



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila



Certificate Number: AJA15-0048

DEPARTMENT ORDER NO. 198
Series of 2018

Wendy
DOLE-AS 7DEC'18 9:26

**IMPLEMENTING RULES AND REGULATIONS
OF REPUBLIC ACT NO. 11058 ENTITLED "AN ACT STRENGTHENING
COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH STANDARDS
AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"**

Pursuant to Section 32 of Republic Act No. 11058 or An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations Thereof, the following implementing rules and regulations are hereby issued:

**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**

Section 2. Coverage. – This Rules shall apply to all establishments, projects and sites, and all other places where work is being undertaken in all branches of economic activity, including:

- (a) Establishments located inside special economic zones and other investment promotion agencies (e.g., Philippine Economic Zone Authority [PEZA], Clark Development Corporation [CDC]);
- (b) Utilities engaged in air, sea, and land transportation; and
- (c) Industries such as mining, fishing, construction, agriculture, and maritime.

This Rules shall also cover contractors and subcontractors including those engaged in the projects of the public sector. Workers of contractors and subcontractors should follow the OSH policy and program of the establishment where they are assigned.

This Rules does not apply to the public sector such as national government agencies, government-owned and controlled corporations with original charters, government financial institutions, state universities and colleges and local government units which shall be governed by appropriate rules and regulations issued by the Civil Service Commission and other government agencies.

Section 3. Definition of Terms. – As used in this Rules, the following terms shall mean:

(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 specifications 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 risks or hazards involved in the business, as determined by the Secretary of Labor and Employment, require compliance with the provisions of this Rules.

(d) *Department of Labor and Employment (DOLE)-Accredited Training Organizations* refer to those which have been granted accreditation by DOLE pursuant to Department Order No. 16, Series of 2001 and its subsequent regulations.

(e) *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.

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

(g) *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.

(h) *High risk establishment* refers to a workplace wherein the presence of hazard or potential hazard within the company may affect the safety and/or health of workers not only within but also persons outside the premises of the workplace. There is high level of exposure to safety and health hazards, and probability of a major accident resulting to

disability or death or major illness is likely to occur if no preventive or control measures are in place. The following are workplaces commonly associated with potentially high-risk activities:

1. Chemical works and chemical production plants;
2. Construction;
3. Deep sea fishing;
4. Explosives and pyrotechnics factories;
5. Firefighting;
6. Healthcare facilities;
7. Installation of communication accessories, towers and cables;
8. LPG filling, refilling, storage and distribution;
9. Mining;
10. Petrochemical and biofuel works and refineries;
11. Power generation, transmission and distribution in the energy sector;
12. Storage, handling, and distribution center for toxic or hazardous chemicals;
13. Storage and handling of fertilizers in high volume;
14. Transportation;
15. Water supply, sewerage, waste management, remediation activities;
16. Works in which chlorine is used in bulk; and
17. Activities closely similar to those enumerated above and other activities as determined by DOLE in accordance with existing issuances on the classification of establishments.

(i) *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.

(j) *Low risk establishment* refers to a workplace where there is low level of danger or exposure to safety and health hazards and not likely or with low probability to result in accident, harm or injury, or illness.

(k) *Medium risk establishment* refers to a workplace where there is moderate exposure to safety and health hazards and with probability of an accident, injury or illness, if no preventive or control measures are in place.

(l) *Micro and Small Enterprises (MSEs)* refers to establishments employing less than ten (10) employees, and the establishments employing less than one hundred (100) employees, respectively, regardless of capitalization.

(m) *Occupational Health (OH) personnel* refer 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.

(n) *Occupational Safety and Health (OSH) consultant* refers to a qualified Safety Officer 4 or its equivalent, duly certified by DOLE to perform and/or render consultative services on occupational safety and health in at least two (2) fields of specialization as determined by DOLE.

(o) *Occupational Safety and Health (OSH) practitioner* refers to a qualified Safety Officer 3 or its equivalent, duly certified by DOLE to render occupational safety and health services in a defined and specific scope or core competency.

(p) *Occupational Safety and Health (OSH) standards* refers to a set of rules issued by DOLE which mandates the adoption and use of appropriate practices, means, methods, operations or processes, and working conditions reasonably necessary to ensure safe and healthful employment.

(q) *Personal protective equipment (PPE)* refers to a specialized clothing or equipment designed to protect workers against safety and health hazards that may cause serious workplace injuries and illnesses, i.e., protection for the body, eyes, head, face, hands, feet, ears, etc.

(r) *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 conducted by the safety officer.

(s) *Safety and Health Committee* refers to a body created within the workplace tasked with the authority to plan, develop and implement OSH policies and programs, monitor and evaluate the OSH program, and inspect and investigate all aspects of the work pertaining to the safety and health of workers.

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

(u) *Safety officer* refers to any employee or officer of the company trained by DOLE or DOLE-Accredited Training Organization and tasked by the employer to implement an OSH program, and ensure that it is in accordance with the provisions of OSH standards.

(v) *Safety Officer 1 (SO1)* refers to an employee who has completed the mandatory eight (8)-hour OSH orientation course as prescribed in the OSH standards and two (2)-hour trainers' training.

(w) *Safety Officer 2 (SO2)* refers to an employee who has completed the mandatory forty (40)-hour OSH training course applicable to the industry as prescribed in the OSH standards.

