

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

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SENATE
S.B. No. **1651**RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article XIII, Section 14, mandates that the State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. The Labor Code, Article 162 provides that the Secretary of Labor and Employment shall issue appropriate orders, set and enforce occupational safety and health standards in all workplaces and institute programs to ensure safe and healthful working conditions in all places of employment.

Presently, there is a lack of uniform warnings for personal protective equipment for occupational use. This situation has confused both employers and employees on the proper use of such equipment. This has increased worker exposure to workplace injuries and illnesses

This bill seeks to provide safety warning standards to reduce injuries and illnesses resulting from the faulty use of occupational equipment.


MIRIAM DEFENSOR SANTIAGO

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SENATE
OFFICE OF THE SECRETARY

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AN ACT
TO PROVIDE FOR UNIFORM WARNINGS ON PERSONAL PROTECTIVE EQUIPMENT
FOR OCCUPATIONAL USE

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

SECTION 1. *Short Title.* – This shall be known as the “Uniform Warnings on Protective Equipment Act”.

SECTION 2. *Declaration of State Policy.* – It is hereby declared state policy to increase workplace safety by enhancing understanding of the proper use and limits of personal protective equipment for occupational use through occupational safety and health standards that establish specific coherent and effective uniform warnings for such equipment.

SECTION 3. *Definition of Terms.* – For purposes of this Act –

(1) The term “personal protective equipment” means equipment intended for use by workers in a workplace subject to this Act to protect the eyes, face, head, hearing, extremities, or a respiratory tract from workplace hazards or to function as protective clothing, as a protective shield or barrier, as personal fall arrest or ladder safety devices, or as safety and health monitoring and instrumentation devices; and

(2) The term “warning” means any statement that—

(a) directs or describes one or more actions, procedures, or prohibitions relating to the use of personal protective equipment; and

(b) if not complied with, may result in personal injury or death to the user of the equipment.

SECTION 4. *Standards.* – Each standard shall prescribe the full text of each warning the means by which the manufacturer or other seller of the personal protective equipment shall communicate each such warning to the employer using such equipment. Each standard issued under paragraph for personal protective equipment shall require the employer to communicate each prescribed warning to each employee using the personal protective equipment, and to train, educate, and instruct each such employee in:

- (1) the proper use of such personal protective equipment;
- (2) how each such warning applies in such employer's workplace and such employee's work environment; and
- (3) the consequences of failing to observe each such warning.

SECTION 5. *Factors to be Considered.* – The Secretary of Department of Labor and Employment, in promulgating standards shall consider such factors as the experience of manufacturers using particular warning and the means of communication of such warnings, as well as the opinions of workers, human factors experts, the Department of Health, and other experts as to the effectiveness of such warnings and respective means of communications.

SECTION 6. *Pre-emption.* – Nothing in this Act shall be construed to negate the intent of Congress to occupy or regulate the entire field of warnings for personal protective equipment for occupational use.

SECTION 7. *Other Standards.* - After a standard issued becomes effective, no government agency, or any political subdivision, may, by legislation, regulation, court decision, or otherwise establish or continue in effect, any standard, requirement, or prohibition for any personal protective equipment which has the force and effect of law which is different from, or in addition to, any requirement set forth in this Act.

SECTION 8. *Separability Clause* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 9. *Repealing Clause*. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 10. *Effectivity Clause* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.