

MANUAL ON LABOR STANDARDS



DEPARTMENT OF LABOR AND EMPLOYMENT

Bureau of Working Conditions

Intramuros, Manila

2004



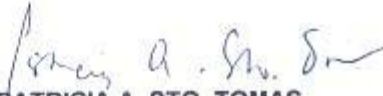
Introduction

Labor standards enforcement is a basic mandate of the Department of Labor and Employment to protect workers' rights and promote their welfare. This is carried out through the labor inspectorate in the Regional Offices of the Department. With the current number of labor inspectors covering a universe of 815,444 establishments as reported by the National Statistics Office in 2000, enforcement of labor standards necessitates expanding the reach of the Department through partnership with labor and employers' organization as well as with other professional organizations that also have a stake on the welfare and protection of our workers.

With the adoption of the new Labor Standards Enforcement Framework, the Department hopes to build a culture of voluntary compliance with labor standards by all establishments.

This *Manual on Labor Standards* contains the *Checklist* and its corresponding *Guide* in accomplishment for users to be able to assess the minimum requirements pursuant to the provisions of the Labor Code of the Philippines, as amended, its Implementing Rules and Regulations, and other relevant issuances, the Occupational Safety and Health Standards (OSHS) and various Orders and issuances affecting our workers.

With the issuance of this Manual to guide all concerned, the Department of Labor and Employment now looks forward to the participation of our Social Partners where productive workers and committed employers work together in safe working environment.


PATRICIA A. STO. TOMAS
Secretary

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Manual On Labor Standards

I. Legal Bases

This Manual on Labor Standards is issued pursuant to Administrative Order No. 296, series of 2003 and Department Order No.57 - 2004. These issuances refer to the Labor Standards Enforcement Framework that provides for the approaches, strategies and mechanisms to ensure voluntary compliance with labor standards by all establishments, workplaces and worksites through partnership with labor and employers' organization, as well as with other government agencies and professional organizations that also have a stake on the welfare and protection of our workers.

II. Scope of Labor Standards

Labor standards refers to the minimum requirements that an employer shall provide to the workers pursuant to provisions of the Labor Code of the Philippines, as amended, the Occupational Safety and Health Standards (OSHS), and other applicable laws, rules and regulations. These include the general labor standards that deal on the wages, hours of work and other non-monetary benefits, as well as the general occupational safety and health standards that provide protection to all workers in the workplaces, worksites or establishments including the provision of welfare and health services.

Excluded in this Manual are the standards on and guidelines on the delegation and conduct of Technical Safety Inspections, as they are covered by a separate Manual.

III. Checklist on Compliance with Labor Standards

This refers to the instrument that shall be utilized in assessing compliance with the General Labor Standards including Occupational Safety and Health. It contains basic information of an establishment, workplace or worksite as well as the list of these standards that covers them, thus likewise serves as a guide to determine whether or not they comply with the standard, the required correction, if any and the timetable for the correction to be made. In all cases, it is mandatory that the Checklist and the results of the assessment or the findings be explained to the owner/manager of the establishments, workplaces or worksites and workers'/union's representative therein.

IV. Checklist Users

The Checklist shall be utilized by the DOLE Labor Inspectors in the conduct of inspection; by representatives of workers/union and employer in their conduct of Self-Assessment and by micro-entrepreneurs covered in Trainings and Advisory Services. In the case of the latter, and the Barangay Micro Business Enterprises (BMBEs) the Checklist shall be used to determine the plan of Action for their commitment to comply with applicable labor standards.

The users shall refer to the corresponding Guide in Accomplishing the Checklist.

V. Procedural Requirements

I. On Self-Assessment – the following shall apply:

Self-Assessment shall be undertaken by employers of establishments employing at least two hundred (200) workers and unionized establishments with certified Collective Bargaining Agreements regardless of the number of workers employed.

In all cases, Regional Offices shall comply with the following activities and specific time frame provided:

1. Distribution of Checklist for Self-Assessment on Compliance with Labor Standards

- 1.1. Checklist shall be distributed within the First Quarter of every year to all covered employers.
- 1.2. Checklist shall be distributed either by personal delivery or by registered mail.
 - a. Personal Delivery – Distribution by personal delivery shall include the Manual on Labor Standards. Receipt of the Checklist and the Manual shall be signed by the employer or his duly authorized representative.
 - b. Registered Mail - Where Checklists are sent through registered mail, the Regional Director shall indicate the schedule of Orientation that will be conducted to guide employers in accomplishing the Checklist who will conduct Self-Assessment, the procedure and the period when to submit the Checklist.

2. *Conduct of Self-Assessment – the following shall apply:*

- 2.1. Self-Assessment shall be jointly conducted by the representative of the employer and the representative of the workers/union or the representatives of the Labor Management Committee or Health and Safety Committee.
- 2.2. Self – Assessment shall be undertaken within one (1) month from the receipt of the Checklist or from the date of the conduct of Orientation, as the case may be.
- 2.3. Self-Assessment shall include verification of employment records and assessment of work premises.
- 2.4. Assistance to accomplish the Checklist for Self-Assessment maybe requested from the appropriate Regional Office within the period of one (1) month from the receipt of the Checklist or from the date of the conduct of Orientation.
- 2.5. Self-Assessment shall be undertaken at least once a year.

3. *Accomplishment of the Checklist. The following shall apply:*

- 3.1. Checklist shall be accomplished in triplicates, one (1) copy to be submitted to the Regional Office, one (1) copy to the workers/union, and the remaining copy for the employer's file.
- 3.2. The representatives who shall undertake the Self-Assessment shall refer to the Guide in Accomplishing the Checklist.
- 3.3. Accomplishment of the Checklist is the basic responsibility of the employer or his/her duly authorized representative.

4. *Submission of the Checklist. The following shall apply:*

- 4.1. When Checklist is submitted:
 - a. Checklist shall be submitted within five (5) days from the conduct of Self-Assessment.
 - b. Checklist shall be submitted by the employer or his/her duly authorized representative.
 - c. Checklist shall be submitted either by personal delivery or through registered mail

- d. Employer shall submit documents to support the Checklist such as: the Authority of the Owner's representative and the workers/union's representative to conduct Self-Assessment, restitution payroll or document to prove correction, whenever applicable.
- 4.2 When Checklist is not submitted – Covered establishment whose owner failed to submit the Checklist within the period prescribed shall be recommended for the conduct of inspection.
 - 4.3. Where a complaint is filed against the employer covered by Self-Assessment within the period of Self-Assessment but prior to the prescriptive period for submission of the Checklist, the conduct of Self-Assessment shall continue. The complaint shall be the basis for immediate spot check after submission of the Checklist but the same shall be held in abeyance unless the complaint is based on a notice of a hazard or condition in the place of employment that falls within the category of imminent danger investigation.
5. *Validation of the Checklist. The Regional Monitoring and Evaluation Team shall apply the following:*
- 5.1. Determine compliance within the prescribed period for submission.
 - 5.2. Validate the Checklist within five (5) days upon submission, in particular, the following:
 - a. Authenticity of the documents submitted in support to the Checklist.
 - b. Authority of the Owner's representative and the workers/union's representative
 - c. Completeness and accuracy of documentation.
6. *Spot Check Procedures. The following shall apply:*
- 6.1 Spot Check partakes the nature of the conduct of inspection, hence, Spot Check shall be conducted by labor inspectors and the procedure shall be in accordance to the provisions of the Revised Inspection Manual.
 - 6.2 The Regional Monitoring and Evaluation Team shall recommend that Spot Check be conducted in establishments covered by Self-Assessment in the following cases:

- a. Upon validation of the Checklist submitted based on:
 - a.1 inaccurate findings, documentation, correction/restitution stated
 - a.2 unauthorized personnel who conducted the Self-Assessment
 - a.3 documents submitted appears not to be authentic
 - a.4 where there is partial compliance of restitution and/or partial correction of indicators or standards of health and safety that refer to physical hazards and the covered establishment is classified as hazardous.

