

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



Senate
Office of the Secretary

'17 MAY 18 P4:10

SENATE

RECEIVED BY: _____

COMMITTEE REPORT NO. 100

Submitted by the Committee on Labor, Employment and Human Resources
Development on MAY 18 2017

Re: Senate Bill No. 1317.

Recommending its approval with amendments.

Sponsor: Senator Joel Villanueva

MR. PRESIDENT:

The Committee on Labor, Employment and Human Resources Development
to which was referred Senate Bill No. 1317, introduced by Senator Joel Villanueva,
entitled:

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

has considered the same and has the honor to report it back to the Senate with the
recommendation that Senate Bill No. 1317 be approved with the following
amendments:

1. On page 2, line 8, after the word “sector” delete the period (.) and replace it
with a semi-colon (;);
2. On the same page, line 22, after the word “employee/worker” delete the
period (.) and replace it with a semi-colon (;);

3. On the same page, line 44, delete the number "162" and replace it with "168";
4. On the same page, line 45, delete the number "165" and replace it with "171";
5. On page 9, line 20, correct the spelling of the word "imminen" to "imminent" by adding a letter "t" to said word;
6. On page 10, line 15, correct the spelling of the word "authroized" to "authorized";
7. On the same page, line 16, after the word "where" delete the word "wocompliance rk" and replace it with the word "work";
8. On page 11, line 5, after the figure (P 250,000.00) and punctuation comma (,), delete the phrase "or imprisonment of not less than one (1) year and" and insert a period (.) in lieu thereof;
9. On same page, delete the entire line 6.
10. On the same page, line 15, after the figure (P 500,000.00) and punctuation comma (,), delete the phrase "or imprisonment of not less than six (6) years and one (1) day but not" and insert a period (.) in lieu thereof;
11. On same page, delete the entire line 16.
12. On the same page, line 39, after the word "Transportation" delete the phrase "and Communication"; and
13. On same page, and on the same line, delete the acronym "(DOTC)" and replace it with "(DOTr)"

Respectfully submitted:



SEN. JOEL VILLANUEVA
Chairperson


SEN. SONNY ANGARA
Vice Chairperson

Members

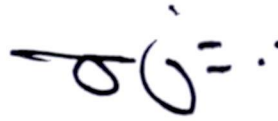


SEN. CYNTHIA A. VILLAR

SEN. MARIA LOURDES NANCY S. BINAY



SEN. EMMANUEL "MANNY" D. PACQUIAO

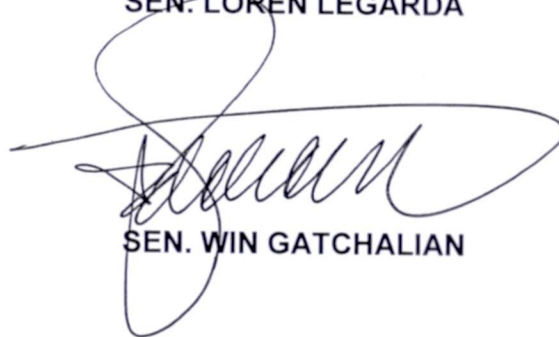


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SEN. FRANCIS G. ESCUDERO



SEN. WIN GATCHALIAN

SEN. PAOLO BENIGNO "BAM" AQUINO IV



SEN. ANTONIO "SONNY" F. TRILLANES IV

~~SEN. RISA HONTIVEROS~~
SEN. RISA HONTIVEROS



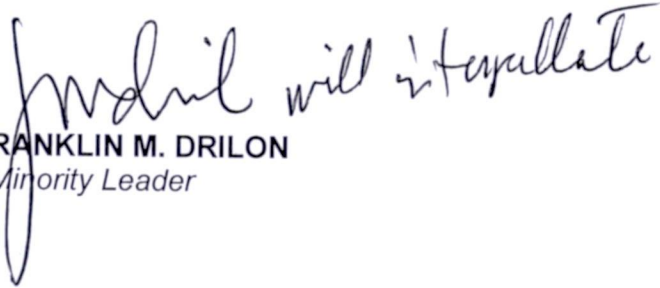
May interpellate } amend.

