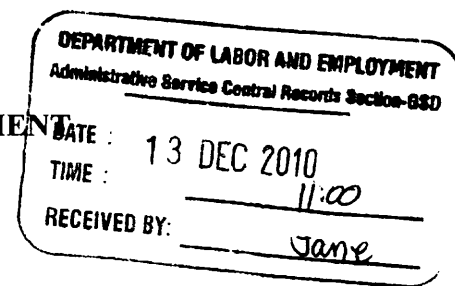




Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
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GUIDELINES FOR THE IMPLEMENTATION OF A WORKPLACE POLICY AND PROGRAM ON HEPATITIS B

Hepatitis B continues to be a major public health concern in the Philippines. Because it is transmitted through blood and body fluids, Hepatitis B is not spread through usual workplace activities. The job of most workers does not confer a risk for transmission of Hepatitis B. However, there are certain occupations which pose a higher risk of transmission of Hepatitis B because it involves exposure to potentially contaminated blood and body fluids. These would include occupations in the healthcare setting and other workers whose occupation involves the potential for exchange of bodily fluids.

Currently, many job applicants who are Hepatitis B surface antigen (HBsAg) positive are declared unfit to work without appropriate medical evaluation and counseling. These individuals are otherwise healthy and can be gainfully employed. Because the workplace is part of the larger community of Filipinos fighting the Hepatitis B epidemic, strategies need to be implemented to reduce the risk of transmission of Hepatitis B in the workplace and eliminate discrimination against Hepatitis B positive workers.

I. COVERAGE

The guideline shall apply to all workplaces in the private sector including their supply chain.

II. FORMULATION OF WORKPLACE POLICY AND PROGRAM

- A. It is mandatory for all private workplaces to have a policy on Hepatitis B and to implement a workplace program.
- B. The Hepatitis B workplace policy and program may be separate from or integrated into existing occupational safety and health policy and program of the establishment, such as the Family Welfare Program, Labor Management Cooperation Program or other related programs.
- C. The policy should be rights-based, incorporating human rights standards and principles.
- D. There shall be collaborative efforts from management and worker representatives in the development and implementation of the policy and program.
- E. In organized workplaces, the policy and program shall be included as provisions of the Collective Bargaining Agreements.
- F. The DOLE in coordination with DOH and/or partners, shall assist the workplace in the formulation and implementation of Hepatitis B Workplace Policy and Program.

III. COMPONENTS OF THE HEPATITIS B WORKPLACE POLICY AND PROGRAM

The workplace policy and program on Hepatitis B shall cover all workers regardless of their employment status and shall include among others, the following:

A. Advocacy, Information, Education and Training

1. All workers shall be provided with basic information and education on Hepatitis B. Employers shall be responsible for providing appropriate, accurate and updated information. Standardized basic information package shall be developed by DOLE and its partners.

Topics for information and education activities shall include:

- a. Magnitude of Hepatitis B Epidemic
 - i. Hepatitis B as a disease
 - ii. Transmission
 - iii. Diagnosis
 - iv. Treatment and Referral
 - b. Prevention of Hepatitis B infection
 - c. Information on basic human rights and rights of workers
 - d. Impact of illness on individual, family, community and workplace
 - e. Workplace policy and program on Hepatitis B
 - f. Salient features of national laws and policies related to Hepatitis B and blood-borne pathogens
2. Employers shall extend advocacy, information, education and training activities to their contractors and supply chain, workers' families, the community and other establishments, as part of their Corporate Social Responsibility (CSR) and to strengthen multi-sectoral partnerships in the prevention and control of Hepatitis B.

B. Preventive Strategies

Prevention of Hepatitis B infection in the workplace shall be achieved through the implementation of the following strategies:

1. All establishments are encouraged to provide Hepatitis B immunization for all its workers.
For those occupations with a conceivable risk of Hepatitis B transmission in the workplace such as health care workers and other workers whose occupation involves the potential for exchange of bodily fluids, Hepatitis B vaccination is required.
2. Measures to improve working conditions, such as adequate hygiene facilities, containment and proper disposal of infectious and potentially contaminated materials shall be provided.

3. Personal Protective Equipment shall be made available for all workers in high risk occupations at all times.
4. Workers should be given training and information on adherence to standard or universal precautions in the workplace.

All health care-related establishments and establishments whose workers are exposed to potentially contaminated blood or body fluid while in the workplace shall adhere to protocols developed or endorsed by the DOH.

C. Social Policy

1. Non-discriminatory Policy and Practices

- a. There shall be no discrimination of any form against workers on the basis of their Hepatitis B status consistent with international agreements on non-discrimination ratified by the Philippines (ILO C111). Workers shall not be discriminated against, from pre to post-employment, including hiring, promotion or assignment, because of their Hepatitis B status.
- b. Individuals found to be Hepatitis B positive shall not be declared unfit to work without appropriate medical evaluation and counseling.
- c. Workers shall not be terminated on the basis of the actual, perceived or suspected Hepatitis B status.
- d. Workplace management of sick employees shall not differ from that of any other illness. Persons with Hepatitis B-related illnesses should be able to work for as long as medically fit.