7. Disposition of Labor Standards Violations

Any violation of labor standards unearthed during the conduct of Self-Assessment that failed to be corrected after the time frame indicated in the Schedule of Restitution/Correction and violation of labor standards unearthed during the conduct of Spot Check shall be disposed in accordance with the Revised Guidelines in the Disposition of Labor Standards Violations/Labor Standards Cases.

II. On Inspection

The procedure in the conduct of inspection is provided in the Revised Inspection Manual.

III. On Training and Advisory Services

The conduct of training and advisory visits (TAVs) is provided in the Manual on the Conduct of Assistance/Advisory Services.

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Regional Office No. _____

Checklist For Self-Assessment on Compliance with Labor Standards

This Checklist shall be accomplished jointly by a representative each of the owner/employer and the workers in organized establishments and/or those employing 200 workers and above. Please refer to the Manual on Labor Standards where necessary. Accomplished Checklist shall be submitted to the DOLE Regional Director not later than _____.

GENERAL INFORMATION						
Name of Establishment			Address			GEO Code
Owner/Manager/President			Kind of Business/Economic Activity/Principal Product			PSIC Code
Employment		No. of Apprentices/Learners		Authorized Capitalization (as of date of Audit)		Name of Union
Age Group	Female	Total	No. of aliens Employed	Total Assets (as of date of Audit)		CBA Duration
Below 15				From: _____		To: _____
15 - 17 yrs				<input type="checkbox"/> highly hazardous		
18 - 30 yrs				<input type="checkbox"/> non-hazardous		
Above 30			No. of Shifts			
Total						
GENERAL LABOR STANDARDS						
Labor Standards			Findings (check whether complying or not)		Required Correction (state the number of workers affected and amount of required restitutions)	Schedule of Correction (state date necessary corrections/restitutions will be made)
			Complying	Not Complying		
Wages						
Minimum Wages (<i>refer to attached list on applicable Minimum Wage</i>)						
Payment of Wages (<i>see attached Manual</i>)						
Workers paid by result (<i>see attached Manual</i>)						
Apprentices/Learners (<i>75% of minimum wage</i>)						
ECOLA (<i>refer to attached list on applicable ECOLA</i>)						
13th Month Pay (<i>not less than 1/12 of total basic salary earned within calendar year. Does not include COLA and other benefits not integrated as part of basic salary. To be paid not later than 24 December of each year.</i>)						
Overtime Pay (<i>additional 25% of hourly rate for work performed on ordinary day; Additional 30% for rest day, special or regular holiday</i>)						
Night Shift Differential (<i>not less than 10% of regular wage for each hour of work performed bet 10pm - 6am</i>)						
Regular Holiday Pay (<i>with pay even if unworked; work on regular holiday shall be paid additional 100% of daily rate; work on regular holiday falling on employee rest day shall be paid 200% plus 30% thereof</i>)						
Special Day (<i>no work no pay; work on special days shall be paid regular wage plus at least 30%; special day work falling on employee's scheduled rest day shall be paid additional 50% of daily rate</i>)						
Rest Day Work (<i>additional 30% of daily rate for work performed on rest days; additional 50% for work performed on a rest day which is also a special day; additional 30% of the regular holiday rate of 200%</i>)						
Service Charges (<i>collected by most hotels, restaurants and similar establishments. 85% shall be distributed equally among the rank-and-file employees and 15% for management to answer for losses and breakages and for distribution to managerial employees at the discretion of management</i>)						

GENERAL LABOR STANDARDS				
Labor Standards	Findings (check whether complying or not)		Required Correction (state the number of workers affected /benefited)	Schedule of Correction (state date necessary corrections will be made)
	Complying	Not Complying		
Meal Period (<i>not less than one hour time-off for regular meals, which is not compensable. Shorter meal period of not less than 20 minutes may be given provided that is credited as compensable hours of work and subject to certain conditions</i>)				
Service Incentive Leave (<i>five days with pay per year for those with at least one year of service; commutable to its money equivalent if not used within one year.</i>)				
Weekly Rest Periods (<i>not less than 24 consecutive hours after every six (6) consecutive normal workdays</i>)				
Paternity Leave (<i>seven days with pay including allowance for the first 4 deliveries; not convertible to cash</i>)				
Maternity Leave (<i>60 days for normal delivery/78 days for cesarian section; benefit for first 4 deliveries, abortion/miscarriage</i>)				
Solo Parent Leave (<i>not more than 7 working days every year</i>)				
Anti-Sexual Harrassment Law				
Posting/dissemination of RA 7877				
Create Committee on decorum				
Company Policy				
Social Amelioration Program Bonus (<i>all millers, except refineries and all sugar planters</i>)				
Retirement Pay - RA 7641 (<i>distinct and separate from SSS benefits</i>)				
Payroll/Daily Time Records/Employment Permi (<i>keep at workplace; at least 3 years-period</i>)				
Registration of Contractor/Subcontractor (<i>Dept. Order 18.02</i>)				
Registration with SSS				
Certificate of Remittance to SSS				
Registration with Pag-ibig				
Certificate of Remittance to Pag-ibig				
Coverage/Remittance with PHILHEALTH				
Alien Employment Permit				
Apprenticeship/Learnership Program (<i>duly approved by TESDA</i>)				
Work Permit (<i>Child Labor</i>)				
List of Labor Component (<i>list of employees, length one status of employment and salary</i>)				
Compressed Workweek Scheme				

