

FREQUENTLY ASKED QUESTIONS
DOLE – DTI JOINT MEMORANDUM CIRCULAR NO. 20-04A
DTI AND DOLE SUPPLEMENTAL GUIDELINES ON WORKPLACE PREVENTION AND
CONTROL OF COVID-19

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I. INCREASE PHYSICAL AND MENTAL RESILIENCE

- **Is there a prescribed minimum time for the mandatory advocacy awareness activity?**

This shall fall under the sound judgment of the employer. What is important is the establishment must update their workers on the current policies being issued by the government that may affect them.

II. REDUCING TRANSMISSION OF COVID-19

- **Can facemask be removed if there is a plastic or acrylic barrier installed on each station?**

No, the use of face masks is part of the minimum health standards that must be observed by everyone. Face masks are PPEs for the face, face shields and barriers are meant as secondary protection and must not be considered as an option as replacement to the face mask.

- **Is employer required to provide facemask and face shield to employees?**

Yes, the government issued guidelines had placed the burden of providing these minimum PPEs to their workers in line with RA 11058 or the OSH Law. DOLE Labor advisory 18-2020 and DTI-DOLE JMC 20-04-A also reiterates employers in providing for all COVID 19 preventive measures.

- **For those establishments with installed barriers, are workers still mandated to use face shields or face masks would already suffice?**

Yes, use of face shields is still mandatory even with the presence of barriers. Installed barriers are to reduce contact between the worker and the client/s, but among workers, face shields would serve as an additional personal protective equipment.

- **Is the provision of shuttle service/s by large and medium establishments mandatory or voluntary when the Guidelines states they are enjoined?**

No, the interim and the supplemental guidelines of the DTI and DOLE mentions enjoining, i.e., highly recommending employers of medium-Large sized establishments and with more than 15 Million to provide shuttle service to their workers. Arrangements as to cost sharing with the workers are also allowed.

- **What kind of community quarantine status will the establishment be required to provide shuttle service?**

For so long as the country is in any form of quarantine and the threat of COVID still lingers.

- **Can a training room with original capacity of 25 people be considered as confined space?**

Confined spaces are enclosed areas. So any enclosed area in a building may be considered a confined space specially if there are no windows or windows cannot be opened to allow for natural ventilation.

- **In 100 seating capacity area, how many workers should work there?**

The minimum requirement is that there should be physical distancing of at least one-meter distance radius. In addition, other minimum health standards should also be followed.

- **Can workers work side by side so long as they wear facemask and face shield?**

No, the wearing of PPE and face shields are not stand-alone protection. These PPEs should be use together with the other minimum public health standards as physical distancing.

- **If there is an 'eat alone policy' in the workstation, is the staggered meal schedule still required?**

If all workers can eat in their workstations, then there is no need for staggered meal schedules.

- **If physical distancing and separate table for each employee is provided in the canteen, is it still necessary to provide physical barriers?**

Yes, the supplemental guidelines still require these barriers as secondary protection. Other behaviors such as no talking while eating should still be complied with.

III. REDUCE CONTACT

- **Where can we find a list of the underlying health conditions referred to for MARP?**

May we refer you to the DTI DOLE Interim Guidelines on Workplace Prevention and Control of COVID 19 which defined Most At Risk Workers as those > 60 y/o, or of any age with co-morbidities (ie hypertension, diabetes, cancer, or with immune compromised health status) or with high risk pregnancy.

- **If the nature of the work/job requires physical presence in the office, can the employer temporarily include in its criteria for hiring that an applicant/candidate should not belong to the MARP group?**

No, this is discriminatory.

- **If the work requires the physical presence of an employee, can a pregnant woman validly execute a waiver so that she can report for work?**

Because of a pregnant workers condition and unduly exposing her to the risk of COVID 19 infection from exposure to asymptomatic COVID cases, she is strongly advised to work from home. This arrangement is temporary until the delivery of her infant and after her maternity leave, she may opt to return to the workplace.

- **Are MARP individuals allowed to render OT work?**

They belong to the vulnerable category where infection with COVID 19 may cause severe and critical illness. Exposing them to prolonged working hours shall increase their risk in being infected with COVID 19.

- **Is there a guideline for determining the work hours of the workers on a WFH arrangement?**

Yes, may we refer you to RA 11165 Telecommuting Act¹ and its IRR DOLE DO 202 s. 2019² that provides for work days and work hours as part of the telecommuting program of the company.