2. Confidentiality

Job applicants and workers shall not be compelled to disclose their Hepatitis B status and other related medical information. Co-workers shall not be obliged to reveal any personal information about fellow workers. Access to personal data relating to a worker's Hepatitis B status shall be bound by the rules of confidentiality and shall be strictly limited to medical personnel or if legally required.

3. Work Accommodation and Arrangement

- a. Employers shall take measures to reasonably accommodate workers who are Hepatitis B positive or with Hepatitis B - related illnesses.
- b. Through agreements made between management and workers' representatives, measures to support workers with Hepatitis B are encouraged through flexible leave arrangements, rescheduling of working time and arrangement for return to work.

D. Screening, Diagnosis, Treatment and Referral to Health Care Services

1. Workplaces shall establish a referral system and provide access to diagnostic and treatment services for its workers for appropriate medical evaluation/monitoring and management.
2. Adherence to the guidelines for healthcare providers on the evaluation of Hepatitis B positive workers is highly encouraged.
3. Screening for Hepatitis B as a pre-requisite to employment shall not be mandatory.

E. Benefits and Compensation

A worker who contracts Hepatitis B infection in the performance of his/her duty is entitled to sickness benefits under the Social Security System and employees compensation benefits under PD 626.

IV. ROLES AND RESPONSIBILITIES OF EMPLOYERS AND WORKERS

A. Employers Responsibilities

1. Each employer, together with workers/ labor organizations, company focal personnel for human resources, safety and health personnel shall develop, implement, monitor and evaluate the workplace policy and program on Hepatitis B.
2. Each employer shall ensure that their company policy and program is adequately funded and made known to all workers.
3. Each employer shall ensure that their policy and program adheres to existing legislations and guidelines, including provisions on leaves, benefits and insurance.
4. Each employer shall provide information, education and training on Hepatitis B for its workforce consistent with the standardized basic information package developed by the Hepatitis B TWG.; if not available within the establishment, then provide access to information.
5. Each employer shall ensure non-discriminatory practices in the workplace.
6. Each employer, together with the company focal personnel for human resources and safety and health, shall provide appropriate personal protective equipment to prevent Hepatitis B exposure, especially for those workers exposed to potentially contaminated blood or body fluid.
7. Each employer together with workers/ labor organizations shall jointly review the policy and program for effectiveness and continue to improve these by networking with government and organizations promoting Hepatitis B prevention.

8. Employers shall ensure confidentiality of the health status of its workers, including those with Hepatitis B.
9. Employers shall ensure that access to medical records is limited to authorized personnel.

B. Workers Responsibilities

Workers, as their individual responsibility, shall contribute to the formulation and abide by and support the company Hepatitis B Workplace Policy and Program.

1. Labor unions, federations, workers organizations and associations are required to undertake an active role in educating and training their members on Hepatitis B prevention and control. The IEC program must also aim at promoting and practicing a healthy lifestyle with emphasis on avoiding high risk behavior and other risk factors that expose workers to increased risk of Hepatitis B infection, consistent with the standardized basic information package developed by the Hepatitis B TWG.
2. Workers shall practice non-discriminatory acts against co-workers.
3. Workers and workers' organizations shall not have access to personnel data relating to a worker's Hepatitis B status. The rules of confidentiality shall apply in carrying out union and organization functions.
4. Workers shall comply with universal precaution and the preventive measures.
5. Workers with Hepatitis B may inform the health care provider such as company physician, on their Hepatitis B status, that is, if their work activities may increase the risk of Hepatitis B infection and transmission or put the Hepatitis B positive at risk for aggravation.

V. IMPLEMENTATION AND MONITORING

- A. Within the establishment, the implementation of the policy and program shall be monitored and evaluated periodically; the safety and health committee or its counterpart shall be tasked for this purpose.
- B. The Department of Labor and Employment (DOLE) through its Regional offices, in collaboration with the Department of Health (DOH), Department of Interior and Local Government (DILG) and local government units (LGUs) shall oversee and monitor the Hepatitis B Workplace Policy and Program for private establishments and dissemination of information on Hepatitis B Prevention and Control in the Workplace Program.

- C. The Bureau of Working Conditions (BWC) through the DOLE Regional Offices shall encourage compliance to the Guidelines, related OSH Standards and other related policies and legislations.

VI. EFFECTIVITY

This Order shall be effective fifteen days after publication in a newspaper of general circulation.


ROSALINDA DIMAPILIS-BALDOZ
Secretary