Ex-Officio Members

SEN. RALPH G. RECTO
President Pro-Tempore



SEN. VICENTE C. SOTTO III
Majority Leader



SEN. FRANKLIN M. DRILON
Minority Leader

Hon. AQUILINO "KOKO" PIMENTEL III
Senate President
Senate of the Philippines
Pasay City

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

'17 FEB -8 P1 :09

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SENATE

Senate Bill No. 1317

Introduced by SENATOR JOEL VILLANUEVA

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

EXPLANATORY NOTE

Fatal accidents and disabling injuries have become commonplace in factories and construction sites.

House Technology Industries (HTI), the biggest employer in Cavite Export Processing Zone with 15,000 workers, burned for 46 hours from early evening of February 01 until the afternoon of February 03. The fire left behind one death and a total of 125 injured workers not to mention the cost of damage estimated to reach P15 billion. This occurs barely a few months away from May 13, the second anniversary of Kentex Fire which claimed the lives of 72 workers. It can also be recalled that 9 workers were buried when the open pit coal mine of Semirara Mining Corporation collapsed in July 2015, and also 10 workers plunged to their deaths after the scaffolding bearing them collapsed during the construction of Eton Properties in Makati in January 2011. The victims of the fireworks blast in Bulacan in November 2016 adds to the list of victims of workplace accidents that gets longer each year .

These are just few of the big ones. The Philippine Statistics Authority (PSA) survey, which was released in October 2015, showed that occupational diseases is increasing. The survey shows cases of occupational diseases in establishments employing 20 or more workers doubling in 2013 at 171,787, from only 85,483 in 2011. Cases of occupational diseases increased in eleven industry groups, with high increases occurring in mining and quarrying, at 983.7% (up from 854 to 9,255); construction at 377.1% (up from 875 to 4,175); administrative and support service activities at 329.1% (up from 13,078 to 56,115); and information and communications at 177.3% (up from 2,257 to 6,258).

These tell us the state of compliance with Occupational Safety and Health

Standards (OSHS). Despite the fact that workplace accidents would almost always prompted tighter regulations, compliance by all industries continue to be an issue. The number of enforcement or compliance officers has already been increased to 574 to bring the ratio closer to the International Labour Organization's recommended whole-year work standard ratio enforcement of one compliance officer for every 120 establishments. The missing component is to tighten OSHS and compel observance thereto through legislation.

The 41-year old Labor Code of the Philippines, as amended, does not declare unlawful violations of OSHS, which makes Article 288 of the Labor Code of the Philippines, as amended, inapplicable. The DOLE Regional Director can only issue work stoppage order in cases of imminent danger pursuant to Article 128 of the Code.

Hence, the Bill recognizes compliance by providing administrative and criminal penalties for non-compliance with OSHS. This is to emphasize that violations of OSH standards will not be tolerated with just a slap on the wrist. This is to reiterate that violations of OSH standards are not only patent disregard of standards but deliberate disrespect of the well-being of our workers and derogation of their right to safe and healthy workplaces. The proposed administrative penalty of P100,000.00 for every day of non-correction of violation intends to bring about immediate correction while application of criminal penalties in the Revised Penalty Code for death or disabling injury due to non-compliance with OSH standards, without contributory negligence on the part of the worker, will deter non-compliance. Criminalization of non-compliance with OSH standards works as shown by the experience of Singapore and the United States of America.

Additionally, the Bill outlines the duties and responsibilities of all stakeholders and including a coordinative mechanism for inter-agency harmonization of functions and mandates on occupational safety and health of the nine (9) concerned government agencies.


SENATOR JOEL VILLANUEVA



SEVENTEENTH CONGRESS OF THE)
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Senate Bill No. 1317

Introduced by SENATOR JOEL VILLANUEVA

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

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

CHAPTER I
DECLARATION OF POLICY

1 **SECTION 1. Declaration of Policy.** - The State affirms labor as a primary
2 social and economic force and that a safe and healthy workforce is an integral
3 aspect of nation building.
4

5 The State shall ensure a safe and healthful workplace for all working people
6 by affording them full protection against all hazards in their work environment. It shall
7 ensure that the provisions of the Labor Code of the Philippines, all domestic laws
8 and internationally-recognized standards on occupational safety and health are
9 being fully enforced and complied with by the employers, and it shall provide
10 penalties for any violation thereof.
11

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

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

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SEC. 2. Coverage. - This Act shall apply to all establishments, projects, sites, and all other places in all industries where work is being undertaken in all branches of economic activity regardless of the number of employees, nature of operations and the risk or hazard involved.

