

1 Description of national OSH regulatory framework

1.1 Description of OSH regulatory framework

Summary/citation

OSH in Philippines is regulated by a wide range of laws. The main OSH provisions shall be found in particular in: the Philippine Labor Code (mainly Book IV), the Occupational Safety and Health Standards (OSHS) 1978. The Department of Labor and Employment (DOLE) and other government agencies have issued hazard-specific guidelines, departmental orders and implementing rules on OSH matters.

References

The Labor Code (Presidential Decree No. 442 of 1974).

Occupational Safety and Health Standards 1989

Department of Labour and Employment in Philippines

Occupational Safety and Health Center - Philippines

Occupational safety and health country profile: the Philippines

Labour inspection country profile of Philippines

2 Scope, coverage and exclusions

2.1 Health and safety covers physical and psychological health

Summary/citation

"Health shall connote a sound state of the body and mind of the worker, which enables him to perform his job normally, in a state of well-being".

References

Occupational Safety and Health Standards 1989 (S 1002(6))

2.2 Definition of worker

Summary/citation

"Employee shall mean any person hired, permitted or suffered to work by an employer".

References

Occupational Safety and Health Standards 1989 (S 1002(2))

2.2.1 Coverage of particular categories of workers

2.2.1.1 Migrant workers

Summary/citation

Title II of the Labour Code regulates the employment of non-resident workers.

"Any alien seeking admission to the Philippines for employment purposes and any domestic or foreign employer who desires to engage an alien for employment in the Philippines shall obtain an employment permit from the Department of Labor."

"The objective of this issuance is to protect every workingman against the dangers of injury, sickness or death through safe and healthful working conditions, thereby assuring the conservation of valuable manpower resources and the prevention of loss or damage to lives and properties, consistent with national development goals and with the State's commitment for the total development of every worker as a complete human being."

Remarks / comments

Migrants are not excluded from the scope of OSH legislation.

References

The Labor Code (Presidential Decree No. 442 of 1974). (Title II)

Occupational Safety and Health Standards 1989 (1001(1) 1002(2))

2.2.1.2 Domestic workers

Summary/citation

There is a specific Law governing domestic workers. It repeals Chapter III (Employment of Househelpers) of the Labor Code (Presidential Decree No. 442 of 1974) as amended and renumbered by Republic Act No. 10151.

"The objective of this issuance is to protect every workingman against the dangers of injury, sickness or death through safe and healthful working conditions, thereby assuring the conservation of valuable manpower resources and the prevention of loss or damage to lives and properties, consistent with national development goals and with the State's commitment for the total development of every worker as a complete human being."

Remarks / comments

Domestic workers are not excluded from the scope of OSH legislation.

References

Occupational Safety and Health Standards 1989 (1001(1) 1002(2))

Domestic Workers Act (R.A. No. 10361).

2.2.1.3 Home workers

Summary/citation

Chapter IV of the Labour Code regulates the employment of home workers.

"The objective of this issuance is to protect every workingman against the dangers of injury, sickness or death through safe and healthful working conditions, thereby assuring the conservation of valuable manpower resources and the prevention of loss or damage to lives and properties, consistent with national development goals and with the State's commitment for the total development of every worker as a complete human being."

Remarks / comments

Home workers are not excluded from the scope of OSH legislation.

References

The Labor Code (Presidential Decree No. 442 of 1974). (Chapter IV)

Occupational Safety and Health Standards 1989 (1001(1) 1002(2))

2.2.1.4 Self-employed persons

2.3 Definition of employer**Summary/citation**

"Employer means any person, natural or juridical, employing the services of the employee."

"Employer" includes any person acting directly or indirectly in the interest of an employer, in relation to an employee, and shall include government-owned or controlled corporations and institutions, as well as non-profit private institutions or organizations.

References

The Labor Code (Presidential Decree No. 442 of 1974). (Book IV, S 167(6))

Occupational Safety and Health Standards 1989 (S 1002)

2.4 Exclusion of branches of economic activity

2.4.1 Agriculture

Summary/citation

"The objective of this issuance is to protect every workingman against the dangers of injury, sickness or death through safe and healthful working conditions, thereby assuring the conservation of valuable manpower resources and the prevention of loss or damage to lives and properties, consistent with national development goals and with the State's commitment for the total development of every worker as a complete human being."

Remarks / comments

Agriculture is not excluded from the scope of OSH legislation.

References

Occupational Safety and Health Standards 1989 (1001(1))

2.4.2 Construction

Summary/citation

There are Guidelines governing occupational safety and health in the Construction Industry.

References

Occupational Safety and Health Standards 1989

Guidelines Governing Occupational Safety and Health in the Construction Industry (D.O. No. 13 of 1998).

2.4.3 Services

Summary/citation

"The objective of this issuance is to protect every workingman against the dangers of injury, sickness or death through safe and healthful working conditions, thereby assuring the conservation of valuable manpower resources and the prevention of loss or damage to lives and properties, consistent with national development goals and with the State's commitment for the total development of every worker as a complete human being."

Remarks / comments

Services are not excluded from the scope of OSH legislation.

References

Occupational Safety and Health Standards 1989 (1001(1))

2.4.4 Public sector

Summary/citation

The definition of "Employer" includes any person acting directly or indirectly in the interest of an employer, in relation to an employee, and shall include government-owned or controlled corporations and institutions, as well as non-profit private institutions or organizations.

Remarks / comments

Public sector is not excluded from the scope of OSH legislation.

References

The Labor Code (Presidential Decree No. 442 of 1974). (S 167(6))

Occupational Safety and Health Standards 1989 (1001 (1))

2.4.5 Other**Summary/citation**

Establishments engaged in land, sea and air transportation are likewise covered by these Standards.