OCCUPATIONAL SAFETY AND HEALTH STANDARDS				
Standards	Findings (check whether complying or not)		Required Correction (state the number of workers affected /benefited)	Schedule of Correction (state date necessary corrections will be made)
	Complying	Not Complying		
	Registration of Establishments (<i>Rule 1020, OSHS</i>)			
Adequate Aisles/Passageway: (<i>sufficient width and height and with signs and markings</i>)				
Good Housekeeping (<i>conditions of floors, walls and storage rooms</i>)				
Emergency Exits (<i>2 per floor</i>)				
Materials handling & Storage (<i>appropriate labels, dotting and storage</i>)				
Waste Disposal System (<i>waste receptacle and its removal; drainage system</i>)				
Adequate Lighting (<i>in Work Areas/in aisles, passageway</i>)				
Noise Pollution Control (<i>provide appropriate PPE or isolation of work area</i>)				
Proper Ventillation (<i>provision of natural or artificail air supply</i>)				
Radiation Exposure Contrl (<i>provide PPE, Examination of work area</i>)				
Airborne Contaminant Control (<i>provide PPE, improve technical process, Improve ventilation</i>)				
Personal Protective Equipment(<i>provision and appropriate trng</i>)				
Fire Protecting Equipment/Facilities (<i>water tank, fire extinguisher, conduct of fire drill</i>)				
Provide Machine Guarding (<i>railing or casing on moving parts</i>)				
Proper Office Spacing (<i>between workers & machines</i>)				
No Imminent Danger Situation (<i>condition that could cause death or serious physical harm</i>)				
Personal Facilities (<i>separate toilet, supply of potable water, washing facilities, etc.</i>)				
Safety Officer/Accredited Safety Practitioner (<i>number depends on number of workers employed</i>)				
Health and Safety Organizator (<i>according to number of employees</i>)				
Health Personnel (<i>First-Aider, nurse, physician, dentist</i>)				
Medical Facilities (<i>Treatment room, clinic</i>)				
Emergency Medicines				
Administrative Reports on Health and Safety				
a. Minutes of Meeting of HSC				
b. Employee's Work Accident/Illness Exposure Data (<i>for every accident</i>)				
c. Annual Work Accident/Illness Exposure Data (<i>whether or not therr's accident</i>)				
d. Annual Medical Report (<i>health record of program and activities</i>)				
HIV/AIDS Program (<i>education and information</i>)				
Drug-Free Workplace Policy/Program (<i>D.O. 53-03</i>)				
DOLE Approved Construction Safety and Health Program				
Construction Safety Signages				
Construction Heavy Equipment (CHE)				
Construction Heavy Equipment Operators				
Construction Worker's Skills Certificate				
Continuing Training related to occupational health and safety				

Guide in Accomplishing the CHECKLIST

GENERAL LABOR STANDARDS

Wages

1. *The applicable Minimum Wage. (See Annexes)*
2. *Payment of Wages*
 - * Wages shall be paid in cash, legal tender at or near the place of work.
 - * Payment shall be made directly to the employees.
 - * Wages shall be given not less than once every two weeks or twice within a month at intervals not exceeding 16 days.

Recommended Computation of Wages:

a. For monthly-paid employees

1. Recommended Computation of the Equivalent Monthly Rate (EMR) of Monthly-Paid Employees

$$\frac{\text{Applicable Daily Rate} \times 365}{12} = \text{EMR}$$

where:

- 301 = number of ordinary working days
- 51 = no. of rest days for those whose rest days falls on Sunday since the last Sunday of August is a regular holiday
- 11 = no. of regular holidays
- 2 = no. of special days
- 365 = Total equivalent no. of days in a year

b. For daily-paid employees

- b.1. For those who are required to work everyday including Sundays or rest days, special days and regular holidays

$$\frac{\text{Applicable Daily Rate} \times 392.50}{12} = \text{EMR}$$

where:

- 301 = no. of ordinary working days
- 2.60 = ten regular holidays X 200 plus one regular holiday (last Sunday of August) * X 260
- 66.30 = 51 rest days x 130%
- 2.60 = 2 special days X 130%
- 392.50 = Total equivalent no. of days in a year

- *For purposes of computation, said holiday although still a rest day, is included in the eleven regular holidays. For workers whose rest days do not fall on Sundays, the number of rest day is 52 days as there are 52 weeks in a year.*

b.2 *For those who do not work and are not considered paid on their rest days*

$$\frac{\text{Applicable Daily Rate} \times 314}{12} = \text{EMR}$$

where:

301 = no. of ordinary working days

11 = no. of regular holidays

2 = no. of special days (if paid; if actually worked, this is equivalent to 2.6 days)

314 = Total equivalent no. of days in a year; BUT if the 2 special days are not paid, the total equivalent no. of days in a year is 312 days.

b.3. *For those who do not work and are not considered paid on Saturdays and Sundays.*

$$\frac{\text{Applicable Daily Rate} \times 262}{12} = \text{EMR}$$

where:

249 = no. of ordinary working days

11 = no of regular holidays

2 = no. of special days (if paid; if actually worked, this is equivalent to 2.6 days)

262 = Total equivalent no. of days in a year; but if the 2 special days are not paid, the total equivalent no. of days in a year is 260 days.

3. *The applicable Minimum Wage of Workers Paid by Results*

All workers paid by results including those who are paid on *piecework, takay, pakyaw* or *task basis* shall receive not less than applicable minimum wages rates prescribed under the Regional Wage Orders for normal working hours, or a proportion thereof for work of less than the normal working hours.

The adjustments in the wage rates by reason of wage increases shall be computed as follows:

- Amount of increase in Applicable Minimum Wage \div Previous AMW \times 100 = % increase
- Existing rate/piece \times % increase = Increase in rate/piece
- Existing rate/piece + increase in rate/piece = ADJUSTED RATE/PIECE

4. *Minimum Wage of Apprentices and Learners*
 - a. Apprentices and learners are those who are covered by Apprenticeship/ Learnership Program duly approved by the Technical Education and Skills Development Authority (TESDA).
 - b. The applicable minimum wage shall in no case be less than seventy-five percent (75%) of the applicable statutory wage rates
 - c. Apprentices without compensation, however are allowed in accordance to Article 72 (LCP).

ECOLA - (See Annex)

13th Month Pay (PD 851, as amended by Memorandum Order No. 28 issued by President Corazon C. Aquino on August 13, 1986)

1. Minimum Amount

The minimum amount shall not be less than 1/12 of the total “basic salary” earned within a calendar year.

The “basic salary” includes all remunerations/earnings paid by his employer for services rendered. It does not include cost-of-living allowances and other benefits which are not considered or integrated as part of the regular or basic salary such as the cash equivalent of unused leave credits, overtime, premium, night shift differential and holiday pay UNLESS these salary-related benefits are considered as part of the basic salary by individual or collective agreement, company practice or policy.

It shall be paid not later than December 24 of each year. HOWEVER, the frequency of payment may be subject of an agreement between the employer and employees, such that ½ of the amount may be given before the opening of the regular school year.

Overtime Work

The overtime pay rates depend upon the day the overtime work is performed.

1. An additional 25% of the hourly rate for work performed on an ordinary day.
2. An additional 30% on top of the hourly rate for rest day, special day or regular holiday if the work is performed on said days.

