

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2226

INTRODUCED BY DIWA Party-list Representative Emmeline Y. Aglipay

EXPLANATORY NOTE

While there are existing rules and standards promulgated by the Department of Labor and Employment on occupational safety and health (OSH) in the working environment, the Labor Code of the Philippines and the Occupational Safety and Health Standards provide penalties to errant companies in the following manner: a) In cases of imminent danger, the DOLE Regional Director can issue work stoppage order; b) There are penal sanctions for erring employers under the Article 288 of the Labor Code of the Philippines – i) Fine of not less than ₱1,000.00 nor more than ₱10,000.00, ii) Imprisonment of not less 3 months nor more than 3 years, or iii) Both fine and imprisonment at the discretion of the court. These sanctions have not stopped recurring OSH issues in workplaces.

Annually, there have been fatal accidents across industries and related accident investigations prove that non-compliance with the Occupational Safety and Health Standards, including DOLE Department Order No. 13 – Guidelines Governing Occupational Safety and Health in the Construction Industry and other safety and health issuances have contributed significantly to the occurrence of these accidents. A more concerted effort and legislation are needed to ensure that companies violating the OSH standards suffer the consequences of their inaction and non-compliance. Time and again, it has been proven that non-compliance with OSH laws and regulations would often lead to serious accidents, injuries and/ or illnesses; including fatalities.

The Bill puts in explicit terms the need to criminalize non-compliance with occupational safety and health standards as they have done in countries like Singapore and the USA where significant compliance to the OSH regulations correspond to less accidents and injuries being experienced by workers. The Bill also makes any employer directly responsible for an employee's injury or death due to the violation of these Standards. The responsibility of the employer is extended to payment of required penalties to the State Insurance Fund.

In order to strengthen the advocacy, prevention and enforcement efforts of the DOLE and other agencies on work accidents, injuries and illnesses, a stronger set of legislation that would criminalize non-compliance with occupational safety and health standards has become necessary, thus making the enactment of this Bill into law imperative.



EMMELINE Y. AGLIPAY
Representative, DIWA Party-list

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2226
HOUSE BILL NO. _____

Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay**

**AN ACT CRIMINALIZING NON-COMPLIANCE WITH OCCUPATIONAL
SAFETY AND HEALTH STANDARDS**

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

Section 1. Title. – This Act shall be known as “An Act Criminalizing Non-Compliance with Occupational Safety and Health Standards”.

Section 2. Declaration of Policy. –The State shall protect every workingman against the dangers of 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 for the total development of every worker as a complete human being.

Section 3. Duties of Employers, Workers and Other Persons. – (1) Each employer covered by the provisions of this Act shall:

1. furnish his workers a place of employment free from hazardous conditions that are causing or are likely to cause death, illness or physical harm to his workers;
2. give complete job safety instructions to all his workers, especially to those entering the job for the first time, including those relating to the familiarization with their work environment, hazards to which the workers are exposed to and steps taken in case of emergency;
3. comply with the requirements of this Act; and
4. use only approved devices and equipment in his workplace.

(2) Every worker shall cooperate with the employer in carrying out the provisions of this Act. He shall report to his supervisor any work hazard that may be discovered in his workplace.

(3) Every worker shall make proper use of all safeguards and safety devices furnished in accordance with the provisions of this Act for his protection and that of others, and shall follow all instructions given by the employer in compliance with the provisions of this Act.

(4) It shall be the duty of any person, including any builder or contractor or enforcement agent, who visits, builds, renovates, or installs devices, or conducts business in any establishment or workplace, to comply with the provisions of this Standards and all regulations of the employer issued there under as well as with other subsequent issuances of the Secretary.

Section 4. Employer's Liability for Failure to Provide Safety Devices. – In case the employee's injury or death was due to the failure of the employer to comply with any law, or to install and maintain safety devices, or take other precautions for the prevention of injury, said employer shall pay to the State Insurance Fund a penalty of twenty-five percent (25%) of the lump sum equivalent of the income benefit payable by the System to the employee. All employers, especially those who should have been paying a rate of contribution higher than that required of them are enjoined to undertake and strengthen measures for the occupational health and safety of their employees.

Section 5. Separability Clause. – If any part, section or provision of this Act shall be held invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect.

Section 6. Repealing Clause. – All laws, acts, decrees, executive orders, rules and regulations or other issuances or parts thereof, which are consistent with this Act, are hereby modified and repealed.

Section 7. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of national circulation.

Approved.