(OSH Standards 1989, 1003.03; Department Circular No. 2 Amending Certain Provisions of the OSH standards)

The activities of a lessee regarding safety of mining installations, surface or underground, within the mining claim or lease, including mine safety, mineral conservation and problem of pollution in establishments or workplaces falling under "Mining Industry" as classified by the National Economic and Development Authority are not covered by these Standards.

(OSH Standards 1989, 1003.04)

There are specific Guidelines on OSH in the Ship Building, Ship Repair and Ship Breaking Industry.

References

Dockwork Safety and Health Standards.

Occupational Safety and Health Standards 1989 (1003(3)(4))

DOLE Department Circular No. 2 Amending Certain Provisions of the OSH Standards.

Guidelines on OSH in the Ship Building, Ship Repair and Ship Breaking Industry (D.O. No.1, S.2009).

2.5 Definition of occupational accident**Summary/citation**

"Work Accident" shall mean an unplanned or unexpected occurrence that may or may not result in personal injury, property damage, work stoppage or interference or any combination thereof, which arises out of and in the course of employment.

"Work Injury" shall mean any injury or occupational illness suffered by a person, which arises out of or in the course of his employment.

References

Occupational Safety and Health Standards 1989 (S 1002(8)(9))

2.6 Definition of occupational disease**Summary/citation**

"Occupational Illness" shall mean any illness caused by environmental factors, the exposure to which is characterized or peculiar to a particular process, trade or occupation and to which an employee or worker is not ordinarily subjected to or exposed outside of or away from such employment.

References

Occupational Safety and Health Standards 1989 (1002 (10))

2.6.1 List of occupational diseases

Summary/citation

The Institute for Occupational Health and Safety Development provides a list of Occupational and Compensable Diseases approved under different resolutions:

<http://www.iohsad.org/list-occupational-and-compensable-diseases>

2.6.2 Mechanism for compensating other diseases as occupational ones

3 Institutions and programmes relating to OSH administration and/or enforcement

3.1 Competent national authority for safety and health at work

Summary/citation

The Labour Code indicates that:

"The Secretary of Labor and Employment shall, by appropriate orders, set and enforce mandatory occupational safety and health standards to eliminate or reduce occupational safety and health hazards in all workplaces and institute new, and update existing, programs to ensure safe and healthful working conditions in all places of employment."

(Art. 162)

"It shall be the responsibility of the Department of Labor and Employment to conduct continuing studies and research to develop innovative methods, techniques and approaches for dealing with occupational safety and health problems; to discover latent diseases by establishing causal connections between diseases and work in environmental conditions; and to develop medical criteria which will assure insofar as practicable that no employee will suffer impairment or diminution in health, functional capacity, or life expectancy as a result of his work and working conditions."

(Art. 163)

"The Department of La

bor and Employment shall develop and implement training programs to increase the number and competence of personnel in the field of occupational safety and industrial health."

(Art. 164)

The Department of Labor and Employment shall be solely responsible for the administration and enforcement of occupational safety and health laws, regulations and standards in all establishments and workplaces wherever they may be located; however, chartered cities may be allowed to conduct industrial safety inspections of establishments within their respective jurisdictions where they have adequate facilities and competent personnel for the purpose as determined by the Department of Labor and Employment and subject to national standards established by the latter."

(Art. 165(a))

"The Secretary of Labor and Employment shall, by appropriate orders, set and enforce mandatory occupational safety and health standards to eliminate or reduce occupational safety and health hazards in all workplaces and institute new, and update existing, programs to ensure safe and healthful working conditions in all places of employment".

(Art. 165(b))

The Occupational Safety and Health Standards indicate that "by virtue of the powers vested in the Department of Labor and Employment under Article 162 of the Labor Code of the Philippines, this Occupational Safety and Health Standards is hereby promulgated for the guidance and compliance of all concerned".

Remarks / comments

The Website of the Department of Labour and Employment (DOLE) announces that:

The Department of Labour and Employment (DOLE) is the national government agency mandated to formulate policies, implement programs and serve as the policy-coordinating arm of the Executive Branch in the field of labor and employment.

It serves more than 40 million workers comprising the country's labor force, covering those in the formal and informal economies, private and public. On top of this, the DOLE clients also include workers' organizations, employers and/or employers' groups, non-government organizations (NGOs), and other government agencies, the academe, other stakeholders, international organizations (e.g., ILO, IOM, UNDP, UNICEF), and the international community including the host countries of our OFWs.

To carry out its mandate, the DOLE has 16 regional offices, 83 Field Offices with four (4) Satellite Offices, 38 overseas posts, 6 bureaus, 7 staff services and 11 agencies attached to it for policy and program supervision and/or coordination. It has a total manpower complement of 9,120. For 2013, the DOLE has a total budget of P8.083 Billion.

References

The Labor Code (Presidential Decree No. 442 of 1974). (Art. 162-165)

Occupational Safety and Health Standards 1989

Department of Labour and Employment in Philippines

3.1.1 Objectives, roles and/or functions

Summary/citation

The Department of Labour and Employment (DOLE) is the national government agency mandated to formulate policies, implement programs and serve as the policy-coordinating arm of the Executive Branch in the field of labor and employment.

References

Department of Labour and Employment in Philippines

3.1.2 Chairperson and composition

Summary/citation

The structure of the Department of Labour and Employment can be found at: <http://www.dole.gov.ph>

References

Department of Labour and Employment in Philippines

Structure of DOLE

3.2 National OSH research programme or institute

Summary/citation

The Occupational Safety and Health Center (OSHC) is the national OSH research center.

References

Rules And Regulations Implementing Executive Order No. 307 (S 2)

3.2.1 Objectives, roles and/or functions

Summary/citation

The services of the Occupational Safety and Health Center (OSHC) shall cover the preventive (primary, secondary, tertiary prevention) aspects of occupational safety and health in every workplace, public or private. The Center shall serve as the authority on Occupational Safety and Health in the areas of research, training and information dissemination and technical services.

