



Department of Labor and Employment  
OCCUPATIONAL SAFETY AND HEALTH CENTER

**AN ACT STRENGTHENING COMPLIANCE  
WITH OCCUPATIONAL SAFETY AND  
HEALTH STANDARDS AND PROVIDING  
PENALTIES FOR VIOLATIONS THEREOF  
(RA 11058) and IRR (DOLE DO 198 – 18)**

# Section 3 - DEFINITION OF TERMS



**“Certified first-aider”** – refers to any person trained and duly certified to administer first aid by the Philippine Red Cross (PRC) or any organization authorized by the Secretary of Labor and Employment.

## **“Competency Standards”**

– refers to industry-determined specification of proficiency required for effective work performance.



**“Covered Workplaces”** – refers to establishments, projects, sites and all other places where work is being undertaken wherein the number of employees, nature of operations and risk or hazard involved in the business require compliance

# DEFINITION OF TERMS



**“Low risk establishment”** refers to a workplace where there is low level of danger or exposure to safety and health hazards and not likely or with low probability to result in accident, harm or injury, or illness.



**“Medium risk establishment”** refers to a workplace where there is moderate exposure to safety and health hazards and with probability of an accident, injury or illness, if no preventive or control measures are in place.



**“High risk establishment”** refers to a workplace wherein the presence of hazard or potential hazard within the company may affect the safety and/or health of workers not only within but also persons outside the premises of the workplace (e.g. construction, mining, petrochemical, etc.)



# DEFINITION OF TERMS



The following are workplaces commonly associated with potentially high-risk activities:

1. Chemical works and chemical production plants;
2. Construction;
3. Deep sea fishing;
4. Explosives and pyrotechnics factories;
5. Firefighting;
6. Healthcare facilities;
7. Installation of communication accessories, towers and cables;
8. LPG filling, refilling, storage and distribution;
9. Mining;
10. Petrochemical works and refineries



11. Power generation, transmission and distribution in the energy sector;
12. Storage and distribution center for toxic or hazardous chemicals;
13. Storage of fertilizers in high volume;
14. Transportation ;
15. Water supply, sewerage, waste management, remediation activities;
16. Works in which chlorine is used in bulk ; and
17. Activities closely similar to those enumerated above and other activities as determined by DOLE in accordance with existing issuances on the classification of establishments.

# DEFINITION OF TERMS



**“Safety officer”** – refers to any employee or officer of the company **trained** by the DOLE or **DOLE-Accredited Training Organization** and tasked by the employer to implement an OSH program in accordance to OSHS



**“Safety Officer 2 (SO2)”** refers to an employee who has completed the mandatory forty (40)-hour OSH training course applicable to the industry as prescribed in the OSH standards.

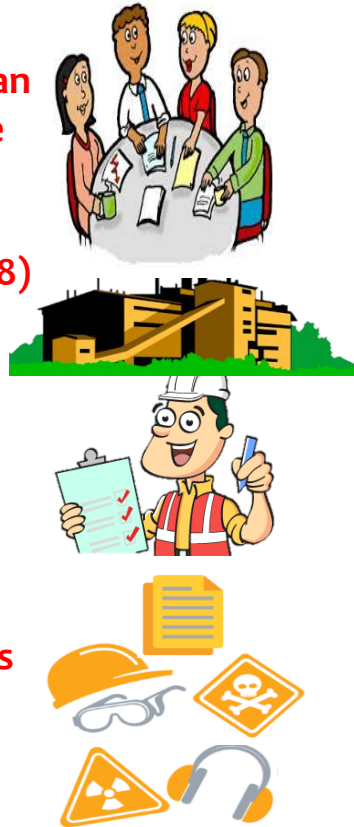
**“Safety Officer 1 (SO1)”** refers to an employee who has completed the mandatory eight (8)-hour OSH orientation course as prescribed in the OSH standards.



# DEFINITION OF TERMS



*“Safety Officer 3 (SO3)”* refers to an employee who has completed the mandatory forty (40)-hour OSH training course applicable to the industry, additional forty-eight (48) hours of advanced/specialized occupational safety training course relevant to the industry, relevant experience in OSH for at least two (2) years, and other requirements as prescribed in the OSH standards. Qualified SO 3 shall be eligible for certification as OSH practitioner.



