

[DOLE DEPARTMENT ORDER NO. 13, s. 1998, July 23, 1998]

**GUIDELINES GOVERNING OCCUPATIONAL SAFETY AND HEALTH
IN THE CONSTRUCTION INDUSTRY**

In the interest of ensuring the protection and welfare of workers employed in the construction industry, the protection and welfare of the general public within and around the immediate vicinity of any construction worksite as well as the promotion of harmonious employer-employee relationships in the construction industry, and after consultations with the stakeholders in the construction industry, taking into consideration industry practices and applicable government requirements, the following guidelines are hereby issued for all concerned:

SECTION 1. DEFINITION OF TERMS. As used herein, the terms below shall be defined as follows:

- a) *"Accredited organization"* means any organization duly accredited by the Department of Labor and Employment (DOLE) delegated or authorized to perform functions related to improvement of occupational safety and health in the form of training, testing, certification, safety and health auditing or any other similar activity.
- b) *"Certified first-aider"* means any person trained and duly certified or qualified to administer first-aid by the Philippine National Red Cross or by any organization accredited by the same.
- c) *"Construction project manager/consultant"* means a person or entity who is hired by the project owner, to act in the owner's behalf concerning supervision and monitoring of all matters related to the overall execution of a construction project. The construction project manager shall be a separate entity from the general constructor or any subcontractor of the construction project.
- d) *"Construction safety and health committee"* means the general safety and health committee for a construction project site that shall be the overall coordinator in implementing OSH programs.
- e) *"Construction safety and health officer"* means any employee/worker trained and, in addition to their regular duties and responsibilities, tasked by his employer to implement occupational safety and health programs in accordance with the provisions of the Occupational Safety and Health Standards (OSHS).
- f) *"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 construction project site in conformity with the OSHS including the personnel responsible and the penalties for violations thereof.

g) "*Construction safety signage*" refers to any, but not limited to, emergency or danger sign, warning sign or safety instruction, of standard colors and sizes in accordance with the specifications for standard colors of signs for safety instructions and warnings in building premises as described in Table II of the OSHS.

h) "*Constructor*" is deemed synonymous with the term "builder". It refers to any person or organization who undertakes or offers to undertake or purports to have the capacity to undertake or submits a bid to, or does himself or by or 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 scaffolding or other structures or works in connection therewith. The term constructor includes subcontractor and specialty contractor.

i) "*Emergency health provider*" means any person or organization who is certified or recognized by the Department of Health and who can provide the same or equivalent emergency health services as an emergency hospital, including emergency treatment of workers on site, emergency transport and care during transport of injured workers to the nearest hospital, with adequate personnel, supplies and facilities for the complete immediate treatment of injuries or illnesses.

j) "*General constructor*" means a constructor who has general supervision over other constructors in the execution of the project and who directly receives instructions from the owner or construction project manager (if one is appointed by the owner).

k) "*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.

l) "*Heavy equipment*" refers to any machine with engine or electric motor as prime mover used either for lifting, excavating, leveling, drilling, compacting, transporting and breaking works in the construction site, such as but not limited to crane, bulldozer, backhoe, grader, road compactor, prime mover and trailer, with minimum operating weight and horsepower rating of 1,000 KG and 10 HP, respectively.

m) "*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 procedures can be accomplished.

n) "*Occupational health personnel*" refers to a qualified first-aid, nurse, dentist, or physician, engaged by the employer to provide occupational health services in the establishment/undertaking.

o) "*Project Manager*" means the overall technical personnel of the general contractor and/or the subcontractor in charge of the actual execution of a construction project.

p) "*Resident engineer*" means a duly licensed engineer who shall be tasked to be present at the construction site at all times, whenever work is being undertaken,

and shall have the responsibility of assuring the technical conformance of all designs, materials, processes, work procedures rendered for the execution of the construction project, including safety and health of all persons within the construction site.

q) *"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.

r) *"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.

s) *"Safety organization"* means any organization recognized and accredited by the DOLE to conduct occupational safety and health training and/or safety and health audit.

t) *"Safety personnel"* refers to any person engaged by any constructor, trained, accredited by DOLE and tasked to provide occupational safety and health services for the workers/employees in any construction project.

u) *"Skills standards"* refers to the written specification of the minimum stock knowledge and skills a worker should possess to perform the functions identified in the job description of his occupation.

v) *"Technical safety inspection"* refers to inspection for the purpose of safety determination of boilers, pressure vessels, internal combustion engines, electrical installations, elevators, hoisting equipment and other mechanical equipment.

w) *"Trade test"* refers to an instrument used to measure workers' skills and knowledge based on the requirements of the skills.

x) *"Treatment Room"* refers to any enclosed area or room equipped with the necessary medical facilities and supplies, and located within the premises of the establishment where workers maybe brought for examination and treatment of their injuries or illnesses in cases of emergency.

y) *"Tool box meeting or gang meeting"* refers to daily meeting among workers and their respective supervisors for the purpose of instruction, discussion and proper briefing on the planned work, the assessment of past work, the possibility or actual occurrence of accidents at the site, tips and suggestions on how to prevent possible accidents and other related matters.

z) *"Unguarded surface"* refers to any working surface above water or ground, temporary or permanent floor platform, scaffold construction or wherever workers are exposed to the possibility of falls hazardous to life or limb.