¹ <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181220-RA-11165-RRD.pdf>

² https://www.dole.gov.ph/php_assets/uploads/2019/04/DO-202-19-Implementing-Rules-and-Regulations-of-Republic-Act-No.-11165-otherwise-known-as-the-Telecommuting-Act.pdf

- **Why should talking inside the shuttle service be discouraged when employees are already wearing a face mask and face shield?**

To reduce the release of air droplets in a closed environment. Everyone, including the workers themselves, must be considered as infected to account for asymptomatic COVID-19 patients.

- **In screening asymptomatic employees, is it possible to require the OSH Safety Officer to make an assessment before the employee is allowed inside the worksite?**

Yes. The Personnel assigned at the entrance may refer to the health declaration form and validation of the entries made in the form as part of the assessment.

IV. REDUCE DURATION OF INFECTION

- **Can the employer include additional questions in the Health Declaration Form?**

Yes. Additional questions may be added as long as this would be useful for determining health condition. Contact tracing information shall be limited to those indicated in the contact tracing form. Additional questions may be asked but these shall not be related to personal information of the workers/visitors.

- **Are those under work from home required to fill up the Health Declaration Form?**

The Health Declaration Form (HDF) is a means for the worker to perform daily self-assessment and declare their status of health to the employer. This can be a means to screen workers going in to the establishments and a means for employers to ascertain the health of workers not physically reporting for work.

V. ISOLATION AND REFERRAL

- **What if all the employees in a medium/large-sized company are on work-from-home arrangement, will they still be required to put up isolation tents?**

The provision for isolation areas is required for establishments. They may designate and enter into an agreement with a local facility as the location for isolation. This does not mean they will be used but just make sure that there will be a provision. There will always be workers who will report physically in their office. We should also consider the clients or visitors that will also visit the establishment and may need to be isolated.

- **Regarding the isolation area requirement, for multi-tenanted buildings where the employer is one of the tenants, who will be the party responsible- the employer-tenant or the landlord (building owner)?**

The joint Safety and Health Committee may consider pooling their resources together, to consider the warm bodies that may be present at a given time as in shift work, which will be their basis for the number of isolation facility that will be provided. Another option is for them to make arrangement with a private establishment or a Barangay Facility that may be utilized for this purpose.

- **What is the measurement of an isolation area for the 1:200 ratio?**

The supplemental guideline did not give the exact measurement, but it should be spacious enough to observe the required physical distancing between the patient and the personnel assigned to look after the worker. Coordination between the local health office and the LGU may be done to properly provide the space requirement for the isolation area.

- **Will the isolation area for every 200 employees in large and medium private establishments mandatory? If yes, a case scenario for big companies with 4,000 employees when operating at a 50% capacity, they will need 22 isolation facilities with its own restroom situated near the entrances. This will hardly be feasible for these large companies.**

The DTI DOLE JMC has made this requirement as mandatory. Although, there is a provision for establishments to make arrangements with a public or private facility for this purpose.

It does not need to be physically set-up, what is important is that there is an arrangement for an isolation area for workers who need to be isolated.

- **Is there a requirement on the number restrooms/bathrooms for the put-up isolation rooms or isolation tents?**

If there are limited rest rooms, they can disinfect after every use. Further, the DOH has a checklist for assessing isolation facilities, and the LGUs are already guided by these.

- **How long will the suspect/probable case stay in the isolation area?**

This will depend on how fast the suspect or probable case is referred and picked up by health authorities. The very reason why we are recommending prior arrangements with the nearby health facilities or BHERT be made as a proactive measure.

Suspect and probable cases may have to stay in the isolation area while awaiting release of RT-PCR results or resolution of symptoms, or for completion of required quarantine period.

- **Companies are being denied by hotels/boarding houses knowing that these will be used as quarantine facilities. How can the government be of assistance to this?**

Establishments can seek assistance with their local government units (LGU) for this and for those who would like to make arrangements with hotels, contacting the Department of Tourism may provide a means of arranging hotel accommodation for COVID confirmed, suspect or probable cases.

- **What should the establishment do if it cannot provide an isolation area?**

DTI-DOLE JMC 20-04-A mentions arrangements that may be made with the LGU or barangays if establishments cannot provide for their own isolation area.

VI. CONTACT TRACING OF CUSTOMERS AND VISITORS

- **Is a client/customer required to fill-out both the health declaration and contract tracing forms upon entry to establishment?**

Employees and clients/visitors in companies must accomplish the health declaration form which also contains information for contact tracing if this will have to be done.