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

- a) **"Branches of economic activity"** - refers to all branches in which workers are employed except those in the public sector.
- b) **"Certified first-aider"** - refers to any person trained and duly certified or qualified to administer first aid by any organization authorized by the Secretary of Labor and Employment;
- c) **"Competency Standards"** - refers 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;
- d) **"Employer"** - refers to any person, natural or juridical, including the contractor, subcontractor, and principal employer who directly or indirectly benefit from the services of the employee/worker.
- 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) **"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;
- i) **"Occupational Safety and Health Standards (OSHS)"** - refers to the Occupational Safety and Health Standards prepared by the Department of Labor and Employment (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;

- 1 j) **"Safety and health audit"** – refers to a regular and critical examination of
2 project sites, safety programs, records, and management performance on
3 program standards on safety and health;
4
- 5 k) **"Safety and Health Committee"** – refers to a body created within the
6 workplace tasked with the authority to monitor, inspect, and investigate all
7 aspects of the work pertaining to safety and health of workers;
8
- 9 l) **"Safety and health program"**- refers to a set of detailed rules to govern
10 the processes and practices in a specific construction project site, mine
11 site, and in other economic activities to conform with the OSHS, including
12 the personnel responsible and penalties for any violations thereof;
13
- 14 m) **"Safety officer"** – refers to any employee or officer of the company
15 trained or accredited by the DOLE and tasked by the employer to
16 implement an occupational safety and health program, and ensure that it is
17 in accordance with the provisions of the OSHS;
18
- 19 n) **"Safety signage"** - refers to any emergency, warning or danger signpost
20 or any safety instruction using the standard colors and sizes for safety
21 instructions and warnings in the workplace prescribed by the DOLE; and
22
- 23 o) **"Workplace"** – refers to any site or location where workers need to be or
24 to go to by reason of their work, and which are under the direct or indirect
25 control of the employer.
26

27 **CHAPTER II**
28 **DUTIES AND RIGHTS OF EMPLOYERS, WORKERS AND OTHER PERSONS**
29

30 **SEC. 4. Duties of Employers, Workers, and Other Persons.–**
31

32 (a) Every employer and any person who manages, controls, or supervises the
33 work being undertaken shall:
34

- 35 (1) Furnish the workers a place of employment free from hazardous
36 conditions that are causing or are likely to cause death, illness, or physical
37 harm to the workers;
38
- 39 (2) Give complete job safety instructions or orientation to all the workers,
40 especially to those entering the job for the first time, including those
41 relating to familiarization with their work environment;
42
- 43 (3) Inform the workers of the hazards associated with their work, health risks
44 involved or to which they are exposed to, preventive measures to eliminate
45 or minimize the risks, and steps to be taken in case of emergency;
46
- 47 (4) Use only approved devices and equipment for the workplace; and
48

1 (5) Comply with OSHS including training, medical examination, and provision
2 of protective and safety devices such as personal protective equipment
3 (PPE) and machine guards.
4

5 (b) Every worker shall participate in ensuring compliance with OSHS in the
6 workplace. The worker shall make proper use of all safeguards and safety devices
7 furnished for the workers' protection and that of others, and shall observe
8 instructions to prevent accidents or imminent danger situation in the workplace and
9 the steps to be taken in case of emergency.
10

11 The worker shall report to the supervisor any work hazard that may be
12 discovered in the workplace.
13

14 (c) It shall be the duty of any person, including the builder or contractor or
15 enforcement agent who visits, builds, renovates, or installs devices, or conducts
16 business in any establishment or workplace, to comply with the provisions of this Act
17 and all other regulations issued by the Secretary of Labor and Employment.

18 **SEC. 5. Workers' Right to Know.** - The right to safety and health at work
19 shall be guaranteed. All workers shall be appropriately informed by the employer
20 about all types of hazards in the workplace, and provided access to training and
21 education on chemical safety and to orientation on data sheet of chemical safety,
22 electrical safety, mechanical safety, and ergonomical safety.

23 **SEC. 6. Workers' Right of Refusal to Work.** - The worker has the right of
24 refusal to work without threat or reprisal from the employer if, as determined by the
25 DOLE, an imminent danger situation exists in the workplace that may result to
26 illness, injury, or death, and corrective actions to eliminate the danger have not been
27 undertaken by the employer.