*Safety Officer 4 (SO4)* refers to an employee who has completed the mandatory forty (40)-hour OSH training course applicable to the industry, additional eighty (80) hours of advanced/specialized occupational safety training course relevant to the industry, an aggregate of three hundred twenty (320) hours of OSH related training or experience, an actual experience as SO3 for at least four (4) years, and other requirements as prescribed by the OSH standards. Additional training may be converted to years of experience where eighty (80) hours of training may equal to one (1) year of experience and vice versa. Qualified SO4 shall be eligible for certification as OSH consultant.



# DEFINITION OF TERMS



**“Occupational Safety and Health (OSH) practitioner”** refers to a qualified Safety Officer 3 or its equivalent, duly certified by DOLE to render occupational safety and health services in a defined and specific scope or core competency.



**“Occupational Safety and Health (OSH) consultant”** refers to a qualified Safety Officer 4 or its equivalent, duly certified by DOLE to perform and/or render consultative services on occupational safety and health in at least two (2) fields of specialization as determined by DOLE.

# DEFINITION OF TERMS



**“Worker”** refers to any member of the labor force, regardless of employment status.

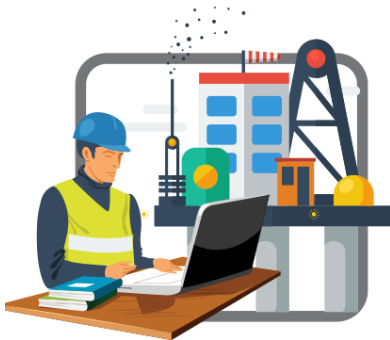


**“Workers’ OSH Seminar”** refers to the mandatory eight (8)-hour module **conducted by the safety officer of the establishment or any certified OSH practitioner or consultant, as prescribed by the OSH standards** (shall include a portion on joint employer-employee orientation).





## Section 5 - WORKERS' RIGHT TO KNOW



**Information materials used pursuant to this Section shall be made readily available and accessible to workers.**

**New-hired workers shall be provided instructions, orientations and trainings prior to start of work. The instructions, orientations, and trainings shall be properly documented by the employer, and shall be included in the permanent records of the worker in the establishment.**

**The workers' OSH seminar and other trainings/orientations as required by the employer and by any law shall be at no cost on the worker and considered as compensable working time.**

## Section 6 - WORKERS' RIGHT TO REFUSE TO UNSAFE WORK



**The worker has the right of refusal to work without threat or reprisal from the employer if, as determined by the DOLE, an imminent danger situation exists.**

**The employer or safety officer cannot require the workers to return to work where there is continuing imminent danger to life or health.**

**Workers affected by the existence of an imminent danger situation may be temporarily assigned to other areas within the workplace provided there is no impending issue with safety and health.**



## Section 7 - WORKERS' RIGHT TO REPORT ACCIDENTS



Workers and their representatives shall have the **right to report accidents, dangerous occurrences**, and hazards to the employer, to the DOLE and to other concerned government agencies exercising jurisdiction as the competent authority in the specific industry or economic activity. **There shall be no retaliation from the part of the employer pursuant to the reporting of any accident.**

## Section 8 - WORKERS' RIGHT TO PERSONAL PROTECTIVE EQUIPMENT (PPE)



**The cost of the PPE shall be part of the safety and health program which is a separate pay item pursuant to Section 20 of this Rules.**



**All PPE shall be of the appropriate type as tested and approved by the DOLE based on its standards. The usage of PPE in all establishments, projects, sites and all other places where work is being undertaken shall be based on the evaluation and recommendation of the safety officer.**

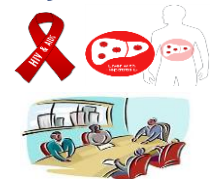
# Section 12 - OCCUPATIONAL SAFETY AND HEALTH PROGRAM



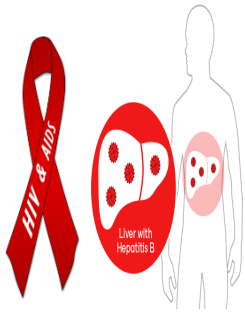
**Covered workplaces shall develop and implement a suitable OSH program which shall be posted in prominent places. Covered workplaces shall be guided by a format prescribed by DOLE.**

**For with less than ten workers and low risk establishments with ten (10) to fifty (50) workers. – The OSH program, which shall be duly signed by the employer, must include at least the following:**

