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H. B. No. 571



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Introduced by HONORABLE BELLAFLOR J. ANGARA-CASTILLO

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#### EXPLANATORY NOTE

The construction industry which employs a significant number of Filipino workers (about 2 million) plays a vital role in the socio-economic growth of the country. The construction industry is projected to have a double digit growth rate by the second half of 2011 from a projected eight (8) percent growth rate. There are about P500 billion worth of infrastructure projects in lieu of the becoming public-private partnership scheme of the government.

However, numerous occupational risks and hazards are continuously emerging in the workplace with the advent of new technologies, materials and substances. As a result, high rate of worksite accidents may likely to occur if there would be no appropriate intervention or measures to prevent construction related accidents and injuries.

Compliance with safety standards shall be the responsibility of all stakeholders such workers, employers, constructors and more importantly, of the government which is the lead enforcer of safety standards. Thus, sanctions/penalties for erring employers, contractors and enforcers shall be an integral part of the bill in the effective implementation of this bill.

In view of the foregoing, the passage of this bill is earnestly sought.

  
BELLAFLO J. ANGARA-CASTILLO  
Representative  
Lone District, Province of Aurora

H. B. No. \_\_\_\_\_

Introduced by HONORABLE BELLAFLOR J. ANGARA-CASTILLO

AN ACT INSTITUTIONALIZING OCCUPATIONAL HEALTH AND SAFETY OF  
WORKERS IN THE CONSTRUCTION INDUSTRY, AND FOR OTHER PURPOSES

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

**SECTION 1. Title.** – This Act shall be known as the ***“Occupational Safety and Health in  
the Construction Industry Act of 2016.”***

**SEC. 2. Declaration of Policy.** – The State shall afford protection and welfare to workers  
employed in the construction industry and to the general public within and around the  
immediate vicinity of any construction site, and to ensure the promotion of health and safety  
in the construction industry.

**SEC. 3. Definition of Terms.** – As used in this Act, the following terms shall mean:

- a. **“Certified first-aider”** refers to any person trained and duly certified or qualified to  
administer first-aid by the Philippine Red Cross (PRC)
- b. **“Competency Standards”** refers to industry-determined specification of competencies  
required for effective work performance. These are expressed as outcomes, focus on  
workplace activity rather than training or personal attributes, and capture the ability to  
apply new skills in new situations and changing work organization.
- c. **“Construction safety and health committee”** means a group tasked with the authority  
to monitor, inspect, and investigate all aspects of the construction project pertaining to  
health and safety of construction workers
- d. **“Construction safety officer”** refers to any safety personnel tasked by his employer to  
implement company’s occupational safety and health programs and to ensure that the  
program is in accordance with the provisions of the Occupational Safety and Health  
Standards (OSHS).
- e. **“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 constructions project site  
in conformity with the OSHS including the personnel responsible and the penalties for  
violations thereof.
- f. **“Construction safety signages”** refer to any, but not limited to, emergency or danger  
sign, warning sign or safety instruction, of standard colors and sizes in accordance with  
the specifications for standard colors of signs for safety instructions and warnings in  
construction premises.
- g. **“Constructor”** It refers to any person or organization who undertakes or offers to  
undertake or purports to have the capacity to undertake or submits a bid to, or does

1 himself or by through others, construct, alter, repair, add to, subtract from, improve,  
2 move, wreck or demolish any building, highway, road, railroad, excavation of other  
3 structure, project, development or improvement, or to do any part thereof, including the  
4 erection of scaffolding and other structures or works in connection therewith. The term  
5 constructor covers the general constructor, subcontractor and specialty contractor.