(x) *Safety Officer 3 (SO3)* refers to an employee who has completed the mandatory forty (40)-hour OSH training course applicable to the industry, additional forty-eight (48) hours of advanced/specialized occupational safety training course relevant to the industry, relevant experience in OSH for at least two (2) years, and other requirements as prescribed in the OSH standards. Qualified SO3 shall be eligible for certification as OSH practitioner.

(y) *Safety Officer 4 (SO4)* refers to an employee who has completed the mandatory forty (40)-hour OSH training course applicable to the industry, additional eighty (80) hours of advanced/specialized occupational safety training course relevant to the industry, an aggregate of three hundred twenty (320) hours of OSH related training or experience, an actual experience as SO3 for at least four (4) years, and other requirements as prescribed by the OSH standards. Additional training may be converted to years of experience where eighty (80) hours of training may equal to one (1) year of experience and vice versa. Qualified SO4 shall be eligible for certification as OSH consultant.

(z) *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 DOLE in accordance with the OSH standards.

(aa) *Workplace* refers to any site or location where workers need to be present or to go to by reason of their work, and which are under the direct or indirect control of the employer, including, but not limited to, work areas, employee lounges and restrooms, conference and classroom spaces, employee cafeterias, hallways and emergency access.

(bb) *Worker* refers to any member of the labor force, regardless of employment status.

(cc) *Workers' OSH Seminar* refers to the mandatory eight (8)-hour module conducted by the safety officer of the workplace as prescribed by the OSH standards.

CHAPTER III DUTIES AND RIGHTS OF EMPLOYERS, WORKERS AND OTHER PERSONS

Section 4. Duties of Employers, Workers and Other Persons. –

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

1. Equip a place of employment for workers free from hazardous conditions that are causing or are likely to cause death, illness or physical harm to the workers;
2. Provide complete job safety instructions and proper orientation to all workers including, but not limited to, those relating to familiarization with their work environment;
3. Ensure that, so far as is reasonably practicable, the chemical, physical and biological substances and agents, and ergonomic and psychosocial stresses under their control are without risk to health when the appropriate measures of protection are taken;
4. Use only approved specific industry set of standards of devices and equipment for the workplace, as applicable;
5. Comply with OSH standards including training, medical examination, and when necessary, provisions on protective and safety devices such as PPE and machine guards. Training for workers shall include health promotion, hazards associated with their work, health risks involved or to which they are exposed to, preventive measures to eliminate or minimize risks, steps to be taken in cases of emergency, and safety instructions for the jobs, activities and tasks to be handled by workers;
6. Make arrangements for workers and their representatives to have the time and resource to participate actively in the processes of organizing, planning and implementation, monitoring, evaluation and action for improvement of the OSH management system;
7. Provide, when necessary, for measures identifying trainings and drills, evacuation plans, etc., to deal with emergencies, fires and accidents including first-aid arrangements;
8. Comply with all reportorial requirements of the OSH standards; and
9. Register establishment to DOLE as provided under the OSH standards.

(b) Duties of Workers.– Every worker, in order to ensure compliance with OSH standards shall:

1. Participate in capacity building activities on safety and health and other OSH related topics and programs;
2. Proper use of all safeguards and safety devices furnished for workers' protection and that of others;
3. Comply with instructions to prevent accidents or imminent danger situations in the workplace;
4. Observe prescribed steps to be taken in cases of emergency including participation in the conduct of national or local disaster drills; and
5. Report to their immediate supervisor or any other responsible safety and health personnel any work hazard that may be discovered in the workplace.

(c) **Duties of Other Persons.** – Any other person, including the builder or contractor who visits, builds, renovates or installs devices or conducts business in any establishments or workplace, shall comply with the provisions of this Rules and all other regulations issued by the Secretary of Labor and Employment.

Whenever two (2) or more undertakings are engaged in activities simultaneously in one (1) workplace, it shall be the duty of all concerned to collaborate and cooperate to ensure compliance with OSH standards and regulations.

Section 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, and be provided access to training, education, and orientation on chemical safety, electrical safety, mechanical safety, ergonomics, and other hazards and risks.

All workers, including new hires, shall be provided training and information for all types of hazards in the workplace in a language and dialect that workers can understand. Training and information materials used shall be made readily available and accessible to workers.

A re-orientation on safety and health for workers in high risk establishments must be conducted regularly, not less than once a quarter, and to be conducted immediately following any changes in the operations and production process.

Section 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 DOLE, an imminent danger situation exists. As a preventive measure, the safety officer may, following his/her own determination and without fear of reprisal, implement a work stoppage or suspend operations in cases of imminent danger. The employer, safety officer or worker shall immediately notify the DOLE that an imminent danger situation exists in the workplace.

The employer or safety officer cannot require the workers to return to work where there is a continuing imminent danger. A worker may also refuse to work until the lifting of the Work Stoppage Order (WSO) after implementing the appropriate corrective measures

Workers affected by the existence of an imminent danger situation may be temporarily assigned to other areas within the workplace provided there is no impending issue with safety and health.

Section 24 of this Rules shall apply during the period of such WSO or suspension of operations due to an imminent danger situation.

Section 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 DOLE and to other concerned competent government agencies. They shall be free from any form of retaliation for reporting of any accident.

Reporting of accidents to DOLE may be made through any means of communication, including the DOLE hotline, whichever is most convenient to the worker. The same may be reported to the nearest DOLE Regional, Field, Provincial or Satellite Office having jurisdiction over the place of the incident.