Illustration: Using P250.00 as daily rate, the hourly rate is P31.25

On an ordinary day:

$$\begin{aligned}
 P31.25 + (25\% \text{ of } P31.25) &= P31.25 + (0.25 \times P31.25) \\
 &= P31.25 + P7.81 \\
 &= P39.06 \text{ overtime rate/hour}
 \end{aligned}$$

On a rest day or on a special day:

$$\begin{aligned}
 130\% \text{ of } P31.25 + 30\% \text{ of } (130\% \text{ of } P31.25) \\
 &= P40.62 + P12.19 \\
 &= P52.81 \text{ overtime rate /hour}
 \end{aligned}$$

On a rest day which falls on a special day:

$$\begin{aligned} & 150\% \text{ of P31.25} + 30\% \text{ of (P150\% of P31.25)} \\ & = \text{P46.88} + \text{P14.06} \\ & = \text{P60.94 overtime rate/hour} \end{aligned}$$

On a regular holiday:

$$\begin{aligned} & 200\% \text{ of P31.25} + 30\% \text{ of (200\% of P31.25)} \\ & = \text{P62.50} + \text{P18.75} \\ & = \text{P81.25 overtime rate/hour} \end{aligned}$$

On a rest day which falls on a regular holiday:

$$\begin{aligned} & 260\% \text{ of P31.25} + 30\% \text{ of (P260\% of P31.25)} \\ & = \text{P81.25} + \text{P24.38} \\ & = \text{P105.63 overtime rate/hour} \end{aligned}$$

Night Shift Differential

1. Every employee shall be paid a night shift differential of not less than ten percent (10%) of his regular wage for each hour of work performed between ten o'clock in the evening and six o'clock in the morning.

- a. *Where night shift falls on a regular work schedule*

- a.1 *Work schedule on an ordinary day*

An additional 10% of the basic hourly rate or a total of 110% of the basic hourly rate.

Illustration: Using P250.00 as daily rate

$$\begin{aligned} & \text{P250.00} + 10\% \text{ of P250} = \text{P250.00} + \text{P25.00} \\ & = \text{P275.00} \end{aligned}$$

- a.2 *Work schedule on a rest day*

An additional 10% of the hourly rate on a rest day or a total of 110% of the hourly rate of such day.

Illustration: Using P250.00 as daily rate

$$\begin{aligned} & (130\% \text{ of P250.00}) + 10\% \text{ of (130\% of P250.00)} \\ & = \text{P325.00} + .10 \times (1.3 \times \text{P250.00}) \\ & = \text{P325.00} + \text{P32.50} \\ & = \text{P375.50} \end{aligned}$$

Special days and regular holidays are calendar days (i.e. from 12 midnight to 12 midnight of the following day or 24 hour period), the night shift is either cut-off or starts only at midnight hence, the night shift for such days shall be determined by the hour or the hourly rate.

a.3 *Work schedule on a special day*

An additional 10% of the hourly rate on that day or a total of 110% of the hourly rate of such day.

Illustration: Using P250.00 as daily rate or P31.25 hourly rate
 $130\% \text{ of } P31.25 + 10\% \text{ of } (130\% \text{ of } P31.25)$
 $= (1.3 \times P31.25) + 10 \times (1.3 \times P31.25)$
 $= P40.62 + P4.06$
 $= P44.68/ \text{ hour}$

a.4 *Work schedule on a regular holiday*

An additional of 10% of the hourly rate on that day or a total of 110% of the regular hourly rate of such day.

$200\% \text{ of } P31.25 + 10\% \text{ of } (200\% \text{ of } P31.25)$
 $= (2.0 \times P31.25) + 10\% (2.0 \times P31.25)$
 $= P62.50 + P6.25$
 $= P68.75$

b. *Where night shift work is overtime work*

The compensation is computed on the basis of hourly rate since overtime work is not usually for 8 hours

b.1 *Work schedule on an ordinary day*

An additional of 10% of 125% of basic hourly rate or a total of 110% of 125% of basic hourly rate.

Illustration: Using P 31.25 as the hourly rate
 $(125\% \text{ of } P31.25) + 10\% \text{ of } (125\% \text{ of } P 31.25)$
 $= (1.25 \times P 31.25) + .10 \times (1.25 \times P 31.25)$
 $= P 39.06 + P 3.91$
 $= P 42.97/\text{hour}$

b.2 *Work schedule is on a rest day or special day*

An additional of 10% of 130% of hourly rate on a rest day or special day or 110% of 130% of the hourly rate.

$130\% (130\% \text{ of } P 31.25) + 10\% (130\% \text{ of } 130\% \text{ of } P 31.25)$
 $= 1.3 \times (1.3 \times P 31.25) + 10\% (1.3 \times 1.3 \times P 31.25)$
 $= 1.3 \times P 40.63 + .10 \times P 52.81$
 $= P 52.82 + P 5.28$
 $= P 58.10/ \text{ hour}$

b.3 *Work schedule is on a special holiday falling on rest day*

$130\% (150\% \text{ of } P31.25) + 10\% (130\% \text{ of } 150\% \text{ of } P31.25)$
 $= P 60.93 + P 6.09$
 $= P 67.02/ \text{ hour}$

b.4 *Work schedule is on a regular holiday*

$$\begin{aligned} & 130\% (200\% \text{ of P } 31.25) + 10\% (130\% \text{ of } 200\% \text{ of P } 31.25) \\ & = 1.3 \times (2.0 \times \text{P } 31.25) + .10 \times (1.3 \times 2.0 \times \text{P } 31.25) \\ & = 1.3 \times \text{P } 62.5 + .10 \times \text{P } 81.25 \\ & = \text{P } 81.25 + \text{P } 8.13 \\ & = \text{P } 89.38/\text{hour} \end{aligned}$$

b.5 *Work schedule is on a regular holiday falling on rest day*

$$\begin{aligned} & 130\% (260\% \text{ of } 31.25) + 10\% (130\% \text{ if } 260\% \text{ of } 31.25) \\ & = \text{P } 105.62 + \text{P } 10.56 \\ & = \text{P } 116.18/\text{hour} \end{aligned}$$

Holiday

1. Regular and National Special Days

a. *Regular Holidays as provided under E.O No. 203, as amended by RA 9177*

New Year's Day	-	January 1
Maundy Thursday	-	movable date
Good Friday	-	movable date
Araw ng Kagitingan	-	April 9
Labor Day	-	May 1
Independence Day	-	June 12
National Heroes Day	-	Last Sunday of August
Bonifacio Day	-	November 30
Christmas Day	-	December 25
Rizal Day	-	December 30
'Id-ul-Fitr(End of Ramadan)	-	movable date (R.A.9177)

National Special Days

All Saints Day	-	November 1
Last Day of the Year	-	December 31

b. *Muslim Regular Holidays as provided under P.D. 1083 (Code of Muslim Personal Laws of the Philippines)*

b.1 Official Muslim Holidays

1. Amun Jadid (New Year) - falls on the first day of the lunar month of Muharram;
2. Maulid-un-Nabi (Birthday of the Prophet Muhammad) – falls on the twelfth day of the lunar month of Rabi-ul-Awwal.
3. Lailatul Isra Wal Mi'raj (Nocturnal Journey and Ascension of the Prophet Muhammad)– falls on the twenty-seventh day of the seventh lunar month of Rajah
4. 'Id-ul-Adha (Hari Raya Haji) – falls on the tenth day of the twelfth lunar month of Dhu'l – Hijja.

b.2. Where officially observe

Muslim holidays shall be officially observed in the Provinces of Basilan, Lanao del Norte, Lanao del Sur, Maguindanao, North Cotabato, Sultan Kudarat, Sulu, Tawi-tawi, Zamboanga del Norte, Zamboanga del Sur and in

the cities of Cotabato, Iligan, Marawi, Pagadian, and Zamboanga and in such other provinces and cities as may be proclaimed by the President of the Philippines.

b.3. *Presidential Proclamation No. 1198 provides :*

“All private corporations, offices, agencies and entities or establishments operating within the enumerated provinces and cities shall observe the legal holidays as proclaimed, provided, however, that all Muslim employees working outside of the Muslim provinces and cities shall be excused from work during the observance of the Muslim holidays as recognized by law *without diminution or loss of wages during the said period.*

Considering that all private establishments in the designated places are required to observe Muslim holidays, both Muslim and Christians working in said areas may not report for work on those Muslim holidays.

