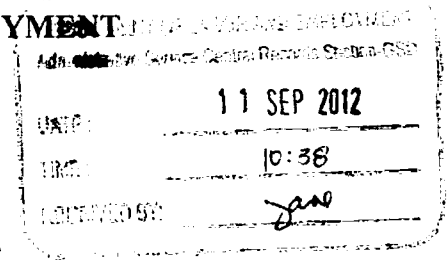


Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila



DEPARTMENT ORDER No. 115-A
Series of 2012

**OPERATIONAL GUIDELINES ON THE ISSUANCE OF A
TRIPARTITE CERTIFICATE OF COMPLIANCE WITH LABOR STANDARDS
(TCCLS)**

Pursuant to Department Order No. 115-11, Series of 2011, otherwise known as "***Guidelines in the Implementation of the Incentivizing Compliance Program***", the guidelines and procedure for the grant of **Tripartite Certificate of Compliance with Labor Standards (TCCLS)** is hereby issued as follows:

SECTION 1. Objectives. This Guidelines aims to promote voluntary compliance with Labor Standards such as General Labor Standards (GLS), Occupational Safety and Health Standards (OSHS), and Child Labor Law (R.A. 9231) by giving due recognition and incentives to compliant establishments pursuant to the **DOLE Incentivizing Compliance Program**.

SECTION 2. Coverage. This Guidelines is applicable nationwide to all establishments enrolled for the **TCCLS** through: (1) nomination by the Regional Coordinating Council (RCC) or the Regional Tripartite Industrial Peace Council (RTIPC); or (2) direct application. The establishments may be located in economic zones or specific geographical area or areas.

SECTION 3. TCCLS Components. The **Tripartite Certificate of Compliance with Labor Standards (TCCLS)** is the first level seal of good housekeeping issued by the DOLE Regional Office to enrolled establishments. The certificate is a requirement to qualify for the **Gawad Kaligtasan at Kalusugan (GKK)** and **Child Labor-Free Establishment (CLFE)** award. The **TCCLS** is a basic pre-qualification requirement to the **DOLE Secretary's Labor Law Compliance Award** and to the highest award, which is the **Tripartite Seal of Excellence (TSE)**. The Secretary's Award can be acquired when the **TCCLS** plus two (2) other certificates are obtained by an establishment. The **TSE**, as provided under Department Order No.115-11, Series of 2011, can be obtained by an establishment upon acquiring all of the five (5) DOLE good housekeeping certificates – the **TCCLS**, the **CLFE**, **GKK**, **National Productivity Olympics Award**, and the **Outstanding LMC Award for Industrial Peace**.

The **TCCLS** can be obtained by enrolled establishments upon compliance with the following labor standards:¹

¹ For purposes of this Guideline, the attached Checklists (Annex A) shall be used in the evaluation and validation of compliance by establishments applying for **TCCLS**.

3.1 General Labor Standards (GLS) - shall include compliance to the following:

3.1.1 Hours of Work (Book III, Labor Code)

- Meal and Rest Period
- Weekly Rest Day
- Expanded Breastfeeding Promotion Act of 2009 (R.A. 10028)
- Flexible Work Arrangements (Department Advisory No. 2, Series of 2009)

3.1.2 Wage and Wage Related Benefits (Book III, Labor Code)

- Minimum Wage
- Overtime Pay
- Regular Holiday Pay
- Premium Pay for Special days and Rest days
- Night Shift Differential Pay
- Service Incentive Leave
- Service Charge
- Separation Pay
- 13th Month Pay (P.D. 851)
- Maternity Leave (R.A. 8282)
- Paternity Leave (R.A. 8187)
- Solo Parent Leave (R.A. 8972)
- Leave for Victims of Violence Against Women and their Children (R.A. 9262)
- Special Leave for Women (R.A. 9710)
- Retirement Pay (R.A. 7641/R.A. 8558)

3.1.3 Other Related Labor Law and DOLE Issuances

- Anti-Sexual Harassment Law (R.A. 7877)
- Social Security Act of 1997 (R.A. 8282 as amended)
- National Health Insurance Act of 1995 (R.A. 7875 as amended)
- Home Development Mutual Fund Law of 2009 (R.A. 9679 as amended)
- Rules Implementing Articles 106 to 109 of the Labor Code (Department Order No. 18-A, Series of 2011)

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- Guidelines for the Implementation of a Drug-Free Workplace Policies and Programs (Department Order No. 53-03, Series of 2003)
- Guidelines for the Implementation of HIV and AIDS Prevention and Control in the Workplace Program (Department Order No. 102-10, Series of 2010)
- Guidelines for the Implementation of a Workplace Policy and Program on Hepatitis B (Department Advisory No. 05, Series of 2010)
- Rationalizing the Implementation of Family Welfare Program (Department Order No. 56-03, Series of 2003)
- Social Amelioration Program (R.A. 6982)
- Alien Employment Permit (Department Order No. 12, Series of 2001)