**For medium to high risk establishments with ten (10) to fifty (50) workers and low to high risk establishments with fifty-one (51) workers and above. – The OSH program, which shall be duly signed by the employer, must include at least the following:**



# OCCUPATIONAL SAFETY AND HEALTH PROGRAM

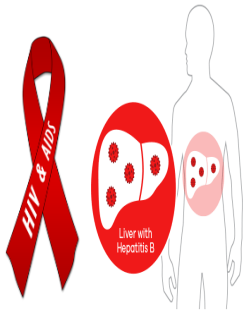


**The OSH program shall be communicated and be made readily available to all persons in the workplace. It shall be updated periodically whenever the DOLE, other regulatory or government agencies and institutions promulgate new rules, guidelines and other issuances related to workers' safety and health.**



**The company shall ensure that the core elements of OSH program are integrated in the company OSH program such as management commitment and employee involvement, workplace risk assessment, hazard prevention and control, safety and health training and education, and OSH program evaluation.**

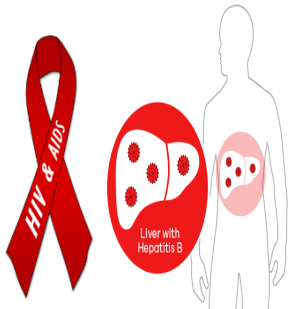
# OCCUPATIONAL SAFETY AND HEALTH PROGRAM



The company shall submit a copy of the OSH program to the DOLE Regional, Provincial, Field or Satellite Office having jurisdiction over the workplace. A duly signed company commitment to comply OSH requirements together with the company OSH program using the prescribed template **shall be considered approved upon submission EXCEPT for Construction Safety and Health Program (CSHP) which shall need approval by DOLE prior to construction.**



# OCCUPATIONAL SAFETY AND HEALTH PROGRAM



**OSH programs in the pre-approved template may be modified by DOLE as necessary based on existing laws, rules and regulations, and other issuances or upon validation of the program during inspection. If there is a modification made by the company, the company shall submit a revised copy of the OSH program to DOLE.**

**The company shall review and evaluate the OSH program at least once a year or as necessary, to ensure that its objectives are met towards an improved safety and health performance.**



## Section 13 - OCCUPATIONAL SAFETY AND HEALTH COMMITTEE



To ensure that the safety and health program is observed and enforced, a Safety and Health Committee shall be organized in covered workplaces.

For establishments with less than ten workers and low risk establishments with ten (10) to fifty (50) workers. – A SO1 shall establish an OSH committee composed of the following :

<b>Chairperson</b>	<b>:</b>	<b>Company owner or manager</b>
<b>Secretary</b>		<b>Safety Officer of the workplace</b>
<b>Member</b>	<b>:</b>	<b>At least one (1) worker</b>



The company owner or manager or one of the workers of the company shall undertake a first aid training from the Philippine Red Cross or any DOLE recognized organization.

# OCCUPATIONAL SAFETY AND HEALTH COMMITTEE



**For medium to high risk establishments with ten (10) to fifty (50) workers and low to high risk establishments with fifty-one (51) workers and above. – The OSH committee of the covered workplace shall be composed of the following:**



<b>Ex-officio chairperson</b>	<b>: Employer or his/her representative</b>
<b>Secretary</b>	<b>: Safety officer of the workplace</b>
<b>Ex-officio members</b>	<b>: Certified first-aider, OH nurse, OH dentist, and OH physician, as applicable</b>
<b>Members</b>	<b>: Safety officers representing the contractor or subcontractor, as the case may be, and representative/s of workers who shall come from the union, if the workers are organized, or elected workers through a simple vote of majority, if they are unorganized</b>

**The OSH committee shall effectively plan, develop, oversee and monitor the implementation of the OSH program.**

# OCCUPATIONAL SAFETY AND HEALTH COMMITTEE



For two (2) or more establishments housed under one building or complex including malls. – Establishments housed under one building or complex shall have its own respective OSH committee. A Joint OSH committee shall be initiated and created by the building owner or building administrator and shall plan, develop and implement programs and activities for all establishments in said building or complex on OSH with the following composition:



<b>Chairperson</b>	:	<b>Building owner or his/her representative such as the building administrator</b>
<b>Secretary</b>	:	<b>Safety officer of the building or complex appointed by the Chairperson</b>
<b>Members</b>	:	<b>At least two (2) safety officers from any of the establishment housed under one building or complex At least two (2) workers' representatives, one of which must be from a union if organized, from any of the establishment housed under one building or complex</b>

The building administrator shall ensure that the Joint OSH committee shall submit its organizational plans and minutes to the DOLE Regional office, copy furnished the Bureau of Working Conditions.