- 6
- 7 h. **“Construction equipment”** refers to any machine with engine or electric motor as  
8 prime mover.
- 9
- 10 i. **“General Constructor”** means a constructor who has general supervision of the work  
11 environment, over other constructors in the execution of the project and who directly  
12 receives instructions from the owner or construction project manager.
- 13
- 14 j. **“General safety and health inspection”** refers to inspection of the work environment,  
15 including the location and operation of machinery other than those covered by technical  
16 safety inspections, adequacy of work space, ventilation, lightning, conditions of work  
17 environment, handling, storage or work procedures, protection facilities and other safety  
18 and health hazards in the workplace.
- 19
- 20 k. **“Imminent danger”** means a condition or practice that could reasonably be expected to  
21 cause death or serious physical harm before abatement under the normal enforcement  
22 procedures can be accomplished.
- 23
- 24 l. **“Occupational health personnel”** refers to a qualified first-aider, nurse, dentist or  
25 physician, engaged by the employer to provide occupational health services in the  
26 establishment/undertaking.
- 27
- 28 m. **“Occupational Safety and Health Standards (OSHS)”** refers to the Occupational  
29 Safety and Health Standards prepared by DOLE as provided for by law in Articles 162  
30 and 165, Chapter 2, Title I of Book Four of the Labor Code of the Philippines.
- 31
- 32 n. **“Owner’s Representative”** is a consulting entity which can be a firm, partnership or  
33 individual, who reports directly to the Project Owner and coordinates the construction  
34 operations by, between and among the General Constructor, Subcontractors, Suppliers  
35 and ensures that all is in accordance with the approved plans.
- 36
- 37 o. **“Project manager”** means the overall technical personnel of the general constructor  
38 and/or the subcontractor in charge of the actual execution of a construction project.
- 39
- 40 p. **“Safety and health audit”** refers to a regular and critical examination of project sites,  
41 safety programs, records and management performance on program standards on  
42 safety and health.
- 43
- 44 q. **“Safety personnel”** refers to any person engaged by any constructor, trained or  
45 accredited by DOLE and tasked to implement occupational safety and health programs  
46 for the workers/employees in any construction project
- 47
- 48 r. **“Tool box meeting or gang meeting”** refers to daily meeting among workers and their  
49 respective supervisors for the purpose of instruction, discussion and proper briefing on  
50 the planned work, the assessment of past work, the possibility or actual occurrence of  
51 accidents at the site, tips and suggestions on how to prevent possible accidents and  
52 other related matters.
- 53

54 **SEC. 4. Delegation of Authority and Accreditation.** – The authority to enforce mandatory  
55 occupational safety and health standards in the construction industry may be delegated in  
56 part by the Secretary of Labor and Employment.

57

58 **SEC. 5. Coverage.** – This Act shall apply to all operations and undertakings in the  
59 construction industry and subdivisions, namely, general building construction, general

1 engineering constructions and specialty trade construction, based on the classification code  
2 of the Philippines Contractors Accreditation Board (PCAB) of the Construction Industry  
3 Authority of the Philippines (CIAP); to companies and entities involved in demolition works;  
4 and to those falling within the construction industry as may be determined by the Secretary  
5 of Labor and Employment.

6  
7 **SEC. 6. Construction Safety and Health Program.** – Every construction project shall have  
8 a suitable Construction Safety and Health Program, which must be in accordance with this  
9 Act. The owner/developer and the general constructor shall be jointly and solidarily liable for  
10 the overall compliance with this Section.

11  
12 The Construction Safety and Health Program shall state the following:

- 13
- 14 1. Statement of Commitment to Comply with OSH Requirements;
- 15 2. General Safety and Health Policy;
- 16 3. Drug-free and Alcohol-free Workplace Policy;
- 17 4. Project Details;
- 18 5. Composition and Duties of Construction Safety and Health Committee;
- 19 6. Occupational Health Personnel and Facilities;
- 20 7. Safety and Health Promotion, Training and Education;
- 21 8. Toolbox Meeting;
- 22 9. Accident/incident/Illness Investigation, Recording and Reporting;
- 23 10. Personal Protective Equipment;
- 24 11. Provision on Safety Signages;
- 25 12. Control Measures on Construction Activities such as but not limited to temporary  
26 structures, lifting and construction equipment operations;
- 27 13. Workers Welfare Facilities;
- 28 14. Emergency Preparedness and Response Plan;
- 29 15. Construction Waste Management System; and
- 30 16. Penalties and Sanctions
- 31

32 The Construction Safety and Health Program shall be executed and verified by the Project  
33 Manager or in his absence, the Owner's Representatives and shall be submitted to the  
34 DOLE which may approve, disapprove or modify the same according to existing laws, rules  
35 and regulations and other issuances.

36  
37 **SEC. 7. Construction Safety and Health Committee.** – To ensure that these rules and the  
38 Construction Safety and Health Program are observed and enforced at the project site,  
39 each site shall, at the start of the construction, have a construction safety and health  
40 committee, the composition of which shall be posted at the entrance of the construction site.

