

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 2263

HOUSE OF REPRESENTATIVES

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Introduced by **HONORABLE STRIKE B. REVILLA**

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**AN ACT  
ENSURING THE OCCUPATIONAL HEALTH, SAFETY AND WELFARE OF  
BUSINESS PROCESS OUTSOURCING (BPO) WORKERS AND OTHERS  
SIMILARLY EMPLOYED**

**EXPLANATORY NOTE**

Business process outsourcing has been one of the largest employment field in the country at present. Many young professionals are lured to enter this kind of employment because of the monetary benefits and maybe because of the hip lifestyle that it projects in different advertisements.

However, there are studies that show that occupational health in this field is high risk. This may be attributed to night-work shifts, long hours under the glare of computer monitors, repetitive encoding. Apart from occupational health risks, this type of job also poses high security risks for its employees basically because of their time of work.

We recognize the economic advantages that the BPO industry gives to our country, but it is high time for us to institute mechanism to protect the health of our workers, moreover, we must reinforce the moral obligations of the industry to ensure that our relatively young workforce do not succumb to illness caused by the unnatural work environment. Compliance to occupational health and safety (OHS) standards is a must for limiting the adverse effects of night-shift and call center work to employees' health.

This proposed measure seeks to promote and ensure occupational health and safety for the workers in the BPO industry. In this light, immediate approval of this measure is earnestly sought.

  
**REP. STRIKE B. REVILLA**  
2nd District of Cavite

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. **2233**

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Introduced by **HONORABLE STRIKE B. REVILLA**

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AN ACT  
ENSURING THE OCCUPATIONAL HEALTH, SAFETY AND WELFARE OF  
BUSINESS PROCESS OUTSOURCING (BPO) WORKERS AND OTHERS  
SIMILARLY EMPLOYED

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

1       **SECTION 1. Short Title.** This Act shall be known as the “BPO Workers Health and  
2       Safety Act of 2016.”  
3

4       **SEC. 2. Declaration of Policy.** It is hereby declared policy of the State to secure the  
5       health, safety and welfare of the BPO or call center workers and others similarly employed. The  
6       State must ensure safe and healthy work environment for call center employees that protects  
7       them from injury and illness and that is adapted to their physiological and psychological needs.  
8       The State shall formulate and mandate progressively higher standards of occupational health and  
9       safety to account for changes in technology and work practices. All call centers operation in the  
10      country must adhere to the following principles of health and safety protection for the mutual  
11      benefit of the employees and employers:  
12

- 13           a. The importance of health and safety requires that employees, other persons at work  
14           and members of the public be given the highest level of protection against risks to  
15           their health and safety that is reasonably practicable in the circumstances.  
16
- 17           b. Persons who control or manage matters that give rise or may give rise to risks to  
18           health or safety are responsible for eliminating or reducing those risks so far as is  
19           reasonably practicable.  
20
- 21           c. Employers have a duty to secure the health, safety and welfare of employees and third  
22           persons working at or near their workplace. This general duty requires employers to

1 actively prevent risks arising out of their business activities and extends to protecting  
2 both employees and independent contractors.

3  
4 d. Employers and self-employed persons should be proactive, and take all reasonably  
5 practicable measures, to ensure health and safety at workplace and in the conduct of  
6 undertakings.

7  
8 e. Employers and employees should exchange information and ideas about risks to  
9 health and safety and measures that can be taken to eliminate or reduce those risks.

10  
11 f. Employees are entitled, and should be encouraged, to be represented in relation to  
12 health and safety issues.

13  
14 **SEC. 3. *Definition of Terms.*** For purposes of this act, the following terms shall be  
15 understood as

16 Follows:

17  
18 a. “Business Process Outsourcing (BPO)” is defined as the delegation of service-type  
19 business processes to a third-party service provider. It is generally divided into the  
20 following sectors: contact centers, back office services, data transcription, animation,  
21 software development, engineering development and game development. Most BPO  
22 companies engage in shift work to complete their 24-hour work cycle.

23  
24 b. “Call Center”, also known as contact center, refers to a central customer service  
25 operation where agents – customer care specialists or customer service  
26 representatives – handle business-related telephone calls and other IT-related non-  
27 voice activities in behalf of a client.

