

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P4:29

RECEIVED BY:

S E N A T E

S. No. 342

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

The Occupational Safety and Health Center (OSHC) created under Executive Order No. 307 in November 1987, was envisioned to serve as a research and training institution for the prevention of work-related illnesses, injuries and accidents in all places of employment in the country. At the time of the issuance of E.O. 307, the President had no legislative power to create and establish an independent government entity with corporate powers. In order to facilitate its formalization and to enable it to accept donations from the Japanese Government, the easier way was to create the Center as an attached agency to the Employees Compensation Commission (ECC) which also serves as the Governing Board of the Center.

This bill seeks to strengthen the Center by relocating it to the Department of Labor and Employment, with its own Governing Board for the following reasons:

1. The DOLE is the national central agency of the government responsible for the protection and welfare of workers, particularly their safety and health in workplaces. Vesting the DOLE with primarily responsibility for the implementation of occupational safety standards will address the present fragmentation of policy implementation.
2. Occupational safety and health is a concern not only of the ECC but also of several agencies of the DOLE implementing safety and health. The DOLE can pursue with the OSHC a national program on occupational safety and health in coordination with other government agencies such as the Department of Health, anti-pollution and environmental agencies, international institutions, the academe and professional and specialty organizations including workers and employers' organizations.
3. Having its own governing board will allow the OSHC to really focus and specialize on its role as the national center of technology on occupational safety and health. On the other hand agencies represented in the ECC, namely the SSS, GSIS and PMCC may have interests other than occupational safety and health.

The bill also authorizes the Secretary of Labor and Employment to constitute an advisory body composed of leading industrialists, leaders of major labor federations, members of the academe and professional/technical organizations to assist in the formulation of policies and programs for Occupational Safety and Health.

In view of the foregoing, the immediate approval of this bill is earnestly requested.



SERGIO OSMEÑA III
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P4:30

RECEIVED BY: Odele

S E N A T E

S. No. 342

Introduced by Senator S. R. Osmeña III

AN ACT
STRENGTHENING THE CAPABILITY OF THE OCCUPATIONAL SAFETY
AND HEALTH CENTER, ESTABLISH A RESEARCH FUND THEREFOR AND
FOR OTHER PURPOSES

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

1 SECTION 1. (a) The Occupational Safety and Health Center established
2 under Executive Order No. 307 is hereby reconstituted and attached to the
3 Department of Labor and Employment for policy coordination and guidance and
4 to insure its effective linkages with the other agencies and regional offices of the
5 Department of Labor and Employment and with other departments of the
6 Government involved in the promotion of occupational safety and health
7 programs.

8 (b) The Occupational Safety and Health Center, hereinafter referred to
9 as the Center shall have its own Governing Board to be composed of three ex-
10 *officio* members, namely: the Secretary of Labor and Employment as Chairman,
11 the Executive Director of the Center and the Executive Director of the Employees
12 Compensation Commission; and two (2) appointive members, one of whom shall
13 represent the employees and the other, the employers, to be appointed by the
14 President of the Philippines upon the recommendation of the Secretary of Labor
15 and Employment for a term of three (3) years. The appointive member shall have
16 at least five (5) years experience in health and safety program or employees

1 compensation. All vacancies shall be filled for the unexpired term only. Internal
2 rules governing the conduct of meetings and operations as well as per diems and
3 allowances of the Members of the Board shall be approved by the Governing
4 Board.

5 (c) The Secretary of Labor and Employment is hereby authorized to
6 create an Advisory Board composed of leading industries, leaders of major labor
7 federations, member of the academe, and professional/technical organizations,
8 to serve as consultative and advisory body to assist the Center in the formulation
9 and development of policies and national programs on occupational safety and
10 health.

11 SEC. 2. The Center shall have the following powers and functions:

12 (a) To undertake continuing studies and researches on occupational
13 safety and health, including those relating to the establishment of
14 causal connection between diseases and occupations and the
15 development of medical criteria in determining the nature and
16 extent of impairment or diminution in health, functional capacity or
17 life expectancy of the employees as a result of their work and
18 working conditions;

19 (b) To plan, develop and implement training programs in the field of
20 occupational safety and health, and related interest;

21 (c) To serve as a clearing house of information and innovative
22 methods, techniques and approaches in dealing with occupational
23 safety and health problems and institute a mechanism of
24 information dissemination to the general public;

25 (d) To monitor the working environment by the use of industrial
26 hygiene, field and laboratory equipment and conduct medical
27 examinations of workers exposed to hazardous substances for the
28 ready detection of occupational diseases;