28 **SEC. 7. Workers' Right to Report Accidents.** - Workers and their
29 representatives shall have the right to report accidents, dangerous occurrences, and
30 hazards to the employer, to the DOLE, and to other concerned government agencies
31 exercising jurisdiction as the competent authority in the specific industry or economic
32 activity.
33

34 **SEC. 8. Workers' Right to Personal Protective Equipment (PPE).** - Every
35 employer shall provide their workers, free of charge, protective equipment for their
36 eyes, face, hands and feet, and lifeline, safety belt or harness, gas or dust
37 respirators or masks, and protective shields whenever necessary by reason of the
38 hazardous work process or environment, chemical, radiological, mechanical and
39 other irritants or hazards capable of causing injury or impairment in the function of
40 any part of the body through absorption, inhalation or physical contact. The cost of
41 the PPE shall be part of the safety and health program which is a separate pay item
42 pursuant to Section 20 of this Act.

43 All PPE shall be of the appropriate type as tested and approved by the DOLE
44 based on its standards. The usage of PPE in all establishments, projects, sites and

1 all other places where work is being undertaken shall be based on the evaluation
2 and recommendation of the safety officer.

3
4 **CHAPTER III**
5 **OCCUPATIONAL SAFETY AND HEALTH PROGRAM AND ORGANIZATION**

6 **SEC. 9. Occupational Safety and Health (OSH) Program.** - All
7 establishments, projects, sites and all other places where work is being undertaken
8 shall have a safety and health program containing policies, guidelines or information
9 on the following:

- 10
11 (a) Statement of commitment to comply with OSH requirements;
12 (b) General safety and health, including a drug-free workplace;
13 (c) Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency
14 Syndrome (AIDS)/tuberculosis/hepatitis prevention and control;
15 (d) Company or project details;
16 (e) Composition and duties of the Safety and Health Committee;
17 (f) Occupational safety and health personnel and facilities;
18 (g) Safety and health promotion, training and education;
19 (h) Conduct of toolbox meetings;
20 (i) Accident/incident/illness investigation, recording and reporting;
21 (j) Provision and use of PPE;
22 (k) Provision of safety signage;
23 (l) Dust control and management, and regulations on activities such as
24 building of temporary structures, and lifting and operation of electrical,
25 mechanical, communication systems and other equipment;
26 (m) Provision of workers welfare facilities;
27 (n) Emergency preparedness and response plan;
28 (o) Waste management system; and
29 (p) Prohibited acts, and penalties for violations.
30

31 The safety and health program shall be prepared and executed by the
32 employer and shall be submitted to the DOLE which shall approve, disapprove or
33 modify the same according to existing laws, rules and regulations, and other
34 issuances.

35 **SEC. 10. Occupational Safety and Health Committee.** - To ensure that the
36 safety and health program is observed and enforced, all establishments, projects,
37 sites and all other places where work is being undertaken shall organize a Safety
38 and Health Committee composed of the following:

- 39 (a) Employer or a representative as the Chairperson, *ex officio*;
40 (b) Safety officer of the company or project as the Secretary;
41 (c) Safety officers representing the contractor or subcontractor, as the case
42 may be, as members;
43 (d) Physicians, nurses, certified first-aiders, and dentists as members, *ex*
44 *officio*, if applicable; and
45 (e) Workers' representatives who shall come from the union if the workers are
46 organized or elected by the workers through a simple majority vote if they
47 are unorganized as members.

1
2 The Committee shall effectively plan, develop, oversee, and monitor the
3 implementation of the safety and health program.

4 **SEC. 11. Safety Officer.** - To ensure that a safety and health program is duly
5 followed and enforced, all establishments, projects, sites and all other places where
6 work is being undertaken shall have full-time safety officers who shall:

- 7 (a) Oversee the overall management of the safety and health program;
8 (b) Frequently monitor and inspect any health or safety aspect of the
9 operation being undertaken;
10 (c) Assist government inspectors in the conduct of safety and health
11 inspection at any time whenever work is being performed or during the
12 conduct of an accident investigation; and
13 (d) Issue work stoppage order when necessary.
14

15 The number of safety officers shall be proportionate to the total number of
16 workers and equipment, and the size of the work area, as prescribed by the DOLE.

17 In the case of contractor or subcontractor, a safety officer must be deployed at
18 each specific area of operations to oversee the management of the safety and health
19 program for its own workforce.