The Center shall undertake studies and researches on all aspects of occupational safety and health. It shall focus on studies:

1. to prevent and reduce occupational and work-related injuries and illnesses;
2. to continuously review and support the updating of the list of occupational illnesses as prescribed in PD 626, Employees' Compensation and State Insurance Fund; and
3. to aid standard setting and enforcement of OSH Standards.

References

Rules And Regulations Implementing Executive Order No. 307 (S 2(a))

3.2.2 Governance board constitution and chairmanship

Summary/citation

An executive Director is the chairperson of the OSH Center. In addition, there is a deputy executive director, technical staff and other administrative staff.

References

Rules And Regulations Implementing Executive Order No. 307 (S4, S5)

3.2.3 Source of funding

Summary / Citation

The OSHC is established in the Employees Compensation Commission so the Center shall be governed by the same administrative and financial rules as the ECC Secretariat.

3.3 National OSH programme

Summary/citation

The National OSH Center is created by Executive Order No. 307 in 1987, in order to protect workers through the preventive approach of reducing/eliminating occupational accidents and illnesses, and promote workers' welfare through the effective implementation of OSH programs.

Remarks / comments

In order to access OSH programs implemented by the National OSH Center, please refer to:
<http://www.oshc.dole.gov.ph/10/PROGRAMS>

References

Rules And Regulations Implementing Executive Order No. 307

Occupational Safety and Health Center - Philippines

3.3.1 Consultation on the national OSH programme

Summary/citation

According to the website of the Occupational Safety and Health Center, the mission of the Framework of action for an Integrated and Comprehensive National OSH Plan (2006-2010) is stated as "With the enabling capacity of DOLE, through the OSHC, unions, employers and other stakeholders translate the vision into harmonized policies, programmes and standard operating procedures on OSH through effective partnership".

Remarks / comments

For more information, please visit: <http://www.oshc.dole.gov.ph/39/>

References

Occupational Safety and Health Center - Philippines

4 Employers' duties and responsibilities to protect the safety and health of workers and others

4.1 Duty to ensure the health and safety of employees

Summary/citation

"Each employer covered by the provisions of this Standards shall furnish his workers a place of employment free from hazardous conditions that are causing or are likely to cause death, illness or physical harm to his workers."

References

Occupational Safety and Health Standards 1989 (S 1005(a))

4.2 Duty to protect the health and safety of people other than their own employees

4.3 Collaboration among two or more employers at the same workplace

4.4 Surveillance of workers' health in relation to work

Summary / Citation

Periodic annual medical examinations shall be conducted in order to follow-up previous findings, to allow early detection of occupational and non-occupational diseases, and determine the effect of exposure of employees to health hazards.

References

Occupational Safety and Health Standards 1989 (S 1967.03)

4.4.1 Specific hazards for which surveillance is required

Summary / Citation

Specific health surveillance is required when workers are exposed to substances such as natural fertilizer, lead, mercury, hydrogen sulfide, sulfur dioxide, nitro glycol and other similar substances.

References

Occupational Safety and Health Standards 1989 (S 1967.07/ S 1955.04(7))

4.5 Surveillance of the working environment and working practices

Summary / Citation

The employer shall ensure the ongoing surveillance of the working environment through, an occupational health service, the health programme and other approaches.

References

Occupational Safety and Health Standards 1989 (S 1961.02, S 1961.03, S 1966.01, S 1077.01)

4.6 Duty to provide personal protective equipment

Summary / Citation

Employers shall at his own expense furnish his workers with protective equipment for the eyes, face, hands and feet, protective shields and barriers whenever necessary by reason of the nature of hazards. The employer shall be responsible for the adequacy and proper maintenance of personal protective equipment used in his workplace.

References

Occupational Safety and Health Standards 1989 (S 1081.01, S 1081.03)

4.7 Duty to ensure the usage of personal protective equipment

Summary / Citation

"The employers shall provide sufficient instruction and training in the proper use and the limitations of respirators for the workers."

"Workers should be equipped with suitable protective equipment and trained thoroughly when they process hazardous substances."

References

Occupational Safety and Health Standards 1989 (S 1083.04(2), S 1093.02)

4.8 Duty to provide first-aid and welfare facilities

4.8.1 Arrangements for first-aid

Summary / Citation

Employers shall establish occupational health services including organizing of first-aid and emergency treatment.

"The employer shall take steps for the training of a sufficient number of employees in first-aid treatment."

References

The Labor Code (Presidential Decree No. 442 of 1974). (S 156)

Occupational Safety and Health Standards 1989 (S 1961.03(1i))

4.8.2 Sanitary installations

Summary / Citation

Employers shall provide toilet rooms and lavatories for women and men, dressing rooms and a nursery for women.

References

The Labor Code (Presidential Decree No. 442 of 1974). (S 132)

4.8.3 Drinking water

4.8.4 Rest and eating areas

5 Employers' duty to organize prevention formally along generally accepted OSH management principles and practices

5.1 Elements of an OSH management system

5.1.1 Policy or plan specifying responsibilities and arrangements for health and safety

Summary/citation

The employer must exercise the leadership necessary and provide support to make the program work. The principal duties of the employer are to establish and adopt in writing administrative policies on safety in conformity with the provisions of this Standards outlining therein his responsibility and authority delegated (...).

References

Occupational Safety and Health Standards 1989 (S 1045(a))

5.1.2 Appointment of a person for health and safety

Summary/citation

Every employer shall establish in his place of employment occupational health services in accordance with the regulation and guidelines provided for under this rule.

References

Occupational Safety and Health Standards 1989 (1961(1))

5.1.3 Written risk assessment

Summary/citation

It is the duty practitioners in occupational safety and health to perform at least a quarterly appraisal/assessment of the implementation of occupational safety and health programs in the workplace and to prepare an annual report of safety and health programs of establishments.

