

**[ REPUBLIC ACT NO. 11058, August 17, 2018 ]**

**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:*

CHAPTER I

DECLARATION OF POLICY

SECTION 1. *Declaration of Policy.* - The State affirms labor as a primary social and economic force, and that a safe and healthy workforce is an integral aspect of nation building.

The State shall ensure a safe and healthful workplace for all working people by affording them full protection against all hazards in their work environment. It shall ensure that the provisions of the Labor Code of the Philippines, all domestic laws, and internationally-recognized standards on occupational safety and health are being fully enforced and complied with by the employers, and it shall provide penalties for any violation thereof.

The State shall protect every worker against injury, sickness or death through safe and healthful working conditions thereby assuring the conservation of valuable manpower resources and the prevention of loss or damage to lives and properties consistent with national development goals, and with the State's commitment to the total development of every worker as a complete human being.

The State, in protecting the safety and health of the workers, shall promote strict but dynamic, inclusive, and gender-sensitive measures in the formulation and implementation of policies and programs related to occupational safety and health.

CHAPTER II

GENERAL PROVISIONS

SEC. 2. *Coverage.* - This Act shall apply to all establishments, projects, sites, including Philippine Economic Zone Authority (PEZA) establishments, and all other places where work is being undertaken in all branches of economic activity, except in the public sector.

The Secretary of Labor and Employment shall issue the appropriate standards of occupational and health based on the number of employees, nature of operations, and the risk or hazard involved.

SEC. 3. *Definition of Terms.* - As used in this Act:

(a) *Certified first-aider* refers to any person trained and duly certified to administer first aid by the Philippine Red Cross or any organization authorized by the Secretary of Labor and Employment;

(b) *Competency standards* refer to industry-determined specification of proficiency required for effective work performance. These are expressed as outcomes with focus on workplace activity rather than training or personal attributes, and the ability to apply new skills in new situations or changing work organization;

(c) *Covered workplaces* refer to establishments, projects, sites and all other places where work is being undertaken wherein the number of employees, nature of operations, and risk or hazard involved in the business, as determined by the Secretary of Labor and Employment, require compliance with the provisions of this Act;

(d) *Employer* refers to any person, natural or juridical, including the principal employer, contractor or subcontractor, if any, who directly or indirectly benefits from the services of the employee;

(e) *Equipment* refers to any machine with engine or electric motor as prime mover;

(f) *General safety and health inspection* refers to an examination of the work environment including the location and operation of machinery other than those covered by technical safety audits, adequacy of work space, ventilation, lighting, conditions of work environment, handling, storage or work procedures, protection facilities and other possible sources of safety and health hazards in the workplace;

(g) *Imminent danger* refers to a situation caused by a condition or practice in any place of employment that could reasonably be expected to lead to death or serious physical harm;

(h) *Micro and Small Enterprises (MSEs)* refer to establishments employing less than ten (10) employees, and establishments employing less than one hundred (100) employees, respectively;

(i) *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, project, site or workplace.

(j) *Occupational Safety and Health (OSH) standards* refer to the Occupational Safety and Health Standards issued by the Secretary of Labor and Employment pursuant to Articles 168 and 171, Chapter 2, Title I of Book Four of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, and such other standards as may be issued pursuant to this Act;

(k) *Safety and health audit* refers to a regular and critical examination of project sites, safety programs, records, and management performance on program standards on safety and health;

(l) *Safety and health committee* refers to a body created within the workplace tasked with the authority to monitor, inspect and investigate all aspects of the work pertaining to the safety and health of workers;

(m) *Safety and health program* refers to a set of detailed rules to govern the processes and practices in all economic activities to conform with OSH standards, including the personnel responsible, and penalties for any violation thereof;

(n) *Safety officer* refers to any employees or officer of the company trained by the Department of Labor and Employment (DOLE) and tasked by the employer to implement an occupational safety and health program, and ensure that it is in accordance with the provisions of OSH standards;

(o) *Safety signage* refers to any emergency, warning or danger signpost or any safety instruction using the standard colors and sizes, including the standard symbols for safety instructions and warnings in the workplace, prescribed by the DOLE; and

(p) *Workplace* refers to any site, or location where workers need to be or to go to by reason of their work, and which are under the direct or indirect control of the employer.

### CHAPTER III

#### DUTIES AND RIGHTS OF EMPLOYERS, WORKERS AND OTHER PERSONS

##### SEC. 4. *Duties of Employers, Workers and Other Persons.* -

(a) Every employer, contractor or subcontractor, if any, and any person who manages, controls or supervises the work being undertaken shall:

(1) Furnish the workers a place of employment free from hazardous conditions that are causing or are likely to cause death, illness or physical harm to workers;

(2) Give complete job safety instructions or orientation to all the workers especially to those entering the job for the first time, including those relating to familiarization with their work environment;

(3) Inform the workers of the hazards associated with their work, health risks involved or to which they are exposed to, preventive measures to eliminate or minimize the risks, and steps to be taken in cases of emergency;

(4) Use only approved devices and equipment for the workplace;

(5) Comply with OSH standards including training, medical examination and, where necessary, provision of protective and safety devices such as personal protective equipment (PPE) and machine guards;

(6) Allow workers and their safety and health representative to participate actively in the process of organizing, planning, implementing and evaluating the safety and health program to improve safety and health in the workplace; and

(7) Provide, where necessary, for measures to deal with emergencies and accidents including first-aid arrangements.

