

TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 9899

Introduced by Rep. CARMELO G. LAZATIN, JR.

AN ACT

IMPOSING CRIMINAL PENALTIES FOR VIOLATIONS OF OCCUPATIONAL SAFETY AND HEALTH STANDARDS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 11058 OTHERWISE KNOWN AS “AN ACT STRENGTHENING COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH STANDARDS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF”

EXPLANATORY NOTE

Occupational accidents, injuries and deaths are tragic reflections of how safety and health standards here in the country are often taken for granted and the welfare of workers is sacrificed in the favor of economic gains.

The 1987 Philippine Constitution declares labor as a primary social economic force, and mandates the State to protect the rights of workers and promote their welfare. Pursuant to this, Republic Act No. 11058, otherwise known as “An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations Thereof” was enacted to strengthen compliance with occupational safety and health standards, and to provide penalties for violation thereof, including the imposition of administrative fines for willful non-compliance with occupational and health standards (OSH) and compliance orders.

Under the law and its implementing rules, daily administrative fines may be imposed until correction of the violation, and separate administrative fines may likewise be imposed for violations that expose or result in death, serious injury, or serious illness, and for obstruction, misrepresentation, or retaliation; these are expressly without prejudice to the filing of criminal or civil cases in the regular courts, as applicable.

However, despite these measures, serious workplace hazards and willful disregard of OSH requirements persist, particularly in high-risk industries. While administrative fines are essential to ensure immediate correction and compliance, the State likewise has a strong interest to define and penalize grave and willful violations that expose workers to grave and imminent danger or result in injury or death so as to strengthen deterrence and accountability.

The 2021/2022 Integrated Survey on Labor and Employment covering establishments employing at least 20 workers showed that there was a decline in work-related accidents by 36.3% or 3,322 establishment out of 36,342 in 2021 as compared to the 10.9% or 4,186 out of 38,305 recorded in 2019.¹

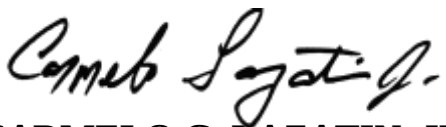
The same survey also noted that the total occurrences of occupational accidents have decreased by 32.4% or 27,636 cases from the 2019 record of 40,892.

Despite these, workplace risks remain significant and compliance gaps continue to exist. Many establishments, employers, contractors and sub-contractors still remain lax in terms of compliance to occupational safety and health standards.

In fact, according to the Department of Labor and Employment's (DOLE) Bureau of Working Conditions (BWC) 52 out of 95 or 55% of the constructions projects that it inspected covering the period of August 1 to 15, 2023 in Metro Manila were found to have violated basic occupational safety and health standards.²

Among the top violations were lack of personal protective equipment (PPE) for workers that include safety shoes, helmets, harnesses, gloves, and goggles. If there were PPE, these were found to be inadequate or incorrectly used.³ There were also no designated OSHS personnel such as safety officers and first aiders, no safety and health committee, no mandatory OSHS training for workers and no copy of the construction safety and health program in the workplace.

It is high time that the government adopt measures that criminalize grave and willful violations of occupational safety and health standards to reinforce compliance and protect the welfare of the worker. Hence, the approval of this bill is earnestly sought.


CARMELO G. LAZATIN, JR.

¹Highlights of the 2021/2022 Integrated Survey on Labor and Employment: Module on Occupational Injuries and Diseases: 2021, Available at <https://psa.gov.ph/content/highlights-20212022-integrated-survey-labor-and-employment-module-occupational-injuries-and>

² Enforce law on workers' safety. Available at <https://opinion.inquirer.net/165763/enforce-law-on-workers-safety>

³Ibid.



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE BILL NO. 9899

Introduced by Rep. CARMELO G. LAZATIN, JR.

