

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

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SENATE

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S.B. No. 3391

Introduced by SENATOR JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

This Bill adopts the guidelines governing occupational safety and health in the construction industry under Department Order No. 13 series of 1998 of the Department of Labor and Employment.

The construction industry which employs a significant number of workers plays a vital role in the socio-economic growth of the country. The construction industry had a double-digit growth rate in 2011 from a projected eight (8) percent growth rate. There are more than P500 billion worth of infrastructure projects in lieu of the booming public-private partnership scheme of the government.

However, numerous occupational risks and hazards are continuously emerging in the workplace with the advent of new technologies, materials and substances. As a result, high rate of worksite accidents may likely occur if there would be no appropriate intervention or measures to prevent construction related accidents and injuries.

Compliance with safety standards shall be the responsibility of all stakeholders such as workers, employers, constructors and more importantly, of the government which is the lead enforcer of safety standards. Thus, sanctions and penalties for erring employers, contractors and enforcers shall be an integral part of the bill as well as reward and incentive for those who have exemplary compliance or contributions in the effective implementation of this bill.

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


JINGGOY EJERCITO ESTRADA

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AN ACT
TO GOVERN OCCUPATIONAL SAFETY AND HEALTH IN THE CONSTRUCTION INDUSTRY

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

SECTION 1. **Title.** – This Act shall be known as “Occupational Safety and Health in the Construction Industry Act”.

SEC. 2. **Definition of Terms.** – As used in this Act, the following terms shall mean:

- a) “Accredited Organization” – refers to any organization duly accredited by the Department of Labor and Employment (DOLE) delegated or authorized to perform functions related to improvement of occupational safety and health in the form of training, testing, certification, safety and health auditing or any other similar activity.
- b) “Certified first-aider” – refers to any person trained and duly certified or qualified to administer first aid by the Philippine National Red Cross (PNRC) or by any organization accredited by the same.
- c) “Construction project manager/consultant” – refer to a person or entity who is hired by the project owner, to act in the owner’s behalf concerning supervision and monitoring of all matters related to the overall execution of a construction project. The construction project manager shall be a separate entity from the general constructor or any sub-constructor of the construction project.
- d) “Construction safety and health committee” – refers to the general safety and health committee for a construction project site that shall be the overall coordinator in implementing OSH programs.
- e) “Construction safety and health officer” – refers to any employee/worker trained and, in addition to their regular duties and responsibilities, tasked by his employer to implement occupational safety and health programs in accordance with the provisions of the Occupational Safety and Health Standards (OSHS).
- f) “Construction safety and health program” – refers to a set of detailed rules to cover the processes and practices that shall be utilized in a specific constructions project site in conformity with the OSHS including the personnel responsible and the penalties for violations thereof.

- g) "Occupational Safety and Health Standards (OSHS)" – refers to the Occupational Safety and Health Standards for the construction industry prepared by DOLE as provided for by law in Articles 162 and 165, Chapter 2, Title I of Book Four of the Labor Code of the Philippines, as amended.
- h) "Construction safety signage" – refers to any, but not limited to, emergency or danger sign, warning sign or safety instruction, of standard colors and sizes in accordance with the specifications for standard colors of signs for safety instructions and warnings in building premises as described in Table II (Standard Colors of Signs for Safety Instructions and Warnings in Building Premises) of the OSHS.
- i) "Constructor" – is deemed synonymous with the term "builder". It refers to any person or organization who undertakes or offers to undertake or purports to have the capacity to undertake or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. The term constructor includes subcontractor and specialty contractor.
- j) "Emergency health provider" – means any person or organization who is certified or recognized by the Department of Health and who can provide the same or equivalent emergency health services as an emergency hospital, including emergency treatment or workers on site, emergency transport and care during transport of injured workers to the nearest hospital, with adequate personnel, supplies and facilities for the complete immediate treatment of injuries or illnesses.
- k) "General constructor" – means a constructor who has general supervision of the work environment, over other constructors in the execution of the project and who directly receives instructions from the owner or construction project manager.
- l) "General safety and health inspection" – refers to inspection of the work environment, including the location and operation of machinery other than those lighting, conditions of work environment, handling, storage or work procedures, protection facilities and other safety and health hazards in the workplace.
- m) "Heavy equipment" – refers to any machine with engine or electric motor as prime mover used either for lifting, excavating, leveling, drilling, compacting, transporting and breaking works in the construction site, such as but not limited to crane, bulldozer, backhoe, grader, road compactor, prime mover and trailer, with minimum operating weight and horsepower rating of 1000 KG and 10 HP, respectively.
- n) "Imminent danger" – means a condition or practice that could reasonably be expected to cause death or serious physical harm before abatement under the normal enforcement procedures can be accomplished.
- o) "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/undertaking.
- p) "Project manager" – means the overall technical personnel of the general contractor and/or the subcontractor in charge of the actual execution of a construction project.