28  
29 c. “Employer” includes any person or enterprise acting directly or indirectly in the  
30 interest of an employer, in relation to an employee, and shall include government-  
31 owned or controlled corporations and institutions, as well as non-profit private  
32 institutions or organizations. Indirect employers or contractors shall be considered  
33 “employers” in this Act.

34  
35 d. “Employee” shall mean any person hired, permitted or suffered to work by an  
36 employer  
37

- 1 e. "Health" shall connote a sound state of the body and mind of the worker, which  
2 enables him to perform his job normally, in a state of well-being.  
3
- 4 f. "Safe or Safety" shall refer to the physical or environmental conditions of work or  
5 employment, which substantially comply with the provisions of the Standards.  
6
- 7 g. "Work Accident" shall mean an unplanned or unexpected occurrence that may or may  
8 not result in personal injury, property damage, work stoppage or interference or any  
9 combination thereof, which arises out of and in the course of employment.  
10
- 11 h. "Work Injury" shall mean any injury or occupational illness suffered by a person,  
12 which arises out of or in the course of his employment.  
13
- 14 i. "Occupational Illness" shall mean any illness caused by environmental factors, the  
15 exposure to which is characterized or peculiar to a particular process, trade of  
16 occupation and to which an employee or worker is not ordinarily subjected to or  
17 exposed outside of or away from such employment.  
18
- 19 j. "Workplace" means the office, premises or work site, where the workers are  
20 habitually employed and shall include the office or place where the workers, who  
21 have no fixed or definite work site, regularly report for assignment in the course of  
22 their employment.  
23
- 24 k. "Approved" shall mean acceptable to the Secretary in writing after proper  
25 examination showing compliance with prescribed Standards.  
26
- 27 l. "Code" shall mean the Labor Code P.D. 442 as amended.  
28
- 29 m. "Agencies" shall mean government agencies mandated to monitor, administer,  
30 promote, and ensure health and safety regulations and standards. These agencies are  
31 the Department of Labor and Employment, Bureau of Working Conditions,  
32 Employees Compensation Commission and Occupational Safety and Health Center.  
33
- 34 n. "Department" shall mean the Department of Labor and Employment.

1  
2 o. "Secretary" shall mean the Secretary of Labor and Employment.  
3

4 p. "Bureau" shall mean the Bureau of Working Conditions.  
5

6 q. "Director" shall mean the Director of the Bureau of Working Conditions.  
7

8 r. "Standards" shall mean the Occupational Safety and Health Standards and  
9 regulations.  
10

11 s. "Enforcement officer" shall mean the industrial safety engineer, the labor regulation  
12 officer, or any duly authorized representatives of the Secretary to enforce this  
13 Standards.  
14

15 t. "Authorized Representative" shall mean and include chartered cities, municipalities,  
16 employees or officials of other government agencies empowered by the Secretary of  
17 Labor and Employment to enforce the provisions of the Standards.  
18

19 u. "Workplace Occupational Health and Safety Representative" as defined in Section 7  
20 of this Act.  
21

22 v. "Registered Interested Party" shall mean any duly registered non-stock non-profit  
23 organization advocating occupational health and safety (OHS)  
24

25 w. "Shift work" shall mean the employment practice designed to make use of the 24  
26 hours of the clock. Employees are given schedules which correspond to a 24-hour  
27 work cycle. The term shift work includes both long-term night shifts and work  
28 schedules in which employees change or rotate shifts. Shift work is an.  
29

30 **SEC. 4. Occupational Health and Safety Standards and Regulations for BPO Workers.**

31 Pursuant to

32 Its mandate, the Department of Labor and Employment is tasked to establish Occupational  
33 Health and Safety Standards (Standards) for BPO work.  
34

1 The Standards shall adhere to the prevailing standards of health and safety for BPO work  
2 and other similar employment. It is imperative that the minimum provisions in the Standards  
3 meet the International Labor Organization's recommendations. Further provisions which the  
4 Agencies and the concerned parties deem appropriate for the protection of the workers in the  
5 local setting should be included. The Standards should be reviewed annually by the agencies,  
6 workplace OHS representatives and registered interested parties.

7  
8 **SEC. 5. *The Nature of BPO Night-Shift Work.*** Establishments engaged in shift work to  
9 complete their 24-hour work cycle expose their employees to health and security risks, thus  
10 night-shift work is considered hazardous in this Act. The erratic schedule, repetitive work, and  
11 artificial daytime environment which the employees are subjected to cause undue physical and  
12 psychological stress on BPO workers.

