



HOUSE OF REPRESENTATIVES

H. No. 10559

BY REPRESENTATIVES FUENTEBELLA, ELAGO, TINIO, CO, REVILLA (R.J.), DY (F.), MARCOS, REMULLA, LEGACION, VALERIANO, ROQUE, BAUTISTA (J.M.), LEGAZPI, BANCORO, SAN FERNANDO, MOMO, YATCO, CENDAÑA, LOPEZ, DIOKNO, OAMINAL (H.), CRUZADO, DE JESUS, BAG-AO, SANTOS (M.A.), DALOG, REVILLA (B.), ORDANES, PRIMICIAS-AGABAS, MERCADO-REVILLA, EMANO, SAGARBARRIA, LAGMAN, ROMULO, GONZALES (C.S.), GALEOS, CAGAS, MONTES, BAUTISTA-LIM, BENITEZ (J.M.), MATIBAG AND MASTURA

AN ACT

STRENGTHENING OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY INTEGRATING CLIMATE-ADAPTIVE MEASURES AND PENALIZING GROSS VIOLATIONS THEREOF, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 11058, OTHERWISE KNOWN AS THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS LAW, AND ARTICLE 169 OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED

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

SECTION 1. Section 12 of Republic Act (R.A.) No. 11058, otherwise known as the Occupational Safety and Health Standards (OSH) Law, is hereby amended to read as follows:

"SEC. 12. Occupational Safety and Health (OSH) Program. – Covered workplaces shall have a safety and health program including the following policies, guidelines, or information:

- (a) Statement of commitment to comply with OSH requirements;
- (b) General safety and health, including a drug-free workplace;
- (c) Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS)/tuberculosis/hepatitis prevention and control;

- (d) Company or project details;
- (e) Composition and duties of the safety and health committee;
- (f) Occupational safety and health personnel and facilities;
- (g) Safety and health promotion, training and education;
- (h) Conduct of toolbox meetings;
- (i) Accident/incident/illness investigation, recording and reporting;
- (j) Provision and use of PPE;
- (k) Provision of safety signage;
- (l) Dust control and management, and regulations on activities such as building of temporary structures, and lifting and operation of electrical, mechanical, communications systems and other equipment;
- (m) Provision of workers' welfare facilities;
- (n) Emergency preparedness and response plan;
- (o) Waste management system; and
- (p) Prohibited acts and penalties for violations.

THE OSH PROGRAM SHALL EXPRESSLY INCORPORATE CLIMATE-ADAPTIVE MEASURES, INCLUDING:

- (1) IDENTIFICATION AND ASSESSMENT OF CLIMATE-RELATED AND ENVIRONMENTAL HAZARDS AFFECTING WORKERS;**
- (2) ADJUSTMENT OF WORK ARRANGEMENTS, SCHEDULES, OR WORK CYCLES TO REDUCE EXPOSURE TO CLIMATE-RELATED RISKS;**
- (3) PREVENTIVE, MITIGATING, AND PREPAREDNESS MEASURES TO ADDRESS HEAT STRESS, EXTREME WEATHER EVENTS, AND OTHER CLIMATE-RELATED HAZARDS;**
- (4) DOCUMENTATION, REPORTING, AND MONITORING OF CLIMATE-RELATED OCCUPATIONAL RISKS AND INCIDENTS; AND**
- (5) APPROPRIATE ARRANGEMENTS FOR WORKERS WHO ARE PARTICULARLY AFFECTED OR VULNERABLE TO CLIMATE-RELATED HAZARDS.**

The safety and health program shall be prepared and executed by the employer, contractor or subcontractor, if any, in consultation with the workers and their representatives, and shall be submitted to the DOLE which shall approve, disapprove or modify the same according to existing laws, rules and regulations, and other issuances.

1 The approved safety and health program shall be communicated and be
2 made readily available to all persons in the workplace.”

3
4 **SEC. 2.** Section 28 of R.A. No. 11058, otherwise known as the OSH Law, is
5 hereby amended to read as follows:

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7 “SEC. 28. *Prohibited Acts AND PENALTIES.* – The following are
8 considered as prohibited acts:

9
10 (a) Willful failure or refusal of an employer, contractor, or subcontractor
11 to comply with the required OSH standards or with a compliance order issued
12 by the Secretary of Labor and Employment or by the Secretary’s authorized
13 representative shall make such employer, contractor or subcontractor liable for
14 an administrative fine not exceeding One hundred thousand pesos
15 (P100,000.00) per day until the violation is corrected, counted from the date the
16 employer or contractor is notified of the violation or the date the compliance
17 order is duly served on the employer. The amount of fine imposed shall depend
18 on the frequency or gravity of the violation committed or the damage caused:
19 *Provided, however,* That the maximum amount shall be imposed [only] when
20 the violation exposes the workers to a risk of death, serious injury, or serious
21 illness.