# Section 14 - SAFETY OFFICER



**In the implementation of OSH program, the required safety officers shall be employed or designated with the following duties and responsibilities:**

- (a) Oversee the overall management of the OSH program in coordination with the OSH committee;**
- (b) Frequently monitor and inspect any health or safety aspect of the operation being undertaken with the participation of supervisors and workers;**
- (c) Assist government inspectors in the conduct of safety and health inspection at any time whenever work is being performed or during the conduct of an accident investigation by providing necessary information and OSH reports as required by the OSH standards; and**
- (d) Issue Work Stoppage Order (WSO) when necessary based on the requirements and procedures provided by the OSH standards.**



# SAFETY OFFICER



**Safety officer/s of all workplace must possess the necessary training and experience requirement according to its category as contained herein. The respective qualifications of safety officers are as follows:**

Category	Prescribed Training on OSH	Minimum OSH Experience
Safety Officer 1 (SO1)	Mandatory eight (8)-hour OSH orientation course and Two (2) - hour trainers' training	-
Safety Officer 2 (SO2)	Mandatory forty (40)-hour basic OSH training course applicable to the industry	-



# SAFETY OFFICER



**Category**

**Prescribed Training on OSH**

**Minimum  
OSH  
Experience**

**Safety Officer 3  
(SO3)**

- a. Mandatory forty (40)-hour basic OSH training course applicable to the industry;
- b. Additional forty-eight (48) hours of advanced/specialized occupational safety training course relevant to the industry;  
AND
- c. Other requirements as prescribed by the OSH standards.

**At least two  
(2)  
years of  
experience in  
OSH**



# SAFETY OFFICER



Category	Prescribed Training on OSH	Minimum OSH Experience
Safety Officer 4 (SO4)	<ul style="list-style-type: none"><li>a. Mandatory forty (40)-hour OSH training course applicable to the industry;</li><li>b. Additional eighty (80) hours of advanced/ specialized occupational safety training course relevant to the industry;</li><li>c. An aggregate of three hundred twenty (320) hours of OSH related training or experience (additional training may be converted to years of experience where eighty [80] hours of training may equal to one [1] year of experience and vice versa.); AND</li><li>d. Other requirements as prescribed by the OSH standards.</li></ul>	Actual experience as SO3 for at least four (4) years



# SAFETY OFFICER



**Minimum classification and number of safety officer for all covered workplaces shall be as follows:**

Number of Workers	Low Risk	Medium Risk	High Risk
1 to 9	One (1) SO1	One (1) SO1	One (1) SO2
10 to 50	One (1) SO1	One (1) SO2	One (1) SO3
51 to 99	One (1) SO2		One (1) SO2 and One (1) SO3
100 to 199		Two (2) SO2 or One (1) SO3	
200 to 250	Two (2) SO2 and One (1) SO3	Two (2) SO3	One (1) SO2 and Two (2) SO3





# SAFETY OFFICER



Number of Workers	Low Risk	Medium Risk	High Risk
501 to 750	Two (2) SO2 and One (1) SO3	Two (2) SO3	One (1) SO2 and Two (2) SO3
751 to 1000	Two (2) SO3		
Every additional 250 or fraction thereof	-	-	Additional One (1) SO3 or SO4
Every additional 500 or fraction thereof	Additional One (1) SO3	Additional One (1) SO3 or SO4	-

# SAFETY OFFICER



**Safety officers engaged in micro and small establishments, low to medium risk,** shall be engaged in safety programs including other tasks designated to him/her by his/her employer.



**In the case of a contractor or subcontractor,** at least one (1) safety officer must be deployed at each specific area of operations to oversee the management of the OSH program of its own workforce.

