

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



'22 JUL 11 P 4 :26

**SENATE**  
S. No. 263

RECEIVED BY: \_\_\_\_\_

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**Introduced by SENATOR RAMON BONG REVILLA, JR.**

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**AN ACT**  
**ENSURING THE OCCUPATIONAL HEALTH, SAFETY AND WELFARE OF**  
**BUSINESS PROCESS OUTSOURCING (BPO) WORKERS AND OTHER**  
**SIMILARLY SITUATED PROFESSIONALS**

**EXPLANATORY NOTE**

The Business Process Outsourcing (BPO) Industry is described as a "Sunshine Industry" in the Philippines. It has created millions of jobs for Filipinos across the country and it continues to offer hundreds of thousands of employment opportunities for our people every year. Its contribution to our economy and to the livelihoods of millions of Filipinos cannot be undermined. We are now the BPO capital of the world, the Philippines is the preferred location for companies seeking to fill their contact center needs at very low cost compared to the standard of their own countries. It is high time our legislature takes notice of this young yet vital industry and its special characteristics in order to ensure the welfare of all Filipinos that are part of it.

Notwithstanding the industry's reputation for its consistency in job creation, it also has a reputation for its inconsistency with employee retention. The attrition rate of the BPO industry is incessantly grim, almost perpetually steady at fifty percent (50%) per year as studies would show, at one point it even reached a ridiculous figure of eighty percent (80%). Ironically, despite it being described with sunshine, most of its business is conducted with the lack thereof. Inverted working hours are one of the many reasons for attrition in the BPO sector, this is according to studies, researches, reports, surveys and publications conducted and administered by the

International Labor Organization (ILO), the Contact Center Association of the Philippines (CCAP) and other communication organizations around the world who wanted to fathom how one of the most thriving industries in the world also has the lowest employee retention rate. Some factors that were identified to be consequential to the inordinate figure of attrition in the industry are mainly related to health, safety, transportation, workload abuse, compensation inadequacy, delayed benefits, poor working environments, rigid management and lack of career growth options. Not to mention the prodigious physical, emotional and mental stress due to the nature of the job, fatigue is slowly becoming a norm for its employees. It is the compounding effect of these factors that attribute to the attenuation of its workforce. Contrary to popular belief, this industry isn't as easy as it is marketed.

The coalescence of these things result in a secretly unhealthy sector. Despite all that, BPO employees continue to work due to the economic reality of today. The inevitability of irreparable damage is upon the Filipinos who are part of this industry, most do not know what their employer's obligations are to them nor do they know if they are being exploited. It is time for the State to step in to make sure that our BPO workers are treated right and just, we must reinforce the moral obligations of the industry to its workers to ensure that its workforce does not succumb to any long term damage the nature of work can cause. It is in the interest of the Business Process Outsourcing companies themselves to protect their workers who are undoubtedly the backbone of their business and their industry's most valuable resource.

The Constitution, Article XIII, Section 3, paragraphs 1 and 2 provide:

"The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equal employment opportunities for all.

It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in

accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.”

It is time for the State to step in to push for reform in the systems of this industry to ensure that the well-being of its employees aren't compromised in any way at all. Compliance to occupational health and safety (OHS) standards is a must.

This bill seeks to better promote and protect the rights of our fellow Filipinos in the BPO sector, it also aims to enforce the labor standards of our Labor Code and it aims to institutionalize additional benefits that address the many problems the BPO workers face. Our people are overworked, underpaid and overstressed by the majority of the local BPO entities operating today. It is time for reform, let us make this industry not only user-friendly but also people centered; it is time to redesign it into an industry that is trusted not only by its clients but by its employees as well. Lower attrition rates can be achieved by ensuring a healthy and safe working environment which increases the attraction of capable workers that stay, which leads to a stronger BPO industry.

Similar Bills have been filed and fought for over the past few years by renowned and respected Legislators in both the Senate and House of Representatives who recognize the struggle of the Filipinos in this sector. To eradicate the factors stated above and to ensure the occupational, health, safety and welfare of the BPO workers caught between a rock and a hard place is what this bill seeks to accomplish.

