Prohibited Acts and its Corresponding Penalties:

- Registration of establishment to DOLE: P20,000
- Provision of job safety instruction or orientation prior to work: P20,000
- Provision of worker’s training (first aid, mandatory workers training, mandatory OSH training for safety officers and health personnel): P25,000
- Provision of safety signage and devices: P30,000
- Provision of medical supplies, equipment and facilities: P30,000
- Submission of reportorial requirements as prescribed by OSH standards: P30,000
- Provision of safety officer and/or OH personnel: P40,000
- Provision of certified personnel or professional required by the OSH standards: P40,000
- Establishment of a safety and health committee: P40,000
- Formulation and implementation of a comprehensive safety and health program: P40,000
- Provision of information on hazards and risk (absence of chemical safety data sheet, no written SOP in materials handling, lifting etc. no permitting system for confined spaces/hot works, no lock-out/tag-out system etc.): P40,000
- Provision of sanitary and welfare facilities: P40,000
- Use of approved or certified devices and equipment for the task: P50,000
- Provision of PPE or charging of provided PPE to workers: P50,000
- Compliance with DOLE issued WSO: P50,000
- Compliance to other OSH standards: P40,000
- Repeated violation of the same prohibited act shall be penalized of the corresponding fine plus 50% for every instance of repeat violation
- When the violation exposes the worker to death, serious injury or serious illness, the imposable penalty shall be P100,000
- Additional P100,000 fine for refusal to access the workplace, refusal to provide or allow access to records, obstruct conduct of investigation, misrepresentation and making retaliatory measures such as termination, refusal to pay, reducing wages and benefits or discriminates any worker who has given information relative to inspection

Enforcement/Effectivity

- Enforcement is through the DOLE-Regional Offices having jurisdiction over the workplace
- D.O. 183-17 shall govern the procedure in the implementation of DOLE D.O. 198-18

Key Points of RA 11058

“An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations Thereof” and its IRR (D.O. 198-18)
Occupational Safety and Health (OSH) Programs

- Covered workplaces through the Health and Safety Committee (HSC), shall develop and implement a suitable OSH Program following the DOLE-prescribed format.
- OSH Program shall be submitted and considered approved upon stamped-received by concerned DOLE-Regional Office or Field Office. Pre-approved program shall be validated during inspection and may be modified by DOLE as necessary, based on existing laws, rules and regulations.
- The HSC shall review and evaluate the OSH Program at least once a year or as necessary. A revised copy of the program shall be submitted to DOLE.
- A suitable Construction Safety and Health Program (CHSP) specific for each construction project shall be submitted to concerned DOLE-Regional Office or Field Office for its approval prior to start of the project.
- The total cost of implementing OSH Programs shall be an integral part of the company’s operations cost.

OSH Personnel Complement

- All covered workplaces shall have qualified OSH personnel:
  - First Aider
  - Safety Officer
  - Dentist
  - Physician
  - Nurses

[Number and type of OSH personnel are based on the number of employees and the correct determination by the Safety Officer of his/her workplace classification]

*Refer to Table of OSH Personnel on Sec. 14 & Sec. 15 of D.O. 198-18

Workers’ Welfare Facilities

All workers shall have FREE access and use of the following welfare facilities:
- Adequate supply of safe drinking water
- Adequate sanitary and washing facilities
- Suitable living accommodation as may be applicable such as in construction, shipping, fishing and night workers
- Separate sanitary, washing and sleeping quarters for all genders, as may be applicable
- Lactation Station
- Ramps, railings and the like
- Medical Facilities (treatment room/clinic)
- Other workers’ welfare facilities as may be prescribed by the OSH Standards and other issuances

Joint and Solidary Liability

The employer, project owner, contractor or subcontractor and any person who manages, controls or supervises the work being undertaken shall be jointly and solidarily liable for compliance with the Occupational Safety and Health Standards and corresponding penalties for violations.

Incentives

- Incentives may be given to qualified employers and workers in recognition of their efforts in ensuring compliance with the OSH standards.
- Incentives shall be given in the form of training, additional protective equipment, technical guidance, recognition awards and the like.

Inter-Government Coordination and Cooperation

- A Joint Coordinating Committee shall be established to effectively implement the Law and its IRR.
- The Committee shall develop mechanisms for harmonizing each Agency’s mandates/policies/guidelines related to OSH, with reference to the Law.
- DOLE to collaboratively work with DENR, DOE, DoTR, DA, DPWH, DTI, DILG-LGUs, DOH, DICT, PEZA and other government agencies.

Workers’ Rights:

- To know the different types of hazards in the workplace;
- To be provided with training, education and orientation;
- To refuse unsafe work without threat or reprisal from the employer in cases of imminent danger. Affected workers may be temporarily assigned to other work areas;
- To report accidents and dangerous occurrences to DOLE-ROs and other government agencies in the most convenient way; Workers shall be free from retaliation for reporting any accident;

Safety and Health Training Requirements

- All OSH personnel shall undergo the prescribed mandatory trainings from DOLE-accredited Safety Training Organizations or its recognized training institutions.
- All workers shall undergo the mandatory 8-hour OSH seminar as prescribed by DOLE. This training may be conducted by the company safety officer in a staggered manner.
- Workers performing critical occupations shall undergo the mandatory competency assessment and certification by TESDA.
- Workers’ OSH seminars and trainings/orientations required by the employer or by other regulations in the performance of their task shall be undertaken at no cost to the worker and considered as compensable working time.

Coverage

- All private establishments where work is being undertaken including establishments located inside special economic zones and other investment promotion agencies (e.g. Philippine Economic Zone [PEZA], Clark Development Corporation [CDC])
- Utilities engaged in air, sea and land transportation
- Exemption — Public Sector (national government agencies, government-owned and controlled corporations with original charters, government financial institutions, state universities and colleges and local government units)

Duties and Rights

Employer’s Duties: provide a safe and healthy workplace through the following, among others:
- Capacity building of all workers including mandatory trainings;
- Provision of information on OSH;
- Use of devices/equipment with approved industry standards;
- Compliance with all the requirements of the OSH Standards;
- Provide appropriate DOLE tested and approved PPEs FREE of charge to the workers.

Workers’ Rights:
- To know the different types of hazards in the workplace;
- To be provided with training, education and orientation;
- To refuse unsafe work without threat or reprisal from the employer in cases of imminent danger. Affected workers may be temporarily assigned to other work areas;
- To report accidents and dangerous occurrences to DOLE-ROs and other government agencies in the most convenient way; Workers shall be free from retaliation for reporting any accident;

Workplace Classification based on Risks

Based on the level of risks brought about by the nature of activities/business processes in the establishment; determined by the company safety officer.

- Low Risk Workplace refers to those with less exposure to safety and health hazards, having low level of danger, with no or less probability to cause an accident, harm, injury or illness
- Medium Risk Workplace refers to those having moderate exposure to safety and health hazards and with probability of an accident, injury or illness if no preventive or control measures are in place
- High Risk Workplace refers to those wherein presence of hazards affects not only workers but persons outside establishment; with high level of exposure to safety and health hazards; probability of major accident is likely to occur