Section 8. Workers' Right to Personal Protective Equipment (PPE) – Every employer, contractor or subcontractor, if any, shall provide his/her workers, free of charge, PPE for any part of the body that may be exposed to hazards, 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 PPE shall be part of the safety and health program which is a separate pay item pursuant to Section 21 of this Rules.

All PPE shall be of the appropriate type as tested and approved by the DOLE based on its standards and/or other means of verification.

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 as a result of the workplace hazard assessment.

All PPE must be of appropriate size, weight, and type to specific workers exposed to hazards from which PPE are meant to ensure effective protection. Issuance of PPE shall be supplemented by training on the application, use, handling, cleaning and maintenance of said PPE in accordance with the manufacturer's recommendations.

Failure to provide appropriate PPE in high risk activities shall give rise to the right of the worker to refuse unsafe work.

Section 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 OSH standards on color of signs for safety instructions and warnings, Globally Harmonized System (GHS) pictograms, construction safety, classification and labelling of chemicals, radiation, safety instructions and warning signs, set by DOLE. All signage shall also be of appropriate quality to ensure their legibility.

Section 10. Safety in the Use of Equipment. – In relation to the use of equipment, such as but not limited to, earth moving equipment, heavy duty equipment, materials handling equipment, and construction equipment, the employer, contractor or subcontractor,

if any, must comply with the OSH standards set by DOLE on safety and use of such equipment 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.

Appropriate training and certification by the Technical Education and Skills Development Authority (TESDA), Professional Regulation Commission (PRC) or other concerned government agency shall be a requirement for operators before use of equipment, if applicable. Trainings provided by international organizations or suppliers if not locally available, shall be recognized by the DOLE.

Section 11. Occupational Safety and Health Information. – The employer, contractor or subcontractor, if any, shall provide the workers in all establishments, projects, sites and all other places where work is being undertaken adequate and suitable information on the following:

- (a) Workplace hazards and the risk posed on the safety and health of the workers such as chemical safety data sheets;
- (b) Control mechanisms in place that reduces or minimizes the risk of exposure to hazards and other preventive strategies (e.g., training on specific hazards, medical monitoring tests, immunization and control of lifestyle-related diseases);
- (c) Appropriate measures, including the probable location of workers, for the prevention, control and protection against those hazards; and
- (d) Emergency and disaster management protocols including proper evacuation and shut-down procedures.

Information materials shall be revised regularly by the OSH committee.

CHAPTER IV COVERED WORKPLACES

Section 12. Occupational Safety and Health (OSH) Program. – Covered workplaces shall develop and implement a suitable OSH program in a format prescribed by DOLE which shall be posted in prominent places.

(a) For establishments—with less than ten (10) workers and low risk establishments with ten (10) to fifty (50) workers. – The OSH program, which shall be duly signed by the employer, must include at least the following:

1. Company commitment to comply with OSH requirements;
2. General safety and health programs, including:
 - Safety and health hazard identification, risk assessment and control (HIRAC),
 - Medical surveillance for early detection and management of occupational and work-related diseases, and
 - First aid and emergency medical services;
3. Promotion of the following health domains:
 - Drug-free workplace (RA 9165),
 - Mental health services in the workplace (RA 11036), and
 - Healthy lifestyle;

4. Prevention and control of the following health domains:
 - Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (RA 8504),
 - Tuberculosis (EO 187-03), and
 - Hepatitis B (DOLE DA 05-2010);
5. Complete company or project details;
6. Composition and duties of the OSH committee;
7. OSH personnel and facilities;
8. Safety and health promotion, training and education, including:
 - Orientation of all workers on OSH, and
 - Conduct of risk assessment, evaluation and control;
9. Conduct of toolbox or safety meetings and job safety analysis, if applicable;
10. Accident/incident/illness investigation, recording and reporting;
11. Provision and use of PPE;
12. Provision of safety signage;
13. Provision of workers' welfare facilities;
14. Emergency and disaster preparedness and mandated drills;
15. Solid waste management system; and
16. Control and management of hazards.

(b) For medium to high risk establishments with ten (10) to fifty (50) workers and low to high risk establishments with fifty-one (51) workers and above. – The OSH program, which shall be duly signed by the employer, must include at least the following:

1. Company commitment to comply with OSH requirements;
2. General safety and health programs including:
 - Safety and health hazard identification, risk assessment and control (HIRAC),
 - Medical surveillance for early detection and management of occupational and work-related diseases, and
 - First aid and emergency medical services;
3. Promotion of the following health domains:
 - Drug-free workplace (RA 9165),
 - Mental health services in the workplace (RA 11036), and
 - Healthy lifestyle;
4. Prevention and control of the following health domains:
 1. Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (RA 8504),
 2. Tuberculosis (EO 187-03), and
 3. Hepatitis B (DOLE DA 05-2010);
5. Complete company or project details;
6. Composition and duties of the OSH committee;
7. OSH personnel and facilities;
8. Safety and health promotion, training and education, to include the following:
 - Orientation of all workers on OSH,
 - Conduct of risk assessment, evaluation and control,
 - Continuous training on OSH of OSH personnel, and

- Work Permit System such as working at height, working at confined space, hot works, and other related activities;
- 9. Conduct of toolbox or safety meetings and job safety analysis;
- 10. Accident/incident/illness investigation, recording and reporting;
- 11. Provision and use of PPE;
- 12. Provision of safety signage;
- 13. Dust control and management, and regulations on activities such as building of temporary structures, and lifting and operation of electrical, mechanical, communications system, and other equipment;
- 14. Provision of workers' welfare facilities;
- 15. Emergency and disaster preparedness and response plan to include the organization and creation of disaster control groups, business continuity plan, and updating the hazard, risk and vulnerability assessment, as required;
- 16. Solid waste management system;
- 17. Control and management of hazards;
- 18. Prohibited acts and penalties for violations; and
- 19. Cost of implementing company OSH program.

