

DEPARTMENT ORDER NO. 198, SERIES OF 2018

**IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC
ACT NO. 11058 ENTITLED “AN ACT STRENGTHENING
COMPLIANCE WITH OCCUPATIONAL SAFETY AND
HEALTH STANDARDS AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF”**



BUREAU OF WORKING CONDITIONS
Department of Labor and Employment



EFFECTIVITY



Signed : 06 December 2018



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COVERAGE



- It shall apply to all establishments, projects and sites and all other places where work is being undertaken in all branches of economic activity, including:
- Establishments located inside special economic zones and other investment promotion agencies (e.g., Philippine Economic Zone Authority [PEZA], Clark Development Corporation [CDC]);
 - Utilities engaged in air, sea, and land transportation;
 - Industries such as mining, fishing, construction, agriculture, and maritime;
 - Contractors and subcontractors including those engaged in the projects of the public sector.

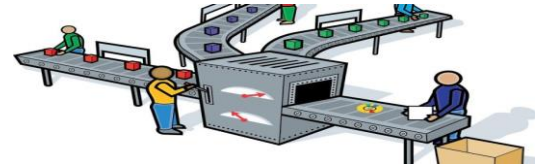


NOTE: The Rules does not apply to the public sector such as national government agencies, government-owned and controlled corporations with original charters, government financial institutions, state universities and colleges and local government units

DEFINITION OF TERMS



Certified first-aider – any person trained and duly certified to administer first aid by the Philippine Red Cross (PRC) or any organization authorized by the DOLE Secretary.



Covered Workplaces – 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 as determined by the Secretary of Labor and Employment, require compliance with the provisions of DO 198-18.

DEFINITION OF TERMS



Safety Officer – any employee or officer of the company trained by DOLE or DOLE-Accredited Training Organization and tasked by the employer to implement an OSH program.



Imminent danger – 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.



Micro and Small Enterprises (MSEs) – establishments employing less than 10 employees and the establishments employing less than 100 employees, respectively, regardless of capitalization.

DUTIES AND RIGHTS



Employer's Duties: Provide a safe and healthy workplace through the following among others:

- ✓ Provide capacity building ;
- ✓ Provide information on OSH;
- ✓ Use devices/equipment with approved industry standards; and
- ✓ Provide appropriate PPEs free of charge.

Worker's Rights:

- ✓ Know the different types of hazards;
- ✓ Be provided with training, education, and orientation;
- ✓ Refuse unsafe work in cases of imminent danger; and
- ✓ Report accidents and dangerous occurrences.

WORKERS' RIGHT TO REFUSE UNSAFE WORK



- The worker has the right of refusal to work without threat or reprisal from the employer if, as determined by DOLE, an imminent danger situation exists.
- As a preventive measure, the safety officer may, following his/her own determination and without fear of reprisal, implement a work stoppage or suspend operations in cases of imminent danger.
- 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.



WORKERS' RIGHT TO PERSONAL PROTECTIVE EQUIPMENT (PPE)



Every employer, contractor or subcontractor, if any, shall provide his/her workers PPE, **FREE OF CHARGE.**

- All PPE shall be of the appropriate type as tested and approved by the DOLE based on its standards and/or other means of verification.
- 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.
- All PPE must be of appropriate size, weight, and type to specific workers exposed to hazards from which PPE are meant to ensure effective protection.
- Failure to provide appropriate PPE in high risk activities shall give rise to the right of the worker to refuse unsafe work.



WORKERS' WELFARE FACILITIES



All establishments, projects, sites and all other places where work is being undertaken shall have the following free welfare facilities in order to ensure humane working conditions:

- a) Adequate supply of safe drinking water;
- b) Adequate sanitary and washing facilities;
- c) Suitable living accommodation for workers, as may be applicable such as in construction, shipping, fishing and night workers;
- d) Separate sanitary, washing and sleeping facilities for all gender, as may be applicable;
- e) Lactation station except those establishments as provided for under DOLE Department Order No. 143-15;
- f) Ramps, railings and the like; and
- g) Other workers' welfare facilities as may be prescribed by the OSH standards and other issuances.

WORKPLACE CLASSIFICATION BASED ON RISKS



Low risk workplace – low level of danger or exposure to safety and health hazards and not likely or with low probability to result in accident, harm or illness.



Medium risk workplace – moderate exposure to safety and health hazards and with probability of an accident, injury or illness.



High risk workplace – presence of hazard or potential hazard within the company may affect the safety and/or health of workers.

SAFETY SIGNAGE AND DEVICES



All establishments, projects, sites and all other places where work is being undertaken shall have safety signage and devices to warn the workers and the public of the hazards in the workplace.

Safety signage and devices shall be posted in prominent positions at strategic locations in a language understandable to all, and in accordance with the OSH standards on color of signs for safety instructions and warnings, Globally Harmonized System (GHS) pictograms, construction safety, classification and labelling of chemicals, radiation, safety instructions and warning signs, set by DOLE



SAFETY IN THE USE OF EQUIPMENT



Contractor or subcontractor, if any, must comply with the OSH standards set by DOLE on safety and use of such equipment in the different phases of the company or project operation including the transport to and from the establishment, project, site or place where work is being undertaken.