AN ACT
IMPOSING CRIMINAL PENALTIES FOR VIOLATIONS OF OCCUPATIONAL
SAFETY AND HEALTH STANDARDS, AMENDING FOR THE PURPOSE REPUBLIC
ACT NO. 11058 OTHERWISE KNOWN AS “AN ACT STRENGTHENING
COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH STANDARDS AND
PROVIDING PENALTIES FOR VIOLATIONS THEREOF”

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

1 *Section 1.* – Section 14 of Republic Act No. 11058, is hereby amended to read as follows:

2
3 *“Section 14. Safety Officer.* -To ensure that a safety and health program is duly followed
4 and enforced, covered workplaces shall have safety officers who shall:

5
6 XXX

7
8 (b) Frequently monitor and inspect any health or safety aspect of the operation
9 being undertaken, which shall be conducted at least once every month, and more
10 often as necessary.

11
12 XXX

13
14 (d) Issue a Work Stoppage Order and immediately implement the stop-work
15 measure when an imminent danger exists in the workplace, and immediately notify

1 the DOLE thereof, in accordance with applicable OSH standards and
2 rules; *Provided*, That nothing herein shall limit the authority of the Secretary of
3 Labor and Employment or his/her authorized representatives to order stoppage of
4 work or suspension of operations when noncompliance poses grave and imminent
5 danger to the health and safety of workers.”
6
7

8 Section 2. – Section 25 of Republic Act No. 11058 is hereby amended to read as follows:
9

10 “Section 25. *Standards Setting Power of the Secretary of Labor and Employment.* - The
11 Secretary of Labor and Employment shall, in consultation with the other concerned
12 government agencies and relevant stakeholders, by appropriate orders, set and enforce
13 mandatory OSH standards to eliminate or reduce occupational safety and health hazards
14 depending on the number of employees of the establishment, the nature of its business
15 operations, and the risk or hazard involved.
16

17 The Secretary shall also institute new, and update existing programs at least **EVERY**
18 **THREE (3) YEARS, or as maybe necessary**, to ensure safe and healthy working
19 conditions in all workplaces especially in hazardous industries such as mining, fishing,
20 construction, and the maritime industry.”
21

22 Section 3. – Section 28 of Republic Act No. 11058 is hereby amended to read as follows:
23

24 “Section 28. *Prohibited Acts.* The following are considered as prohibited acts:

25 (a) Willful failure or refusal of an employer, **contractor** or **subcontractor** to comply
26 with the required OSH standards or with a compliance order issued by the Secretary of
27 Labor and Employment or by the Secretary's authorized representative shall make such
28 employer, contractor or subcontractor liable for an administrative fine not exceeding
29 **TWO HUNDRED THOUSAND PESOS (P200,000.00)** per day until the violation is
30 corrected, counted from the date the employer or contractor is notified of the violation or
31 the date the compliance order is duly served on the employer. The amount of fine
32 imposed shall depend on the frequency or gravity of the violation committed or the
33 damage caused: *Provide, however*, That the maximum amount shall be imposed only
34 when the violation exposes the workers to a risk of death, serious injury or serious illness.

35 (b) An employer, contractor or subcontractor who willfully fails or refuses to comply
36 with the required OSH standards or with a duly issued compliance order, and engages in
37 any of the following acts to aid, conceal or facilitate such noncompliance **THAT**
38 **EXPOSES WORKERS TO GRAVE AND IMMINENT DANGER WHICH MAY**
39 **RESULT IN DEATH, INJURY, SERIOUS ILLNESS OR SERIOUS ACCIDENTS**
40 shall be liable for a maximum of **TWO HUNDRED THOUSAND PESOS**
41 **(P200,000.00)** administrative fine separate from the daily fine imposed above **OR AN**
42 **IMPRISONMENT OF NOT LESS THAN ONE (1) YEAR AND ONE (1) DAY**

BUT NOT MORE THAN TWO (2) YEARS, OR BOTH, AT THE DISCRETION OF THE COURT.

(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 the DOLE to be false in any material aspect;

(3) Making retaliatory measures such as termination of employment, refusal to pay, reducing wages and benefits or in any manner discriminates against any workers who has given information relative to the inspection being conducted.