- q) "Resident engineer" – means a duly licensed engineer who shall be tasked to be present at the construction site at all times, whenever work is being undertaken, and shall have the responsibility of assuring the technical conformance of all designs, materials, processes, work procedures rendered for the execution of the construction project, including safety and health of all persons within the construction site.
- r) "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.
- s) "Safety and health committee" – means a group tasked with the authority to monitor, inspect, and investigate all aspects of the construction project pertaining to health and safety of construction workers.
- t) "Safety organization" – means any organization recognized and accredited by the DOLE to conduct occupational safety and health training and/or safety and health audit.
- u) "Safety personnel" – refers to any person engaged by any constructor, trained, accredited by DOLE and tasked to provide occupational safety and health services for the workers/employees in any construction project.
- v) "Skills standards" – refers to the written specification of the minimum stock knowledge and skills a worker should possess to perform the functions identified in the job description of his occupation.
- w) "Technical safety inspection" – refers to inspection for the purpose of safety determination of boilers, electrical installations, elevators, hoisting equipment and other mechanical equipment.
- x) "Trade test" – refers to an instrument used to measure workers' skills and knowledge based on the requirements of the skills.
- y) "Treatment room" – refers to any enclosed area or room equipped with the necessary medical facilities and supplies, and located within the premises of the establishment where workers may be brought for examination and treatment of their injuries or illnesses in cases of emergency.
- z) "Tool box meeting or gang meeting" – refers to daily meeting among workers and their respective supervisors for the purpose of instruction, discussion and proper briefing on the planned work, the assessment of past work, the possibility or actual occurrence of accidents at the site, tips and suggestions on how to prevent possible accidents and other related matters.
- aa) "Unguarded surface" – refers to any working surface above water or ground, temporary or permanent floor platform, scaffold construction or whether workers are exposed to the possibility of falls hazardous to life or limb.

SEC. 3. *Delegation of Authority and Accreditation.* – The authority to enforce mandatory occupational safety and health standards in the construction industry may be delegated in part by the Secretary of Labor and Employment, under the following conditions:

- a) Chartered Cities and Municipalities may be allowed to conduct Technical Safety and Inspections and general safety audit of construction project sites within their respective jurisdiction where they have adequate facilities and competent personnel for the purpose as determined by the DOLE and subject to national standards established by the latter, provided they submit for approval an application for such authority.

- b) Private Safety Organization with adequate facilities and competent personnel for the purpose, may be accredited by DOLE to conduct technical and/or general Safety and Health Audit of construction project sites, for and in behalf of the company or establishment.
- c) Accreditation of safety organizations and practitioners shall be in accordance with Rule 1030 (Training of Personnel in Occupational Safety and Health) of the OSHS.

SEC. 4. **Coverage.** – This Act shall apply to all operations and undertakings in the construction industry and subdivisions, namely, general building construction, general engineering constructions and specialty trade construction, based on the classification code of the Philippine Contractors Accreditation Board (PCAB) of the Construction Industry Authority of the Philippines (CIAP); to companies and entities involved in demolition works; and to those falling within the construction industry as may be determined by the Secretary of Labor and Employment.

SEC. 5. **Construction Safety and Health Program.** – Every construction project shall have a suitable Construction Safety and Health Program, which must be in accordance with this Act. The Construction Project Manager, or in his absence, the Project Manager as authorized by the owner, shall be responsible for compliance with this Section.

5.1 The Construction Safety and Health Program shall state the following:

- a) Composition of the Construction Safety and Health Committee, if one has been formed, otherwise, an undertaking to organize such Committee and appoint its members before the start of construction work at the project site;
- b) Specific safety policies which the General Constructor undertakes to observe and maintain in its construction site, including the frequency of and persons responsible for conducting toolbox and gang meetings;
- c) Penalties and sanctions for violations of the Construction Safety and Health Program under which they operate; and
- d) The manner of disposing waste arising from the construction.