(b) Every worker shall participate in ensuring compliance with OSH standards in the workplace. The worker shall make proper use of all safeguards and safety devices furnished for the worker's protection and that of others, and shall observe instructions to prevent accidents or imminent danger situations in the workplace. The worker shall observe the prescribed steps to be taken in cases of emergency.

The worker shall report to the supervisor any work hazard that may be discovered in the workplace.

(c) It shall be the duty of any person, including the builder or contractor who visits, builds, renovates or installs devices or conducts business in any establishment or workplace, to comply with the provisions of this Act and all other regulations issued by the Secretary of Labor and Employment.

(d) Whether two (2) or more undertakings are engaged in activities simultaneously in one (1) workplace, it shall be the duty of all engaged to collaborate in the application of OSH standards and regulations.

SEC. 5. *Workers' Right to Know.* - The right to safety and health at work shall be guaranteed. All workers shall be appropriately informed by the employer about all types of hazards in the workplace, provided access to training and education on chemical safety, and to orientation on the data sheet of chemical safety, electrical safety, mechanical safety, and ergonomical safety.

SEC. 6. *Workers' Right to Refuse Unsafe Work.* - The worker has the right of refusal to work without threat or reprisal from the employer if, as determined by the DOLE, an imminent danger situation exists in the workplace that may result in illness, injury or death, and corrective actions to eliminate the danger have not been undertaken by the employer.

SEC. 7. *Workers' Right to Report Accidents.* - Workers and their representatives shall have the right to report accidents, dangerous occurrences, and hazards to the employer, to the DOLE and to other concerned government agencies exercising jurisdiction as the competent authority in the specific industry or economic activity.

SEC. 8. *Workers' Right to Personal Protective Equipment (PPE).* - Every employer, contractor, or subcontractor, if any, shall provide his workers, free of charge, protective equipment for their eyes, face,

hands and feet, and lifeline, safety belt or harness, gas or dust respirators or masks, 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 the PPE shall be part of the safety and health program which is a separate pay item pursuant to Section 20 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 all establishments, projects, sites and all other places where work is being undertaken shall be based on the evaluation and recommendation of the safety officer.

SEC. 9. *Safety Signage and Devices.* - All establishments, projects, sites and all other places where work is being undertaken shall have safety signage and devices to warn the workers and the public of the hazards in the workplace. Safety signage 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.

SEC. 10. *Safety in the Use of Equipment.* - In relation to the use of equipment, the employer, contractor or subcontractor, if any, must comply with the DOLE requirements in the different phases of the company or project operation including the transport to and from the establishment, project, site or place where work is being undertaken.

SEC. 11. *Occupational Safety and Health Information.* - Workers in all establishments, projects, sites and all other places where is being undertaken shall be provided adequate and suitable information by the employer, contractor or subcontractor, if any, on safety and health hazards, and the appropriate measures, including the probable location of workers, for the prevention, control and protection against those hazards.

## CHAPTER IV

### COVERED WORKPLACE

SEC. 12 *Occupational Safety and Health (OSH) Program.* - Covered workplace 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, communication 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 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.

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

SEC. 13. *Occupational Safety and Health (OSH) Committee.* - To ensure that the safety and health program is observed and enforced, a safety and health committee shall be organized in covered workplace composed of the following:

- (a) Employer or a representative as the chairperson, *ex officio*;
- (b) Safety officer of the company or project as the secretary;
- (c) Safety officers representing the contractor or subcontractor, as the case may be, as members;
- (d) Physicians, nurses, certified first-aiders, and dentists as members, *ex officio*, if applicable; and
- (e) Workers' representatives who shall come from the union if the workers are organized or elected by the workers through a simple majority vote if they are unorganized, as members.

The committee shall effectively plan, develop, oversee and monitor the implementation of the safety and health program.

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

- (a) Oversee the overall management of the safety and health programs;
- (b) Frequently monitor and inspect any health or safety aspect of the operation 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 an accident investigation; and
- (d) Issue work stoppage orders when necessary.

The number and qualification of safety officers shall be proportionate to the total number of workers and equipment, the size of the work area and such other criteria as may be prescribed by the DOLE.

In the case of a contractor or subcontractor, a safety officer must be deployed at each specific area of operations to oversee the management of the safety and health program of its own workforce.

SEC. 15. *Occupational Health Personnel and Facilities.* - Covered workplace shall have qualified occupational health personnel such as physicians, nurses, certified first-aiders, and dentists duly complemented with the required medical supplies, equipment and facilities. The number of health