3.2. Basic Occupational Safety and Health Standards (OSHS) – shall include compliance to the following:

3.2.1 OSHS Reporting requirements

- Registration (Rule 1020)
- Health and Safety Committee (Rule 1040)
- Notification and Keeping of Records of Accidents and/or Occupational Illnesses (Rule 1050)
- Occupational Health Services (Rule 1960)

3.2.2 Personnel required under Department Order No. 16 (Amendments to Rule 1030) and Rule 1960;

3.2.3 Personal Protective Equipment (PPE) required under Rule 1080;

3.2.4 Technical Safety Inspection

- Boiler (Rule 1160)
- Unfired Pressure Vessels (Rule 1170)
- Elevators and Related Equipment (Rule 1220)

3.2.5 Other general safety and health conditions (such as those required under Rules 1060 [Premises of Establishments]), 1070 [Occupational Health and

Environmental Control] and Department Order No. 13, Series of 1998).

3.3. Child Labor Laws and Regulations – shall include compliance to the following:

3.3.1 Minimum Employable Age (R.A. 9231 and D.O. 65-04)

3.3.2 Minimum Hours of Work (R.A. 9231 and D.O. 65-04)

3.3.3 Prohibition Against Worst Form of Child Labor (R.A. 9231 and D.O. 65-04)

3.3.4 Hazardous Work and Activities for Persons Below 18 Years of Age (D.O. 04-99)

SECTION 4. Criteria/Qualifications of Establishments. To qualify for the TCCLS, an establishment must meet the following criteria:

4.1. It must be duly registered with either the Department of Trade and Industry (DTI), the Securities and Exchange Commission (SEC), the Cooperative Development Authority (CDA), Department of Labor and Employment (DOLE) or other appropriate government agencies;

4.2. It has a valid business permit from the Local Government Unit;

4.3 It has no pending case with the DOLE involving violations of General Labor Standards, Occupational Safety and Health Standards, and Child Labor Law at the time of application, and;

4.4 It has no case of Fatal Accident², Permanent Total³/Partial⁴ Disability, or Occupational Illness⁵ within a period of one (1) year at the time of application

² "Fatal Accident" refers to any work-related injury which results to the death of an employee regardless of the intervening time between the injury and the date of death.

³ "Permanent Total Disability" refers to any injury or sickness other than death which permanently and totally incapacitates an employee from engaging in any gainful occupation or which results in the loss or the complete loss of use of any of the following in one accident:

1. Both eyes;
2. One eye and one hand, or arm, or leg or foot;
3. Any two of the following not in the same limb, hand, arm, foot, leg;
4. Permanent complete paralysis of two limbs, and;
5. Brain injury resulting in incurable imbecility or insanity; (Rule 1051, par. 4, *Occupational Safety and Health Standards*)

⁴ "Permanent Partial Disability" refers to any injury other than death or permanent total disability which results in the loss or loss of use of any member or part of a member of the body regardless of any pre-existing disability of the injured member or impaired body function. (Rule 1051, par. 5, *Occupational Safety and Health Standards*)

⁵ Rule 1002, paragraph (10), *Occupational Safety and Health Standards*.

SECTION 5. Filing/Enrolment of Establishments in the Program.

5.1 Application/enrolment for TCCLS shall be filed personally using the prescribed form (Form No. 1). It shall be filed in triplicate (3) copies with the appropriate DOLE Regional Office where the establishment is located or operating. In case of establishments with branch offices in other regions, applications/enrolment shall be filed in their respective regions.

5.2. Upon filing, the applicant/enrolee shall submit a duly accomplished TCCLS Checklist (Form No. 2) signed by the authorized representative of the establishment.

5.3. The DOLE Regional Office shall verify the Checklist within fifteen (15) working days and may require submission of supporting documents using TCCLS Checklist (Form No. 3). If an establishment qualifies, the DOLE Regional Office shall publish the name/s of the qualified establishment/s in a newspaper of local circulation for public information and feedback.

5.4. In the absence of any opposition or objection to the application/nomination of the establishment within fifteen (15) working days after publication, the DOLE Regional Office shall immediately convene the Tripartite Certification Committee (TCC) to act on the application.

SECTION 6. Procedures in the Issuance of TCCLS. The following shall be observed in the issuance of a TCCLS:

6.1. Upon convening the TCC, the DOLE Regional Office shall immediately endorse TCCLS Checklists and all supporting documents to the former.

6.2. After receipt of the documents, the TCC shall issue a written notice of qualification using the prescribed TCCLS Notice (Form No. 4) with a request to the establishment to create a Compliance Team or appoint a Compliance Officer within five (5) working days from notice. The Compliance Team/Officer shall coordinate with the TCC during the entire certification process.