2. *Computation of Payment on Regular Holidays*

Illustration : Using P 250.00 as daily rate

- a. The covered employee is entitled to at least 100% of his daily rate even if he did not report for work during the regular holiday.

$$P\ 250.00 = \text{daily rate}$$

- b. The covered employee who reported to work:

An additional 100% of the daily rate or 200%

$$\begin{aligned} P\ 250.00 + 100\% \text{ thereof} &= P\ 250.00 + P\ 250.00 \\ &= P\ 500.00 \text{ (rate on that day)} \end{aligned}$$

- c. The covered employee who reported to work on a regular holiday which falls on his rest day.

An additional 30% of the regular holiday rate of 200% or a total of at least 260%

$$\begin{aligned} 200\% \text{ of } P\ 250.00 + 30\% \text{ (} 200\% \text{ of } P250.00) \\ &= P\ 500.00 + P\ 150.00 \\ &= P\ 650.00 \end{aligned}$$

- d. During two (2) regular holidays falling on the same day, the covered employee is entitled to at least 200% of his daily rate even if he did not report for work on such double holidays.

$$\begin{aligned} 200\% \text{ of } P250.00 &= 2.0 \times P250.00 \\ &= P500.00 \text{ (rate on that day)} \end{aligned}$$

- e. If the employee reported for work during double regular holidays, he is entitled to at least 300% of his daily rate which is the total of 200% holiday pay plus 100% of the daily rate.

Illustration: P250.00 rate per day

$$\begin{aligned} (200\% \text{ of } P250.00) + 100\% \text{ of daily rate} \\ &= 2.00 \times P250.00 + P250.00 \end{aligned}$$

$$= P500.00 + P250.00$$

$$= P750.00 \text{ (rate on that day)}$$

If the employee reported for work during double holidays and it is also the employee's rest day, he is entitled to an additional 30% based on the rate of 300% for that day.

Illustration: P250.00 rate per day

$$300\% + (30\% \text{ of } 300\%) = P750.00 + (30\% \text{ of } P750.00)$$

$$= P750.00 + P225.00$$

$$= P975.00$$

3. *Computation of Payment on Special Days*

- a. During special days (Nov. 1 and Dec. 31) the principle of "no work, no pay" applies and on such other days as may be proclaimed by the President or Congress.
- b. Work on special days entitles the employee on additional 30% of the daily rate or a total of 130%.

Illustration : Using P250.00 as daily rate

$$P250.00 + (30\% \text{ of } P250.00)$$

$$= P250.00 + (0.3 \times P250.00)$$

$$= P250.00 + P75.00$$

$$= P325.00 \text{ (rate on that day)}$$

- c. Work on special days which is also the employee's rest day entitles the employee an additional 50% of the daily rate.

Illustration : Using P250.00 as daily rate

$$P250.00 + (50\% \text{ of } P250.00)$$

$$= P250.00 + (0.5 \times P250.00)$$

$$= P375.00 \text{ (rate on that day)}$$

Rest Day

1. The Premium Pay Rates are as follows:
 - a. For work performed on rest days
 - an additional 30% of the daily rate or a total of 130%.
 - b. For work performed on a rest day which is also a special day
 - an additional of 50% of the daily rate or a total of 150%
 - c. For work performed on a regular holiday which is also the employee's rest day:
 - an additional 30% of the regular holiday rate of 200% or a total of 260%

Illustration: Using P250.00 as the rate per day

- a. $30\% \text{ of } P250.00 = .3 \times P250.00 = P75.00$
 $P250.00 + P75.00 = P325.00$

- b. $50\% \text{ of } P250.00 = .5 \times P250.00 = P125.00$
 $P250.00 + P125.00 = P375.00$
- c. $30\% \text{ of } P500.00(200\% \text{ of daily rate}) = .3 \times P500.00 = P150.00$
 $P500.00 + P150.00 = P650.00$

Service Charges

- a. Collected by most hotels, restaurants and similar establishments.
- b. It shall be distributed at the rate of 85% equally among the rank-and-file employees and the 15% for the management to answer for losses and breakages and for distribution to managerial employees at the discretion of the management.

Meal Period

1. Every employer shall give his employees regardless of sex not less than one (1) hour time-off for regular meals.
2. The one (1) hour time-off is not compensable.
3. Meal period of not less than twenty (20) minutes may be given by the employer provided that such shorter meal period is credited as compensable hours of work of the employee in the following cases:
 - a. Where work is non-manual in nature or does not involve strenuous physical exertion;
 - b. Where the establishment regularly operates not less than sixteen (16) hours a day;
 - c. In case of actual or impending emergencies or there is urgent work to be performed on machineries, equipment or installations to avoid serious loss which the employer would otherwise suffer; and
 - d. Where the work is necessary to prevent serious loss of perishable goods. Rest periods or coffee break breaks running from five (5) to twenty (20) minutes shall be considered as compensable working time.

The opinion of Secretary of Labor & Employment Franklin M. Drilon dated 27 November 1989 relative to the request of Kodak Philippines Inc. on shortened meal period, read in part as follows:

“While as a general rule, the right to overtime pay as a result of a “compensable shorter meal period” cannot be waived under existing laws, this Office will not interpose any objection to the request of the employees provided the following conditions are met:

1. The employees voluntarily agree in writing to a shortened meal period of 30 minutes and are willing to waive the overtime pay for such shortened meal period;
2. There will be no diminution whatsoever in the salary and other fringe benefits of the employees existing before the effectivity of the shortened meal period;
3. The work of the employees does not involve strenuous physical exertion and they are provided with adequate “coffee breaks” in the morning and afternoon;
4. The value of the benefits derived by the employees from the proposed work arrangement is equal to or commensurate with the compensation due them for the shortened meal period as well as the overtime pay for 30 minutes as determined by the employees concerned;

5. The overtimes pay of the employees will become due and demandable if ever they are permitted or made to work beyond 4:30; and

The effectivity of the proposed working time arrangement shall be of temporary duration as determined by the Secretary of Labor and Employment.

