

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



16th Congress
First Regular Session

House Bill No. **4594**

Introduced by. Hon. Karlo Alexei B. Nograles

EXPLANATORY NOTE

The construction industry which employs a large number of Filipino workers plays an important role in our socio-economic growth. It is projected to double its growth rate by 2015 and continue this trend in the coming years, with hundreds of billions worth of infrastructure projects expected particularly in light of the public-private partnerships programs being pushed by the government.

Whereas, numerous occupational hazards and risks continuously emerge in the workplace with the introduction of new technologies, materials, and substances. As a result, a high rate of worksite accidents may likely occur if no suitable measures or interventions are in place to prevent related accidents and injuries.

Compliance with safety standards shall be the responsibility of all stakeholders such as workers, employers, contractors, and more importantly the government, which is the lead enforcer of the safety standards. Sanctions and penalties for erring employers, contractors, and enforcers shall be a vital part of this bill.

This bill likewise adopts the provisions of the Department Order No. 13, Series of 1998 of the Department of Labor and Employment, entitled "Guidelines Governing Occupational Safety and Health in the Construction Industry".

Hence, the early passage of this bill into law is earnestly sought.

HON. KARLO ALEXEI B. NOGRALES

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**AN ACT INSTITUTIONALIZING OCCUPATIONAL HEALTH AND SAFETY OF
WORKERS IN THE CONSTRUCTION INDUSTRY**

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

SECTION 1. TITLE. - This Act shall be known as the "Occupational Safety and Health in the Construction Industry Act".

SECTION 2. Declaration of Policy, - The State shall afford protection and welfare to workers employed in the construction industry and to the general public within and around the immediate vicinity of any construction sites. It shall ensure the promotion of health and safety in the construction industry.

SECTION 3. DEFINITION OF TERMS. - As used in this Act, the Following terms shall mean:

- a.) **"Certified First Aider"** - refers to any person trained and duly certified or qualified to administer first-aid by the Philippine Red Cross (PRC).
- b.) **"Competency Standards"** - refers to industry-determined specifications of competencies required for effective work performance. These are expressed as outcomes, focus on workplace activity rather than training or personal attributes, and capture the ability to apply new skills in new situations and changing work organizations.

- c.) **"Construction safety and health committee"** – means a group tasked with the authority to monitor, inspect and investigate all aspects of the construction project pertaining to health and safety of construction workers.
- d.) **"Construction safety officer"** – refers to any safety personnel tasked by his employer to implement the company's occupational safety and health programs and to ensure that the program is in accordance with the provisions of the Occupational Safety and Health Standards (OSHS).
- e.) **"Construction safety and health program"** – refers to a set of detailed rules to cover the processes and practices that shall be utilized in a specific constructions project site in conformity with the OSHS including the personnel responsible and the penalties for violations thereof.
- f.) **"Construction of Signages"** – refers to any, but not limited to, emergency or danger signs or safety instructions, of standard colors and sizes in accordance with the specifications for standard color of signs for safety instructions and warnings in construction premises.
- g.) **"Constructor"** – refers to any person or organization who undertakes or offers to undertake or purports to have capacity to undertake or submits a bid to, or does himself or by through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffoldings and other structures or works in connection therewith. The term constructor covers the general constructor, subcontractor and specialty contractor.
- h.) **"Construction equipment"**- refers to any machine with an engine or electric motor as prime mover.
- i.) **"General Constructor"**- means a constructor who has general supervision of the work environment, over other constructors in the execution of the project and who directly receives instructions from the owner or construction project manager.