References

Occupational Safety and Health Standards 1989 (S 1034.03)

5.1.4 Safe operating work systems and procedures

Summary/citation

General requirements for employers, mainly are to:

- (a) provide workplace free from hazardous conditions;
- (b) give complete work safety instructions for workers; comply with the requirements of OSHS;
- (d) use only approved devices and equipment.

References

Occupational Safety and Health Standards 1989 (S 1005(1))

5.1.5 Training and information on risks

Summary/citation

"Workers shall be trained on procedures to control the liberation of hazardous substances, eliminate pollution, and to evacuate from the affected area in an orderly manner."

"In buildings where the population is of a changing character, the fire-exit training of the regular employees shall include the proper procedure to direct other occupants to safety."

"Every worker shall receive instruction and training regarding the general safety and health measures common to construction sites (...)"

References

Occupational Safety and Health Standards 1989 (SS 1093.09, 1948.03(3))

Guidelines Governing Occupational Safety and Health in the Construction Industry (D.O. No. 13 of 1998). (S 12.3)

5.1.6 Review or assessment of the results of preventive measures

Summary/citation

It is the duty practitioners in occupational safety and health to perform at least a quarterly appraisal/assessment of the implementation of occupational safety and health programs in the workplace and to prepare an annual report of safety and health programs of establishments.

References

Occupational Safety and Health Standards 1989 (S 1961(1))

5.1.7 Consultation with workers in health and safety

5.2 Obligation to implement a specific OSH management system or standard

Summary/citation

6 Employers' duty to ensure availability of expertise and competence in health and safety

6.1 OSH competence

Summary/citation

Every employer shall establish in his place of employment occupational health services in accordance with the regulation and guidelines provided for under this rule.

References

Occupational Safety and Health Standards 1989 (S 1961(1))

6.1.1 Requirement to access expert advice and/or support in health and safety

Summary / Citation

Every employer shall establish in his place of employment occupational health services in accordance with the regulation and guidelines provided for under this rule.

This Rule shall apply to all establishments whether for profit or not, including the Government and any of its political subdivisions and government-owned or controlled corporations.

References

Occupational Safety and Health Standards 1989 (Rule 1961(1), S 1961.01(1))

6.1.1.1 Qualifications of experts or professional services

Summary / Citation

All safety consultants or consulting organizations, shall be accredited by the Bureau, and registered with the regional office concerned. The consultants need required years of training and practice.

References

Occupational Safety and Health Standards 1989 (S 1034.01)

6.2 Appointment of an OSH practitioner

Summary/citation

At least the following number of supervisors or technical personnel shall take the required training and shall be appointed safety man, full time or part-time depending on the number of workers employed, and the type of workplace whether hazardous or non-hazardous under Rule 1013 of this Standards.

References

Occupational Safety and Health Standards 1989 (S 1033.4(a) /S 1047 (2))

6.2.1 Workforce size threshold for the appointment of OSH practitioners

Summary/citation

Hazardous workplaces

200 and below: One (1) part-time safety man

Over 200 to 1000 workers: One (1) full-time safety man

For every 1000 workers One (1) full-time safety man

Non-hazardous Workplace

Less than 1000 workers: One (1) part-time safety man

For every 1000 workers: One (1) full-time safety man

References

Occupational Safety and Health Standards 1989 (S 1033.2)

7 Workers' rights and duties

7.1 Duty to take reasonable steps to protect their own safety and health

Summary / Citation

Workers have the duty to "work in accordance with accepted safety practices and standards established by the employer in compliance with the provisions of this Standards" and shall "report unsafe conditions and practices to the supervisor by making suggestions for correction or removal of accident hazards".

References

Occupational Safety and Health Standards 1989 (S 1046(1)(2))

7.2 Duty to take reasonable steps to protect the safety and health of others

Summary / Citation

Every worker shall make proper use of all safeguards and safety devices furnished in accordance with the provisions of this Standards for his protection and that of others.

References

Occupational Safety and Health Standards 1989 (S 1005(3))

7.3 Supervisors' duty to take reasonable steps to protect the safety and health of others

7.4 Senior officers' duty to take reasonable steps to protect the safety and health of others

7.5 Self-employed persons' duty to take reasonable steps to protect their own and other people's health and safety

7.6 Duty to comply with OSH-related requirements

Summary / Citation

Workers have the duty to "work in accordance with accepted safety practices and standards established by the employer in compliance with the provisions of this Standards" and shall "report unsafe conditions and practices to the supervisor by making suggestions for correction or removal of accident hazards".

References

Occupational Safety and Health Standards 1989 (S 1046(1)(2))

7.7 Right to enquire about risks and preventive measures

7.8 Right to remove themselves from a dangerous situation

7.9 Right to be reassigned to non-hazard work

7.9.1 Right to withdraw with compensation when workers are not reassigned to non-hazard work

8 Consultation, collaboration and co-operation with workers and their representatives

8.1 National OSH committee, commission, council or similar body

Summary / Citation

The DOLE Inter-Agency Committee chaired by the Occupational Safety and Health Center shall assist the workplace / establishment in the formulation and implementation of HIV AND AIDS Prevention and Control Policy and Program.

The DOLE Regional Offices shall also serve as technical advisers in their respective areas on matters concerning HIV and AIDS prevention and control in the workplace.

References

Guidelines for the Implementation of HIV and AIDS Prevention and Control in the Workplace Program (D.O. No. 102-10 S.2011)

8.1.1 Objectives, roles and/or functions

Summary / Citation

The DOLE Inter-Agency Committee chaired by the Occupational Safety and Health Center shall assist the workplace / establishment in the formulation and implementation of HIV AND AIDS Prevention and Control Policy and Program. The DOLE Regional Offices shall also serve as technical advisers in their respective areas on matters concerning HIV and AIDS prevention and control in the workplace.