41  
42 **A. Composition.** The Committee shall be composed of the following:

- 43
- 44 1. Project Manager or Owner's Representative as the *ex officio* Chairperson;
- 45 2. Construction Safety Officer of the Chairperson as the Secretary of the Committee;
- 46 3. Construction Safety Officer representing each constructor, as the case may be;
- 47 4. Physicians, Nurses, Certified First-Aider and Dentist, who shall be *ex officio*  
48 members; and
- 49 5. Workers representatives.
- 50

51 The persons constituting the Safety and Health Committee, shall as far as practicable, be  
52 found at the construction site whenever construction work is being undertaken.

53  
54 **B. Duties of the Construction Safety and Health Committee:**

55  
56 The Committee members shall always be present at the construction site and shall convene  
57 at regular intervals to effectively plan, develop, oversee and monitor the implementation of  
58 the Construction Safety and Health Program.



**SEC. 8. Personal Protective Equipment (PPE).** – Every employer shall provide protective equipment, free of charge to the workers, for eyes, face, hands and feet, lifeline, safety belt/harness 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 construction safety and health program which is a separate pay item pursuant to Section 18 of this Act.

All PPE shall be of the appropriate type as tested and approved by the DOLE based on its standards. The usage of PPE in any construction site shall be based on the evaluation and recommendation of the safety officer.

**SEC. 9. Construction Safety Officer.** – To ensure that a Construction Safety and Health Program is duly followed and enforced at the construction project site, each construction project site is required to have a full time Construction Safety Officer.

The General Constructor must provide for a full time Construction Safety Officer who shall:

1. Oversee the overall management of the Construction Safety and Health Program;
2. Frequently monitor and inspect any health and safety aspect of the construction work being under taken; and
3. Assist government inspectors in the conduct of safety and health inspection at any time whenever work is being performed or during the conduct of accident investigation; and
4. Issue work stoppage order when necessary.

The General Constructor must provide for additional Construction Safety Officer/s depending on the total number of personnel, construction equipment and work area assigned to the construction project site, to oversee the effective compliance with the Construction Safety and Health Program at the site.

Each subcontractor must provide for a representative who shall have the same qualification as a Construction Safety Officer, to oversee the management of the Construction Safety and Health Program for the subcontractor's work force and the specific areas of work operations.

All full time Construction Safety Officer/s who will be employed shall be accredited by the Department of Labor and Employment (DOLE).

**SEC. 10. Occupational Health Personnel and Facilities.** – The General Constructor shall provide qualified occupational health personnel within the work site duly complemented with the required medical supplies, equipment and facilities, based on the total number of workers in the site.

**SEC. 11. Construction Safety Signages and Devices.** – Construction safety signages and devices must be provided to warn the workers and the public of hazards in the workplace. Signages and devices shall be posted in prominent positions at strategic locations, in a language understandable to all and in accordance with the standards set by the DOLE.

**SEC. 12. Safety on Construction Equipment.** – In relation to construction equipment operation in the construction sites, all constructor must comply with the DOLE requirements in the different phases of the project including the transport to and from the project site.

**SEC. 13. Safety and Health Information.** – All personnel should adequately and suitably be informed of potential safety and health hazards and the appropriate measures required for the prevention, control and protection against those hazards.

1 A tool box meeting shall be conducted by the supervisor or the designated leader of the  
2 workgroup before commencing the assigned tasks for the day.

3  
4 **SEC. 14. Construction Safety and Health Training.** – All construction safety personnel  
5 shall undergo the mandatory forty (40) hour training on Basic Occupational Safety and  
6 Health for construction safety officer as prescribed by the DOLE.

7  
8 All occupational health personnel shall undergo the minimum safety and health training as  
9 prescribed by the DOLE.

10  
11 All site personnel shall undergo the mandatory one (1) day (eight hours) safety and health  
12 orientation/seminar as required by the DOLE, and as a pre-requisite for the issuance of  
13 construction competency registry card by the CIAP.

14  
15 Specialized instruction and training should be given to all personnel engaged in, but not  
16 limited to the operation, erection and dismantling of construction equipment and scaffolds,  
17 structural erections, excavations, blasting operations, demolition, confined spaces,  
18 hazardous chemicals and other critical activities.