This proposed measure seeks to promote and ensure occupational health and safety for the workers in the BPO industry, it is our hope that this Congress of the Republic of the Philippines sees the passage of this bill into law.

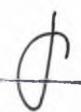
  
**RAMON BONG REVILLA, JR.**

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

1 Section 1. *Short Title.* – This Act shall be known and cited as the “BPO Workers  
2 Health and Safety Act of 2022”.

3 Sec. 2. *Declaration of Policy.* – It is hereby declared policy of the State to secure  
4 the health, safety and welfare of the BPO or call center workers and others similarly  
5 employed. The State must ensure a safe and healthy work environment for call center  
6 employees that protects them from injury and illness and that is adapted to their  
7 physiological and psychological needs. The State shall formulate and mandate  
8 progressively higher standards of occupational health and safety to account for  
9 changes in technology and work practices. All call centers operation in the country  
10 must adhere to the following principles of health and safety protection for the mutual  
11 benefit of the employees and employers:

12 a.) The importance of health and safety requires that employees, other  
13 persons at work and members of the public be given the highest level of  
14 protection against risks to their health and safety that is reasonably  
15 practicable in the circumstances.

16 b.) Persons who Control or manage matters that give rise or may give rise to  
17 risks to health or safety are responsible for eliminating or reducing those  
18 risks so far as reasonably practicable.

- 1 c.) Employers have a duty to secure the health, safety and welfare of  
2 employees and third persons working at or near their workplace. This  
3 general duty requires employers to actively prevent risks arising out of  
4 their business activities and extends to protecting both employees and  
5 independent contractors.
- 6 d.) Employers and self-employed persons should be proactive, and take all  
7 reasonably practicable measures, to ensure health and safety at the  
8 workplace and in the conduct of undertakings.
- 9 e.) Employers and employees should exchange information and ideas about  
10 risks to health and safety and measures that can be taken to eliminate or  
11 reduce those risks.
- 12 f.) Employees are entitled, and should be encouraged, to be represented in  
13 relation to health and safety issues.

14 Sec. 3. *Definition of Terms.* – For purposes of this Act, the following terms shall  
15 be understood as follows:

- 16 a.) "Business Process Outsourcing (BPO)" – Is defined as the delegation of  
17 service-type business processes to a third-party service provider. It is  
18 generally divided into the following sectors: contact centers, back office  
19 services, data transcription, animation, software development, engineering  
20 development and game development. Most BPO companies engage in shift  
21 work to complete their 24-hour work cycle.
- 22 b.) "Call Center" – Also known as contact center, refers to a central customer  
23 service operation where agents – customer care specialists or customer  
24 service representatives – handle business-related telephone calls and other  
25 IT-related non-voice activities on behalf of a client.
- 26 c.) "Employer" – Includes any person or enterprise acting directly or indirectly  
27 in the interest of an employer, in relation to an employee, and shall include  
28 government-owned or controlled corporations and institutions, as well as  
29 non-profit private institutions or organizations. Indirect employers or  
30 contractors shall be considered "employers" in this Act.
- 31 d.) "Employee" – Shall mean any person hired, permitted or suffered to work  
32 by an employer.

