

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



SIXTEENTH CONGRESS
Second Regular Session

House Bill No. 4909

Introduced by Kabataan Party-List Representative Terry L. Ridon

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 this 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 profit.

Despite constant demands for the junking of DO 57-04, DOLE has persistently allowed such practice to continue, under 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 minimum liability while maximizing exploitation and profit by violating the standards that the government should 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 these lines that the immediate approval of this bill, which was first filed by former Kabataan Rep. Raymond Palatino in the 15th Congress, is earnestly sought.



HON. TERRY L. RIDON
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. 422, 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
4 and health regulations are implemented and complied with accordingly.

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

8 Art. 128. Visitorial and Enforcement Power. - (a) The Secretary of Labor or his
9 duly authorized representatives, including labor regulation officers, shall have
10 access to employer's records and premises at any time of the day or night
11 whenever work is being undertaken therein, and the right to copy therefrom, to
12 question any employee and investigate any fact, condition or matter which may
13 be necessary to determine violations or which may aid in the enforcement of this
14 Code and of any labor law, wage order or rules and regulations issued pursuant
15 thereto. **THE SECRETARY OF LABOR SHALL NOT DELEGATE THE TASK**
16 **OF INSPECTION UNDER HIS VISITORIAL AND ENFORCEMENT POWER**
17 **TO EMPLOYERS THROUGH MODES OF SELF-ASSESSMENT AND SELF**
18 **INSPECTION**

19 **SECTION 3.** *Amendments to Art. 165 of PD 442* - Art. 165 of PD 442 is hereby
20 amended to read as follows:

21 Art. 165. Administration of Safety and Health Laws. - (a) The Department of
22 labor shall be solely responsible for the administration and enforcement of
23 occupational safety and health laws, regulations and standards in all
24 establishments and workplaces whenever they may be located; however,
25 chartered cities may be allowed to conduct industrial safety inspections of

1 establishments within their respective jurisdictions where they have adequate
2 facilities and competent personnel for the purpose as determined by the
3 Department of Labor and subject to national standards established by the latter.
4 **NOTWITHSTANDING SUCH DELEGATION, THE DEPARTMENT OF**
5 **LABOR SHALL NOT FURTHER DELEGATE THE TASK OF ENSURING**
6 **COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH**
7 **STANDARDS TO EMPLOYERS THROUGH MODES SUCH AS SELF-**
8 **ASSESSMENT AND SELF-INSPECTION, AND SHALL THUS STRICTLY**
9 **ENFORCE COMPLIANCE WITH SUCH OCCUPATIONAL SAFETY AND**
10 **HEALTH STANDARDS THROUGH THE VISITORIAL AND ENFORCEMENT**
11 **POWER OF THE SECRETARY OF LABOR AND HIS AUTHORIZED**
12 **REPRESENTATIVES AND AGENTS**

13 **SECTION 4. *Repealing Clause.*** - All laws, presidential decrees, executive orders,
14 rules and regulations or parts thereof which are inconsistent with the provisions of this
15 Act are hereby repealed or modified accordingly.

16 **SECTION 5. *Separability Clause.***- If any part or provision of this Act shall be held
17 unconstitutional or invalid, other provisions hereof which are not affected shall
18 continue in full force and effect.

19 **SECTION 6. *Effectively*** - This Act shall take effect fifteen (15) days after its publication
20 in two (2) national newspaper of general circulation.

Adopted,