Appropriate training and certification by the Technical Education and Skills Development Authority (TESDA), Professional Regulation Commission (PRC) or other concerned government agency shall be a requirement for operators before use of equipment, if applicable.

OCCUPATIONAL SAFETY AND HEALTH INFORMATION



The employer, contractor or subcontractor, if any, shall provide the workers in all establishments, projects and all other places where work is being undertaken adequate and suitable information on the following:

- Workplace hazards and the risk posed on the safety and health of the workers such as chemical safety data sheets;
- Control mechanisms in place that reduces or minimizes the risk of exposure to hazards and other preventive strategies
- Appropriate measures, including the probable location of workers, for the prevention, control and protection against those hazards; and
- Emergency and disaster management protocols including proper evacuation and shut-down procedures.



Information materials shall be revised regularly by the OSH committee.

OCCUPATIONAL SAFETY AND HEALTH (OSH) PROGRAMS



- OSH Program shall be submitted and deemed approved upon receipt by concerned DOLE-RO or FO.
- The OSH Committee shall review and evaluate the program at least once a year or as necessary.
- A suitable Construction Safety and Health Program (CSHP) specific for each construction project shall be submitted to concerned DOLE- RO or FO for its approval prior to start of the project.
- The total cost of implementing OSH Programs shall be an integral part of the company's operations cost.

OSH PERSONNEL COMPLEMENT



- All covered workplaces shall have qualified OSH Personnel for the following:
 - First Aider
 - Safety Officer
 - Nurse
 - Dentist
 - Physician
- Number and type of OSH personnel are based on the number of employees and the correct determination by the Safety Officer of his/her workplace risk classification



SAFETY OFFICER



Category	Prescribed Training on OSH	Minimum OSH Experience
Safety Officer 1 (SO1)	(a) Mandatory eight (8)-hour OSH orientation course AND (b) Two (2)-hour trainers' training	-
Safety Officer 2 (SO2)	Mandatory forty (40)-hour basic OSH training course applicable to the industry	-
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 4 (SO4)	(a) Mandatory forty (40)-hour OSH training course applicable to the industry; (b) Additional eighty (80) hours of advanced/specialized occupational safety training course relevant to the industry;	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) SO2	One (1) SO3
51 to 99	One (1) SO2		One (1) SO2 <u>an</u> <u>d</u> one (1) SO3
100 to 199		One (1) SO2 <u>and</u> one (1) SO3	Two (2) SO3
200 to 250	Two (2) SO2 <u>or</u> one (1) SO3		
251 to 500	Two (2) SO2 <u>and</u> one (1) SO3	Two (2) SO3	One (1) SO2 <u>an</u> <u>d</u> Two (2) SO3
501 to 750			
751 to 1000	Two (2) SO3		
Every additional of 250 or a fraction thereof	-	-	Additional one (1) SO3 <u>or</u> SO4
Every additional of 500 or a fraction thereof	Additional one (1) SO3	Additional one (1) SO3 <u>or</u> SO4	-

The engagement of the services of a certified OSH consultant (SO4) shall be allowed for a period not longer than 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.

OCCUPATIONAL HEALTH PERSONNEL 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:

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
> 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

OCCUPATIONAL HEALTH PERSONNEL AND FACILITIES



Every employer covered by this Rules shall provide his/her workers medical services and facilities and shall not be an excuse by employer from maintaining in his/her workplace a first aid treatment room or clinic for workers which shall be as follows:

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

OCCUPATIONAL HEALTH PERSONNEL AND FACILITIES



The employer may not establish a 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 dental clinic in cases of emergency.

For this purpose, the employer shall enter into a written contract with the hospital for the use of such hospital for the treatment of workers in cases of emergency.

EMPLOYEE'S COMPENSATION CLAIM



A worker may file claims for compensation benefit arising out of work-related disability or death.

Such claims shall be processed independently of the finding of fault, gross negligence or bad faith of the employer in a proceeding instituted for the purpose.

The employer shall provide the necessary assistance to employees applying for claims.



SAFETY AND HEALTH TRAINING REQUIREMENTS



- All OSH personnel shall undergo the **prescribed mandatory trainings** from DOLE or DOLE-Accredited Training Organizations or its recognized training institutions.
- All workers shall undergo the mandatory **8-hour Workers' OSH seminar** as prescribed by DOLE.
- Workers performing critical occupations shall undergo the **mandatory competency assessment and certification** by TESDA.
- Orientations, seminars, and trainings required by the employer or by other regulations, in the performance of their task, shall be undertaken at **no cost to the worker and considered as compensable working time.**

OCCUPATIONAL SAFETY AND HEALTH REPORTS



All employers, contractors or subcontractors, if any, shall submit to DOLE all safety and health reports, and notifications such as but not limited to annual medical report (AMR), OSH committee report, employer's work accident/injury report (WAIR), and annual work accident/injury exposure data report (AEDR).