References

Guidelines for the Implementation of HIV and AIDS Prevention and Control in the Workplace Program (D.O. No. 102-10 S.2011)

8.1.2 Constitution and chairmanship modalities

8.2 Employers' duty to consult workers on risks

Summary / Citation

In every place of employment, a health and safety committee shall be organized within sixty (60) days after this Standards takes effect and for new establishments within one (1) month from the date the business starts operating. In both cases the Committee shall reorganize every January of the following year. In every committee there shall be representatives of workers.

References

Occupational Safety and Health Standards 1989 (S 1041)

8.3 Workers' right to select their representatives for health and safety matters

Summary / Citation

There shall be a minimum of three representatives of workers in the health and safety committee (depending of the total workforce size of the undertaking). The worker/workers shall be union members. Where the workers are not organized, they shall be selected by a simple majority of votes of the workers.

References

Occupational Safety and Health Standards 1989 (S 1042)

8.3.1 Workforce size conditions for workers' representation in health and safety

Summary / Citation

In every workplace having a total of over four hundred (400), 4 workers shall compose the Health and Safety Committee. When the total workforce size is of less than 400 workers, the total number of worker representatives in the health and safety committee shall be of 3 workers.

References

Occupational Safety and Health Standards 1989 (S 1042)

8.3.2 Conditions of eligibility to represent workers in health and safety

8.4 OSH representatives' functions, rights and powers

8.4.1 Right to inspect the workplace

8.4.2 Right to access OSH information

Summary / Citation

Among the principal duties of the health and safety committee is the duty to "review reports of inspection, accident investigations and implementation of program".

Remarks / comments

This duty implies the right to access the information which needs to be reviewed.

References

Occupational Safety and Health Standards 1989 (S 1043. 01)

8.4.3 Right to be present at interviews

8.4.4 Right to receive professional assistance from OSH experts

8.4.5 Right to accompany inspectors

8.4.6 Right to use facilities

8.4.7 Right to have time off work with pay to perform duties

8.4.8 Right to issue remedial notices

8.4.9 Right to resolve OSH issues in consultation with employers

8.4.10 Right to direct that dangerous work cease

8.5 Right of workers' representatives from outside the undertaking to address OSH issues at the workplace

8.5.1 Right to enter the workplace

8.5.2 Right to investigate suspected non-compliance with OSH legislation

8.5.3 Right to consult with workers

8.5.4 Right to advise workers

8.5.5 Right to initiate enforcement action

8.6 Joint OSH Committee

Summary / Citation

In every place of employment, a health and safety committee shall be organized within sixty (60) days after this Standards takes effect and for new establishments within one (1) month from the date the business starts operating. In both cases the Committee shall reorganize every January of the following year. The OSH Committee shall be composed of a chairman, supervisors, workers representatives, safety man, and company physician and nurse if necessary.

References

Occupational Safety and Health Standards 1989 (S 1041, S 1042)

8.6.1 Participation of workers' representatives in joint OSH committee

Summary / Citation

There shall be a minimum of three representatives of workers in the health and safety committee (depending of the total workforce size of the undertaking). The worker/workers shall be union members. Where the workers are not organized, they shall be selected by a simple majority of votes of the workers.

References

Occupational Safety and Health Standards 1989 (1042)

8.6.2 Conditions for establishing a joint OSH committee

Summary / Citation

In every workplace having a total of over four hundred (400) , 4 workers shall compose the Health and Safety Committee. When the total workforce size is of less than 400 workers, the total number of worker representavies in the Health and Safety Committee shall be of 3 workers.

References

Occupational Safety and Health Standards 1989 (1042)

8.6.3 Objectives, roles and/or functions of joint OSH committees

Summary / Citation

The principal duties of the Health and Safety Committee are:

- (1) Plans and develops accident prevention programs for the establishment.
- (2) Directs the accident prevention efforts of the establishment in accordance with the safety programs safety performance and government regulations in order to prevent accidents from occurring in the workplace.
- (3) Conducts safety meetings at least once a month.
- (4) Reviews reports of inspection, accident investigations and implementation of program.
- (5) Submits reports to the manager on its meetings and activities.
- (6) Provides necessary assistance to government inspecting authorities in the proper conduct of their activities such as the enforcement of the provisions of this Standards.
- (7) Initiates and supervises safety training for employees.
- (8) Develops and maintains a disaster contingency plan and organizes such emergency service units as may be necessary to handle disaster situations pursuant to the emergency preparedness manual for es tablishments of the Office of Civil Defense.

References

Occupational Safety and Health Standards 1989 (S 1043. 01)

8.6.4 Keeping record of the work of joint OSH committees

Summary / Citation

Among the principal duties of the health and safety committee is the duty to submit reports to the manager on its meetings and activities.

References

Occupational Safety and Health Standards 1989 (S 1043. 01)

8.6.5 Sharing the minutes of joint OSH committees meetings

Summary / Citation

Among the principal duties of the health and safety committee is the duty to submit reports to the manager on its meetings and activities.

References

Occupational Safety and Health Standards 1989 (S 1043. 01)

8.7 Mandatory training for members of joint OSH committee(s)

8.8 Protection against reprisals

8.9 Immunity from civil and criminal liability for exercising OSH related rights and duties

9 Specific hazards or risks

9.1 Biological hazards

9.2 Chemical hazards

9.2.1 Handling, storage, labelling and use

Summary / Citation

The objective of the Joint Administrative Order is the adoption and implementation of classification criteria, labeling and Safety Data Sheet (SDS) requirements of the GHS.

The employer "shall at his own expense furnish his workers with protective equipment for the eyes, face, hands and feet, protective shields and barriers whenever necessary by reason of the hazardous nature of the 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 contact".

(S 1081.01)

All containers with hazardous substances shall be properly labelled. Labels shall contain, among others the trade name which may be used in addition to the chemical name of the substance.