- 1 e.) "Health" – Shall connote a sound state of the body and mind of the worker,  
2 which enables him to perform his job normally, in a state of well-being.
- 3 f.) "Safe or Safety" – Shall refer to the physical or environmental conditions of  
4 work or employment, which substantially comply with the provisions of the  
5 Standards.
- 6 g.) "Work Accident" – Shall mean an unplanned or unexpected occurrence that  
7 may or may not result in personal injury, property damage, work stoppage  
8 or interference or any combination thereof, which arises out of and in the  
9 course of employment.
- 10 h.) "Work Injury" – Shall mean any tiny injury or occupational illness suffered  
11 by a person, which arises out of or in the course of his employment.
- 12 i.) "Occupational Illness" – Means any illness caused by environmental factors,  
13 the exposure to which is characterized or peculiar to a particular process,  
14 trade of occupation and to which an employee or worker is not ordinarily  
15 subjected to or exposed outside of or away from such employment.
- 16 j.) "Workplace" – Means the office premises or work site, where the workers  
17 are habitually employed and shall include the office or place where the  
18 workers, who have no fixed or definite work schedule, regularly report for  
19 assignment in the course of their employment.
- 20 k.) "Approved" – Shall mean acceptable to the Secretary in writing after proper  
21 examination showing compliance with prescribed Standards.
- 22 l.) "Code" shall mean the Labor Code P.D. 442 as amended.
- 23 m.) "Agencies" – Shall mean government agencies mandated to monitor,  
24 administer, promote, and ensure health and safety regulations and  
25 standards. These agencies are the Department of Labor and Employment,  
26 Bureau of Working Conditions, Employees Compensation Commission and  
27 Occupational Safety and Health Center.
- 28 n.) "Department" – Shall mean the Department of Labor and Employment.
- 29 o.) "Secretary" – Shall mean the Secretary of Labor and Employment.
- 30 p.) "Bureau" – Shall mean the Bureau of Working Conditions
- 31 q.) "Director" – Shall mean the Director of the Bureau of Working Conditions

1 r.) "Standards" – Shall mean the Occupational Safety and Health Standards  
2 and regulations.

3 s.) "Enforcement Officer" – Shall mean the industrial safety engineer, the labor  
4 regulation officer, or any duly authorized representatives of the Secretary  
5 to enforce these standards.

6 t.) "Authorized Representative" – shall mean and include chartered cities,  
7 municipalities, employees or officials of other government agencies  
8 empowered by the Secretary of Labor and Employment to enforce the  
9 provisions of the Standards,

10 u.) "Workplace Occupational Health and Safety Representative" – As defined in  
11 Section 7 of this Act.

12 v.) "Registered Interested Party" – Shall mean any duly registered non-stock  
13 non-profit organization advocating occupational health and safety (OHS).

14 w.) "Shift Work" – Shall mean the employment practice designed to make use  
15 of the 24 hours of the clock. Employees are given schedules which  
16 correspond to a 24-hour work cycle. The term shift work includes both long-  
17 term night shifts and work schedules in which employees change or rotate  
18 shifts.

19 *Sec. 4. Occupational Health and Safety Standards and Regulations for BPO*  
20 *Workers.* – Pursuant to its mandate, the Department of Labor and Employment is  
21 tasked to establish Occupational Health and Safety Standards for BPO work.

22 The Standards shall adhere to the prevailing standards of health and safety for  
23 BPO work and other similar employment. It is imperative that the minimum provisions  
24 in the Standards meet the International Labor Organization's recommendations.  
25 Further provisions which the Agencies and the concerned parties deem appropriate  
26 for the protection of the workers in the local setting should be included. The Standards  
27 should be reviewed annually by the agencies, workplace OHS representatives and  
28 registered interested parties.

29 *Sec. 5. The Nature of BPO Night-Shift Work.* – Establishments engaged in shift  
30 work to complete their 24-hour work cycle expose their employees to health and  
31 security risks, thus night-shift work is considered hazardous in this Act. The erratic

1 schedule, repetitive work, and artificial daytime environment which the employees are  
2 subjected to cause undue physical and psychological stress on BPO workers.

3       *Sec. 6. Compliance of the Standards.* – The Standards shall be strictly enforced  
4 in all establishments operating in the country. Compliance to the provisions of the  
5 Standards shall be mandatory.

6       *Sec. 7. Guidelines for the implementation of Standards.* – The agencies and the  
7 workplace OHS representatives shall regularly monitor the implementation of the  
8 Standards.

9       a.) The Department through its enforcement officers shall administer and  
10 enforce the provisions of the Standards.

11       b.) Every employer shall give to the Secretary or his duly authorized  
12 representative access to its premises and records for the purpose of  
13 determining compliance with the provisions of the Standards.