5.2 The Construction Safety and Health Program shall be executed and verified by the Construction Project Manager or Project Manager and shall be submitted to the Bureau of Working Conditions (BWC) which may approve, disapprove or modify the same according to existing laws, rules and regulations and other issuances by the DOLE.

5.3 The cost of implementing the Construction Safety and Health Program shall be integrated into the project's construction cost, *Provided*, that said cost shall be a separate pay item duly qualified and stated in the project's tender documents and construction contract documents.

SEC. 6. **Personal Protective Equipment.** – Every employee shall at his own expense, furnish his workers with protective equipment for eyes, face, hands and feet, lifeline, safety belt/harness, protective shields and barriers whenever necessary by reason of the hazardous work process or environment, chemical or radiological or other mechanical irritants or hazards capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical agent.

Provision of personal protective equipment (PPE) shall be in accordance with Rule 1080 (Personal Protective Equipment and Devices) of the OSHS. The equivalent cost for the provision of PPE (life span, depreciation, replacement, etc.) shall be an integral part of the project cost.

6.1 The employer shall provide adequate and approved type of protective equipment. Workers within the construction project site shall be required to wear the necessary PPE at all times.

6.2 Construction workers who are working from unguarded surfaces six (6) meters or more above water or ground, temporary or permanent floor platform, scaffold or where they are exposed to the possibility of falls hazardous to life or limb, must be provided with safety harnesses and life lines.

6.3 Specialty construction workers must be provided with special protective equipment, such as specialized goggles or respirators for welders and painters or paint applicators.

6.4 All other persons who are either authorized or allowed to be at a construction site shall wear appropriate PPE.

SEC. 7. Safety Personnel. – To ensure that a Construction Safety and Health Program is duly followed and enforced at the construction project site, each construction project site is required to have the minimum required Safety Personnel, as described herein:

7.1 The General Constructor must provide for a full time officer, who shall be assigned as the *general construction safety and health officer to oversee full time the overall management of the Construction Safety and Health Program.* The general construction safety and health officer shall frequently monitor and inspect any health and safety aspect of the construction work being undertaken. He shall also assist government inspectors in the conduct of safety and health inspection at any time whenever work is being performed or during the conduct of accident investigation.

7.2 The General Constructor must provide for additional Construction Safety and Health Officer/s in accordance with the requirements for Safety Man/Officer of Rule 1033 (Training and Personnel Complement), depending on the total number of personnel assigned to the construction project site, to oversee the effective compliance with the Construction Safety and Health Program at the site, under the direct supervision of the general construction safety and health officer.

7.3 The General Constructor must provide for one (1) Construction Safety and Health Officer for every ten (10) units of heavy equipment assigned to the project site, to oversee the effective compliance with the Construction Safety and Health Program at the construction project site, in terms of heavy equipment utilization and maintenance.

7.4 Each Construction subcontractor must provide for a representative who shall have the same qualifications as a Safety Man/Officer, to oversee the management of the Construction Safety and Health Program for the subcontractor's workforce and the specific area of work operations in accordance with the requirements of Rule 1033 (Training and Personnel Complement) of the OSHS.

All safety personnel who will be employed by an employer on full-time basis should be accredited by the BWC of the DOLE.

SEC. 8. *Emergency Occupational Health Personnel and Facilities.*

8.1 The construction project owner or his duly authorized representative shall provide competent emergency health personnel with the worksite duly complemented by adequate medical supplies, equipment and facilities, based on the total number of workers in the site as indicated below.

- a) The services of a certified first-aider when the total number of workers is fifty (50) or less;
- b) The services of a full-time registered nurse when the total number of workers exceeds fifty (50) but not more than two hundred (200);
- c) The services of a full-time registered nurse, a part-time physician and dentists and an emergency clinic when the total number of workers exceed two hundred (200) but not more than three hundred (300); and
- d) The services of a full-time registered nurse, a full-time physician, a dentist and an infirmary or emergency hospital with one (1) bed capacity when the number of employees exceed three hundred (300). In addition, there should be one (1) bed capacity for ever one hundred (100) employees in excess of three hundred (300).

8.2 Where an employer provides only a treatment room, he shall provide for his workers, in case of emergency, access to the nearest medical/dental clinic or to a medical/dental clinic located within five (5) kilometers radius from the workplace and can be reached in twenty five (25) minutes of travel. Such access shall include the necessary transportation facilities. In such situation, there shall be a written contract with the medical/dental clinic to attend to such workplace emergencies.