(S 1093.04(1))

Cylinders shall be legibly marked for the purpose of identifying the content inside with:

- a. chemical symbols - to be stamped on the metal at the shoulder of the cylinder; and
- b. chemical name and trade name - to be stenciled, labeled or stamped and shall not be easily removed.

(S 1173.03(1))

Remarks / comments

Protection from chemicals is a cross cutting element present in various OSH Regulations and Rules.

References

Occupational Safety and Health Standards 1989 (SS 1081.01, 1093.04(1), 1173.03(1), JOINT DTI-DENR-DA-DOF-DOH-DILG-

9.2.2 Duty of manufacturers, suppliers and importers of chemicals in relation to the safety and health of users

9.2.3 Pesticides

Summary / Citation

There is a specific Rule on pesticides and fertilizers.

References

Occupational Safety and Health Standards 1989 (S 1950)

9.3 Ergonomic hazards

Summary / Citation

The Occupational Health Services provide advice and information, training and education in the fields of occupational health and hygiene and ergonomics.

References

Occupational Safety and Health Standards 1989 (S 1961.03(1h))

9.4 Physical hazards

9.4.1 Ionising radiation

Summary / Citation

All employees shall be protected either by insulation of the equipment or by other suitable means against radiation and excessive temperature due to steam and hot water pipes or other heated machinery or equipment.

References

Standards for the protection against radiation issued by the Philippine Nuclear Research Institute.

Occupational Safety and Health Standards 1989 (S 1076.05)

9.4.2 Vibration and noise

Summary / Citation

"Each power boiler shall be equipped with steam pressure gauge free from vibrations (...)"
(S 1163.06)

Floor slabs or building footings shall be isolated from foundation base by at least 25 mm. around its perimeter to eliminate transmission of vibration. Opening shall be filled with watertight insulation.
(S 1183.01)

The Secretary shall periodically review or update the Standards on threshold limit values, permissible noise exposure levels among others.
(S 1071(3))

The threshold limit values refer to sound pressure that represents conditions under which it is believed that nearly all workers may be repeatedly exposed without adverse effect on their ability to hear and understand normal speech.

Feasible administrative or engineering controls shall be utilized when workers are exposed to sound levels exceeding those specified in Table 8b hereof when measured on a scale of a standard sound level meter at slow response. If such controls fail to reduce sound within the specified levels, ear protective devices capable of bringing the sound level to permissible noise exposure shall be provided by the employer and used by the worker.
(S 1974.01)

Permissible Noise Exposure are indicated in Table 8b.
(S 1074.02)

References

Occupational Safety and Health Standards 1989 (SS 1163.06, 1183.01, 1071(3), 1974.01, 1074.02)

9.4.3 Working at height

Summary / Citation

Requirements and limitations of scaffolds, hoist and use of belt in certain circumstances.

References

Occupational Safety and Health Standards 1989 (S 1414.05(6), S 1414.05 (8)(d)(e)(f), S 1415.11)

9.4.4 Working in confined spaces

Summary / Citation

Requirements for providing equipments or other measures shall be taken in order to prevent risks.

References

Occupational Safety and Health Standards 1989 (S 1084.01, S 1086.01, S 1100.03, S 1121)

9.4.5 Risks arising from poor maintenance of workplace facilities

Summary / Citation

Good housekeeping shall be maintained at all times through cleanliness of building, yards, machines, equipment, regular waste disposal, and orderly arrangement of processes, operations, storage and filing of materials.

(S 1060.01(4))

Natural lighting

A regular system of cleaning skylights and windows should be established to ensure that they are kept clean at all times.

(S 1975.02(3))

Air Supply

Clean fresh air shall be supplied to enclosed workplaces at an average rate of not less than 20 to 40 cubic meters (700 to 1400 cu. ft.) an hour per worker, or at such a rate as to effect a complete change of air a number of times per hour varying from four for sedentary workers to eight for active workers.

(S 1976.02(1))

Cleanliness

Dusts, gases, vapors, or mists generated and released in work processes shall be removed at the points of origin and not permitted to permeate the atmosphere of the workrooms.

(S 1076.03(1))

Remarks / comments

Provisions requiring cleanliness and maintenance of surfaces, premises, installations and equipment are numerous. Above only a few of them are indicated.

References

Occupational Safety and Health Standards 1989 (SS 1060.01(4), 1975.02(3), 1976.02(1), 1076.03(1))

9.4.6 Exposure to extreme temperatures

Summary / Citation

Suitable atmospheric conditions shall be maintained in workrooms by natural or artificial means to avoid insufficient air supply, stagnant or vitiated air, harmful drafts, excessive heat or cold, sudden variations in temperature.

References

Occupational Safety and Health Standards 1989 (S 1076.01, S 1076.05, S 1077.03)

9.4.7 Fire risks

Summary / Citation

There is a Rule on fire protection and control providing for a number of requirements in this regard.

References

Occupational Safety and Health Standards 1989 (Rule 1940)

9.4.8 Tobacco

Summary / Citation

The introduction, preparation and consumption of food, drink and tobacco in the workroom shall be prohibited.

References

Occupational Safety and Health Standards 1989 (S 1093.13)

9.4.9 Asbestos

Summary / Citation

This Chemical Control Order for Asbestos applies to the importation and manufacturing of asbestos. It also addresses the treatment, storage, disposal of asbestos containing materials and asbestos containing wastes in the Philippines. This order will cover the following interest groups:

- (1) Importers;
- (2) Manufacturers;
- (3) Transporters;
- (4) Industrial facility owners/operators and contractors;
- (5) Shipbuilders;
- (6) Waste management service providers;
- (i) Demolition contractors (haulers, transporters and disposers)
- (ii) Shipbreakers
- (iii) Owner/operator of a demolition or renovation activity

The objectives of the Order are:

(1) General Objective:

Control and regulate the use and disposal of asbestos to minimize hazards to human health and the environment.