20 All safety officers must be accredited by the DOLE.

21 **SEC. 12. Occupational Health Personnel and Facilities.** - All
22 establishments, projects, sites and all other places where work is being undertaken
23 shall have qualified occupational health personnel such as physicians, nurses,
24 certified first-aiders, and dentists duly complemented with the required medical
25 supplies, equipment, and facilities. The number of health personnel, equipment, and
26 facilities, and the amount of supplies shall be proportionate to the total number of
27 workers, the ideal ratio of which shall be prescribed by the DOLE.
28

29 **SEC. 13. Safety Signage and Devices.** - All establishments, projects, sites
30 and all other places where work is being undertaken shall have safety signage and
31 devices to warn the workers and the public of the hazards in the workplace. Safety
32 signage and devices shall be posted in prominent positions at strategic locations in a
33 language understandable to all and in accordance with the standards set by the
34 DOLE.

35 **SEC. 14. Safety in the Use of Equipment.** - In relation to the use of
36 equipment, the employer must comply with the DOLE requirements in the different
37 phases of the company or project operation, including the transport to and from the
38 establishment, project, site or place where work is being undertaken

39 **SEC. 15. Occupational Safety and Health Information.** - Workers in all
40 establishments, projects, sites and all other places where work is being undertaken
41 shall be provided adequate and suitable information by the employer on safety and

1 health hazards, and the appropriate measures, including the probable location of
2 workers for the prevention, control, and protection against those hazards.

3 **SEC. 16. Safety and Health Training. –**
4

- 5 (a) All safety personnel shall undergo the mandatory training on basic
6 occupational safety and health for safety officers as prescribed by the
7 DOLE.
8
9 (b) All occupational health personnel shall undergo the minimum safety and
10 health training as prescribed by the DOLE.
11
12 (c) All workers shall undergo the mandatory eight (8) hours safety and health
13 seminar as required by the DOLE which shall include a portion on joint
14 employer-employee orientation.
15
16 (d) All personnel engaged in the operation, erection, and dismantling of
17 equipment and scaffolds, structural erections, excavations, blasting
18 operations, demolition, confined spaces, hazardous chemicals, welding,
19 and flame cutting shall undergo specialized instruction and training on the
20 said activities.
21

22 **SEC. 17. Occupational Safety and Health Reports. -**
23

- 24 (a) All employers shall be required to submit all reports and notifications
25 prescribed by the DOLE.
26
27 (b) All hospitals and clinics shall submit all reports related to work injuries and
28 illnesses to the DOLE.
29
30 (c) The DOLE shall conduct an annual assessment of the safety and health
31 condition of all workplaces in the Philippines and shall make its data and
32 reports available to the public with all the necessary information, including
33 the compliance rate, total number of deaths, injuries and sickness, and
34 the progress of investigation, rectification, and prosecution of the
35 employers who violated any OSH standard.
36

37 **SEC. 18. Workers Competency Certification. –** In order to professionalize,
38 upgrade, and update the level of competence of workers, the Technical Education
39 and Skills Development Authority (TESDA) shall establish national competency
40 standards and prepare guidelines on competency assessment and certification for
41 critical occupations. In this regard, all critical occupations shall undergo the
42 mandatory competency assessment and certification by the TESDA.
43

44 An occupation shall be considered critical when:
45

- 46 (a) The performance of a job affects the people's lives and safety;
47 (b) The job involves the handling of tools, equipment, and supplies;
48 (c) The job requires a relatively long period of education and training; and

1 (d) The performance of a job may compromise the safety, health, and
2 environmental concerns within the immediate vicinity of the establishment.
3

4 **SEC. 19. Workers Welfare Facilities.** – All establishments, projects, sites,
5 and all other places where work is being undertaken shall have the following welfare
6 facilities in order to ensure humane working conditions:
7

- 8 (a) Adequate supply of safe drinking water;
9 (b) Adequate sanitary and washing facilities;
10 (c) Suitable living accommodation for workers, as may be applicable; and
11 (d) Separate sanitary, washing, and sleeping facilities for men and women
12 workers, as may be applicable.
13

14 **SEC. 20. Cost of Safety and Health Program.** - The total cost of
15 implementing a duly approved safety and health program shall be a mandatory and
16 integral part of the operations cost and as a separate pay item in construction and in
17 all contracting or subcontracting arrangement.

