

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **4332**

Introduced by Kabataan Party-List Representative Raymond V. Palatino

EXPLANATORY NOTE

The Labor Code of the Philippines affords the Secretary of Labor and his authorized representatives the power to administer and enforce labor laws through the power of visitation and inspection. This visitorial power allows the government to spot violations of labor standards in workplaces and act accordingly. In the past years, however, the Department of Labor (DOLE) has virtually abandoned this power by delegating the task of assessment and inspection to those with the propensity to violate labor standards themselves. Through DOLE's Department Order 57-04 (DO 57-04), companies with at least 200 employees or workers have been allowed to conduct self-assessment with regard to their compliance with labor standards. How absurd is that? DO 57-04 has made almost irrelevant the government's power of ensuring compliance with labor standards, especially with those regarding occupational safety and health in workplaces. It has effectively made these standards voluntary instead of mandatory. After all, which profit-oriented company will subject itself to liability for violations of labor standards? All that matters to them is their bottom line.

It is no wonder why accidents arising from violations of labor standards continue to happen, especially in highly hazardous workplaces such as construction sites. As we file this bill, it has been forty days since ten workers from the worksite of Eton Properties in Greenbelt, Makati City died due to the collapse of a small construction elevator. It was found out that the company has been violating occupational safety standards and escaping

responsibility from complying with such standards. The government has been lenient in enforcing the law, allowing the contractors the effective discretion of complying with the standards because of the lack of government inspection or visitation. It was further found out that the company has been underpaying their workers their minimum wage, has not been paying the workers their overtime, rest day and holiday premiums, and thirteenth month pay. The workers also do not have social security, health insurance and other legally mandated benefits. A research by the Institute for Occupational Health and Safety revealed that in 2009, 26 workers in the construction sector died of work-related causes while another 116 were injured. Such is the situation nowadays, despite all the labor standards we have put in place.

Despite constant demands for the junking of DO 57-04, DOLE has persistently allowed such practice to continue, under flimsy excuses such as lack of manpower and labor inspectors, and such vague excuses such as fostering self-regulation and voluntary compliance. In reality self-regulation and exemption from government inspection and control has been the battle cry of those with the motivation of ensuring maximum exploitation and maximum profit by violating the standards we have put in force.

It is thus imperative for us to ensure compliance with labor standards, especially occupational safety and health standards by strengthening the visitorial and inspection powers of the government.

It is along along these lines that the immediate approval of this bill is sought.


HON. RAYMOND V. PALATINO
Representative, Kabataan Party-List

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AN ACT
STRICTLY ENFORCING THE OCCUPATIONAL SAFETY AND HEALTH
STANDARDS IN WORKPLACES BY STRENGTHENING THE VISITORIAL
AND ENFORCEMENT POWER OF THE SECRETARY OF LABOR AND
EMPLOYMENT, THEREBY AMENDING PRESIDENTIAL DECREE NO. 442,
AS AMENDED

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

1 **SECTION 1. Declaration of Policy.** – The State recognizes the role of labor in nation-
2 building and shall afford it full protection against exploitation and violations of labor
3 standards. The State shall thus ensure that all labor standards and occupational safety and
4 health regulations are implemented and complied with accordingly.

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6 **SECTION 2. Amendments to Art. 128 of PD 442.** – Art. 128 of Presidential Decree No.
7 442 (PD 442), otherwise known as the “Labor Code of the Philippines”, as amended, is
8 hereby amended to read as follows:

9
10 Art. 128. Visitorial and Enforcement Power. – (a) The Secretary of Labor or his duly
11 authorized representatives, including labor regulation officers, shall have access to
12 employer's records and premises at any time of the day or night whenever work is being
13 undertaken therein, and the right to copy therefrom, to question any employee and
14 investigate any fact, condition or matter which may be necessary to determine
15 violations or which may aid in the enforcement of this Code and of any labor law, wage

1 order or rules and regulations issued pursuant thereto. THE SECRETARY OF LABOR
2 SHALL NOT DELEGATE THE TASK OF INSPECTION UNDER HIS
3 VISITORIAL AND ENFORCEMENT POWER TO EMPLOYERS THROUGH
4 MODES OF SELF-ASSESSMENT AND SELF-INSPECTION.
5

6 **SECTION 3.** *Amendments to Art. 165 of PD 442.* – Art. 165 of PD 442 is hereby amended
7 to read as follows:
8

9 Art. 165. Administration of Safety and Health Law. – (a) The Department of labor shall
10 be solely responsible for the administration and enforcement of occupational safety and
11 health laws, regulations and standards in all establishments and workplaces wherever
12 they may be located; however, chartered cities may be allowed to conduct industrial
13 safety inspections of establishments within their respective jurisdictions where they
14 have adequate facilities and competent personnel for the purpose as determined by the
15 Department of Labor and subject to national standards established by the latter.
16 NOTWITHSTANDING SUCH DELEGATION, THE DEPARTMENT OF LABOR
17 SHALL NOT FURTHER DELEGATE THE TASK OF ENSURING COMPLIANCE
18 WITH OCCUPATIONAL SAFETY AND HEALTH STANDARDS TO
19 EMPLOYERS THROUGH MODES SUCH AS SELF-ASSESSMENT AND SELF-
20 INSPECTION, AND SHALL THUS STRICTLY ENFORCE COMPLIANCE WITH
21 SUCH OCCUPATIONAL SAFETY AND HEALTH STANDARDS THROUGH
22 THE VISITORIAL AND ENFORCEMENT POWER OF THE SECRETARY OF
23 LABOR AND HIS AUTHORIZED REPRESENTATIVES AND AGENTS.
24

25 **SECTION 4.** *Repealing Clause.* – All laws, presidential decrees, executive orders, rules
26 and regulations or parts thereof which are inconsistent with the provisions of this Act are
27 hereby repealed or modified accordingly.
28

29 **SECTION 5.** *Separability Clause.* – If any part or provision of this Act shall be held
30 unconstitutional or invalid, other provisions hereof which are not affected shall continue to
31 be in full force and effect.

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2 **SECTION 6. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
3 in two (2) national newspapers of general circulation.

Adopted,