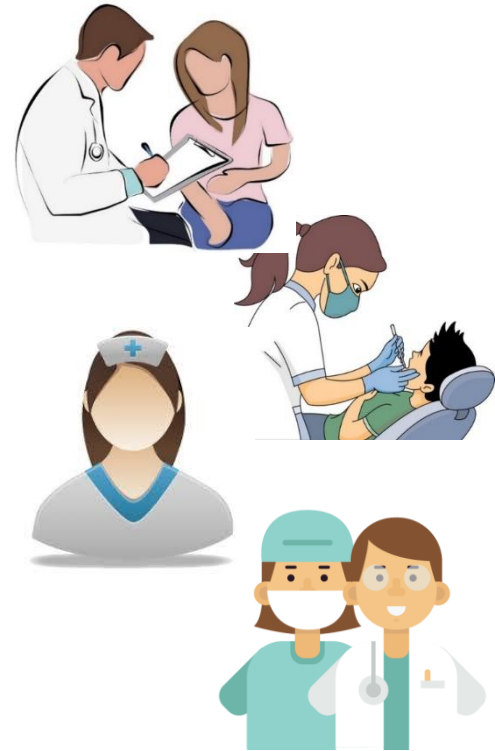
# SAFETY OFFICER



The engagement of the services of a certified OSH consultant (SO4) shall be allowed for a period not longer than one (1) year **for establishments whose designated safety officer has to be trained or is in the process of completing the prescribed training courses and relevant experience.**



# Section 15 - OCCUPATIONAL HEALTH PERSONNEL AND FACILITIES



**Covered workplaces shall have qualified occupational health personnel such as certified first-aiders, nurses, dentists, and physicians duly complemented with the required medical supplies, equipment and facilities.**

**The number of health personnel, which may be classified as full time (FT) or part-time (PT), equipment and facilities, and the amount of supplies shall be proportionate to the total number of workers and the risk or hazard involved in the workplace, the ideal ratio of which shall be as follows:**

# TRAINING FOR OH PERSONNEL



<b>First-Aider</b>	:	<b>Standard first aid training</b>
<b>OH Nurse</b>	:	<b>At least forty (40)-hour Basic OSH training course for OH Nurses</b>
<b>OH Dentist</b>	:	<b>At least forty (40)-hour Basic OSH training course</b>
<b>OH Physician</b>	:	<b>At least fifty-six (56)-hour Basic OSH training course for OH Physicians</b>



# Section 15 - OCCUPATIONAL HEALTH PERSONNEL AND FACILITIES



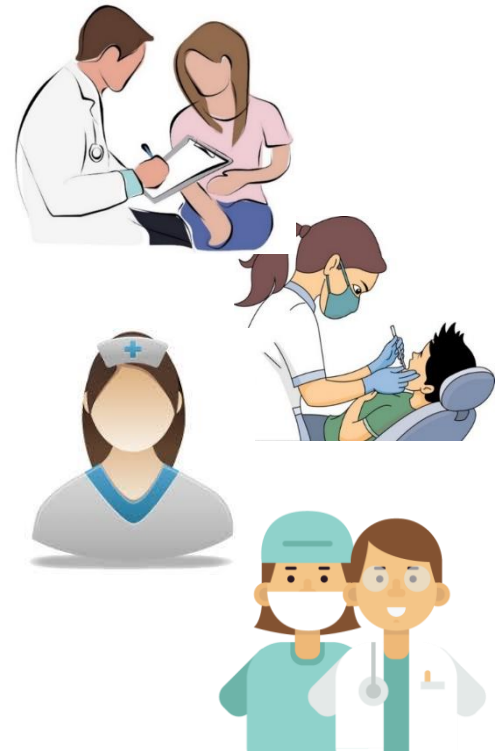
Number of Workers	Low Risk				Medium to High Risk			
	First-Aider	OH Nurse	OH Dentist	OH Physician	First-Aider	OH Nurse	OH Dentist	OH Physician
1-9	1	-	-	-	1	-	-	-
10-50		-	-	-		-	-	-
51-99		-	-	-		2 PT	-	-
100-199	2	2 PT	-	-	2	1 FT	1 PT	1 PT
200-500	3-5	1 FT	1 PT	1 PT	3-5	1 FT	1 PT	2 PT
501-2000	6-20	1 FT	1 PT	2 PT	6-20	1 FT	1 FT	2 PT or 1 FT

# OCCUPATIONAL HEALTH PERSONNEL AND FACILITIES



Number of Workers	Low Risk				Medium to High Risk			
	First-Aider	OH Nurse	OH Dentist	OH Physician	First-Aider	OH Nurse	OH Dentist	OH Physician
>2000	> 20	1 FT per shift	1 FT	1 FT and 2 PT	> 20	1 FT per shift	1 FT	1 FT and 2 PT
Every 100 workers or a fraction thereof	1	-	-	-	1	-	-	-
Every 250 workers or a fraction thereof	-	1 FT	-	-	-	1 FT	-	-
Every 500 workers or a fraction thereof	-	-	1 FT	1 FT or 4 PT	-	-	1 FT	1 FT or 4 PT