18 **CHAPTER IV**
19 **JOINT AND SOLIDARY LIABILITY**

20 **SEC. 21. Employer's Responsibility and Liability.**- The employer, project
21 owner, general contractor and any person who manages, controls or supervises the
22 work being undertaken shall be jointly and solidarily liable for compliance with this
23 Act.
24

25 **CHAPTER V**
26 **ENFORCEMENT OF OCCUPATIONAL SAFETY AND HEALTH STANDARDS**
27

28 **SEC. 22. Visitorial Power of the Secretary of Labor and Employment.** –
29 Pursuant to Article 128 of the Labor Code of the Philippines, as amended, and other
30 applicable laws, the Secretary of Labor and Employment or the Secretary's
31 authorized representatives shall have the authority to enforce mandatory
32 occupational safety and health standards in all establishments, and conduct,
33 together with labor and employer representatives, an annual spot audit to ensure
34 compliance with OSH standards. The Secretary or the Secretary's duly authorized
35 representatives can enter workplaces at any time of the day or night where work is
36 being performed, to examine records and investigate facts, conditions or matters
37 necessary to determine compliance with the provisions of this Act.
38

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

45 The Secretary of Labor and Employment may likewise order stoppage of
46 work or suspension of operations of any unit or department of an

1 establishment when non-compliance with law or implementing rules and regulations
2 poses grave and imminent danger to the health and safety of workers in the
3 workplace.

4
5 The Secretary of Labor and Employment or the Secretary's duly authorized
6 representatives shall inspect all establishments and workplaces regardless of the
7 size and nature of operation, and shall disallow self-inspection or any form of
8 employer discretion-based compliance with occupational safety and health laws.
9 However, chartered cities may be allowed to conduct industrial safety inspections of
10 establishments within their jurisdiction in coordination with the DOLE: *Provided*, That
11 they have adequate facilities and competent personnel for the purpose as
12 determined by the DOLE and subject to national standards established by the latter.

13
14 **SEC. 23. *Payment of Workers Income During Work Stoppage Due to***
15 ***Imminent Danger.*** – If stoppage of work due to imminent danger occurs as a result
16 of the employer's violation or fault, the employer shall pay the workers concerned
17 their wages during the period of such stoppage of work or suspension of operation.
18 For purposes of payment of wages and any other liabilities arising from a work
19 stoppage order (WSO), the employer is presumed a party at fault if the WSO is
20 issued secondary to an imminen danger situation which would imperil the lives of the
21 workers.

22
23 **SEC. 24. *Delegation of Authority*** – The authority to enforce mandatory OSH
24 standards may be delegated by the Secretary of Labor and Employment to a
25 recognized competent authority.

26
27 Representatives of legitimate labor organizations and federations may be
28 authorized to join in the assessment of compliance of establishments with general
29 labor standards, and OSH standards, particularly in the mining, fishing, construction,
30 and the maritime industry.

31
32 **SEC. 25. *Standards Setting Power of the Secretary of Labor and***
33 ***Employment.*** - In addition to the preceding sections, the Secretary of Labor and
34 Employment shall, in consultation with the other concerned government agencies, by
35 appropriate orders, set and enforce mandatory OSH standards to eliminate or
36 reduce occupational safety and health hazards. The Secretary shall also institute
37 new, and update existing programs to ensure safe and healthful working conditions
38 in all workplaces especially in hazardous industries such as mining, fishing,
39 construction, and maritime industry.

40
41 **SEC. 26. *Employee's Compensation Claim.*** – A worker may file claims for
42 compensation benefit arising out of work-related disability or death. Such claims
43 shall be processed independently of the finding of fault, gross negligence or bad faith
44 of the employer in a proceeding instituted for the purpose.

45
46 **SEC. 27. *Employment Insurance.*** – A worker who is involuntarily separated
47 from service or employment due to a violation of this Act shall be entitled to a
48 monthly cash support equivalent to the existing monthly minimum wage for a
49 maximum of six (6) months; *Provided*, That the worker has at least six (6) months of

1 contribution prior to the involuntary separation. For this purpose, the Social Security
2 System (SSS) shall promulgate the appropriate rules and regulations.
3

4 **SEC. 28. Employer's Liability for Failure to Provide OSH Control**
5 **Measures.** – In case the worker's injury, illness or death was due to the failure of the
6 employer to comply with any law, or to install, maintain or provide safety and health
7 control measures, or take other precautions for the prevention of injury, illness or
8 death, said employer shall pay the State Insurance Fund a penalty of twenty-five
9 percent (25%) of the lump sum equivalent of the income benefit payable to the
10 worker after due process.
11