JOINT AND SOLIDARY LIABILITY



The **employer, project owner, contractor, or subcontractor, if any, and any person who manages, controls or supervises the work being undertaken** shall be jointly and solidarily liable for compliance with occupational safety and health standards including the penalties imposed for violation thereof as provided for in this Rules.



INCENTIVES



- Incentives may be given to qualified employers and workers **in recognition of their effort in ensuring compliance with OSH Standards.**
- Incentives shall be given in the form of OSH training packages, additional protective equipment, technical guidance, recognition awards, and other similar incentives.



INTER-GOVERNMENT COORDINATION AND COOPERATION



- A Joint Coordinating Committee shall be established to effectively implement RA 11058 and its IRR.
- The Committee shall develop **mechanisms for harmonizing each Agency's mandates/policies/guidelines related to OSH, with reference to RA 11058.**
- DOLE shall collaboratively work with DENR, DOE, DOTr, DA, DPWH, DTI, DILG-LGUs, DOH, DICT, PEZA, and other government agencies.

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)
- Should there be 2 or more be non-compliances, all penalties shall be imposed; provided that 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 without prejudice to the filing of a criminal or civil case in the regular courts, as the case may be.
- The RD 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.
- Fines collected pursuant to this Rules shall be utilized for the operation of OSH initiatives incentivizing qualified employers and workers in recognition of their efforts towards ensuring compliance with OSH.

PENALTIES FOR VIOLATIONS



Willful failure or refusal to comply with the OSH standards or compliance orders issued by DOLE shall be penalized with **P100,000.00 daily fine until full compliance** reckoned from the date of issuance of Notice of Results or Compliance Order.

Registration of establishment to DOLE	₱20,000.00
Provision of job safety instruction or orientation prior to work	₱20,000.00
Provision of worker's training (first aid, mandatory workers training, mandatory OSH training for safety officers and health personnel)	₱25,000.00
Provision of safety signage and devices	₱30,000.00
Provision of medical supplies, equipment and facilities	₱30,000.00
Submission of reportorial requirements as prescribed by OSH standards	₱30,000.00
Provision of safety officer and/or OH personnel	₱40,000.00
Provision of certified personnel or professionals required by the OSH standards	₱40,000.00
Establishment of a safety and health committee	₱40,000.00
Formulation and implementation of a comprehensive safety and health program	₱40,000.00
Provision of 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.)	₱40,000.00
Provision of sanitary and welfare facilities	₱40,000.00
Use of approved or certified devices and equipment for the task	₱50,000.00
Provision of PPE or charging of provided PPE to workers	₱50,000.00
Compliance with DOLE issued WSO	₱50,000.00
Compliance to other OSH standards	₱40,000.00

PENALTIES FOR VIOLATIONS




- **Violation of the same prohibited act** shall be penalized of the corresponding fine **plus 50% of the fine thereof for every instance of repeat violation.**
- When the violation **exposes the worker to death, serious injury, or serious illness**, the imposable penalty shall be **P100,000.00.**
- **Additional P100,000.00 administrative fine** shall be imposed for the following:
 1. Repeated obstruction, delay, or refusal to provide access to the covered workplace or refusal access to relevant records and documents;
 2. Misrepresentation; or
 3. Making retaliatory measures.


ENFORCEMENT



- Enforcement is through the **DOLE-Regional Offices** having jurisdiction over the workplace.
- **DO 183-17** shall govern the procedure in the implementation of DO 198-18.



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila



Certificate No: AJA15-0048
DATE: 18 OCT 2017
TIME: 11:45 am
OFFICE: Julius

DEPARTMENT ORDER NO. 183
Series of 2017

**REVISED RULES ON THE ADMINISTRATION AND ENFORCEMENT
OF LABOR LAWS PURSUANT TO ARTICLE 128
OF THE LABOR CODE, AS RENUMBERED**

Pursuant to the authority of the Secretary of Labor and Employment to promulgate the necessary rules under Article 5 and the visitorial and enforcement power under Article 128 in relation to Article 303 of the Labor Code, as renumbered, Department Order No. 131-B, Series of 2016, is hereby amended, as follows:

RULE I
Objective and Applicability

Section 1. Objective. – This Revised Rules is aimed to further strengthen the implementation of the visitorial and enforcement powers under the Labor Code, as renumbered, towards securing a higher level of compliance with labor laws and standards, and ensuring continuity and sustainability of compliance at workplaces.

Section 2. Coverage and Applicability. – This Revised Rules shall govern all matters arising from the visitorial and enforcement power of the Secretary of Labor and Employment under Article 128 in relation to Article 303 of the Labor Code, as renumbered.

Section 3. Construction. – This Revised Rules shall be liberally construed to attain a just, inexpensive, and expeditious settlement and resolution of labor cases or disputes.

END OF PRESENTATION

For inquiries, you can reach us at:



**DOLE
HOTLINE**

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