- 1 (e) To act as the duly recognized agency to undertake practical testing
2 for safe use and set standard specifications of personal protective
3 and other safety devices;
- 4 (f) To assist government agencies and institutions in the formulation of
5 policies and standards on occupational safety and health and other
6 matters related thereto and issue technical guideline for the
7 prevention of occupational diseases and accidents;
- 8 (g) To adopt annually a budget of expenditures of the Center and its
9 staff chargeable against the remittances of the Government Service
10 Insurance System and Social Security System referred to in
11 Section 6 hereof; and to fix the salary rates of its technical
12 personnel;
- 13 (h) To sue and be sued in Court;
- 14 (i) To acquire property, real or personal, which may be necessary or
15 expedient for the attainment of the purposes of the Center;
- 16 (j) To receive donations from domestic and international
17 organizations, foreign governments and other sources: *Provided,*
18 That the same are in accordance with law and not repugnant to the
19 policies of the State;
- 20 (k) To enter into agreements or contracts for such service and aid as
21 may be needed for the proper, efficient and stable administration of
22 its program;
- 23 (l) To perform such other acts as it may deem appropriate for the
24 attainment of the purposes of the Center and proper enforcement of
25 the provisions of this Act; and
- 26 (m) To enlist the assistance of government agencies and private
27 organizations in carrying out the objectives of the Center.

28 SEC. 3. To insure continuity and comprehensiveness of the research
29 activities of the Center, including those on the adverse effects on workers of

1 hazards brought about by new technologies, and toxic chemicals and other
2 substances, new machines and work processes, every employer shall contribute
3 to a research fund at least One peso (P1.00) a year for each of his workers:
4 *Provided, however,* That no employer shall be required to contribute more than
5 Three thousand pesos (P300.00) a year regardless of the number of his
6 employees. Employers shall remit their contributions to the Research Fund
7 directly to the Occupational Health and Safety Center not later than January 18
8 of each year.

9 SEC. 4. The general conduct of operations and management functions of
10 the Center shall be vested in the Executive Director under the immediate
11 supervision of the Governing Board. He shall be appointed by the President of
12 the Philippines upon the recommendation of the Chairman of the Governing
13 Board. He shall be assisted by a Deputy Executive Director who shall likewise be
14 appointed by the President of the Philippines. The Executive Director must have
15 at least a Bachelor's degree and must have had experience of at least five (5)
16 years in the administration of occupational health and safety or employees
17 compensation and social security programs. Their annual salary shall be
18 determined by the Governing Board.

19 SEC. 5. The technical staff and other personnel of the Center shall be
20 appointed by the Chairman of the Governing Board upon recommendation of the
21 Executive Director: *Provided,* That the technical personnel and positions of the
22 Center as determined by the Governing Board shall not be subject to the Office
23 of Compensation and Position Classification salary scales.

24 SEC. 6. The Administrator of the Social Security System (SSS) and the
25 *President and General Manager of the Government Service Insurance System*
26 (GSIS), shall remit to the Center on or before January 15 of every year, on a
27 sharing of seventy percent (70%) for the SSS and thirty percent (30%) for the
28 GSIS, four percent (4%) of the annual collection of the State Insurance Fund

1 from which shall be drawn the annual budget of the Center as approved by its
2 Governing Board.

3 SEC. 7. To insure the effective and co-ordinated implementation of
4 occupational safety and health laws and standards, the Department of Labor and
5 Employment shall be solely responsible for the administration and enforcement
6 of such laws and standards, the provisions of existing laws to the contrary
7 notwithstanding, including the collection of safety inspection and other service
8 fees: Provided, however, That chartered cities and other Government agencies
9 may be allowed to conduct occupational safety and health inspections when they
10 have adequate facilities and competent personnel as determined by the
11 Department of Labor and Employment and subject to the national standards
12 established by the latter.

13 SEC. 8. The Center may collect reasonable fees and charges for working
14 environment measurement, medical examination and training, safety and
15 equipment testing, and for the use of its equipment/instrument and facilities:
16 *Provided, however,* That the schedule of these fees and charges shall be
17 published once a week for two (2) consecutive weeks in a newspaper of general
18 circulation before it becomes effective. The fund so collected by the Center
19 pursuant to this Section shall accrue to the Center Research Fund and shall be
20 disbursed only in the implementation of the programs of the Center.

21 SEC. 9. The Governing Board shall issue such rules and regulations as
22 may be necessary to implement the provisions of this Act.

23 SEC. 10. Any provision of law, rules or order which is inconsistent with
24 any provision of this Act is hereby repealed or amended accordingly.

25 SEC. 11. This Act shall take effect fifteen (15) days after its publication in
26 the *Official Gazette* or in at least two (2) newspapers of general circulation,
27 whichever comes earlier.

Approved,