# OCCUPATIONAL HEALTH PERSONNEL AND FACILITIES



**PT = 4h/d, 3d/w; FT = 8h/d, 6d/w**

**OH personnel shall be placed  
in shift with the highest number of workers**

**For OH dentists: Alternatively, establishments can enter into a Memorandum of Agreement (MOA) for dental services for workers; provided that the requirements for dental facilities are met.**

**For OH physicians: If more than 1 PT physician is required,  
a physician must be present in all work days of the  
establishment.**

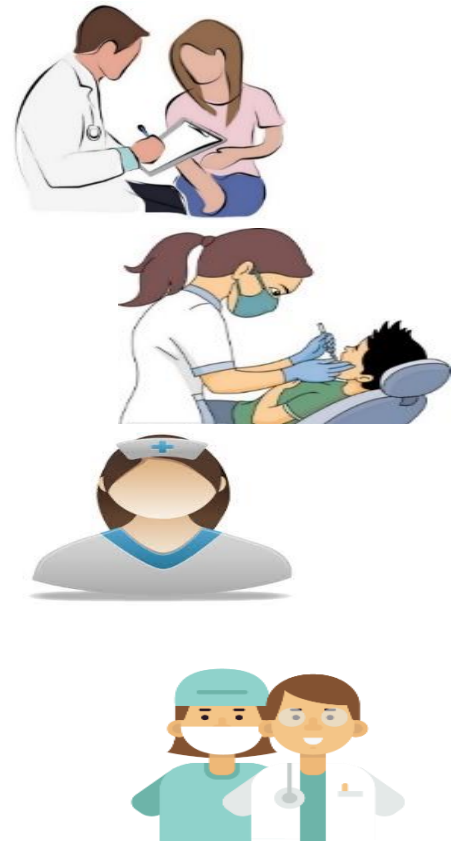


# OCCUPATIONAL HEALTH PERSONNEL AND FACILITIES



Number of Workers	Low Risk			Medium to High Risk		
	First aid treatment room	Clinic (number of beds)	Hospital (number of beds)	First aid treatment room	Clinic (number of beds)	Hospital (number of beds)
1-9	1	-	-	1	-	-
10-50		-	-	1	-	-
51-99		1	-	2	1	-
100-199	Additional 1 for every 100 workers or a fraction thereof	2	-	Additional 1 for every 50 workers or a fraction thereof	2	-
200-250			-		-	
251-500		-	-			
501-750		-	-			
751-1000		Additional 1 for every 200 workers or a fraction thereof	-		-	
1001-2000			1		Additional 1 for every 100 workers or a fraction thereof	1

# OCCUPATIONAL HEALTH PERSONNEL AND FACILITIES



The employer may not establish an emergency hospital or dental clinic in the workplace where there is a hospital or dental clinic which is **located not more than five (5) kilometers away from the workplace, accessible in not more than twenty-five (25) minutes travel time**, and the employer has facilities readily available for transporting workers to the hospital or clinic in cases of emergency. For this purpose, **the employer shall enter into a written contract with the hospital or dental clinic for the use of such hospital or dental clinic for the treatment of workers in cases of emergency**. However, this shall not excuse the employer from maintaining in his/her workplace a first aid treatment room or clinic for workers which shall be as follows:

## Section 21 - COST OF SAFETY AND HEALTH PROGRAM



The total cost of implementing a duly approved OSH program shall be an integral part of the operations cost. It shall be a separate pay item in construction and in all contracting or subcontracting arrangement.



## Section 23 - VISITORIAL POWER OF THE SECRETARY OF LABOR AND EMPLOYMENT



**Department Order No. 183, Series of 2017 and the manual on execution of judgments shall govern the procedures in the conduct of inspection, mandatory conference, issuance of order and execution thereof.**

**A mandatory conference not later than 72 hours shall be held to determine whether the WSO will be lifted or not.**



<b>Imminent danger</b>	-	<b>One (1) day</b>
<b>PPE</b>	-	<b>Three (3) days</b>
<b>Others</b>	-	<b>Not exceeding Ninety (90) days based on the approved action plan</b>

## Section 28 - PROHIBITED ACTS AND ITS CORRESPONDING PENALTIES



Should there be two (2) or more non-compliances, all penalties shall be imposed; provided the total daily penalty shall not exceed one hundred thousand pesos (₱ 100,000.00).