22
23 (b) An employer, contractor, or subcontractor who willfully fails or refuses
24 to comply with the required OSH standards or with a duly issued compliance
25 order, and engages in any of the following acts to aid, conceal, or facilitate such
26 non-compliance, shall be liable for a maximum of [One] **THREE** hundred
27 thousand pesos [(P100,000.00)] **(P300,000.00)** administrative fine separate
28 from the daily fine imposed above[:] **OR IMPRISONMENT OF NOT LESS**
29 **THAN ONE (1) YEAR AND ONE (1) DAY BUT NOT MORE THAN THREE (3)**
30 **YEARS, OR BOTH, AT THE DISCRETION OF THE COURT:**

31
32 (1) Repeated obstruction, delay or refusal to provide the Secretary of
33 Labor and Employment or any of its authorized representatives access
34 to the covered workplace or refusal to provide or allow access to relevant
35 records and documents or obstruct the conduct of investigation of any
36 fact necessary in determining compliance with OSH standards;

37
38 (2) Misrepresentation in relation to adherence to OSH standards,
39 knowing such statement, report or record submitted to the DOLE to be
40 false in any material aspect;

41
42 (3) Making retaliatory measures such as termination of employment,
43 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.

(C) ANY WILLFUL OR GROSSLY NEGLIGENT VIOLATION OF OSH STANDARDS WHICH EXPOSES WORKERS TO A RISK OF DEATH, SERIOUS INJURY, OR SERIOUS ILLNESS SHALL CONSTITUTE A GROSS VIOLATION.

GROSS VIOLATIONS MAY INCLUDE THE FOLLOWING:

(1) FAILURE TO COMPLY WITH A COMPLIANCE ORDER ISSUED BY THE SECRETARY OF LABOR AND EMPLOYMENT OR THE SECRETARY'S AUTHORIZED REPRESENTATIVES BASED ON FINDINGS OF VIOLATIONS;

(2) WILLFUL FAILURE OR NEGLIGENCE IN CONDUCTING MANDATORY WORKERS' TRAINING, INCLUDING JOB SAFETY ORIENTATION PRIOR TO WORK, FIRST AID TRAINING, AND MANDATORY OSH TRAINING FOR SAFETY OFFICERS AND HEALTH PERSONNEL;

(3) DELIBERATE DEPLOYMENT OR USE OF DEVICES, MACHINERY, OR EQUIPMENT NOT CERTIFIED OR APPROVED AS SAFE FOR THE TASK;

(4) REFUSAL OR FAILURE TO ENSURE THE ADEQUATE PROVISION OF PERSONAL PROTECTIVE EQUIPMENT TO WORKERS;

(5) FAILURE TO REPORT WORKPLACE ACCIDENTS, INJURIES, OR DEATHS WITHIN TWENTY-FOUR (24) HOURS FROM THE OCCURRENCE THEREOF;

(6) FAILURE TO PROVIDE WORKERS WITH INFORMATION ON WORKPLACE HAZARDS AND RISKS AS REQUIRED UNDER SECTION 11 OF THIS ACT;

(7) WILLFUL FAILURE OR REFUSAL TO ESTABLISH A MANDATORY OSH COMMITTEE;

(8) WILLFUL FAILURE OR REFUSAL TO DESIGNATE QUALIFIED FIRST AIDERS AND SAFETY OFFICERS; AND

(9) FAILURE TO SECURE A REQUIRED FIRE SAFETY CERTIFICATE.