- j.) **“General safety and health inspection”**- refers to inspection of the work environment, including the location and operation of machinery other than those covered by technical safety inspections, adequacy of work space, ventilation, lighting, conditions of work environment, handling, storage or work procedures, protection facilities and other safety and health hazards in the workplace.
- k.) **“Imminent Danger”** – means a condition or practice that could reasonably be expected to cause death or serious physical harm before abatement under the normal enforcement procedure can be accomplished.
- l.) **“Occupational Health Personnel”** – refers to a qualified first-aider, nurse, dentist or physician, engaged by the employer to provide occupational health services in the establishment/undertaking.
- m.) **“Occupational Safety and Health Standards (OSHS)”** – refers to the Occupational Safety and Health and Standards prepared by DOLE as provided for by law in Art. 162 and 165, Chapter 2, Title I of Book Four of the Labor Code of the Philippines.
- n.) **“Owners Representative”**- is a consulting entity (can be a firm, partnership or individual) who reports directly to the Project Owner and coordinates the construction operation by, between and among the General Constructor, Subcontractor, Suppliers and ensures that all is in accordance with the approved plans.
- o.) **“Project Manager”** – means the overall technical personnel of the general constructor and/or the subcontractor in charge of the actual execution of a construction project.
- p.) **“Safety and Health Audit”** – refers to a regular and critical examination of project sites, safety programs, records and management performance on program standards on health and safety.
- q.) **“Safety Personnel”** – refers to any person engaged by any constructor, trained or accredited by DOLE and tasked to implement occupational safety and health programs for the workers/employees in any construction project.

- r.) **"Tool Box Meeting or Gang Meeting"** – refers to daily meetings among workers and their respective supervisor for the purpose of instruction, discussion and proper briefing on the planned work, the assessment of past work, the possibility or actual occurrence of accident at the site, tips and suggestions on how to prevent possible accidents and other related matters.

SECTION 4. DELEGATION OF AUTHORITY AND ACCREDITATION – The authority to enforce mandatory occupational safety and health standards in the construction industry may be delegated in part by the Secretary of Labor and Employment.

SECTION 5. COVERAGE – This Act shall apply to all operations and undertakings in the construction industry and subdivisions, namely, general building construction, general engineering constructions and special trade construction, based on the classification code of the Philippine Contractors Accreditation Board (PCAB) of the Construction Industry Authority of the Philippines (CIAP); to companies and entities involved in demolition works; and to those falling within the construction industry as may be determined by the Secretary of Labor and Employment.

SECTION 6. CONSTRUCTION SAFETY AND HEALTH PROGRAM – Every construction project shall have a suitable Construction Safety and Health Program which must be in accordance with this Act. The owner/developer and the general constructor shall be jointly and solidarily liable for the overall compliance with this Section.

6.1 The Construction Safety and Health Program shall state the following:

- a.) Statement of Commitment to Comply with OSHS requirements;
- b.) General Safety and Health Policy;
- c.) Drug-free and Alcohol-free Work place policy;
- d.) Project Details;
- e.) Composition and Duties of Construction Safety and Health Committee;
- f.) Occupational Health Personnel and Facilities;
- g.) Safety and Health Promotion, Training and Education;
- h.) Toolbox Meetings;
- i.) Accident/incident/illness investigation, Recording and Reporting;
- j.) Personal Protective Equipment;
- k.) Provision on Safety and Signages;
- l.) Control Measures on Construction Activities such as but not limited to temporary structures, lifting and construction operations;
- m.) Workers Welfare Facilities;
- n.) Emergency Preparedness and Response Plan;
- o.) Construction Waste Management System; and
- p.) Penalties and Sanctions

6.2 The Construction Safety and Health Program shall be executed and verified by the Project Manager or in his absence, the Owner's Representatives and shall be submitted to the DOLE which may approve, disapprove or modify the same according to existing laws, rules and regulations and other issuances.

SECTION 7. Construction Safety and Health Committee. To ensure that these rules and the Construction Safety and Health Program are observed and enforced at the project site, each site shall, at the start of the construction, have a construction safety and health committee, the composition of which shall be posted at the entrance of the construction site.