13  
14 **SEC. 6. *Compliance of the Standards.*** The Standards shall be strictly enforced in all  
15 establishments operating in the country. Compliance to the provisions of the Standards shall be  
16 mandatory.

17  
18 **SEC. 7. *Guidelines for the Implementation of Standards.*** The agencies and the workplace  
19 OHS representatives shall regularly monitor the implementation of the Standards.

- 20  
21 a. The Department through its enforcements officers shall administer and enforce the  
22 provisions of the Standards.
- 23  
24 b. Every employer shall give to the Secretary or his duly authorized representative  
25 access to its premises and records for the purpose of determining compliance with the  
26 provisions of the Standards.
- 27  
28 c. Every establishments or place of employment shall be inspected at least once a year  
29 to determine compliance with the provisions of the Standards. Special inspection  
30 visits. However, may be authorized by the Regional Labor Office or as authorized  
31 under Rule 1980 of the Labor Code, to investigate accidents, occupational illnesses or  
32 dangerous occurrences, especially those resulting in permanent total disability or  
33 death, to conduct surveys of working conditions requested by the Bureau for the  
34 purpose of evaluating and assessing environment contaminants and physical  
35 conditions or to conduct investigations, inspections or follow-up inspections upon  
36 request of an employer, worker or a labor union of the establishment.
- 37



- 1 d. The enforcement officer shall determine reasonable periods of compliance with  
2 recommendations depending on the gravity of the hazards needing corrections or the  
3 period needed to come into compliance with the order.  
4
- 5 e. In case the establishment fails to comply with the Standards to the imminent danger  
6 of the workers, the enforcement officer can immediately suspend operations in order  
7 to prevent injuries pending compliance by the establishment.  
8
- 9 f. The workplace occupational health and safety committee shall have monitoring rights  
10 and can also recommend and declare suspension of operations in the event that the  
11 safety and welfare of workers are deemed compromised as stated in Section 7 B of  
12 the Act.  
13

14 **SEC. 8. *Workplace Occupational Health and Safety Officer.*** An OHS representation is  
15 to be

16 elected for the purposes of consultation and monitoring of the Standards if at least one of the  
17 persons employed by the employer requests the election of the representative. The employees  
18 may elect more than one OHS representative upon approval by the Department.  
19

20 A. Election of workplace OHS representative.

21 (1) A workplace OHS representative is to be elected by the workers.

22 (2) A person is –

23 (a) Only eligible to be elected as a workplace representative if he or she is an  
24 employee; and

25 (b) Not eligible to be elected as a health and safety representative if he or she is  
26 disqualified under section 56 from acting as a health and safety representative.  
27

28 (3) All employees are entitled to vote in an election.

29 (4) The employees and the employers may determine how an election is to be  
30 conducted but, if they do not reach agreement within a reasonable time, any  
31 employee may ask the Department to arrange for an enforcement officer to-

32 (a) Conduct the election; or

33 (b) If the inspector considers it appropriate, appoint another person to conduct the  
34 election.

35 (5) An election must be conducted in accordance with the procedures (if any)  
36 prescribed by the regulations.

(6) If the number of candidates for election as a health and safety representative equals the number of vacancies, the election need not be conducted and each candidate is to be taken to have been elected as a health and safety representative for the designated work group.

B. Functions of workplace OHS representative. AN OHS committee or an OHS representative has the following functions:

- (1) To keep under review the measures taken to ensure the health, safety and welfare of persons at the place of work,
- (2) To investigate any matter that may be a risk to health and safety at the place of work,
- (3) To attempt to resolve the matter but, if unable to do so, to request an investigation by an inspector for that purpose, and
- (4) Such other functions as are prescribed by the regulations.

The workplace OHS representative may file a petition for a time off pay to the enforcement

Officer. The time off may be for attending courses as required by appropriate agencies and for conducting investigations on matters relating to his duties as a workplace OHS representative. The enforcement officer shall determine the amount of time off commensurate to the task being performed.

