFETY
AND HEALTH STANDARDS

SEC. 22. *Visitorial Power of the Secretary of Labor and Employment.* — Pursuant to Article 128 of the Labor Code of the Philippines and other applicable laws, the Secretary of Labor and Employment 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 the employer sectors, an annual spot audit on compliance with OSH standards. The Secretary or the Secretary's duly authorized representatives can enter workplaces at any time of the day or night where work is being performed to examine records and investigate facts, conditions or matters necessary to determine compliance with the provisions of this Act.

No person or entity shall obstruct, impede, delay or otherwise render ineffective the orders of the Secretary of Labor and Employment or the Secretary's duly authorized representatives issued pursuant to the authority granted under Article 128 of the Labor Code of the Philippines, and no lower court or entity shall issue temporary or permanent injunction or restraining order or otherwise assume jurisdiction over any case involving the enforcement orders.

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 noncompliance with law or implementing rules and regulations poses grave and imminent danger to the health and safety of workers in the workplace.

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 Labor Code of the Philippines as implemented through relevant regulations issued by the DOLE on administration and enforcement of labor laws. The inspector

or person authorized by the DOLE to enforce compliance with OSH standards shall present proper identification upon request, and such inspector or person shall only act within the authority or direction given by the Secretary of Labor and Employment.

The Secretary of Labor and Employment or the Secretary's duly authorized representatives shall inspect establishments and workplaces regardless of the size and nature of operation. Any kind of self-assessment shall not take the place of labor inspection conducted by the DOLE. 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.

SEC. 23. *Payment of Workers 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 workers concerned their wages during the period of such stoppage of work or suspension of operations. For purposes of payment of wages and any other liabilities arising from a work stoppage order, the employer is presumed a party at fault if the work stoppage order is issued secondary to an imminent danger situation which would imperil the lives of the workers.

SEC. 24. *Delegation of Authority.* — The authority to enforce mandatory OSH standards may be delegated by the Secretary of Labor and Employment to a competent government authority.

SEC. 25. *Standards Setting Power of the Secretary of Labor and Employment.* — The Secretary of Labor and Employment 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.

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 the maritime industry.

SEC. 26. *Employee's Compensation Claim.* — A worker may file claims for compensation benefit arising out of work-related disability or death. Such claims shall be processed independently of the finding of fault, gross negligence or bad faith of the employer in a proceeding instituted for the purpose.

SEC. 27. *Incentives to Employers.* — There shall be an established package of incentives under such rules and regulations as may be promulgated by the DOLE to qualified employers to recognize their efforts toward ensuring compliance with OSH and general labor standards such as OSH training packages, additional protective equipment, technical guidance, recognition awards and other similar incentives.

SEC. 28. *Prohibited Acts.* — The following are considered as prohibited acts:

(a) Willful failure or refusal 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 shall make such employer, contractor or subcontractor liable for an administrative fine not exceeding One hundred thousand pesos (P100,000.00) 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 amount of fine imposed shall depend on the frequency or gravity of the violation committed or the damage caused: *Provided, however,* That the maximum amount shall be imposed only when the violation exposes the workers to a risk of death, serious injury or serious illness.

(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 noncompliance shall be liable for a maximum of One hundred thousand pesos (P100,000.00) administrative fine separate from the daily fine imposed above:

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

(2) 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;

(3) 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.

For this purpose, the Secretary of Labor and Employment, 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.

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.

CHAPTER VII

MISCELLANEOUS PROVISIONS

SEC. 29. *Updated DOLE Computerized Labor Law Compliance System.* — The Secretary of Labor and Employment shall maintain an updated labor inspection system of computerized gathering and generation of real time data on compliances, monitoring of enforcement, and a system of notification on workplace accidents and injuries.

SEC. 30. *Applicability to Micro and Small Enterprises (MSEs).* – Specific to MSEs, the DOLE shall develop OSH core compliance standards to ensure safe and healthy workplaces. All MSEs shall be required to implement the prescribed standards for housekeeping, materials handling and storage, electrical and mechanical safety, chemical safety, emergency preparedness, fire safety and PPE, and to monitor hazards regularly.

SEC. 31. *Inter-Governmental Coordination and Cooperation.* – 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, Department of Information and Communications Technology, PEZA and all other government agencies, including local government units, within sixty (60) days from the issuance of the implementing rules and regulations of this Act. 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.


SEC. 32. *Implementing Rules and Regulations.* – The Secretary of Labor and Employment, in coordination with agencies concerned, shall formulate the rules and regulations within ninety (90) days after the effectivity of this Act.

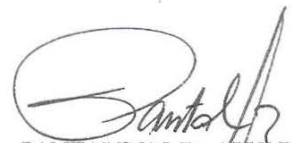
SEC. 33. *Separability Clause.* – If any part, section or provision of this Act shall be held invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect.

SEC. 34. *Repealing Clause.* – All laws, acts, decrees, executive orders, rules and regulations or other issuances or parts thereof which are inconsistent with this Act are hereby modified or repealed.


SEC. 35. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,


VICENTE C. SOTTO III
President of the Senate


PANTALEON D. ALVAREZ
Speaker of the House
of Representatives

This Act which is a consolidation of House Bill No. 64 and Senate Bill No. 1317 was passed by the House of Representatives and the Senate on May 22, 2018.


MYRA MARIE D. VILLARICA
Secretary of the Senate


CESAR STRAIT PAREJA
Secretary General
House of Representatives

Approved: AUG 17 2018


RODRIGO ROA DUTERTE
President of the Philippines