14       c.) Every establishment or place of employment shall be inspected at least once  
15 a year to determine compliance with the provisions of the Standards. Special  
16 inspection visits however, may be authorized by the Regional Labor Office  
17 or as authorized under Rule 1980 of the Labor Code, to investigate  
18 accidents, occupational illnesses or dangerous occurrences, especially those  
19 resulting in permanent total disability or death, to conduct surveys of  
20 working conditions requested by the Bureau for the purpose of evaluating  
21 and assessing environment contaminants and physical conditions or to  
22 conduct investigations, inspections or follow-up inspections upon request of  
23 an employer, worker or a labor union of the establishment.

24       d.) The enforcement officer shall determine reasonable periods of compliance  
25 with recommendations depending on the gravity of the hazards needing  
26 corrections or the period needed to come into compliance with the order.

27       e.) In case the establishment fails to comply with the Standards to the imminent  
28 danger of the workers, the enforcement officer can immediately suspend  
29 operations in order to prevent injuries, pending compliance by the  
30 establishment.

31       f.) The workplace occupational health and safety committee shall have  
32 monitoring rights and can also recommend and declare suspension of



1 operations in the event that the safety and welfare of workers are deemed  
2 compromised as stated in Section 7, B, of the Act.

3 *Sec. 8. Workplace Occupational Health and Safety Officer.* – An OHS  
4 representative is to be elected for the purposes of consultation and monitoring of the  
5 Standards if at least one of the persons employed by the employer requests the  
6 election of the representative. The employees may elect more than one OHS  
7 representative upon approval by the Department.

8 A. Election of workplace OHS representative.

9 (1) A workplace OHS representative is to be elected by the workers.

10 (2) A person is –

11 (a) Only eligible to be elected as a workplace representative if he or she  
12 is an employee; and

13 (b) Not eligible to be elected as a health and safety representative if he  
14 or she is disqualified under section 56 from acting as a health and  
15 safety representative.

16 (3) All employees are entitled to vote in an election.

17 (4) The employees and the employers may determine how an election is to  
18 be conducted but, if they do not reach agreement within a reasonable  
19 time, any employee may ask the Department to arrange for an  
20 enforcement officer to-

21 (a) Conduct the election; or

22 (b) If the inspector considers it appropriate, appoint another person to  
23 conduct the election.

24 (5) An election must be conducted in accordance with the procedures (if  
25 any) prescribed by the regulations.

26 (6) If the number of candidates for election as a health and safety  
27 representative equals the number of vacancies, the election need not be  
28 conducted and each candidate is to have been elected as a health and  
29 safety representative for the designated work group.

30 B. Functions of workplace OHS representative. An OHS committee or an OHS  
31 representative has the following functions:

- 1 (1) To keep under review the measures taken to ensure the health, safety  
2 and welfare of persons at the place of work,
- 3 (2) To investigate any matter that may be a risk to health and safety at the  
4 place of work,
- 5 (3) To attempt to resolve the matter but, if unable to do so, to request an  
6 investigation by an inspector for that purpose, and
- 7 (4) Such other functions as are prescribed by the regulations

8 The workplace OHS representative may file a petition for a time off pay to the  
9 enforcement officer. The time off may be for attending courses as required by  
10 appropriate agencies and for conducting investigations on matters relating to his  
11 duties as a workplace OHS representative. The enforcement officer shall determine  
12 the amount of time off commensurate to the task being performed.

13 C. Powers of the workplace OHS representative. A health and safety  
14 representative may do any of the following:

- 15 (1) Inspect any part of a workplace
  - 16 (a) At any time after giving reasonable notice to the employer concerned  
17 or its representative; and
  - 18 (b) Immediately in the event of an incident or any situation involving an  
19 immediate risk to the health or safety of any person;
- 20 (2) Accompany an inspector during inspection of a workplace at which a  
21 member of the designated work group works;
- 22 (3) Require the establishment of a health and safety committee to assist in  
23 the monitoring if a situation is necessitated;
- 24 (4) Under extraordinary circumstances, the representative may give notice  
25 to the employer and the enforcement officer for the suspension of  
26 workplace operation if the welfare and safety of the employees are at  
27 risk. The notice must be acted upon by the employer and the  
28 enforcement within 24 hours so as to prevent endangering the lives of  
29 the workers; and,
- 30 (5) Assist or submit on behalf of the injured and ill employee, or his  
31 beneficiaries in case of death, compensation claims to the Employees  
32 Compensation Commission (ECC).