19  
20 **SEC. 15. Construction Safety and Health Reports.** – All constructors shall be required to  
21 submit all reports and notifications as prescribed by the DOLE. All hospitals/clinics shall be  
22 required to submit all reports in construction related injuries TO DOLE.

23  
24 **SEC. 16. Construction Workers Competency Certification.** – In order to professionalize,  
25 upgrade and update the level of competence of construction workers, the Technical  
26 Education and Skills Development Authority (TESDA) shall establish national competency  
27 standards and prepare guidelines on competency assessment and certification for critical  
28 construction occupations. In this regard, all construction workers in critical occupations shall  
29 undergo the mandatory competency assessment and certification by TESDA.

30  
31 An occupation shall be considered critical when:

- 32  
33 a. The performance of a job affects the people's lives and limbs;  
34 b. The job involves the handling of tools, equipments and supplies;  
35 c. The job requires a relatively long period of education and training; and  
36 d. The performance of the job may compromise the safety, health and environmental  
37 concerns within the immediate vicinity of the construction site.

38  
39 **SEC. 17. Worker's Welfare Facilities** – The employer shall provide the following welfare  
40 facilities in order to ensure humane working conditions:

- 41  
42 a. Adequate supply of safe drinking water;  
43 b. Adequate sanitary and washing facilities;  
44 c. Suitable living accommodation for workers, as may be applicable; and  
45 d. Separate sanitary, washing and sleeping facilities for men and women workers, as  
46 may be applicable.

47  
48 **SEC. 18. Cost of Construction Safety and Health Program.** – The total cost of  
49 implementing a duly approved construction safety and health program shall be a mandatory  
50 and integral part of the project's construction cost as a separate pay item, duly quantified  
51 and reflected in the Project's Tender Documents and Project's Construction Contract  
52 Documents.

53  
54 **SEC. 19. Implementing Rules and Regulations.** – The Secretary of Labor and  
55 Employment shall promulgate the necessary rules and regulations necessary for the  
56 effective implementation of this Act, within (60) days from its effectivity.

57  
58 **SEC. 20. Visitorial Power of the Secretary.** – Pursuant to Article 128 of the Labor Code,  
59 as amended, and other applicable laws, the Secretary of Labor and Employment or his/her

1 authorized representative shall have the authority to enforce mandatory occupational safety  
2 and health standards in the construction industry. As such, they can enter workplaces at  
3 any time of day or night where construction is actually performed, to examine records and  
4 investigate fact, condition or matter necessary to determine if there is violation or conformity  
5 with the provisions of this Act. In cases when non-compliance poses grave and imminent  
6 danger to the health and safety of workers in the workplace, the Secretary of Labor and  
7 Employment or his/her authorized representative may likewise order suspension of  
8 operation or work stoppage of any unit or department of an establishment.

9  
10 **SEC. 21. *Penalty Clause.*** – It shall be unlawful for any person to obstruct, impede or  
11 otherwise refuse entry to the Secretary of Labor and Employment or his/her authorized  
12 representatives in the exercise of the visitorial power shall be administratively fined in the  
13 amount of One hundred thousand pesos (₱100,000.00) per day until the obstruction,  
14 impediment or refusal has ceased, without prejudice to the filing of criminal and civil actions.

15  
16 Any other violation or non-compliance with any provision of this Act shall be punishable in  
17 the following manner:

18  
19 First offense: A fine of One hundred thousand pesos (₱100,000.00);  
20 Second offense: A fine of Three hundred thousand pesos (₱300,000.00); and  
21 Third offense: A fine of Five hundred thousand pesos (₱500,000.00), or cancellation  
22 of PICAB license, or both depending on the gravity of the damage incurred.  
23

24 Any act declared herein as unlawful shall be punishable with imprisonment of four (4) years  
25 to six (6) years, at the discretion of the regular court.  
26

27 **SEC. 21. *Separability Clause.*** – If any part, section or provision of this Act is held invalid or  
28 unconstitutional, other provisions not affected thereby shall remain in force and effect.  
29

30 **SEC. 22. *Repealing Clause.*** – All other laws, decrees, orders, issuances, rules and  
31 regulations that are inconsistent with the provisions of this Act are hereby repealed,  
32 amended or modified accordingly.  
33

34 **SEC. 23. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the  
35 Official Gazette or in two (2) newspapers of general circulation, whichever comes first.  
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37 Approved,