Service Incentive Leave (SIL)

All employees who has rendered at least one (1) year of service shall be entitled to a yearly service incentive leave of five (5) days with pay.

Weekly Rest Period

All employees are entitled to one (1) day (24 consecutive hours) after working for six (6) consecutive days.

Paternity Leave

1. All married male employees regardless if they are not living together physically with their wife because of location of work station, and regardless of employment status shall be entitled to paternity leave benefit of seven (7) days with pay including allowance.
2. The paternity leave applies to the first four (4) deliveries or miscarriages of his legal wife.
3. The male employee should notify his employer of the pregnancy of his wife and her expected delivery. Prior application for leave shall not be required in case of miscarriage.
4. If this benefit is not availed of, it is not convertible to cash.
5. If there is an existing paternity leave under the collective bargaining agreement, contract or policy greater than seven (7) days, the greater benefit shall prevail. On the other hand, if the paternity leave is lesser than seven (7) days, the employer shall adjust the existing benefit to the extent of the difference.
6. A company policy, contract or collective bargaining agreement which provides for an emergency or contingency leave without specific provision on paternity leave does not exempt the employer to grant full seven (7) days paternity leave to covered employees.

Maternity Leave

Granted to every pregnant employee whether married or unmarried for her first four (4) normal or caesarian deliveries, abortion or miscarriages.

- a. The days of entitlement are as follows:
 - a.1. 60 days for normal delivery, abortion, or miscarriage.
 - a.2. 78 days for caesarian section delivery

- b. To qualify for the maternity leave benefits:
 - b.1 The employee must have paid at least three (3) months contributions within the twelve (12) month period immediately before the date of such delivery, abortion or miscarriage
 - b.2 The employee must notify the SSS through her employer her pregnancy.
- c. The qualified female employee shall be entitled to the maternity leave benefits equivalent to one hundred percent (100%) of the average daily salary credit of the employee as defined under the SSS law which the employer must advance subject to reimbursement from the SSS.

Benefits and Privileges to Solo Parents

As provided for under RA 8972 employer shall ensure that solo parents as defined shall ensure that the provisions of the law on flexible work schedule where applicable and the grant of parental leave of not more than seven (7) working days every year.

On Anti-sexual Harassment Law - shall post/disseminate RA 7877, create a committee on decorum and investigation and adopt its own policy/rules and regulations.

Coverage under the Social Amelioration Program (SAP)

All millers, except refineries and all sugar planters, affiliated or not.

Retirement Pay

The retirement benefits pursuant to Art. 287 of the Labor Code, as amended under RA 7641 and RA 8558 are distinct and separate from the benefits provided by the Social Security System (SSS) Law.

For the purpose of computing retirement pay, ONE-HALF MONTH SALARY shall include all of the following:

- a. 15 days salary based on the latest salary
- b. cash equivalent of 5 days of service incentive leave
- c. one-twelfth (1/12) of the 13th month pay

Or a total of 22.5 days (Capitol) Wireless, Inc. vs. Hon. Secretary Ma. Nieves Confesor.

Other benefits may be included in the computation of the retirement pay upon agreement of the employee and the employer or if provided in the Collective Bargaining Agreement (CBA).

Payroll and Daily Time Records/Employment Permit

1. The payroll must show the names, sex, wage or salary, allowances and other salary related benefits such as overtime pay, premium pay, deductions for withholding tax, SSS premium, Pag-ibig premium and other legal deductions, and the signature of the employees.
2. Payroll and Daily Time records must be kept for a period of at least three (3) years.

Registration of Contractor/Sub-Contractor (Department Order 18 – 02)

Issuance governing contracting and sub contracting arrangements. These rules apply to all parties of contracting and sub-contracting arrangements where employer-employee relationship exists. D. O. 18-02 requires registration of contractors and sub-contractors for purposes of establishing effective labor market information and monitoring.

Coverage under the Social Security System and the Employees' Compensation Program

All employers must remember that their employees are members of the SSS from the first day of employment, hence they must keep copies of Registration of Employees at the workplace.

All employers must grant maternity leave benefit to every pregnant employee whether married or unmarried for her first four (4) normal or caesarian deliveries, abortion or miscarriages.

- a. The days of entitlement are as follows:
 - a.1 60 days for normal delivery, abortion, or miscarriage
 - a.2 78 days for caesarian section delivery
- b. To qualify for the maternity leave benefits:
 - b.1. The employee must have paid at least three (3) months contributions within the twelve (12)- month period immediately before the date of such delivery, abortion or miscarriage
 - b.2. The employee must notify the SSS through her employer her pregnancy
- c. The qualified female employee shall be entitled to the maternity leave benefits equivalent to one hundred percent (100%) of the average daily salary credit of the employee as defined under the SSS law which the employer must advance subject to reimbursement from the SSS.

All employers who failed to register their employees with the SSS will deprive their employees the benefits due them other than the maternity leave, such as:

- a. Cash income benefits for Temporary Total Disability, Permanent Partial and Permanent Total Disability.
- b. Sickness benefit
- c. Lifetime monthly pensions of members and dependent (not exceeding 5 dependents) in case of death of member

- d. Death benefit
- e. Funeral benefit
- f. Entitlement to salary loan
- g. Entitlement to housing loan
- h. Entitlement to calamity loan

All employers must keep a logbook to record contingencies such as work-related sickness, injuries or death. They must notify the System regarding the said contingencies.

All employers must remember that their failure to register their employees to the SSS and to remit the corresponding premiums of said employees will make them criminally liable under the SSS law.

Certificates or Documents on Remittances to SSS

Pag-ibig and BIR and PhilHealth

Coverage under the Pag-ibig Fund Program

All employers shall remit to the Pag-ibig Fund Office the required contribution to the Pag-ibig Fund Office as provided by law.

Copy of Alien Permit of Employment, if employing aliens shall be kept at the workplace if employing alien.

Copy of Apprenticeship/Learnership Program duly approved by the Technical Education and Skills Development Authority (TESDA)

Copy of Work Permit, if employing children less than 15 years of age in family enterprises and in the entertainment industry.

List Of Labor Component – pursuant to RA 6727 employers are required to submit to the National Wages and Productivity Board a list of their employees and the corresponding of information like length of employment, status of employment and the corresponding salary.

Compressed Workweek - is a scheme where the generally observed six (6) days workweek of eight (8) hours per day is shortened to five (5) days only. The Saturday or 6th day work may either be evenly distributed over the five working days from Monday to Friday.

Conditions for Implementation:

In the adoption of the compressed workweek, the following concurring conditions should be met:

1. The employees voluntarily agree to work more than eight (8) hours a day the total in a week of which shall not exceed their normal weekly hours of work, prior to adoption of the compressed workweek arrangements.
2. There will not be any diminution whatsoever in the weekly or monthly take-home pay and fringe benefits of the employee.
3. If an employee is permitted or required to work in excess of his normal weekly hours of work prior to the adoption of the compressed workweek scheme, all such excess hours shall be considered overtime work and shall be compensated in accordance with the provisions of the Labor Code or applicable Collective Bargaining Agreement (CBA).
4. Appropriate waivers with respect to overtime premium pay for work performed in excess of eight (8) hours a day may be devised by the parties to the agreement.
5. The effectivity and implementation of the new working time arrangement shall be by agreement of the parties.