1           Sec. 9. *Workplace Policy on Occupational Health and Safety.* – Each  
2 establishment shall formulate their own occupational health and safety policy which  
3 adheres to the Standards as defined in Section 4 of this Act. Any additional safety  
4 measure deemed appropriate to the nature of the localized work environment may  
5 also be included pending approval by the Bureau. The policy must be reviewed  
6 annually by the employers, the workplace OHS representatives and the authorized  
7 representative.

8           All employees shall be informed of the OHS policy. Informational materials such  
9 as posters, brochures and similar devices shall be distributed to the employees free of  
10 charge.

11           Sec. 10. *Health Program.* – The company physician shall, in addition to his  
12 duties stated in the Labor Code, develop and implement a comprehensive occupational  
13 health program for the benefit of the employees of his employer.

14           Sec. 11. *Health Insurance.* – All employees are entitled to free medical  
15 examinations upon entry and annually during his tenure of employment. The  
16 establishment shall provide full health insurance to the employees, the coverage of  
17 which shall be agreed upon by the company and its employees.

18           Sec. 12. *Work-Related Injuries, Sickness and Death Compensation.* – All  
19 employees and their dependents shall also be compensated for injuries, medical  
20 complications, illness, disability and death arising from and related to their work in  
21 accordance to existing laws, labor policies, guidelines or circular as the case may be.  
22 The Employees Compensation Commission shall promptly process any claims for/by  
23 injured, disabled, deceased employees or their dependents.

24           Sec. 13. *Independent Contractors.* – Articles 106 of the Labor expressly  
25 prohibits the “labor only” contracting. Employers engaging independent contractors to  
26 perform work on their behalf have a duty to minimize the health and safety risks to  
27 the contractor’s employees. This is because they are deemed to be employees for the  
28 purposes of the Act; and because employers have a duty to protect third parties at or  
29 near their workplace. A failure to maintain a safe workplace for contractors’ employees  
30 may constitute a contravention of the employer’s general duty under the Act.

31           Sec. 14. *Penal Provision.*

1 (a) Unless otherwise provided in any Chapter or section in the Code, any  
2 person or establishment who shall violate, disobey, refuse, omit or  
3 neglect to comply with any of the rules and regulations promulgated  
4 under this Act shall have a criminal liability and upon conviction shall  
5 be punished by imprisonment for a period no exceeding six (6) years  
6 and a fine not less than One Hundred Fifty Thousand Pesos (Php  
7 150,000.00) depending upon the discretion of the court.

8 (b) Any person who shall interfere with or hinder, or oppose any officer,  
9 agent or member of the Department or of the Bureaus and offices  
10 under it, in the performance of his duty as such under this Code, or  
11 shall tear down, mutilate, deface or alter any placard, or notice,  
12 affixed to the punishable upon conviction by imprisonment for an  
13 exceeding six (6) months and a fine not less than Fifty Thousand  
14 Pesos (Php 150,000.00) and not more than One Hundred Thousand  
15 Pesos (Php 100,000.00) per day for each violation depending upon  
16 the discretion of the court.

17 (c) In case of injury, illness or death due to violation, disobedience,  
18 refusal, omission or neglect to comply with the Standards and  
19 regulations in this Act, the employers and/or establishment shall have  
20 a criminal liability and shall be punished by imprisonment and  
21 penalties applicable under the Republic Act 3815 also known as the  
22 Revised Penal Code.

23 Sec. 15. *Separability Clause.* – If any portion or provision of this Act is declared  
24 unconstitutional, the remainder of this Act or any provisions not affected thereby shall  
25 remain in force and effect.

26 Sec. 16. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
27 order, letter of instruction, rule or regulation inconsistent with the provisions of this  
28 Act is hereby repealed or modified accordingly.

29 Sec. 17. *Effectivity.* – This Act shall take effect after fifteen (15) days following  
30 its complete publication in the Official Gazette or a newspaper of general circulation.

*Approved,*