For customers of dine-in restaurants, barbershop, etc. the Contact tracing form will be used.

- **Can online filling-out of health declaration form be made?**

Yes.

- **Guidelines provide that contactless forms shall be disposed after 30 days. Is it safe to assume that the same period shall apply to printed forms?**

Yes, the Contactless forms shall be handled with the utmost confidentiality and securely disposed of after thirty (30) days. The same shall apply to printed forms which may also be disposed of after 30 days by the use of paper shredders to ensure that personal data are not viewed and shared by others.

- **Can an employee with facemask be considered as close contact if the COVID-19 positive employee also wears a facemask?**

To be considered a close contact, any of the three conditions must be satisfied,

1. Face-to-face contact with a confirmed case within one (1) meter and for more than 15 minutes, **with or without a mask**;
2. Direct physical contact with a confirmed case; or
3. Direct care for a patient with probable or confirmed COVID-19 disease without using PPEs.

- **Can the CCTV of the lessor be used in contact tracing by its tenants?**

Yes, together with interview and other means to determine contact tracing.

- **What are the options of the employer if its employee does not want to report for work because of fear of possible COVID-19 infection?**

The employer must first exhaust the necessary accommodations to the request. Alternative work arrangement may be considered. Company policies must be clear on procedures that may be used if the above condition arises.

- **In addition to the certificate issued by a physician, is the OSH personnel required to issue a Certificate of Fit Work?**

Fit to work by a company physician is different from the certificate of quarantine required from the barangay or the local health office.

VII. COVID-19 TESTING

- **Why is RT-PCR the type of test being required for symptomatic cases when they say that this is not accurate? Why not require a swab test instead?**

RT-PCR and swab test is one and the same.

- **Shall all workers be tested of RT-PCR?**

No. Only those with symptoms and close contact of the workers with confirmed COVID-19. The clarificatory guidelines emphasized that testing is not mandatory in the identified industry groups.

- **Do all symptomatic employees and their close contact need to be RT-PCR tested?**

JMC 20-04-A III D 3 a state that all employees experiencing symptoms of COVID-19, and those who are close contacts must undergo RT-PCR testing.

The decision of whether close contacts are to be tested shall be based on the recommendations of the contact tracers or surveillance officers of the local health unit.

- **Who shall shoulder the cost for testing? Is an employer mandated to shoulder the cost of RT-PCR testing of all employees showing COVID-19 symptoms (even mild) and their close contacts?**

The DOLE Labor Advisory No. 18-20 or the Guidelines on the Cost of COVID-19 Prevention and Control Measures has placed the burden of payment on the cost of testing to the employer specially if this is made as part of requirement for continuous employment.

However, testing for priority economy as embossed in the DTI DOLE Joint Memorandum Circular 20-04A/DOLE DTI Advisory No.20-01 (with reference to DOH Department Memorandum No. 2020-0258-A) may be done based on the PhilHealth's issued guideline.

- **Who will shoulder the cost of COVID-19 testing and PPEs of deployed security guards and janitors?**

The DOLE Labor Advisory No. 18 s. of 2020 Guidelines on the Cost of COVID-19 Prevention and Control Measures has placed the burden of the cost on PPEs and other collaterals to the principals or clients of the service contractor.

- **What is the definition of "Special Concern Areas"?**

The following are considered Special Concern Areas:

- i. Areas in the regions with highest COVID-19 active cases;
- ii. Areas with clustering (2 or more households with a confirmed case in a barangay in the past 2 weeks); and
- iii. Any other areas that the National Task Force Against COVID-19 (NTF) designates as a Special Concern Area

- **Is swab test/PCR test required for returning employees and newly hired employees? If no, will rapid test suffice?**

The DTI DOLE Interim and Supplemental Guidelines have declared that there is no need for mandatory testing as the results are only valid in a given period of time. The requirement for testing be it RT PCR or rapid test is the prerogative of the employer. May we just reiterate that these costs shall be borne by the employer.

- **Is COVID-19 testing result mandatory as part of pre-employment? If not, what should be done to companies requiring this as a pre-employment requirement?**

No, COVID-19 test result should not be a requirement for pre-employment. Companies requiring this may be reported to DOLE Regional/Field/Provincial Offices

- **Can a building owner/lessor require rapid test results from the employees of the lessee before they will be allowed to enter the building premises?**

That should be based on the agreements of the owner and the lessee, however as mentioned earlier, testing has its limitations as the results are valid only in a given period of time.