8.3 The engagement of an Emergency Health Provided for the construction project site shall be considered as having complied with the requirement of accessibility to the nearest hospital facilities.

8.4 The employer shall always have in the construction site the required minimum inventory of medicines, supplies and equipment as indicated in Table 47 of the OSHS.

SEC. 9. *Construction Safety Signages.* – Construction Safety Signages must be provided to warn the workers and the public of hazards existing in the workplace. Signages shall be posted in prominent positions at strategic location and, as far as practicable, be in the language understandable to most of the workers employed.

9.1 The signages include but not limited to:

- a) Mandatory requirement on the usage of personal protective equipment prior to entry to the projected site.
- b) Areas where there are potential risks of falling objects.
- c) Areas where there are potential risks of falling.
- d) Areas where explosives and flammable substances are used or stored.
- e) Areas where there are tripping or slipping hazards.

- f) Approaches to working areas where danger from toxic or irritant airborne contaminants/substances may exist which should indicate the name of the contaminant substance involved and the type of respiratory equipment to be worn.
- g) All places where contact with or proximity to electrical/facility equipment can cause danger.
- h) All places where workers may come in contact with dangerous moving parts of machineries or equipment.
- i) Location of fire alarms and fire fighting equipment.
- j) Instructions on the usage of specific construction equipment.
- k) Periodic updating of man-hours lost.

9.2 Signages should be regularly inspected and maintained in good condition. Signages that are damaged or illegible or that no longer apply should be removed and replaced by the safety officer, as needed.

SEC. 10. **Safety on Construction Heavy Equipment.** – In relation to heavy equipment operation in all construction sites, the following are required in the different phases of the project.

10.1 Pre-Construction

The General Constructor must ensure that appropriate certification is obtained from DOLE duly accredited organizations for the following:

- a) All heavy equipment operators assigned at the project site must be tested and certified in accordance with a standard test prescribed by Technical Education and Skills Development Authority (TESDA) in coordination with accredited organization/s.
- b) All heavy equipment must be tested and certified in accordance with the standards prepared by DOLE or its recognized organization/s prior to commissioning of said equipment.

10.2 During Construction

The General Constructor must ensure that the following conditions are met or complied with:

10.2.1 Mobilization or Transport of Heavy Equipment

- a) Load restriction of trailers carrying such heavy equipment.
- b) Load restrictions, height and width clearances as imposed by Department of Public Works and Highways (DPWH) for all roads and bridges to be utilized during transport.
- c) Only duly certified operators are allowed to load and unload heavy equipment to trailer.
- d) Equipment to be transported must be properly secured to the trailer.

10.2.2 Erection/Set-up of Heavy Equipment

- a) Existing hazards must be avoided.
- b) Standard checklist of steps and procedures must be observed.
- c) List of necessary equipment, tools and materials must be available and properly utilized.

10.2.3 Routine Inspection

In the interest of accident prevention, duly certified mechanics and operators shall conduct daily routine inspection of all heavy equipment deployed at the site in accordance with standards set by TESDA in coordination with the Association of Construction Equipment Lessors, Inc. (ACEL, Inc.).

- a) Routine inspection of all heavy equipment must be performed by DOLE accredited professionals in accordance to standards set by DOLE recognized equipment suppliers.
- b) All equipment which do not comply with the minimum safety standards for equipment certification shall be immediately removed from the work site for restoration or repair until they meet said standards or requirements.

The General Constructor and the equipment owner shall maintain a separate logbook for data on maintenance, repairs, tests and inspections for each heavy equipment. Such logbook shall be used as a necessary reference during the conduct of equipment inspection.

10.2.4 Certified Operators

- a) Only duly certified operators shall be allowed to operate their designated heavy equipment.
- b) All operators and riggers must wear personal protective equipment as prescribed in the above pertinent sections.

10.3 Post Operation and Post Construction

The procedures for dismantling and demobilization of heavy equipment shall follow the same requirements as listed under 10.2.1 and 10.2.2 above.

SEC. 11. **Construction Safety and Health Committee.**

11.1 Composition

To ensure that these rules and the Construction Safety and Health Program are observed and enforced at the project site, each site shall, at the start of the construction have a construction safety and health committee composed of the following personnel as described under Section 7 above:

- a) Project Manager or his representative as the Chairperson *ex officio*;
- b) General Construction Safety and Health Officer;

- c) Construction Safety and Health Officers;
- d) Safety Representatives from each subcontractor;
- e) Doctors, nurses and other health personnel, pursuant to the requirements stated in Rule 1042 (Types and Composition of Health and Safety Committee) of the OSHS, who shall be members *ex officio*;
- f) Workers' Representatives (minimum of 3, union members if organized, not necessarily from the employer).