The DOLE shall prescribe a format that should be accomplished fully by the employer, contractor or subcontractor, if any, in consultation with the workers and their representatives.

The OSH program shall be communicated and be made readily available to all persons in the workplace. It shall be updated periodically whenever the DOLE, other regulatory or government agencies and institutions promulgate new rules, guidelines and other issuances related to workers' safety and health.

The establishment shall ensure that the core elements of OSH program are integrated in the company OSH program such as management commitment and employee involvement, workplace risk assessment, hazard prevention and control, safety and health training and education, and OSH program evaluation.

The establishment shall submit a copy of the OSH program to the DOLE Regional, Provincial, Field or Satellite Office having jurisdiction over the workplace. A duly signed company commitment to comply OSH requirements together with the company OSH program using the prescribed template shall be considered approved upon submission EXCEPT for Construction Safety and Health Program which shall need approval by DOLE prior to construction.

OSH programs in the pre-approved template may be modified by DOLE as necessary based on existing laws, rules and regulations, and other issuances or upon validation of the program during inspection. If there is a modification made by the company, the company shall submit a revised copy of the OSH program to DOLE.

The company shall review and evaluate the OSH program at least once a year or as necessary, to ensure that its objectives are met towards an improved safety and health performance.

Section 13. Occupational Safety and Health Committee. – To ensure that the safety and health program is observed and enforced, a safety and health committee shall be organized in covered workplaces.

(a) For establishments with less than ten (10) workers and low risk establishments with ten (10) to fifty (50) workers. – A SO1 shall establish an OSH committee composed of the following:

- Chairperson : Company owner or manager
- Secretary : Safety officer of the workplace
- Member : At least one (1) worker, preferably a union member if organized

The safety officer of the workplace may also be the owner, manager or his/her designated representative.

The company owner, manager or one of the workers of the company shall undertake first aid training from the Philippine Red Cross or any DOLE recognized organization.

(b) For medium to high risk establishments with ten (10) to fifty (50) workers and low to high risk establishments with fifty-one (51) workers and above. – The OSH committee of the covered workplace shall be composed of the following:

- Ex-officio chairperson : Employer or his/her representative
- Secretary : Safety officer of the workplace
- Ex-officio members : Certified first-aider, OH nurse, OH dentist, and OH physician, as applicable
- Members : Safety officers representing the contractor or subcontractor, as the case may be, and representative/s of workers who shall come from the union, if the workers are organized, or elected workers through a simple vote of majority, if they are unorganized

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

(c) For two (2) or more establishments housed under one building or complex including malls. – When two or more establishments are housed under one building or complex, the health and safety committee organized in each workplace shall form themselves into a Joint Coordinating Committee to plan and implement programs and activities concerning all the establishments. The Joint Coordinating Committee shall be composed of the following:

- Chairperson : Building owner or his/her representative such as the building administrator
- Secretary : Safety officer of the building or complex appointed by the Chairperson

Members : At least two safety officers from any of the establishment housed under one building or complex
 At least two workers' representatives, one of which must be from a union if organized, from any of the establishment housed under one building or complex

The building administrator shall ensure that the Joint OSH committee shall submit its organizational plans and minutes to the DOLE Regional office, copy furnished the Bureau of Working Conditions.

Section 14. Safety Officer. – In the implementation of OSH program, safety officers shall be employed or designated with the following duties and responsibilities:

- (a) Oversee the overall management of the OSH program in coordination with the OSH committee;
- (b) Frequently monitor and inspect any health or safety aspect of the operation being undertaken with the participation of supervisors and workers;
- (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 by providing necessary information and OSH reports as required by the OSH standards; and
- (d) Issue Work Stoppage Order (WSO) when necessary based on the requirements and procedures provided by the OSH standards.

Safety officer/s of all workplace must possess the necessary training and experience requirement according to its category as contained herein. The respective qualifications of safety officers are as follows:

Category	Prescribed Training on OSH	Minimum OSH Experience
Safety Officer 1 (SO1)	(a) Mandatory eight (8)-hour OSH orientation course AND (b) Two (2)-hour trainers' training	-
Safety Officer 2 (SO2)	Mandatory forty (40)-hour basic OSH training course applicable to the industry	-
Safety Officer 3 (SO3)	(a) Mandatory forty (40)-hour basic OSH training course applicable to the industry; (b) Additional forty-eight (48) hours of advanced/specialized occupational safety training course relevant to the industry; AND (c) Other requirements as prescribed by the OSH standards.	At least two (2) years of experience in OSH
Safety Officer 4 (SO4)	(a) Mandatory forty (40)-hour OSH training course applicable to the industry; (b) Additional eighty (80) hours of advanced/specialized occupational safety training course relevant to the industry;	Actual experience as SO3 for at least four (4) years

	<p>(c) An aggregate of three hundred twenty (320) hours of OSH related training or experience (additional training may be converted to years of experience where eighty [80] hours of training may equal to one [1] year of experience and vice versa.); AND</p> <p>(d) Other requirements as prescribed by the OSH standards.</p>	
--	--	--

The number and qualification of safety officers shall be proportionate to the total number of workers and equipment, size of work area, classification of the workplace and such other criteria as required by the OSH standards.