12 **SEC. 29. Unlawful Acts.** –The following are considered as unlawful acts:
13

- 14 (a) Obstruction, delay or refusal to provide labor compliance officers or any
15 authorized person by the Secretary of Labor and Employment access to
16 the establishment, project, site or place where work compliance is being
17 undertaken;
18 (b) Obstruction, delay or refusal to provide labor compliance officers or any
19 person authorized by the Secretary of Labor and Employment access or
20 copy of the employer's records and documents;
21 (c) Obstruction, delay or refusal to allow labor compliance officers or any
22 person authorized by the Secretary of Labor and Employment to interview
23 workers and investigate any fact necessary in determining compliance
24 with OSH standards;
25 (d) Making any statement, report, or representation in relation to adherence
26 to OSH standards knowing such statement, report or record to be false in
27 any material aspect;
28 (e) Making retaliatory measures, such as termination of employment, refusal
29 to pay or reducing wages and benefits or in any manner discriminates
30 against any worker who has given information in relation to letter (c)
31 hereof;
32 (f) Failure to comply with the compliance orders issued by the Secretary of
33 Labor and Employment or the Secretary's duly authorized representatives
34 based on the findings of violations by the labor compliance officers;
35 (g) Gross negligence of the employers, contractors or subcontractors in
36 complying with the provisions of OSH standards; or
37 (h) Failure to implement OSH standards, including the failure to report
38 accidents in the workplace.
39

40 Any employer or person who commits the unlawful acts enumerated above
41 shall be administratively fined with a maximum of one hundred thousand pesos
42 (P100,000.00) per day the violation is committed or such amount that may be
43 determined by the Secretary of Labor and Employment until the violation has ceased
44 or is corrected, without prejudice to the filing of a criminal or a civil case in the
45 regular courts, as the case may be.

46 The fine collected shall be used for the operation of occupational safety and
47 health initiatives including occupational safety and health training and education, and
48 other occupational safety and health programs.

1
2 Any employer or person who deliberately and willfully commits any of the
3 unlawful acts shall be punished, for every resulting injury, with a fine of not less than
4 one hundred thousand pesos (P100,000.00) but not more than two hundred fifty
5 thousand pesos (P250,000.00), or imprisonment of not less than one (1) year and
6 one day but not more than six (6) years, or both, at the discretion of the court:
7 *Provided*, That in consequence of the physical injuries, the person injured shall have
8 become deformed, or shall have lost any other part of his body, or shall have lost the
9 use thereof, or shall have been ill or incapacitated to perform the work habitually
10 engaged for a period of more than ninety (90) days.

11
12 Any employer or person who commits any of the unlawful acts shall be
13 punished for every resulting death, with a fine of more than two hundred fifty
14 thousand pesos (P250,000.00) but not more than five hundred thousand pesos
15 (P500,000.00), or imprisonment of not less than six (6) years and one (1) day but not
16 more than twelve (12) years, or both, at the discretion of the court.

17
18 If the violation is committed by a corporation, trust or firm, partnership,
19 association or any other entity, the penalty of imprisonment shall be imposed upon
20 the entity's responsible officers, including the president, vice-president, chief
21 executive officer, general manager, managing director or partner.

22
23 Any person convicted under this Act shall not be entitled to the benefits
24 provided for under the Probation Law.

25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47

CHAPTER VI
MISCELLANEOUS PROVISIONS

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, PPE, and
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 (DENR), Department of Energy (DOE), Department of
Transportation and Communication (DOTC), Department of Agriculture (DA),
Department of Public Works and Highways (DPWH), Department of Trade and
Industry (DTI), Department of the Interior and Local Government (DILG), Department
of Health (DOH), and all other government agencies, including local government
units, within sixty (60) days from the issuance of the implementing rules and
regulations 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.

1 **SEC. 32. *Implementing Rules and Regulations.*** - The DOLE, in
2 coordination with agencies concerned, shall formulate its rules and regulations within
3 ninety (90) days after the effectivity of this Act.

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

7
8 **SEC. 34. *Repealing Clause.*** - All laws, acts, decrees, executive orders,
9 rules and regulations or other issuances or parts thereof, which are inconsistent with
10 this Act, are hereby modified and repealed.

11
12 **SEC. 35. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
13 publication in the Official Gazette or in at least two (2) newspapers of national
14 circulation.

Approved,