- **Can the 14-day quarantine period of a close contact be reduced if the result of the COVID-19 test is negative?**

The current DOH protocol requires close contacts to finish the 14-day quarantine period and a certification from the local health authorities is needed prior to return to his/her work.

- **Is there a need for a confirmatory test for an asymptomatic patient who rendered a 14-day quarantine?**

No. There is no more need for a confirmatory test prior to the return to work of an asymptomatic patient who has completed a 14-day quarantine. A certification from the Barangay may suffice.

VIII. OCCUPATIONAL SAFETY AND HEALTH COMMITTEES

- **Is there a new requirement as to the number of Nurses, Safety Officers or Health Officers in the worksite?**

No. The requirements mentioned in RA 11058 or the OSH Law and its IRR, DOLE DO 198 s.2018 must be complied with.

- **As for the safety officer requirement, for companies with already established OSH Committees, can the Safety Officers come from this Committee as long as said person falls under the description in the footnote (first aider/nurse/doctor)? Will this be per site or can there be one assigned for the whole company?**

Ideally, Safety Officers, because of their big responsibilities should not come from OH Personnel as nurse or physician as these categories of OH Personnel also have big responsibilities they could handle. But for micro establishments, because it is easier to manage because of relatively few workers, flexibilities are allowed on them as for the SO to have dual functions and to handle other nearby sites.

IX. NOTIFICATION AND REPORTING

- **Regarding the requirement on the OSH Officer/employer to report COVID-19 positive employees, symptomatic employees, and their close contacts, to the local health office having jurisdiction over the workplace and the Barangay Health Emergency Team (BHERT) of their place of residence, some employers have found it challenging to contact or report to specific barangays. Some BHERTs only have cellular phones that are not always reachable, and no email addresses. So for instance, a BPO company needs to report 5 cases in a day, they need to report to PEZA, the LGU with jurisdiction over the workplace, the DOH, and the BHERT of each employee's place of residence, which is challenging for companies with a large number of employees. Are there ways to make this more doable or to ensure that all BHERTS' contact information are available and they are reachable so that they companies could comply? Or can reporting be done instead to the City/Municipal Health Office of the employee's residence instead of BHERT?**

Workplaces shall report to the local health office under their jurisdiction over their location. If BHERTS of residence of contact tracing cannot be reached. Report should be made to the City Health Office (CHO) / Municipal Health Office (MHO) especially if contacts are spread over several barangays.

- **Since not all employees are working onsite, is the obligation to report positive cases only for those employees who are onsite or have been onsite within the past 14-16 days? Does the employer need to report employees who tested positive but are on remote work arrangement or have been in remote work arrangement for the past 14 days or more?**

Yes, it is the obligation of the employer as stipulated in report all positive cases whether onsite or on remote work arrangement.

- **On reporting to DOLE, is there a form/template available on its website?**

Yes, you may visit the BWC website <http://bwc.dole.gov.ph/wair-covid> for WAIR COVID form.

- **Is it mandatory to report the names of workers who were close contacts of confirmed COVID cases even if they are asymptomatic?**

Yes, it is mandatory to provide names of close contacts even if asymptomatic.

- **Is the company required to report to LGU/BHERT if the employee who become COVID-19 positive is on a WFH arrangement?**

Yes. All employees who test positive whether they report physically to work or work from home must be reported to LGU/BHERT.

- **If the employee already filed a notice to the BHERT, is there requirement OSH/Safety officer to separately file a notice?**

Yes, the employer shall still report because it is their duty to report.

- **Is a tenant in a multi-tenanted building obligated to inform the other tenants or the building management should there be a positive case in their office?**

The tenant may just need to inform the Joint OSH Committee of the building. Patient confidentiality must still be observed.

- **How long can a company defer APE and RDT under the GCQ?**

There were no issuances from DOLE that allows establishments from deferring the conduct of APE and RDT. While the Department takes cognizance of the many challenges, nonetheless, we are advising companies thru their best efforts to find a service provider that may provide the service at plant level. Workers are then advised to go to their company as per schedule to observe the minimum public health standards during the conduct of the APE and RDT.

X. DISINFECTION AND CLOSURE OF BUILDINGS/WORKPLACES

- **On the requirement to lock down the building for 24 hours prior to and after disinfection, does this mean that for one confirmed COVID-19 case detected, closure would be a minimum of 48 hours?**

Disinfection may be done in less than 48 hours. Company policies on the 24 hours prior to disinfection may be shortened to consider the length of time the disinfection team is contacted and when they arrive for disinfection. The disinfection team should be in appropriate PPEs so they will also not be affected during the disinfection procedure.