(2) Specific Objectives:

- (a) Increase awareness on the safe and responsible use of asbestos.
- (b) Develop the framework for the proper management of asbestos raw material, products and wastes.
- (c) Define the requirements and procedures for importation, manufacturing and proper treatment, storage and disposal of asbestos.
- (d) Establish limitation of use of certain variety of asbestos and asbestos containing materials and products.
- (e) Establish a compliance monitoring program to enforce the tenets and covenants of this Order.

References

Chemical Control Order for Asbestos of 2000

9.4.10 Risks related to nanotechnology

9.4.11 Contraction of HIV in the workplace

Summary / Citation

There are Guidelines on how to implement a program at the workplace to prevent and control HIV and AIDS.

References

Guidelines for the Implementation of HIV and AIDS Prevention and Control in the Workplace Program (D.O. No. 102-10 S.2011)

9.5 Psychosocial hazards

9.5.1 Psychosocial risks

Summary / Citation

The employers shall establish and maintain a safe and healthful working environment which will facilitate optimal physical and mental health for workers.

There are Guidelines for the implementation of a drug-free workplace policies and programmes for the private sector.

References

Occupational Safety and Health Standards 1989 (S 1961.02(1a), S 1965.06, page. 277 and followings)

9.5.2 Occupational violence

9.6 Other hazardous substances

Summary / Citation

The provisions of the Rule 1090 on hazardous materials shall apply to all workplaces in which hazardous substances in solid, liquid or gaseous forms are manufactured, handled and used or in which flammable, irritating, offensive or toxic dusts, fibers, gases, mists or vapors are generated or released in quantities injurious to health.

References

Occupational Safety and Health Standards 1989 (S 1090)

9.7 Machineries

9.7.1 Risks related to machinery and tools

Summary / Citation

The prevention against the risks of machines are regulated by several provisions and a chapter of machine guarding.

Remarks / comments

Rule 1200 is dedicated to machine guarding and is very detailed including requirements on provision and removal of guards, fillers, floor clearances, interlocks, wood guards, machine guard at point of operation, transmission machinery guarding, governors, collars and couplings, keys and set screws, tail rods, shafting, belt and pulley drive, conveyors, gears and sprockets, starting and stopping devices, etc.

References

Occupational Safety and Health Standards 1989 (S 1146.09 (7b)(7c), Rule 1200)

9.7.2 Duty of designers and/or manufacturers of machineries in relation to the occupational safety and health of operators of machineries

Summary / Citation

Manufacturers, vendors and lessors of machinery, machine parts or other working equipment shall ensure that every article delivered, sold or let by them is provided with all the required protective devices.

Remarks / comments

Rule 1200 is dedicated to machine guarding and is very detailed including requirements on provision and removal of guards, fillers, floor clearances, interlocks, wood guards, machine guard at point of operation, transmission machinery guarding, governors, collars and couplings, keys and set screws, tail rods, shafting, belt and pulley drive, conveyors, gears and sprockets, starting and stopping devices, etc.

References

Occupational Safety and Health Standards 1989 (S 1202.01)

9.7.3 Duty of designers, manufacturers, importers or suppliers of machineries to provide machineries information

Summary / Citation

Manufacturers, vendors and lessors of machinery, machine parts or other working equipment shall ensure that every article delivered, sold or let by them is provided with all the required protective devices.

Remarks / comments

Rule 1200 is dedicated to machine guarding and is very detailed including requirements on provision and removal of guards, fillers, floor clearances, interlocks, wood guards, machine guard at point of operation, transmission machinery guarding, governors, collars and couplings, keys and set screws, tail rods, shafting, belt and pulley drive, conveyors, gears and sprockets, starting and stopping devices, etc.

References

Occupational Safety and Health Standards 1989

9.7.4 Duty to purchase machineries from authorised/certificated suppliers or only if approved/certificated

9.7.5 Maintenance of machinery and equipment

Summary / Citation

"Transportation, Machinery and Platforms:

- a. all trucks or conveyors used for the transportation of loose explosives materials, except smokeless powder not in dry state or wet nitro compounds, shall be provided with side or end rails or guards to prevent any concentration of explosives from slipping off the truck.
 - b. careful inspection shall be made daily by the plant foreman to see that all machinery and equipment used in the manufacture or handling of explosives are in perfect order. If any is found not in good order, it shall not be used until placed in perfect condition.
 - c. all dangerous machinery and moving parts of machinery shall be guarded."
- (S 1146.09 (7))

Rule 1200 is dedicated to machine guarding and safe use of machinery.

References

Occupational Safety and Health Standards 1989 (S 1146.09 (7), Rule 1200)

9.7.5.1 List of equipment where applicable

9.8 Provisions to protect workers in specific condition of vulnerability

9.8.1 Protection of pregnancy at work

Summary / Citation

Prohibited acts. - (a) It shall be unlawful for any employer:

(2) To discharge such woman on account of her pregnancy, or while on leave or in confinement due to her pregnancy;

(3) To discharge or refuse the admission of such woman upon returning to her work for fear that she may again be pregnant.

References

The Labor Code (Presidential Decree No. 442 of 1974). (S 137)

9.8.2 Protection of lactating women at work

9.8.3 Limits to women's access to specific occupations, undertakings or shifts

Summary / Citation

"For continued lifting, female workers shall not be made to lift over twenty-five kilograms (25 kgs)."
(S 1412.07)

"No woman, regardless of age, shall be employed or permitted or suffered to work, with or without compensation:

(a) In any industrial undertaking or branch thereof between ten o'clock at night and six o'clock in the morning of the following day; or

(b) In any commercial or non-industrial undertaking or branch thereof, other than agricultural, between midnight and six o'clock in the morning of the following day; or

(c) In any agricultural undertaking at nighttime unless she is given a period of rest of not less than nine consecutive hours."