The safety officer shall be required to undergo the prescribed DOLE-BOSH training orientation or course, advanced occupational safety training courses, and/or other OSH related training or learning as necessary in the effective performance of its duties and responsibilities.

Safety officers engaged in micro and small establishments, low to medium risk, shall be engaged in safety programs including other tasks designated to him/her by his/her employer.

In the case of a contractor or subcontractor, at least one (1) safety officer must be deployed at each specific area of operations to oversee the management of the OSH program of its own workforce.

Minimum classification and number of safety officer for all covered workplaces shall be as follows:

Number of Workers	Low Risk	Medium Risk	High Risk
1 to 9	One (1) SO1	One (1) SO1	One (1) SO2
10 to 50	One (1) SO1	One (1) SO2	One (1) SO3
51 to 99	One (1) SO2		One (1) SO2 and One (1) SO3
100 to 199		One (1) SO2 and One (1) SO3	
200 to 250	Two (2) SO2 or One (1) SO3	One (1) SO2 and One (1) SO3	Two (2) SO3
251 to 500	Two (2) SO2 and One (1) SO3	Two (2) SO3	One (1) SO2 and Two (2) SO3
501 to 750	Two (2) SO2 and One (1) SO3	Two (2) SO3	One (1) SO2 and Two (2) SO3
751 to 1000	Two (2) SO3		
Every additional 250 or fraction thereof	-	-	Additional One (1) SO3 or SO4
Every additional 500 or fraction thereof	Additional One (1) SO3	Additional One (1) SO3 or SO4	-

The engagement of the services of a certified OSH consultant (SO4) shall be allowed for a period not longer than one (1) year for establishments whose designated safety officer has to be trained or is in the process of completing the prescribed training courses and relevant experience.

Section 15. Occupational Health Personnel and Facilities. – Covered workplaces shall have qualified occupational health personnel such as certified first-aiders, nurses, dentists, and physicians duly complemented with the required medical supplies, equipment and facilities. The number of health personnel, which may be classified as full time (FT) or part-time (PT), equipment and facilities, and the amount of supplies shall be proportionate to the total number of workers and the risk or hazard involved in the workplace, the ideal ratio of which shall be as follows:

Number of Workers	Low Risk				Medium to High Risk			
	First-Aider	OH Nurse	OH Dentist*	OH Physician	First-Aider	OH Nurse	OH Dentist*	OH Physician
1-9	1	-	-	-	1	-	-	-
10-50		-	-	-		-	-	-
51-99		-	-	-		2 PT	-	-
100-199	2	2 PT	-	-	2	1 FT	1 PT	1 PT
200-500	3-5	1 FT	1 PT	1 PT	3-5	1 FT	1 PT	2 PT
501-2000	6-20	1 FT	1 PT	2 PT	6-20	1 FT	1 FT	2 PT or 1 FT
> 2000	>20	1 FT per shift	1 FT	1 FT and 2 PT	>20	1 FT per shift	1 FT	1 FT and 2 PT
Every 100 workers or a fraction thereof	1	-	-	-	1	-	-	-
Every 250 workers or a fraction thereof	-	1 FT	-	-	-	1 FT	-	-
Every 500 workers or a fraction thereof	-	-	1 FT	1 FT or 4 PT	-	-	1 FT	1 FT or 4 PT
PT = 4h/d, 3d/w; FT = 8h/d, 6d/w								
OH personnel shall be placed in the shift with the highest number of workers								
*For OH dentists: Alternatively, establishments can enter into a Memorandum of Agreement (MOA) for dental services for workers; provided that the requirements for dental facilities are met.								
For OH physicians: If more than 1 PT physician is required, a physician must be present in all work days of the establishment.								

Every employer covered by this Rules shall provide his/her workers medical services and facilities and shall not be an excuse by employer from maintaining in his/her workplace a first aid treatment room or clinic for workers which shall be as follows:

Number of Workers	Low Risk			Medium to High Risk		
	First aid treatment room	Clinic (number of beds)	Hospital (number of beds)	First treatment room	Clinic (number of beds)	Hospital (number of beds)
1-9	1	-	-	1	-	-
10-50		-	-	1	-	-
51-99		1	-	2	1	-
100-199	Additional 1 for every 100 worker or a fraction thereof	2	-	Additional 1 for every 50 worker or a fraction thereof	2	-
200-250			-			-
251-500		-	-			
501-750		Additional 1 for every 200 worker or a fraction thereof	-		Additional 1 for every 100 worker or a fraction thereof	-
751-1000		1 for every 200 worker or a fraction thereof	-		1 for every 100 worker or a fraction thereof	-
1001-2000		1	1		1	

The employer may not establish a hospital or dental clinic in the workplace where there is a hospital or dental clinic which is located not more than five (5) kilometers away from the workplace, accessible in not more than twenty-five (25) minutes travel time, and the employer has facilities readily available for transporting workers to the hospital or dental clinic in cases of emergency. For this purpose, the employer shall enter into a written contract with the hospital for the use of such hospital for the treatment of workers in cases of emergency.