(D) IN ADDITION TO ADMINISTRATIVE FINES IMPOSED UNDER PARAGRAPHS (A) AND (B):

(1) IF A GROSS VIOLATION RESULTS IN INJURY TO A WORKER, THE EMPLOYER, CONTRACTOR, OR SUBCONTRACTOR SHALL, FOR EACH RESULTING INJURY, BE PUNISHED BY A FINE OF NOT LESS THAN THREE HUNDRED THOUSAND PESOS (P300,000.00) BUT NOT MORE THAN FIVE

1 HUNDRED THOUSAND PESOS (P500,000.00), OR IMPRISONMENT
2 OF NOT LESS THAN ONE (1) YEAR AND ONE (1) DAY BUT NOT
3 MORE THAN SIX (6) YEARS, OR BOTH, AT THE DISCRETION OF
4 THE COURT;

5
6 (2) IF A GROSS VIOLATION RESULTS IN DEATH, THE
7 EMPLOYER, CONTRACTOR, OR SUBCONTRACTOR SHALL, FOR
8 EACH RESULTING DEATH, BE PUNISHED BY A FINE OF NOT LESS
9 THAN ONE MILLION PESOS (P1,000,000.00) BUT NOT MORE THAN
10 THREE MILLION PESOS (P3,000,000.00), OR IMPRISONMENT OF
11 NOT LESS THAN SIX (6) YEARS AND ONE (1) DAY BUT NOT MORE
12 THAN TWELVE (12) YEARS, OR BOTH, AT THE DISCRETION OF
13 THE COURT.

14
15 (E) CORPORATE AND SOLIDARY LIABILITY; NON-WAIVABILITY.
16 WHERE THE VIOLATION IS COMMITTED BY A JURIDICAL ENTITY, THE
17 RESPONSIBLE OFFICERS WHO PARTICIPATED IN, CONSENTED TO, OR
18 KNOWINGLY TOLERATED THE COMMISSION OF THE VIOLATION SHALL
19 BE HELD CRIMINALLY LIABLE. NO WAIVER, AFFIDAVIT OF
20 DESISTANCE, COMPROMISE, OR SETTLEMENT SHALL BAR THE FILING
21 OR CONTINUATION OF ADMINISTRATIVE, CIVIL, OR CRIMINAL ACTIONS
22 UNDER THIS ACT.

23
24 For this purpose, the Secretary of Labor and Employment, in
25 consultation with relevant stakeholders, shall issue a list of offenses with
26 corresponding reasonable administrative fines depending on the severity,
27 frequency and damage caused without prejudice to the filing of a criminal or a
28 civil case in the regular courts, as the case may be.

29
30 The fine collected shall be used for the operation of occupational safety
31 and health initiatives, including occupational safety and health training and
32 education and other occupational safety and health programs.”

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34 **SEC. 3.** Article 169 of Presidential Decree No. 442, otherwise known as the
35 Labor Code of the Philippines, as amended, is hereby further amended to read as
36 follows:

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38 “ART. 169. Research. – It shall be the responsibility of the Department of
39 Labor and Employment to conduct continuing studies and research to develop
40 innovative methods, techniques, and approaches for dealing with occupational
41 safety and health [problems; to discover] **CONCERN, INCLUDING THE**
42 **IDENTIFICATION OF** latent diseases [by establishing causal connections
43 between diseases and work in] **AND EMERGING HAZARDS ASSOCIATED**
44 **WITH WORK UNDER EVOLVING** environmental **AND CLIMATIC** conditions
45 [;] , **TO SUPPORT EVIDENCE-BASED OCCUPATIONAL SAFETY AND**
46 **HEALTH POLICIES,** and to develop **ADAPTIVE** medical **AND**

1 **OCCUPATIONAL** criteria which will [assure], insofar as practicable, **ENSURE**
2 that no employee [will suffer] **SUFFERS** impairment or diminution in health,
3 functional capacity, or life expectancy as a result of [his] work and working
4 conditions.”

5
6 **SEC. 4.** Within ninety (90) days from the effectivity of this Act, the Department
7 of Labor and Employment shall, in coordination with the Department of Health, the
8 Climate Change Commission, the Department of the Interior and Local Government,
9 and other concerned agencies, promulgate the necessary rules and regulations for the
10 effective implementation of this Act.

11
12 **SEC. 5.** If any provision of this Act is declared unconstitutional or invalid, the
13 other provisions not affected thereby shall remain in full force and effect.

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15 **SEC. 6.** All laws, decrees, executive orders, rules and regulations, or parts
16 thereof inconsistent with this Act are hereby repealed or modified accordingly.

17
18 **SEC. 7.** This Act shall take effect fifteen (15) days after its publication in the
19 *Official Gazette* or in a newspaper of general circulation.

Approved,