Employers adopting the compressed workweek scheme provided herein shall submit a report to Department of Labor and Employment or to its nearest Regional Office not later than ten (10) days from the adoption of the scheme.

II. OCCUPATIONAL HEALTH AND SAFETY

Registration of Establishment – The Certificate is issued by the Regional Office having jurisdiction of the establishment.

1. Registration is free and made only once except if there is a change of name of the establishment, its location, its ownership or reopening after previous closing;
2. Submit a layout plan of the place of work floor by floor, in a scale of 1:100 meters showing physical features of the workplace including storage, exits, aisles, machinery, clinic and fire extinguisher.
3. Submit location plan.
4. Establishments employing less than ten (10) workers, and classified as not hazardous, may utilize legal size bond paper for the lay-out plan and location plan showing the name and signature of the owner at the bottom of the page.

Premises - include the physical conditions or fixed worksites where workers habitually work, the building(s) and inside the building(s), structures, workplaces and yards.

1. **Adequate Aisles and Passageways** – Appropriate signs and markings should be made of designated permanent walkways, roadways for vehicles, parking area, railings and toe boards for ladders and headroom. Aisles and Passageways should be of sufficient width and height.
2. **Good Housekeeping** – the condition of the workplace where tools, equipment, supplies and materials are stored or placed in its appropriate area with appropriate signs and markings, good condition of floors and walls to achieve a wholesome working environment.
3. **Emergency Exits** – provision of at least two (2) appropriate exits of sufficient width in every floor with clear visible signs and which should be free of obstacles.
4. **Materials Handling and Storage** – provision of appropriate storage for hazardous substances with proper label on the category of hazard, the chemical or trade name, description of risks involve and first aid measures to be taken. This includes provision of appropriate clothing for the workers, training on handling and installation of shower room and special fountain for flushing chemicals out from the eyes.
5. **Waste Disposal System** – includes provision of waste receptacles in the workplace, the frequency of removal of solid and liquid waste and proper drainage system for wastewater and other liquid.
6. **Adequate Lighting** – provision of appropriate lighting in aisles and passageways and in the work area to make it suitable for the type of work. Includes installation of emergency lighting in appropriate location in case of failure of the general lighting system.
7. **Noise Pollution Control** – isolate the source of noise. Reduce noise by technically changing the machinery producing noise. Provide the workers ear muffs or earplugs where necessary and reduce their exposure to prevent adverse effect on their hearing and normal speech.

8. Proper Ventilation – provide natural or artificial ventilation to have adequate air supply where appropriate. However, avoid too fast air draft of cold or heated airflow directly hitting the workers. Insulate heat producing objects or equipment.
9. Radiation Exposure Control – isolate work area if possible. Reduce exposure by providing appropriate clothing, personal protective equipment, reduce exposure time and provide periodic examination of the work area and institute protective program for employees.
10. Airborne Contaminant Control (dusts, particulates, fumes, vapors, etc.) – isolate work area, change the technical process or substitute chemicals used to reduce emission, improve exhaust ventilation and provide appropriate personal protective equipment to the workers.
11. Provide Personal Protective Equipment – provide workers with appropriate personal protective equipment such as, helmets or caps, safety goggles or shields, clothing or gloves, safety footwear, earmuffs or earplugs, masks, safety belts in adequate in number. Qualified personnel should train the workers on the use and proper care of the Personal Protective Equipment. Appropriate penalties should be meted for non-using said equipment.
12. Installation of Fire Protecting Equipment/Facilities – provide an adequate private water tank if connection from the public water supply system is not possible. Provide in proper location portable fire extinguishers appropriate to the specific classes or hazards even in work areas where automatic-sprinkler system is installed. Buildings at least two (2) stories in height shall install alarm system. Organize a properly trained fire brigade in the workplace to take charge with fires and related emergencies including the periodic conduct of fire drill.
13. Provide Machine Guarding – provide all moving parts of prime movers, transmission equipment and all dangerous parts of driven machinery with effective guards such as, shields, standards railings, covers, casings, unless the machines are so constructed or located to prevent any person or object from coming or brought into contact with them.
14. Proper Office Spacing – provide space for appropriate number of workers in a work area with adequate space between the workers and machines given the tasks they are performing.
15. Imminent Danger Situation - this is a condition or practice that could reasonably be expected to cause death or serious physical harm before abatement under the enforcement procedures can be accomplished.
16. Personal Facilities –like
 - a. Adequate number of separate toilet facilities for males and females should be provided near the work area.
 - b. Washing facilities should be installed in the toilet room or immediately adjacent to it.
 - c. Separate washroom with washbasins and showers with clean running water should be provided in workplaces where workers are handling hazardous chemical substances.
 - d. Provide an adequate supply of potable water accessible to the work area, etc.

Safety Officer/Accredited Safety Practitioner – engage trained personnel on occupational health and safety who takes charge of the safety of the establishment including coordination of safety training program for employees and employers. The required number of safety officer depends on the number of workers employed and the type of workplace, as follows:

1. *Hazardous*

No. of Workers	Min. No. of S.O.	
	Hazardous	Highly Hazardous
1 - 50	One (1) Part Time	One (1) Full Time
51 - 200	One (1) Full Time	One (1) Full Time and One Part Time
201 - 250	One (1) Full Time and One (1) Part Time	Two (2) Full Time
Every add'l 500 or fraction thereof	One (1) Add'l Full Time	
Every add'l 250 or fraction thereof		One (1) Add'l Full Time

2. *Non-Hazardous*

No. of Workers	Min. No of Safety Officer
1 - 250	One (1) Part Time
251 – 500	Two (2) Part Time
501 – 750	One (1) Full Time
751 – 1000	Two (2) Full Time
Every add'l 500 or fraction thereof	One (1) add'l Full Time

Health and Safety Committee – a group of employees and management that plans and makes policies in all matters of safety and health in the workplace. The Committee shall be organized according to the number of workers in a workplace, as follows:

1. Type A (more than 400 workers)

- Chairman - Manager or his authorized representative who must be a top operating official
- Members - Two (2) department heads
Four (4) workers (union members, if organized)
The company physician
- Secretary - The safety man

2. Type B (over 200 to 400 workers)

- Chairman - Manager or his authorized representative who must be a top operating official
- Members - One (1) supervisor
Three (3) workers (union members, if organized)
The company physician or the company nurse
- Secretary - The safety man

3. Type C (100 to 200 workers)

- Chairman - Manager or his authorized representative
- Members - One (1) foreman
Three (3) workers (union members, if organized)
The nurse

4. Type D (less than 100 workers)

- Chairman - Manager
- Members - One (1) foreman
Three (3) workers (union members, if organized)
The nurse/first aider
- Secretary - The Part- time safety man

5. Type E (Joint Committee consisting of two (2) or more establishments within the same building)

- Chairman - The Chairman of the establishment committee
- Members - Two (2) supervisors from two (2) different establishments
Two (2) workers from two (2) different establishments (union members, if organized)
- Secretary - Appointed by the Chairman who shall be the Building Administrator in a high rise building.