Section 16. Safety and Health Training. –

(a) All safety and health personnel shall undergo the mandatory orientation or training on OSH as prescribed by DOLE. Said training shall be evidenced by the issuance of a certification by DOLE or a DOLE-Accredited Training Organization. Dispatch curriculum for training covered under this Section shall be prescribed by DOLE. The following are the minimum prescribed training or orientation for all safety and health personnel:

Safety Officer 1 (SO1)	:	<ol style="list-style-type: none"> 1. Mandatory eight (8)-hour OSH orientation course applicable to its industry such as: <ul style="list-style-type: none"> • General Industry – Basic OSH Orientation Course, • Construction Industry – Construction OSH Orientation Course, • Maritime Industry – Maritime OSH Orientation Course, or • Other industry specific course as may be prescribed; AND 2. Two (2)- hour trainers’ training.
------------------------	---	--

Safety Officer 2 (SO2)	:	<p>Mandatory forty (40)-hour OSH training course applicable to its industry such as:</p> <ul style="list-style-type: none"> • General Industry – Basic OSH Training Course, • Construction Industry – Construction OSH Training Course, • Maritime Industry – Maritime OSH Training Course, or • Other industry specific mandatory training as may be prescribed.
Safety Officer 3 (SO3)	:	<ol style="list-style-type: none"> 1. Mandatory forty (40)-hour OSH training course applicable to its industry such as: <ul style="list-style-type: none"> • General Industry – Basic OSH Training Course, • Construction Industry – Construction OSH Training Course, • Maritime Industry – Maritime OSH Training Course, or • Other industry specific mandatory training as may be prescribed; 2. Additional forty-eight (48) hours of advanced/specialized occupational safety training course relevant to the industry(e.g., industrial hygiene, safety audit, accident investigation, OSH programming, chemical safety, etc.); AND 3. Other requirements as prescribed by the OSH standards.
Safety Officer 4 (SO4)	:	<ol style="list-style-type: none"> 1. Mandatory forty (40)-hour OSH training course applicable to its industry such as: <ul style="list-style-type: none"> • General Industry – Basic OSH Training Course, • Construction Industry – Construction OSH Training Course, • Maritime Industry – Maritime OSH Training Course, or • Other industry specific mandatory training as may be prescribed; 2. Additional eighty (80) hours of advanced/specialized occupational safety training course relevant to the industry, (e.g., industrial hygiene, safety audit, accident investigation, OSH programming, chemical safety, etc.); 3. An aggregate of three hundred twenty (320) hours of OSH related training or experience (additional training may be converted to years of experience where eighty [80] hours of training may equal to one [1] year of experience and vice versa.); AND 4. Other requirements as prescribed by the OSH standards.

First-Aider	:	Standard first aid training
OH Nurse	:	At least forty (40)-hour Basic OSH training course for OH Nurses
OH Dentist	:	At least forty (40)-hour Basic OSH training course
OH Physician	:	At least fifty-six (56)-hour Basic OSH training course for OH Physicians

(b) All workers shall undergo the mandatory workers' OSH seminar as prescribed by DOLE which shall be jointly participated by workers and employers. Standardized training module for safety and health personnel shall be implemented and updated regularly as necessary. The mandatory workers' OSH seminar may be conducted by the safety officer of the establishment or any certified OSH practitioner or consultant.

The workers' OSH seminar and other trainings/orientations as required by the employer and by any law shall be at no cost on the worker and considered as compensable working time.

(c) All personnel engaged in the operation, erection and dismantling of equipment and scaffolds, structural erections, excavations, blasting operations, demolition, confined spaces, hazardous chemicals, welding, and flame cutting shall undergo specialized instruction and training on said activities. Such training shall include, among others, topics on safety and specialized PPE requirements for said high-risk work activities, including the use, application and handling of the same, which can be provided by DOLE, DOLE-Accredited Training Organizations or the PPE manufacturers.

Section 17. Occupational Safety and Health Reports. – All employers, contractors or subcontractors, if any, shall submit to DOLE all safety and health reports, and notifications such as but not limited to annual medical report (AMR), OSH committee report, employer's work accident/injury report (WAIR), and annual work accident/injury exposure data report (AEDR).

Section 18. Workers' Competency Certification. –The PRC shall determine the minimum and necessary competency on safety and health for OSH personnel and use the same as equivalency in their application for Continuing Professional Development (CPD) units. In order to professionalize, upgrade and update the level of competence of workers, TESDA or PRC, as the case may be, shall establish national competency standards and prepare guidelines on competency assessment and certification for critical occupations to include requirements on safety and health. In this regard, all critical occupations shall undergo the mandatory competency assessment and certification by TESDA.

An occupation shall be considered critical when:

- (a) The performance of a job affects people's lives and safety;
- (b) The job involves the handling of complex tools, equipment and supplies;
- (c) The job requires a relatively long period of education and training; and
- (d) The performance of the job may compromise the safety, health and environmental concerns within the immediate vicinity of the establishments.

Section 19. Workers' Welfare Facilities. – All establishments, projects, sites and all other places where work is being undertaken shall have the following free welfare facilities in order to ensure humane working conditions:

- (a) Adequate supply of safe drinking water;
- (b) Adequate sanitary and washing facilities;
- (c) Suitable living accommodation for workers, as may be applicable such as in construction, shipping, fishing and nightworkers;
- (d) Separate sanitary, washing and sleeping facilities for all gender, as may be applicable;
- (e) Lactation station except those establishments as provided for under DOLE Department Order No. 143-15;
- (f) Ramps, railings and the like; and
- (g) Other workers' welfare facilities as may be prescribed by the OSH standards and other issuances.

Section 20. All Other Occupational Safety and Health Standards. – All employers, contractors or subcontractors, if any, shall comply with other occupational safety and health standards as provided for in the 1978 DOLE Occupational Safety and Health Standards, as amended.