7.1. Composition. The Committee shall be composed of the following:

- a.) Project manager or Owner's Representatives as the Chairperson ex officio
- b.) Construction Safety Officer of the Chairperson as the Secretary of the Committee;
- c.) Construction Safety Officer representing each constructor, as the case may be;
- d.) Physicians, Nurses, Certified First-Aider and Dentist who shall be members ex officio; and
- e.) Workers Representatives.

The persons constituting the Safety and Health Committee, shall as far as practicable be found at the construction site whenever construction work is being undertaken.

7.2. Duties of the Construction Safety and Health Committee:

The Committee members shall always be present at the construction site and shall convene at regular intervals to effectively plan, develop, oversee, and monitor the implementation of the Construction Safety and Health Program.

SECTION 8. PERSONAL PROTECTIVE EQUIPMENT (PPE) – Every employer shall provide protective equipment, free of charge to the workers, for eyes, face, hands and feet, lifeline, safety belt/harness and protective shields whenever necessary by reason of the hazardous work process or environment, chemical, radiological, mechanical and other irritants or hazards capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact. The cost of PPE shall be part of construction safety and health program which is a separate pay item pursuant to Section 18 of this Act.

All PPE shall be of the appropriate type as tested and approved by the DOLE based on its standards. The usage of PPE in any construction site shall be based on the evaluation and recommendation of the safety officer.

SECTION 9. CONSTRUCTION SAFETY OFFICER. – To ensure that a Construction Safety and Health Program is duly followed and enforced at the construction project site, each construction project site is required to have a full time Construction Safety Officer.

9.1 The General Constructor must provide for a full time Construction Safety Officer who shall:

- (a) Oversee the overall management of the Construction Safety and Health Program;
- (b) Frequently monitor and inspect any health and safety aspect of the construction work being undertaken;
- (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 accident investigation; and
- (d) Issue work stoppage order when necessary.

9.2 The General Constructor must provide for additional Construction Safety Officer/s depending on the total number of personnel, construction equipment and work area assigned to the construction project site, to oversee the effective compliance with the Construction Safety and Health Program at the site.

9.3 Each subcontractor must provide for a representative who shall have the same qualification as a Construction Safety Officer, to oversee the management of the Construction Safety and Health Program for the subcontractor's work force and the specific areas of work operations.

All full time Construction Safety Officer/s who will be employed shall be accredited by the Department of Labor and Employment (DOLE).

SECTION 10. OCCUPATIONAL HEALTH PERSONNEL AND FACILITIES. – The General Constructor shall provide qualified occupational health personnel within the work site duly complemented with the required medical supplies, equipment and facilities, based on the total number of workers on site.

SECTION 11. CONSTRUCTION SAFETY SIGNAGES AND DEVICES. - Construction safety signages and devices must be provided to warn the workers and the public of hazards in the workplace. Signages and devices shall be posted in prominent positions at strategic locations in a language understandable to all and in accordance with the standards set by the DOLE.

SECTION 12. SAFETY ON CONSTRUCTION EQUIPMENT. – In relation to construction equipment operation in the construction sites, all constructors must comply with the DOLE requirements in the different phases of the project including the transport to and from the project site.

SECTION 13. SAFETY AND HEALTH INFORMATION –

- 13.1. All personnel should adequately and suitably be informed of potential Safety and Health hazards and the appropriate measures required for the prevention, control and protection against those hazards.
- 13.2. A tool box meeting shall be conducted by the supervisor or the designated leader of the workgroup before commencing the assigned tasks for the day.

SECTION 14. CONSTRUCTION SAFETY AND HEALTH TRAINING. –

- a.) All construction safety personnel shall undergo the mandatory forty (40) hour training on Basic Occupational Safety and Health for construction safety officer as prescribed by the DOLE.
- b.) All occupational health personnel shall undergo the minimum safety and health training as prescribed by the DOLE.
- c.) All site personnel shall undergo the mandatory one (1) day (eight hours) safety and health orientation/seminar as required by DOLE, and as a pre-requisite for the issuance of construction competency registry card by the CIAP.
- d.) Specialized instruction and training should be given to all personnel engaged in, but not limited to the operation, erection and dismantling of construction equipment and scaffolds, structural erections, excavations, blasting operations, demolition, confined spaces, hazardous chemicals and other critical activities.