- **Can the post-disinfection shutdown be shortened depending on the disinfection method used?**

No, this is in consideration of the safety and health of the workers, as its intent is to ensure that the chemicals that were used have dissipated prior to their entry to the building.

- **If the COVID-19 confirmed employee was present in the office 2 days prior to our knowledge of his COVID-19 case and frequent disinfection (every 2 hours) is being done daily, do we need to do an evacuation for disinfection purposes?**

There is no scientific or medical basis to still conduct the disinfection as 2 days have already passed and if ever there was just even a virus in the area, it may have already been rendered inactive by the disinfecting agent and the time that it failed to find a host for it to survive. But this does not preclude the employer from doing another round of a more intensive disinfection based on the recommendation of his/her safety officers.

- **On the disinfection requirement, if for example the employer was informed today that an employee tested COVID positive but his last day onsite was more than 14 days ago, does the employer still need to do the 48-hour closure for disinfection?**

There is no scientific or medical basis to still conduct the disinfection as 14 days have already passed and if ever there was just even a virus in the area, it may have already been rendered inactive by the disinfecting agent and the time that it failed to find a host for it to survive.

- **How will closure/lockdown of a workplace/building be made? Does this apply for the whole building or for the affected area only?**

Granular/Segmented lockdown can be done based on the recommendation of the OSH committee. Such recommendations must be reflected in a committee meeting and incorporated in the Policy and Program on Workplace Prevention and Control of COVID-19.

- **Can the pre-disinfection shutdown be shortened if the COVID-19 positive employee has not been in the office for more than 24 hours?**

Yes.

XI. LEAVE OF ABSENCES AND ENTITLEMENTS

- **Can a worker on WFH arrangement be entitled to an OT pay for work performed beyond 8 hours?**

Yes, may we refer you to DOLE DO 202 s. 2019 which is the IRR of the Telecommuting Act provides for non-diminution of benefits as part of the telecommuting program of the company.

- **If the supervisor/manager would require an employee to do additional tasks during his/her rest day, is the worker entitled to a premium pay?**

Yes, please refer to the same DO mentioned above.

- **What are the common documents that a company should get from an employee on quarantine so that we can pay them the quarantine leave benefit?**

Paid quarantine leave is part of the company's good practices. Hence, the criteria for required documents that needs to be submitted must come from the employer.

- **Can the employer terminate the employment of workers who refuse to report to work despite the availability of public transportation, shuttle services, and compliance with the minimum health standards?**

This is usually referable to the company rules and policies. However, the DOLE is requesting employers to be more compassionate and understanding on the concerns of their workers. Company policies must be clear on procedures that may be used if the above condition arises.

XII. COMPLIANCE MONITORING AND ENFORCEMENT

- **What is the monitoring mechanism that we will implement relative to this guideline's vis-a-vis that of DTI?**

Conduct of DOLE and DTI joint monitoring will still be conducted to monitor compliance of establishments with the issued supplemental guidelines.

- **How will administrative penalties be imposed to employers if they fail to comply with the Guidelines?**

Failure to comply to the guidelines may lead to appearance of cases in the workplaces and this could be trigger points for the LGU to initiate/mandate establishment lockdowns until all necessary provisions has been complied with. This will be subject to LGU ordinances and guidance. Penalties may be imposed by DOLE based on the administrative penalties as enshrined in DOLE DO198, series of 2018,

but only in instances of willful failure on the part of the management to comply. But this is without prejudice to the penalties that the LGUs may impose upon them.

- **Can the employer or building owner penalize employees/visitors who violate the minimum public health standards like wearing of face shield/facemask?**

Yes, however, this company policy should be agreed upon by employers and workers. Due process must also be followed.

- **What is the extent of non-compliance which would warrant the penalty of closure of establishment?**

It is not the intent of the DOLE and other regulatory agencies of the government to close the establishments which violates certain minimum public health requirements. However, penalties may be imposed by DOLE based on the administrative penalties as enshrined in DOLE DO198, series of 2018, but only in instances of willful failure on the part of the management to comply. But this is without prejudice to the penalties that the LGUs may impose upon them which includes closure.

Note:

Responses were based on the current situation of COVID 19 in the country and latest issuances from government agencies. Hence, the responses that were made are all subject to change based on the later issuances and quarantine status in the future.