The penalties shall be computed on a per day basis until full compliance reckoned from the date of the notice of violation or service of the compliance order to the employer.

The Regional Director shall, after due notice and hearing impose the appropriate administrative fines taking into consideration the damage or injury caused and risk involved including the severity and frequency of the OSH violations and size of the establishment



# PROHIBITED ACTS AND ITS CORRESPONDING PENALTIES



**Any willful failure or refusal of an employer, contractor or subcontractor to comply with the following OSH standards below or with a compliance order issued by the Secretary of Labor and Employment or his/her authorized representative shall be penalized of the administrative fines as follows:**

<b>Registration of establishment to DOLE</b>	<b>₱20,000.00</b>
<b>Provision of job safety instruction or orientation prior to work</b>	<b>₱20,000.00</b>
<b>Provide worker's training (first aid, mandatory workers training, mandatory OSH training for safety officers and health personnel)</b>	<b>₱25,000.00</b>
<b>Provision of safety signage and devices</b>	<b>₱30,000.00</b>
<b>Provision of medical supplies, equipment and facilities</b>	<b>₱30,000.00</b>
<b>Submission of reportorial requirements as prescribed by OSH standards</b>	<b>₱30,000.00</b>



# PROHIBITED ACTS AND ITS CORRESPONDING PENALTIES



<b>Provision of safety officer and/or OH personnel</b>	<b>₱40,000.00</b>
<b>Provision of certified personnel or professionals required by OSH standards</b>	<b>₱40,000.00</b>
<b>Establishment of a safety and health committee</b>	<b>₱40,000.00</b>
<b>Formulation and implementation of a comprehensive safety and health program</b>	<b>₱40,000.00</b>
<b>Provide information on hazards and risk (absence of chemical safety data sheet, no written SOP in materials handling, lifting etc., no permitting system for confined spaces/hot works, no lock-out/tag-out system etc.)</b>	<b>₱40,000.00</b>
<b>Provide sanitary and welfare facilities</b>	<b>₱40,000.00</b>
<b>Use of approved or certified devices and equipment for the task</b>	<b>₱50,000.00</b>
<b>Provision of PPE or charging of provided PPE to workers</b>	<b>₱50,000.00</b>
<b>Compliance with DOLE issued WSO</b>	<b>₱50,000.00</b>
<b>Compliance to other OSH standards</b>	<b>₱40,000.00</b>

# PROHIBITED ACTS AND ITS CORRESPONDING PENALTIES



**When the violation exposes the worker to death, serious injury or serious illness, the imposable penalty shall be One Hundred Thousand Pesos (₱100,000.00).**



**An employer, contractor or subcontractor who was found to have repeatedly violated the same prohibited act shall be penalized of the corresponding fine plus an additional fine equivalent to fifty percent (50%) thereof for every instance of repeat violation.**



# PROHIBITED ACTS AND ITS CORRESPONDING PENALTIES



**If any of the following acts is present and there is non-compliance, the penalty of one hundred thousand pesos (₱100,000.00) administrative fine shall be imposed separate and in addition to the daily administrative fine imposed above:**

- 1. Repeated obstruction, delay or refusal to provide the Secretary of Labor and Employment or any of its authorized representatives access to the covered workplace, or refusal to provide or allow access to relevant records and documents or obstruct the conduct of investigation of any fact necessary in determining compliance with OSH standards;**
- 2. Misrepresentation in relation to adherence to OSH standards, knowing such statement, report or record submitted to DOLE to be false in any material aspect; or**
- 3. Making retaliatory measures such as termination of employment, refusal to pay, reducing wages and benefits or in any manner discriminates against any worker who has given information relative to the inspection being conducted.**



# PROHIBITED ACTS AND ITS CORRESPONDING PENALTIES



Fines collected pursuant to this Rules shall be utilized for the operation of OSH initiatives incentivizing qualified employers in recognition of their efforts towards ensuring compliance with OSH and general labor standards, including OSH training and education and other programs.



# Section 33 - EFFECTIVITY



**This Rules shall take effect fifteen (15) days after its Publication in a newspaper of general circulation (January 9, 2019 – Philippine Star).**



Thank you!