Section 21. Cost of Safety and Health Program. – The total cost of implementing a duly approved OSH program shall be an integral part of the operations cost. It shall be separate pay item in construction and in all contracting or subcontracting arrangements.

CHAPTER V JOINT AND SOLIDARY LIABILITY

Section 22. Employer's Responsibility and Liability. – The employer, project owner, contractor, or subcontractor, if any, and any person who manages, controls or supervises the work being undertaken shall be jointly and solidarily liable for compliance with occupational safety and health standards including the penalties imposed for violation thereof as provided for in this Rules.

CHAPTER VI ENFORCEMENT OF OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Section 23. Visitorial and Enforcement Power of the Secretary of Labor and Employment or his/her duly authorized representatives. – All matters arising from the visitorial and enforcement power of the Secretary of Labor and Employment or his/her duly authorized representatives shall be governed by the applicable rules on the administration and enforcement of labor laws pursuant to Article 128 of the Labor Code of the Philippines, as renumbered, and other laws.

The Secretary of Labor and Employment or his/her duly authorized representatives with the appropriate inspection authority shall have the authority to enforce the mandatory

OSH standards in all establishments and conduct an annual spot audit on its compliance for the same.

The conduct of annual spot audit must be attended by a safety officer and representative of the management and workers of the establishment. In the absence of the establishment's safety officer, his duly authorized representative may attend in his stead. The Secretary of Labor and Employment or his/her duly authorized representatives can enter workplaces at any time of the day or night where work is being performed to examine records and investigate facts, conditions or matters necessary to determine compliance of establishments with the provisions of this Rules and other applicable laws.

Pursuant to Article 128 of the Labor Code of the Philippines, it shall be unlawful for any person or entity to obstruct, impede, delay or otherwise render ineffective the orders of the Secretary of Labor and Employment or his/her duly authorized representatives issued pursuant to the authority granted before him/her, and no lower court or entity shall issue temporary or permanent injunction or restraining order or otherwise assume jurisdiction over any case involving the orders of the Secretary of Labor and Employment or his/her duly authorized representatives.

The Secretary of Labor and Employment or his/her duly authorized representatives may order stoppage of work or suspension of operations of any unit or department of an establishment when non-compliance to this Rules, OSH standards and other applicable laws poses grave and imminent danger to the safety and health of workers in the workplace.

The labor inspector or person authorized by DOLE to enforce compliance with this Rules, OSH standards and other applicable laws and regulations, shall present legitimate authorized identification upon request, and he/she shall only act within the authority or direction given by the Secretary of Labor and Employment or his/her duly authorized representatives.

The Secretary of Labor and Employment or his/her duly authorized representatives shall inspect establishments and workplaces regardless of the size and nature of operation. Any kind of self-assessment shall not take the place of labor inspection conducted by DOLE. However, chartered cities may be allowed to conduct industrial safety inspection of establishments within their jurisdiction in coordination with DOLE, provided that, they have adequate facilities and competent personnel for the purpose as determined by DOLE, and subject to national standards established by the latter.

Department Order No. 183, Series of 2017 and the manual on execution of judgments shall govern the procedures in the conduct of inspection, mandatory conference, issuance of order and execution thereof.

No person or entity shall obstruct, impede, delay or otherwise render ineffective the orders of the Secretary of Labor and Employment or the Secretary's duly authorized representatives issued pursuant to the authority granted under Article 128 of the Labor Code of the Philippines, and no lower court or entity shall issue temporary or permanent injunction or restraining order or otherwise assume jurisdiction over any case involving the enforcement orders.

Section 24. Payment of Workers During Work Stoppage Due to Imminent Danger. – If stoppage of work due to imminent danger occurs as a result of the employer’s violation or fault, the employer shall pay the affected workers their corresponding wages during the period of such stoppage of work or suspension of operations.

For purposes of payment of wages and any other liabilities arising from the WSO, the employer is presumed a party at fault if the WSO was issued secondary to an imminent danger situation which would imperil the lives of the workers. A mandatory conference not later than seventy-two (72) hours shall be held to determine whether the WSO will be lifted or not.

Section 25. Delegation of Authority. – The authority to enforce mandatory OSH standards may be delegated by the Secretary of Labor and Employment to a competent government authority. The said delegation of authority shall only cover the conduct of industrial safety inspection.

In pursuance of the delegation of authority, the competent government authority shall submit a monthly report to the DOLE-Regional Office having jurisdiction over its location, in accordance with the provisions of the Revised Technical Safety Inspection Manual.

The delegation of authority upon may be revoked any time as may be warranted by the circumstances.

Section 26. Standards Setting Power of the Secretary of Labor and Employment. – The Secretary of Labor and Employment shall, in consultation with all concerned government agencies and instrumentalities, and relevant stakeholders, set and enforce mandatory OSH standards to eliminate or reduce OSH hazards depending on the number of employees of the establishment, the nature of its business operations, and the risk or hazard involved.

The Secretary of Labor and Employment shall institute new and updated programs to ensure safe and healthy working conditions in all workplaces especially in hazardous industries such as, but not limited to, mining, fishing, construction, and maritime.

Section 27. Employee’s Compensation Claim. – A worker may file claims for compensation benefit arising out of work-related disability or death. Such claims shall be processed independently of the finding of fault, gross negligence or bad faith of the employer in a proceeding instituted for the purpose. The employer shall provide the necessary assistance to employees applying for claims.