Subject to the approval of the *Secretary of Labor and Employment or his duly authorized representative*, the employer may establish in his place or employment the line or staff type of health and safety organization, defined as follows:

1. *Line Type* - a form of organization where the general manager or head of the establishment directs the health and safety programs and assumes overall responsibility for the safety in the establishment. He in turn delegates the application of health and safety programs to plant personnel occupying line positions.
2. *Staff Type* – Staff safety organization or safety engineer type consists of a line organization with specialized personnel employed to advise and assist management in all matters of safety. Said personnel are responsible to the top executive exercising staff functions, serve all departments in an advisory capacity and supervise the application of the health and safety program in the workplace.

Health Services – these are basic preventive services necessary to establish and maintain a safe and healthy workplace with contented and productive workers. These include:

1. **Health Personnel** – these are personnel with additional qualifications required by the Occupational Health and Safety Standards, engaged by the employer to provide health services through formulation of an Occupational Health Program based on the industrial classification of the establishment and the number of workers. See Annex
 - a. First Aider
 - b. Nurse
 - c. Physician (permanent or part-time)
 - d. Dentist (permanent or part-time)
2. **Medical Facilities** – the facilities depend upon the industrial classification of the establishment and the number of workers.

a. *For Hazardous Workplaces*

No. of Workers	Treatment Room	Emergency Clinic
1-50		
51-99	X	
100-199	X	
200 - 600		X
601-2000		X
2,001-Above		

b. *For Non-Hazardous Workplaces*

No. of Workers	Treatment Room	Emergency Clinic
1-50		
51-99	X	
100-199	X	
200 – 600	X	
601-2000		X
2,001-Above		X

3. **Provision of Emergency Medicines** – adequate quantity depends upon the need of the workers as determined by the health personnel of the establishment. Any medicine, supply or equipment prescribed maybe substituted with one of comparable effectiveness, and shall be replaced with the same quantity immediately after use or consumption.

4. Submission of the following Administrative Reports on Health and Safety to DOLE-Regional Office:
 - a. Minutes of Meeting of Health and Safety Committee – The Organization must be constituted or organized within one (1) month from the start of business and must be re-organized every January of the following year. The Report of the Health and Safety Organization must include the health and safety program of the establishments. The Minutes of the Meeting of the Organization/Committee must be submitted to the DOLE not later than tenth (10th) day after the reference quarter.
 - b. Employee's Work Accident/Illness Report (DOLE/BWC/OHSD/IP-6) – this Report shall be used for every accident or illness and be submitted on or before the 20th day of the month following the date of occurrence.
 - c. Annual Work Accident/Illness Exposure Data Report (DOLE/BWC/OHSD/IP-6b) – this shall be accomplished whether or not there were accident/illness occurring during the year and shall be submitted not later than the 30th day of the month following the end of each calendar year.
 - d. Annual Medical Report Form (DOLE/BWC/OHSD/OH-47-A) - this is the health record of the program and activities in the establishment shall be submitted on or before the last day of March after the reference year.
5. HIV/AIDS Program – in compliance with RA 8504, the employer shall provide education and information program for the workers consisting of lectures and materials, brochures, booklets on HIV/AIDS including policy adopted. HIV/AIDS Program – provision of the program includes confidentiality of the results undertaken
6. Drug-Free Workplace Policy/Program (D.O. 53-03) – the minimum requirement for establishment employing at least 10 workers in accordance with RA 9165.
7. BWC Approved 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.
8. Construction Safety Signages (Section 9, D.O. 13, s. of 1998) - Construction safety signages must be provided to warn the workers and the public of hazards existing in the workplace. Signages must be posted in prominent positions at strategic locations and, as far as practicable, e in the language understandable to most of the workers employed in the construction site. Signages should be regularly inspected and maintained in good and legible condition. Damaged signs or hose that no longer apply should be immediately removed or replaced as the workplace condition warrants.

9. Construction Heavy Equipment (CHE) –(Section 10, D.O. 13, Rule 1410, OSHS) – All construction equipment having a gross operating weight of at least 1000 kg and power rating of at least 10HP must be certified as fit for operation by DOLE or its accredited construction Heavy Equipment Testing Organization. No CHE shall be used within construction sites without a valid Certificate of Inspection.
10. Construction Heavy Equipment Operators (Section 10, D.O. 13, Rule 1410) – Only duly certified operators shall be allowed or authorized to operate construction heavy equipment. Certification shall be in accordance with TESDA standards for skills certification.
11. Construction Worker’s Skills Certificate (Section 15, D.O. 13) - All construction workers performing critical occupations shall undergo a mandatory skills testing for certification by TESDA. An occupation is considered critical if any of the following is satisfied:
 - a. the performance of the job affects and endanger people’s lives and limbs;
 - b. the job involves the handling of power 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 construction site.
12. Continuing Training related to occupational health and safety (Section 13, D.O. 13) - The employer must provide for at least sixteen (16) hours of training per year for all of its full time safety personnel.
13. Workers Welfare Facilities (Section 16, D.O. 13) - The employer shall provide for :
 - a. adequate supply of safe drinking water for the workers in the project site;
 - b. suitable drinking areas, drinking water containers which should be cleaned and disinfected at intervals not exceeding fifteen (15) days;
 - c. adequate sanitary and washing facilities based on the requirements of the DOH;
 - d. adequate facilities for changing, storing and drying of working clothes;
 - e. suitable living accommodation for workers, as may be applicable, for their families; and
 - f. separate sanitary, washing and sleeping facilities for male and female workers.
14. Emergency Health Provider (Section 8, D. O. 13) – In the absence of hospital facilities on site where the number of workers exceeds 300, a valid contract with an Emergency Health Provider (EHP) may be allowed. An EMP 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 service as an emergency hospital, including 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.

Letter Request for Assistance in Self Assessment

Date _____

Director _____
Regional Office No. _____
Department of Labor & Employment
Address _____

Dear Director _____,

Greetings!

This refers to the conduct of Self-Assessment in our establishment.

May we request for assistance in the conduct of Self-Assessment and/or
Guidance in accomplishing the Checklist on _____ .

Thank you.

Very truly yours,

*Name and Signature of Owner/
Authorized Representative*

Name of Establishment:
Address:
Tel. No.:

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Regional Office No. _____

AUTHORITY TO ASSIST IN THE CONDUCT OF SELF-ASSESSMENT
Authority No. _____

Date Issued : _____

To: _____
Position

You are hereby directed to assist establishments listed below on _____ in its conduct of Self-Assessment/assist in accomplishing the Checklist.

NAME OF ESTABLISHMENT	ADDRESS
_____	_____
_____	_____
_____	_____
_____	_____

This Authority to Assist shall be attached in the Checklist upon its submission to the Regional Office.

LSED Chief

Approved by:

Regional Director