SECTION 2. JURISDICTION — The DOLE, through the Secretary of Labor and Employment, has the exclusive jurisdiction in the preparation of Occupational Safety and Health Standards (OSHS) for the Construction Industry including its very enforcement, as provided for by law.

2.1. As embodied in Article 162, Chapter 2, Title I of Book Four of The Labor Code of the Philippines, "The Secretary of Labor and Employment shall by appropriate orders set and enforce mandatory occupational safety and health standards to eliminate or reduce occupational safety and health hazards in all work places and institute new and update existing programs to ensure safe and healthful conditions in all places of employment."

2.2. As embodied in Article 165, Chapter 2, Title I of Book Four of The Labor Code of the Philippines, "(a) The Department of Labor and Employment shall be solely responsible for the administration and enforcement of occupational safety and health laws, regulations and standards in all establishments and workplaces wherever they may be located".

SECTION 3. 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, under the following conditions:

a) Chartered Cities and Municipalities may be allowed to conduct Technical Safety Inspections and general safety audit of construction project sites within their respective jurisdiction where they have adequate facilities and competent personnel for the purpose as determined by the DOLE and subject to national standards established by the latter, provided they submit for approval an application for such authority.

b) Private Safety Organizations with adequate facilities and competent personnel for the purpose, may be accredited by DOLE to conduct technical and/or general Safety and Health Audit of construction project sites, for and in behalf of the company or establishment.

c) Accreditation of safety organizations and practitioners shall be in accordance with Rule 1030 of the OSHS.

SECTION 4. COVERAGE — This issuance shall apply to all operations and undertakings in the construction industry and its subdivisions namely, general building construction, general engineering construction and specialty trade construction, based on the classification code of the Philippine Construction 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 5. CONSTRUCTION SAFETY AND HEALTH PROGRAM — Every construction project shall have a suitable Construction Safety and Health Program, which must be in accordance with these rules, and other orders and issuances issued by the DOLE. The Construction Project Manager, or in his absence, the Project Manager as authorized by the owner, shall be responsible for compliance with this Section.

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

a) composition of the Construction Safety and Health Committee, if one has been formed, otherwise, an undertaking to organize such committee

and appoint its members before the start of construction work at the project site;

b) specific safety policies which the General Constructor undertakes to observe and maintain in its construction site, including the frequency of and persons responsible for conducting toolbox and gang meetings;

c) penalties and sanctions for violations of the Construction Safety and Health Program;

d) frequency, content and persons responsible for orienting, instructing and training all workers at the site with regard to the Construction Safety and Health Program under which they operate; and

e) the manner of disposing waste arising from the construction.

5.2 The Construction Safety and Health Program shall be executed and verified by the Construction Project Manager or Project Manager and shall be submitted to the Bureau of Working Conditions (BWC) which may approve, disapprove or modify the same according to existing laws, rules and regulations and other issuances by the DOLE.

5.3 The cost of implementing the Construction Safety and Health Program shall be integrated into the project's construction cost, provided, that said cost shall be a separate pay item, duly quantified and stated in the project's tender documents and construction contract documents.

SECTION 6. PERSONAL PROTECTIVE EQUIPMENT — Every employer shall, at his own expense, furnish his workers with protective equipment for eyes, face, hands and feet, lifeline, safety belt/harness, protective shields and barriers whenever necessary by reason of the hazardous work process or environment, chemical or radiological or other mechanical irritants or hazards capable of causing injury or impairment in the function of any body part through absorption, inhalation or physical agent.

Provision of personal protective equipment (PPE) shall be in accordance with Rule 1080 of the OSHS. The equivalent cost for the provision of PPE (life span, depreciation, replacement, etc.) shall be an integral part of the project cost.

6.1 The employer shall provide adequate and approved type of protective equipment. Workers within the construction project site shall be required to wear the necessary PPE at all times.

6.2 Construction workers who are working from unguarded surfaces six (6) meters or more above water or ground, temporary or permanent floor platform, scaffold or where they are exposed to the possibility of falls hazardous to life or limb, must be provided with safety harnesses and life lines.

6.3 Specialty construction workers must be provided with special protective equipment, such as specialized goggles or respirators for welders and painters or paint applicators.