Section 28. Incentives to Employers and Workers. – There shall be established package of incentives under such rules and regulations as may be promulgated by the DOLE to qualified employers and workers to recognize their efforts towards ensuring compliance with OSH and general labor standards such as OSH training packages, additional protective equipment, technical guidance, recognition awards and other similar incentives.

Section 29. Prohibited Acts and its Corresponding Penalties. – Any willful failure or refusal of an employer, contractor or subcontractor to comply with the following OSH standards below or with a compliance order issued by the Secretary of Labor and

Employment or his/her authorized representative shall be penalized of the administrative fines as follows:

Registration of establishment to DOLE	₱20,000.00
Provision of job safety instruction or orientation prior to work	₱20,000.00
Provision of worker's training (first aid, mandatory workers training, mandatory OSH training for safety officers and health personnel)	₱25,000.00
Provision of safety signage and devices	₱30,000.00
Provision of medical supplies, equipment and facilities	₱30,000.00
Submission of reportorial requirements as prescribed by OSH standards	₱30,000.00
Provision of safety officer and/or OH personnel	₱40,000.00
Provision of certified personnel or professionals required by the OSH standards	₱40,000.00
Establishment of a safety and health committee	₱40,000.00
Formulation and implementation of a comprehensive safety and health program	₱40,000.00
Provision of information on hazards and risk (absence of chemical safety data sheet, no written SOP in materials handling, lifting etc., no permitting system for confined spaces/hot works, no lock-out/tag-out system etc.)	₱40,000.00
Provision of sanitary and welfare facilities	₱40,000.00
Use of approved or certified devices and equipment for the task	₱50,000.00
Provision of PPE or charging of provided PPE to workers	₱50,000.00
Compliance with DOLE issued WSO	₱50,000.00
Compliance to other OSH standards	₱40,000.00

Failure or refusal to comply with OSH standards or compliance order shall be deemed willful when done voluntarily, deliberately and intentionally.

An employer, contractor or subcontractor who is found to have repeatedly violated the same prohibited act shall be penalized of the corresponding fine plus an additional fine equivalent to fifty percent (50%) thereof for every instance of repeat violation.

If any of the following acts is present and there is non-compliance, the penalty of one hundred thousand pesos (₱100,000.00) administrative fine shall be imposed separate and in addition to the daily administrative fine imposed above:

- (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 DOLE to be false in any material aspect; or

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

When the violation exposes the worker to death, serious injury or serious illness, the imposable penalty shall be one hundred thousand pesos (P100,000.00).

Should there be two (2) or more be non-compliances, all penalties shall be imposed; provided that the total daily penalty shall not exceed one hundred thousand pesos (P 100,000.00).

The penalties shall be computed on a per day basis until full compliance reckoned from the date of the notice of violation or service of the compliance order to the employer without prejudice to the filing of a criminal or civil case in the regular courts, as the case may be. Fines herein imposed shall be without prejudice to the fines imposable by other appropriate government agencies.

The Regional Director shall, after due notice and hearing, impose the appropriate administrative fines taking into consideration the damage or injury caused and risk involved including the severity and frequency of the OSH violations and size of the establishment.

Fines collected pursuant to this Rules shall be utilized for the operation of OSH initiatives incentivizing qualified employers and workers in recognition of their efforts towards ensuring compliance with OSH and general labor standards, including OSH training and education as well other inter-governmental programs and activities.

CHAPTER VII MISCELLANEOUS PROVISIONS

Section 30. Updated DOLE Computerized Inspection System. –The Secretary of Labor and Employment shall maintain an updated labor inspection system of computerized gathering and generation of real time data on compliances, monitoring of enforcement, and a system of notification on workplace accidents and injuries.

Section 31. Inter-Government Coordination and Cooperation. – The DOLE shall be primarily responsible for the administration and enforcement of OSH laws, regulations and standards in all establishments and workplaces to effectively implement the provisions of RA 11058. There shall be established an Inter-government Coordination and Cooperation Committee composed of the Department of Environment and Natural Resources, Department of Energy, Department of Transportation, Department of Agriculture, Department of Public Works and Highways, Department of Trade and Industry, Department of the Interior and Local Government, Department of Health, Department of Information and Communications Technology, Philippine Economic Zone Authority and all other government agencies, including local government units, within sixty (60) days from the issuance of this Rules. It shall regularly convene at least once per quarter, to monitor the effective implementation of this Rules as well as related programs and projects intended to prevent and eliminate the incidence of injury, sickness or death in all workplaces including periodic review of this Rules and all OSH standards.

Workers and employers representatives from the National Tripartite Industrial Peace Council shall be invited to the meetings and activities of the Inter-government Coordination and Cooperation Committee.

There shall be developed an annual work plan and accomplishments to be submitted to Secretary of Labor and Employment. The funds for the operation of the Inter-government Coordination and Cooperation Committee shall be sourced from the fines collected under this Rules.

Section 32. Separability Clause. – If any part, section or provision of this Rules shall be held invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect.

Nothing in this Rules shall repeal any issuances which have more stringent measures issued by other regulatory agencies for the achievement of safe and health working conditions for workers.

Section 33. Repealing Clause. – All rules and regulations or other issuances or parts thereof which are inconsistent with this Rules are hereby modified or repealed.

Section 34. Effectivity. – This Rules shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Manila, Philippines, 6 DECEMBER, 2018.



SILVESTRE H. BELLO III
Secretary

Dept. of Labor & Employment
Office of the Secretary