(Art. 130)

Restrictions / obligations

"The prohibitions prescribed by the preceding Article shall not apply in any of the following cases:

(a) In cases of actual or impending emergencies caused by serious accident, fire, flood, typhoon, earthquake, epidemic or other disasters or calamity, to prevent loss of life or property, or in cases of force majeure or imminent danger to public safety;

(b) In case of urgent work to be performed on machineries, equipment or installation, to avoid serious loss which the employer would otherwise suffer;

(c) Where the work is necessary to prevent serious loss of perishable goods;

(d) Where the woman employee holds a responsible position of managerial or technical nature, or where the woman employee has been engaged to provide health and welfare services;

(e) Where the nature of the work requires the manual skill and dexterity of women workers and the same cannot be performed with equal efficiency by male workers;

(f) Where the women employees are immediate members of the family operating the establishment or undertaking; and

(g) Under other analogous cases exempted by the Secretary of Labor and Employment in appropriate regulations."
(Art. 131)

References

The Labor Code (Presidential Decree No. 442 of 1974). (Arts. 130, 131)

Occupational Safety and Health Standards 1989 (S 1412.07)

9.8.4 Limits to workers' access to specific occupations, undertakings or shifts by reason of age

Summary / Citation

"To qualify as an apprentice, a person shall be at least fourteen (14) years of age (...)"
(Art. 59)

No child below 15 years of age shall be employed except under sole responsibility of the guardian.

Persons between 15 years to 18 years are required to work for only limited hours.

No person under sixteen (16) years of age shall be employed in any phase of mining operations and no person under eighteen (18) years of age shall be employed underground in a mine.

(Art. 139)

References

The Labor Code (Presidential Decree No. 442 of 1974). (Arts. 59, 139)

10 Recording, notification and investigation of accidents/incidents and diseases

10.1 Duty to record and/or investigate the causes of work accidents, near misses incidents and cases of occupational diseases

10.1.1 Work-related accidents

Summary / Citation

The employer shall maintain and keep an accident or illness record which shall be open at all times for inspection to authorized personnel.

References

Occupational Safety and Health Standards 1989 (S 1054(1))

10.1.2 Near miss incidents

10.1.3 Occupational diseases

Summary / Citation

The employer shall maintain and keep an accident or illness record which shall be open at all times for inspection to authorized personnel.

References

Occupational Safety and Health Standards 1989 (S 1054(1))

10.2 Employers' duty to notify OSH authorities of work related death and/or injuries to health

Summary / Citation

All work accidents or occupational illnesses in places of employment, resulting in disabling condition or dangerous occurrence as defined in 1053.2 shall be reported by the employer to the Regional Labor Office or duly authorized representative.

Any dangerous occurrence which may or may not cause serious bodily harm to workers employed or seriously damage the premises of employment shall be investigated and reported by the employer.

References

Occupational Safety and Health Standards 1989 (S 1053)

11 OSH inspection and enforcement of OSH legislation

11.1 Appointment of OSH inspectors

Summary / Citation

The Department of Labour and Employment is in charge of inspection.

References

Occupational Safety and Health Standards 1989 (S 1003.01(1))

11.2 OSH inspectors' powers

11.2.1 Power to enter workplaces

Summary / Citation

"Every employer shall give to the Secretary or his duly authorized representative access to its premises and records for the purpose of determining compliance with the provisions of this Standards".

References

Occupational Safety and Health Standards 1989 (S 1003.01(2))

11.2.2 Power to inspect and carry out any examination, test or enquiry

Summary / Citation

"Every employer shall give to the Secretary or his duly authorized representative access to its premises and records for the purpose of determining compliance with the provisions of this Standards".

References

Occupational Safety and Health Standards 1989 (S 1003.01(2))

11.2.3 Power to investigate

Summary / Citation

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

References

Occupational Safety and Health Standards 1989 (S 1003.01(3))

11.2.4 Duty to provide advice on OSH

11.3 OSH inspectors' enforcement powers

11.3.1 Power to issue orders or notices

Summary / Citation

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

References

Occupational Safety and Health Standards 1989 (S 1003.01(4))

11.3.2 Power to impose financial penalties

11.3.3 Power to revoke or suspend licenses or authorisations

11.3.4 Power to require the cessation of dangerous work

Summary / Citation

When an enforcement officer finds that an imminent danger exists in a workplace, he shall inform the affected employer and workers of the danger and shall recommend to the Regional Director the issuance of an Order for stoppage of operation or other appropriate action for the abatement of the danger.

References

Occupational Safety and Health Standards 1989 (S 1012.02(2))

11.3.5 Power to initiate prosecutions

11.3.6 Power to conduct prosecutions

11.3.7 Other enforcement powers

11.4 Application of sanctions by courts

11.4.1 Financial penalties for legal persons

Summary / Citation

"In case the employee's injury or death was due to the failure of the employer to comply with any law or to install and maintain safety devices or to take other precautions for the prevention of injury, said employer shall pay the State Insurance Fund a penalty of twenty-five percent (25%) of the lump sum equivalent of the income benefit payable by the System to the employee. All employers, specially those who should have been paying a rate of contribution higher than required of them under this Title, are enjoined to undertake and strengthen measures for the occupational health and safety of their employees."

References

The Labor Code (Presidential Decree No. 442 of 1974). (Art. 200)

11.4.2 Financial penalties for natural persons

Summary / Citation

"In case the employee's injury or death was due to the failure of the employer to comply with any law or to install and maintain safety devices or to take other precautions for the prevention of injury, said employer shall pay the State Insurance Fund a penalty of twenty-five percent (25%) of the lump sum equivalent of the income benefit payable by the System to the employee. All employers, specially those who should have been paying a rate of contribution higher than required of them under this Title, are enjoined to undertake and strengthen measures for the occupational health and safety of their employees."

References

The Labor Code (Presidential Decree No. 442 of 1974). (Art. 200)

11.4.3 Non-financial sanctions

11.4.4 Criminal liability

11.4.5 Terms of imprisonment for natural persons