C. Powers of the workplace OHS representative. A health and safety representative may do any of the following:

- (1) Inspect any part of a workplace
  - (a) At any time after giving reasonable notice to the employer concerned or its representative; and
  - (b) Immediately in the event of an incident or any situation involving an immediate risk to the health or safety of any person;
- (2) Accompany an inspector during an inspection of a workplace at which a member of the designated work group works;
- (3) Require the establishment of a health and safety committee to assist in the monitoring if situation necessitated;
- (4) Under extra ordinary circumstances, the representative may give notice to the employer and the enforcement officer for the suspension of workplace operation if the welfare and safety of the employees are at risk. The notice must be acted upon by the employer and the enforcement within 24 hours so as to prevent endangering the lives of the workers; and,



(5) Assist or submit in behalf of the injured and ill employee, or his beneficiaries in case of death, compensation claims to the Employees Compensation Commission (ECC).

**SEC. 9. *Workplace Policy on Occupational Health and Safety.*** Each establishment shall formulate

their own occupational health and safety policy which adheres to the Standards as defined in Section 4 of this Act. Any additional safety measure deemed appropriate to the nature of the localized work environment may also be included pending approval by the Bureau. The policy must be reviewed annually by the employers, the workplace OHS representatives and the authorized representative.

All employees shall be informed of the OHS policy. Informational materials such as posters, brochures and similar devices shall be distributed to the employees free of charge.

**SEC. 10. *Health Program.*** The company physician shall, in addition to his duties stated in the Labor Code, Develop and implement a comprehensive occupational health program for the benefit of the employees of his employer.

**SEC. 11. *Health Insurance.*** All employees are entitled to free medical examination upon entry and annually during his tenure of employment. The establishment shall provide full health insurance to the employees, the coverage of which shall be agreed upon by the company and its employees.

**SEC. 12. *Work-Related Injuries, Sickness and Death Compensation.*** All employees and their dependents shall be also be compensated for injuries, medical complications, illness, disability and death arising from and related to their work in accordance to existing laws, labor policies, guidelines or circular as the case may be. The Employees Compensation Commission shall promptly process any claims for/by injured, disabled, deceased employees or their dependents.

**SEC. 13. *Independent Contractors.*** Articles 106 of the Labor expressly prohibits the "labor only" contracting. Employers engaging independent contractors to perform work on their behalf have a duty to minimize the health and safety risks to the contractor's employees. This is because they are deemed to be employees for the purposes of the Act; and because employers have a duty to protect third parties at or near their workplace. A failure to maintain a safe workplace for contractors' employees may constitute a contravention of the employer's general duty under the Act.

1  
2 **SEC. 14. Penal Provision.**

- 3 (a) Unless otherwise provided in any Chapter or section in the Code, any person or  
4 establishment who shall violate, disobey, refuse, omit or neglect to comply with any  
5 of the rules and regulations promulgated under this Act shall have a criminal liability  
6 and upon conviction shall be punished by imprisonment for a period not exceeding  
7 six (6) years and a fine not less than One Hundred Fifty Thousand Pesos (Php  
8 150,000.00) depending upon the discretion of the court.
- 9 (b) Any person who shall interfere with or hinder, or oppose any officer, agent or  
10 member of the Department or of the bureaus and offices under it, in the performance  
11 of his duty as such under this Code, or shall tear down, mutilate, deface or alter any  
12 placard, or notice, affixed to the punishable upon conviction by imprisonment for a  
13 exceeding six (6) months and a fine not less than Fifty Thousand Pesos (Php  
14 150,000.00) and not more the One Hundred Thousand Pesos (Php 100,000.00) per  
15 day for each of violation depending upon the discretion of the court.
- 16 (c) In case of injury, illness or death due to violation, disobedience, refusal, omission or  
17 neglect to comply with Standards and regulations in this Act, the employers and/or  
18 the establishment shall have a criminal liability and shall be punished by  
19 imprisonment and penalties applicable under the Republic Act 3815 also known as  
20 the Revised Penal Code.

21  
22 **SEC. 15. Separability Clause.** If, for any reason, any section or provision of this Act is  
23 declared Unconstitutional or invalid, such other sections or provisions not affected thereby shall  
24 remain in full force and effect.

25  
26 **SEC. 16. Repealing Clause.** Any law, presidential decree or issuance, executive order,  
27 letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the  
28 provision of this Act is hereby repealed, modified or amended accordingly.

29  
30 **SEC. 17. Effectivity.** This Act shall take effect fifteen (15) days after its publication in at  
31 least two (2) national newspapers of general circulation.

*Approved,*