The persons constituting the Safety and Health Committee, shall as far as practicable, be found at the construction site whenever construction work is being undertaken.

The time spent by the members of the Safety and Health Committee in the performance of their duties such as committee meetings, seminars and trainings, investigation and other tasks that may be assigned or planned by the committee shall be considered hours worked and therefore compensable time.

11.2 authority and Duties of the Construction Safety and Health Committee

The Chairperson shall convene the Construction Safety and Health Committee at regular intervals so as to effectively monitor the implementation of the Construction Safety and Health Program. As such, he shall have the following duties:

- a) Plan, develop and oversee the implementation of accident programs for the construction project;
- b) Direct the accident prevention efforts for the construction project in accordance with these rules and the Construction Safety and Health Program;
- c) Initiate and supervise the conduct of brief safety meetings or toolbox meetings everyday;
- d) Review reports of safety and health inspection, accident investigations;
- e) Prepare and submit to DOLE reports on committee meetings;
- f) Provide necessary assistance to government inspecting authorities in the proper conduct of their enforcement and other activities;
- g) Initiate and supervise safety and health training for employees;
- h) Develop and maintain a disaster contingency plan and organize such emergency service units as may be necessary to handle disaster situations; and
- i) Perform all duties provided in the Construction Safety and Health Program or those that are necessary and incidental to the fulfillment of their duties herein described.

SEC. 12. ***Safety and Health Information.***

12.1 Workers should be adequately and suitably:

- a) Informed of potential safety and health hazards to which they may be exposed at their workplace; and
- b) Instructed and trained on the measures available for the prevention, control and protection against those hazards.

12.2 No person shall be deployed in a construction site unless he has undergone a safety and health awareness seminar conducted by the Occupational Safety and Health Center (OSHC), BWC and other concerned offices of DOLE or by safety professionals or safety organizations or other institutions DOLE has accredited or recognized. The DOLE in collaboration with contractors shall promote programs for the implementation of these awareness seminars for construction workers.

12.3 Every worker shall receive instruction and training regarding the general safety and health measures common to construction sites which shall include:

- a) Basic rights and duties of workers at the construction site
- b) Means of access and egress both during normal work and in emergency situations
- c) Measures for good housekeeping
- d) Location and proper use of welfare amenities and first-aid facilities
- e) Proper care and use of the items or personal protective equipment and protective clothing provided the workers
- f) General measures for personal hygiene and health protection
- g) Fire precautions to be taken
- h) Action to be taken in case of any emergency
- i) Requirements of relevant health and safety rules and regulations

12.4 The instruction, training and information materials shall be given in a language or dialect understood by the worker. Written, oral, visual and participative approaches shall be used to ensure that the worker has assimilated the material.

12.5 Each supervisor or any designated person (e.g. foreman, leadman, gangboss, etc.) shall conduct daily toolbox or similar meetings prior to starting the tasks for the day to discuss with the workers and anticipate safety and health problems related to every task and the potential solutions to those problems. The supervisor shall remind the workers on the necessary safety precautions that need to be undertaken.

12.6 Specialized instruction and training should be given to:

- a) Drivers and operators of lifting appliances, transport, earth-moving and materials-handling equipment and machinery or any equipment of specialized or dangerous nature;
- b) Workers engaged in the erection or dismantling of scaffolds;
- c) Workers engaged in excavations at least one meter deep or deep enough to cause danger, shafts, earthworks, underground works or tunnels;
- d) Workers handling explosives or engaged in blasting operations;
- e) Workers engaged in pile-driving;
- f) Workers working in compressed air, cofferdams and caissons;
- g) Workers engaged in the erection of prefabricated parts of steel structural frames and tall chimneys, and in concrete work, form work and other such work;
- h) Workers handling hazardous substances and materials;
- i) Workers as signalers; and
- j) Other workers as may be categorized by TESDA.

SEC. 13. **Construction Safety and Health Training.** – The basic construction safety and health training shall be a forty (40)-hour training course as prescribed by the BWC. The training course shall include the provisions of Rule 1410 (Construction Safety) of the OSHS. The BWC, from time to time, may modify the basic construction safety and health training course, as the need arises.