(4) WILLFUL FAILURE TO CONDUCT MANDATORY TRAINING ON BASIC OCCUPATIONAL SAFETY AND HEALTH FOR SAFETY OFFICERS AS PRESCRIBED BY DOLE.

(5) WILLFUL FAILURE TO CONDUCT MANDATORY EIGHT (8) HOURS SEMINARS REQUIRED BY DOLE FOR ALL WORKERS.

(6) WILLFUL FAILURE TO PROVIDE SPECIALIZED INSTRUCTION AND TRAINING FOR ALL PERSONNEL ENGAGED IN THE CONSTRUCTION INDUSTRY.

(7) WILLFUL FAILURE TO PROVIDE ADEQUATE FACILITIES AND SUPPLIES FOR WORKERS;

(8) DELIBERATE DEPLOYMENT AND USE OF DEVICES AND EQUIPMENT THAT ARE NOT CERTIFIED SAFE FOR THE TASK / PROJECT.

(9) WILLFUL FAILURE OR REFUSAL TO ESTABLISH AND DESIGNATE FIRST AIDERS AND SAFETY OFFICERS.

AN EMPLOYER, CONTRACTOR, OR SUBCONTRACTOR SHALL BE PUNISHED, FOR EVERY RESULTING INJURY OF AN EMPLOYEE DUE TO WILLFUL VIOLATIONS STATED ABOVE, WITH A FINE OF NOT LESS THAN THREE HUNDRED THOUSAND PESOS (P300,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (500,000.00).

IF ANY WILLFUL VIOLATION UNDER PARAGRAPH (B) ABOVE RESULTS IN DEATH OF THE EMPLOYEE, THE EMPLOYER, CONTRACTOR AND SUBCONTRACTOR SHALL BE PUNISHED, FOR EVERY RESULTING DEATH, WITH A FINE OF NOT LESS THAN ONE MILLION (1,000,000.00) BUT NOT MORE THAN THREE MILLION PESOS (P3,000,000.00) OR AN IMPRISONMENT OF NOT LESS THAN ONE (1) YEAR AND ONE (1) DAY

1 **BUT NOT MORE THAN FIVE (5) YEARS OR BOTH AT THE DISCRETION OF**
2 **THE COURT.**

3 **WHEN THE OFFENDER IS A CORPORATION, PARTNERSHIP,**
4 **ASSOCIATION, OR OTHER JURIDICAL ENTITY, THE PENALTY SHALL BE**
5 **IMPOSED UPON THE OFFICERS WHO KNOWINGLY AUTHORIZED,**
6 **TOLERATED, OR THROUGH GROSS NEGLIGENCE FAILED TO PREVENT THE**
7 **COMMISSION OF THE PROHIBITED ACT, WITHOUT PREJUDICE TO THE**
8 **LIABILITY OF THE JURIDICAL ENTITY FOR THE PAYMENT OF**
9 **ADMINISTRATIVE FINES.**

10 **THE IMPOSITION OF ADMINISTRATIVE FINES UNDER THIS SECTION**
11 **SHALL BE WITHOUT PREJUDICE TO THE FILING OF A CRIMINAL OR**
12 **CIVIL CASE IN THE APPROPRIATE COURT, AS APPLICABLE.”**

13 *Section 4. – Implementing Rules and Regulations. –* Within ninety (90) days from the effectivity
14 of this Act, the DOLE, shall promulgate the implementing rules and regulations to effectively
15 carry out the provisions of this Act.

16
17 *Section 5. Separability Clause. –* If any provision of this Act is declared unconstitutional or
18 invalid, the other provisions not affected thereby shall remain in full force and effect.

19
20 *Section 6. Repealing Clause. –* All laws, decrees, orders, rules and regulations, or parts thereof,
21 which are inconsistent with the provisions of this Act are hereby repealed or modified
22 accordingly.

23
24 *Section 7. Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in
25 the Official Gazette or in a newspaper of general circulation.

26
27 Approved,
28