6.3. In coordination with the Compliance Team or Officer, the TCC shall validate the establishment's compliance to the TCCLS Checklist (Form No. 5) by conducting ocular or plant visit, random interview of employees and documentary review within ten (10) working days upon the appointment of a Compliance Team/Officer.

6.4. In case there are no gaps in the establishment's compliance with GLS, OSHS, and Child Labor Law, the TCC shall endorse, within one (1) working day, its recommendation for the issuance of the **TCCLS** to the DOLE Regional Office.

6.5. In case there are gaps in the establishment's compliance, the TCC together with the DOLE Regional Office shall discuss with the Compliance Team/Officer the remediation procedure, the appropriate actions to correct the compliance gaps, and the compliance period, which shall in no case exceed six (6) months from the date of finding. Appropriate DOLE programs and technical assistance may also be applied to correct the gaps.

6.6. If at any time within the remediation period, reports of corrective actions have already been undertaken, the TCC together with the Compliance Team/Officer shall immediately conduct validation until all compliance gaps are remediated. If fully compliant, the TCC shall endorse the establishment for certification and issuance of the **TCCLS** to the DOLE Regional Office.

SECTION 7. Issuance and Validity of Tripartite Certificate of Compliance on Labor Standards (TCCLS). The DOLE Regional Office shall issue the **TCCLS** within three (3) working days from receipt. The **TCCLS** is valid for three (3) years.

SECTION 8. Effect of TCCLS. The **TCCLS** is a government seal of good housekeeping and serves as an equivalency to routine inspection within the three-year validity period, unless there is a complaint for violation of GLS, OSHS and Child Labor Law. In the latter case, the establishment may opt to undergo the remediation process under Section 6.5. Otherwise, the certificate shall be revoked.

During the validity of the certificate, the establishment shall submit an annual self-assessment checklist to the DOLE Regional Office.

SECTION 9. Incentives of TCCLS. A certified establishment shall be entitled to the following:

9.1 It shall qualify the establishment for the **Secretary's Award** and the **Tripartite Seal of Excellence (TSE)**.

9.2 It shall have priority access to technical assistance and services of DOLE and its attached agencies.

9.3 It shall be entitled to use the **TCCLS** in promotional activities and advertisement of its products/services.

9.4 It shall be included in the priority mailing list of the Department.

SECTION 10. Application of Single Entry Approach (SENA) to Complaint Inspection. Except complaints for violation of Child Labor laws and OSHS issues involving imminent danger situations, a complaint against a certified establishment should be processed through the Single Entry Approach's (SENA) 30-day mandatory conciliation-mediation services.

SECTION 11. Decertification Procedures. The TCC may recommend the decertification of a certified establishment after due process, for any of the following reasons:

11.1. There is a finding of GLS or OSHS violation/s and if Remediation fails;

11.2. There is a finding of Child Labor Law violation;

11.3. A certified establishment incurs a case of Fatal Accident, Permanent Disabling Injury, or Occupational Illness; and

11.4. A certified establishment is found to have deliberately abused the certification, e.g., use of the TCCLS to circumvent any provisions of the Labor Code or to mislead the general public or for misrepresentation or fraud.

If after the conduct of a summary investigation by the DOLE Regional Office and there is substantial evidence that the certified establishment has indeed violated any of the conditions stated above, the DOLE Regional Office shall revoke the certification of the establishment and notice thereof shall be published in a newspaper of local circulation.

SECTION 12. Tripartite Certification Committee (TCC) Head in the Regional Level. The DOLE Regional Director, or the Assistant Regional Director as the designated alternate, shall head the regional TCC.

The Technical Support Services Division (TSSD) of the DOLE Regional Office shall serve as Secretariat at the regional level.

SECTION 13. TCCLS Program Monitoring. The DOLE Regional Office shall submit every fifth day of the reference month, a monthly report on the implementation of the TCCLS Program to the BWC using TCCLS Form No. 6.

SECTION 14. Repository of TCCLS Certificates. The BWC shall be the central repository of all issued TCCLS certificates. It shall implement a uniform process to safeguard the integrity and security of the TCCLS by providing bar-coded, pre-numbered and tamper-proof certificates to all DOLE Regional Offices.

SECTION 15. Funding. Funding of the implementation of this program shall be taken from the allocated budget for the enforcement activities of the DOLE Regional Offices. Honoraria for the TCC members shall be based on DBM Circular No. 2007-2, dated October 1, 2007.

SECTION 16. Effectivity. This Guidelines shall take effect immediately. All applications/enrolments to the TCCLS shall be accepted after thirty (30) working days from the date of issuance of this Guidelines. Thereafter, applications/nominations shall only be accepted every first quarter of each year.

All qualified establishments that have been processed pursuant to D.O. 115-11 shall be reviewed by the TCC and upon qualification, issued with the TCCLS by the DOLE Regional Office in accordance with this Guidelines.

Manila, Philippines, 10 September 2012.


ROSALINDA DIMAPILIS-BALDOZ
Secretary

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