SECTION 15. CONSTRUCTION SAFETY AND HEALTH REPORTS.

- a.) All constructors shall be required to submit all reports and notifications prescribed by the DOLE.
- b.) All hospitals/clinics shall be required to submit all reports in construction related injuries to DOLE.

SECTION 16. CONSTRUCTION WORKERS COMPETENCY CERTIFICATION. -

In order to professionalize, upgrade and update the level of competence of construction workers, the Technical Education and Skill Development Authority (TESDA) shall establish national competency standards and prepare guidelines on competency assessment and certification for critical construction occupations. In this regard, all construction workers in critical occupations shall undergo the mandatory competency assessment and certification by TESDA.

An occupation shall be considered critical:

- a.) when the performance of a job affects the people's lives and limbs;
- b.) when the job involves the handling of tools, equipment and supplies;
- c.) when the job requires a relatively long period of education and training;
and
- d.) when the performance of the job may compromise the safety, health and environment concerns within the immediate vicinity of the construction site.

SECTION 17. WORKER'S WELFARE FACILITIES.- The employer shall provide the following welfare facilities in order to ensure humane working conditions:

- a.) Adequate supply of safety drinking water;
- b.) Adequate sanitary and washing facilities;
- c.) Suitable living accommodation for workers, as may be applicable; and
- d.) Separate sanitary, washing and sleeping facilities for men and women worker, as may be applicable.

SECTION 18. COST OF CONSTRUCTION SAFETY AND HEALTH PROGRAM. - The total cost of implementing a duly approved construction safety and health program shall be a mandatory and integral part of the project's construction cost as a separate pay item, duly quantified and reflected in the Project's Tender Documents and Project's Construction Contract Documents.

SECTION 19. IMPLEMENTING RULES AND REGULATIONS. - The DOLE shall promulgate the necessary rules and regulations necessary for the effective implementation of this Act, within sixty (60) day from its effectivity.

SECTION 20. VISITORIAL POWER OF THE SECRETARY.- Pursuant to Article 128 of the Labor Code, as amended and other applicable laws, the Secretary or his/her authorized representative shall have the authority to enforce mandatory occupational safety and health standards in the construction industry. As such, they can enter workplaces at any time of day and night where construction is actually performed, to examine records and investigate facts, conditions or matters necessary to determine if there is violation or conformity with the provisions of this Act. In cases when non-compliance poses grave and imminent danger to the health and safety of workers in the workplace, the Secretary or his/her authorized representative may likewise order suspension of operation or work stoppage of any unit or department of an establishment.

SECTION 21. PENALTY CLAUSE. - It shall be unlawful for any person to obstruct, impede or otherwise refuse entry to the Secretary or his/her authorized representatives in the exercise of the Secretary's visitorial power shall be administratively fined in the amount of Php. 100,000.00 per day until the obstruction, impediment or refusal has ceased, without prejudice to the filing of criminal and civil actions.

Any other violation or non-compliance with any provision of this Act, shall be punishable by:

First offense: A fine of One Hundred Thousand Pesos (P100, 000.00);

Second offense: A fine of Three Hundred Thousand Pesos (P300, 000.00);

Third offense: A fine of Five Hundred Thousand Pesos (P500, 000.00),

or

cancellation of PICAB license, or both depending on the gravity of the damage incurred

Provided further that any act declared herein as unlawful shall be punishable with imprisonment of four (4) years to six (6) years at the discretion of the courts.

SECTION 21. SEPARABILITY CLAUSE. – If any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

SECTION 22. REPEALING CLAUSE. – All other laws, decrees, orders, issuance, rules and regulations that are inconsistent with provision of this Act are hereby repealed, amended or modified accordingly.

SECTION 23. EFFECTIVITY. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation, whichever comes first.

Approved.