All safety personnel involved in a construction project shall be required to complete such basic training course. Every constructor shall provide continuing construction safety and health training to all technical personnel under his employ. Continuing training shall be a minimum of 16 hours per year for every full-time safety personnel.

SEC. 14. **Construction Safety and Health Reports.** – All general constructors shall be required to submit a monthly construction safety and health report to the BWC or to the DOLE Regional Office concerned. The report shall include a monthly summary of all safety and health committee meeting agreements, a summary of all accident investigations/reports and periodic hazards assessment with the corresponding remedial measures/action for each hazard.

In case of any dangerous occurrence or major accident resulting in death or permanent total disability, the concerned employer shall initially notify the DOLE Regional Office within twenty-four (24) hours from occurrence. After the conduct of investigation by the concerned construction safety and health officer, the employer shall report all permanent total disabilities to DOLE Regional Office on or before the 20th of the month following the date of occurrence of accident using the DOLE/BWC/HSD-IP-6 form.

SEC. 15. **Construction Workers Skills Certificates.** – In order to professionalize, upgrade and update the level of competence of construction workers, the TESDA shall:

- a) Establish national skills standards for critical construction occupations;
- b) Prepare guidelines on skills testing and certification for critical construction occupation;
- c) Accredite construction sector organizations in the area of skills training and trade testing; and
- d) Extend relevant assistance to construction sector organizations.

In this regard, all construction workers in critical occupations shall undergo the mandatory skills testing for certification by TESDA.

An occupation shall be considered critical –

- a) When the performance of a job affects and endangers people's lives and limbs;
- b) When the job involves the handling of tools, equipment and supplies;
- c) When the job requires a relatively long period of education and training;
- d) When the performance of the job may compromise the safety, health and environmental concerns within the immediate vicinity of the construction site.

SEC. 16. **Workers' Welfare Facilities.** – The employer shall provide the following welfare facilities in order to ensure humane working conditions:

16.1 Adequate supply of safe drinking water.

- a) If the water is used in common drinking areas, it should be stored in closed containers from which the water is dispensed through taps or cocks. Such containers should be cleaned and disinfected at regular intervals not exceeding fifteen (15) days.
- b) Notices shall be conspicuously posted in locations where there is water supply that is not fit for drinking purposes.

16.2 Adequate sanitary and washing facilities.

- a) adequate facilities for changing and for the storage and drying of work clothes
- b) adequate accommodation for taking meals and shelter.

16.3 Suitable living accommodation for workers, and as may be applicable, for their families.

16.4 Separate sanitary, washing and sleeping facilities for men and women workers.

SEC. 17. **Cost of Construction Safety and Health Program.** – The total cost of implementing a Construction and Health Program shall be a mandatory integral part of the project's construction cost as a separate pay item, duly quantified and reflected in the Project's Tender Documents and likewise reflected in the Project's Construction Contract Documents.

SEC. 18. **Rewards and Incentive.** – There shall be a suitable incentive and reward system intended for contractors and implementers of this Act, who have shown exemplary compliance and accomplishment respectively. The DOLE shall prepare the mechanics of the rewards and incentive system. Moreover, contractors and employers are hereby required to implement company incentive or reward program on worksite safety and health for the construction workers.

SEC. 19. **Implementing Rules and Regulations.** – The DOLE shall promulgate the necessary rules and regulations necessary for the effective implementation of this Act, within sixty (60) days from its effectivity.

SEC. 20. **Penalty Clause.** – Violation of any provision of this Act shall be dealt with the following penalties:

For the first offense, a fine of one hundred thousand pesos (P100,000.00) or imprisonment of not less than six (6) months and one day to not more than one year, or both, at the discretion of the court.

For the second offense, a fine of three hundred thousand pesos (P300,000.00) or imprisonment of not less than one year and one day to not more than two year, or both, at the discretion of the court;

For the third and/or subsequent offenses, a fine of five hundred thousand pesos (P500,000.00) or imprisonment of not less than two years and one day to not more than three years, or both, at the discretion of the court.

Provided, That if the violation is committed by a government official, he/she shall, in addition to the penalties above, be subject to disciplinary administrative proceedings and penalties.

SEC. 21. ***Separability Clause.*** – If any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

SEC. 22. ***Repealing Clause.*** – All other laws, decrees, orders, issuances, rules and regulations that are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 23. ***Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,