

Bureau of Working Conditions
Labor Standards and Social Protection Cluster

**YEAR-END PERFORMANCE REPORT
2010**

- A. Labor Standards Enforcement Program (LSEP)** draws its legal bases from Art. 128 of the LCP as amended and DOLE DO 57-04. Its paramount objective is to monitor compliance of establishments, whether compulsory or voluntary, with labor standards to protect workers from hazards in the workplace and promote their welfare by ensuring safe and healthy work environments.

2010 Targets and Accomplishments

Analysis of Performance

Of the total 36,391 establishments inspected nationwide, 7,627 or 20.95% of the total number were covered by regular inspection from January to July, 2010. However, for the rest of the year, Project Inspection-LEAP was enforced wherein only core labor standards were the subject of inspection. A total of 27,764 or 76.29% establishments of the total inspection were covered.

Total compliance rate with core labor standards was 63.80% while compliance rate with the minimum wage was 81.28%.

Total cases handled were 20,143 with a disposition rate of 59.04% and awards/settlements amounting to P 736,062,782.00 benefitting 67,686 workers.

There were 1,373 establishments covered by the Self-Assessment (SA) Approach. Compliance rates on labor standards and the minimum wage were 92.93% and 97.57% respectively.

For the Training and Advisory visits (TAV) Approach, a total of 241 orientations were conducted nationwide covering 5,722 establishments and 23,176 workers. However, only 1,141 or 19.94% establishments which participated in the orientations were followed-up on their committed action plans. Correction rate upon follow-up visits was 24.98%.

B. The Safety Milestone (Smile) Program

The Smile Recognition Program is a complimentary mechanism initiated by the DOLE through the BWC in coordination with the DOLE Regional Offices which recognizes companies for their commitment in implementing OSH programs and activities. The safety milestone is an incentive award given annually to a company that attained a “no lost time accident” for one year as a result of effective implementation of OSH programs, activities and excellent safety performance.

2010 Accomplishments

The Program has fully utilized its budget allocation in the amount of P 167,090.00. During the SMile Awards this year, a total of 105 companies including 373 subcontractor companies nationwide were awarded together with their 138 safety practitioners/safety consultants covering 62,185 workers and involving an estimated economic savings of about P 35,388,681.00.

The number of SMile awardees has increased this year, indicating that a growing number of companies sees the relevance of effectively implementing OSH programs and activities. Through SMile, voluntary compliance to the provisions of the OSHS is thus facilitated.

C. The Accreditation Program

The accreditation of safety and health professionals and organizations by the BWC pursuant to Rule 1030 of the OSHS is a venue to enhance the culture of safety and voluntary compliance with labor standards, particularly on occupational safety and health and safety.

Accreditation is aimed at increasing the number of competent individuals qualified to carry out the provisions of the OSHS.

DO 92-2008 directs the Bureau to decentralize the Accreditation Program to the Regional Offices for the effective implementation of the Program and for the facilitation of application for accreditation.

2010 Accomplishments

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For CY 2010, there were 205 applications received/processed by 16 Regional Offices. Of these, 124 or 60.5% were approved with Certificates of Accreditation issued.

D. Advisory Function

2010 Accomplishments

1. Policy Formulation/Issuances

- Survey / evaluation on the utilization of prison inmate workers in the National Penitentiary relative to application of ILO convention No. 29 as ratified at the Davao Prison and Penal Farm in Davao City on January 6-8, 2010 and at Iwahig Prison and Penal Farm in Palawan City on May 4-7, 2010.
- Memorandum Order No. 01 Series of 2010 signed by Secretary Marianito D. Roque on 18 January 2010 (Conduct of Inspection/Disposition of Labor Standards Cases in Regional Offices)
- Department Advisory No. 01 Series of 2010 signed by Secretary Marianito D. Roque on 5 March 2010 re Guidelines on the Computation of the Estimated Equivalent Monthly Rates of Monthly-Paid and Daily Paid Employees.
- Department Advisory No. 02, Series of 2010 signed by Secretary Marianito D. Roque on March 25, 2010 re Implementation of the Flexible Work Arrangement for the Manufacturing Sector in Mindanao due to Power Crisis.
- Department Advisory No. 03 , Series of 2010 signed by Secretary Rosalinda Dimapilis-Baldoz on November 05, 2010 re: Report of Compliance by Employers on the 13th Month Pay of its Employees

- Department Advisory No 4, Series of 2010 signed by Secretary Rosalinda D. Baldoz re Guidelines on the Implementation of Flexible Work Arrangements and the Exemption from the Nightwork Prohibition for Women Employees in the Business Process Outsourcing Industry.
- Labor Advisories signed by Secretary Marianito D. Roque on:
 - March 15, 2010 re: May 10, 2010, Monday, a Special Public (Non-Working) Holiday Nationwide pursuant to Proclamation No. 2020
 - March 30, 2010 re: April 3, 2010, Saturday, a Special (Non-Working) Day and April 9, 2010, Friday, a Regular Holiday, pursuant to Proclamation Nos. 2029 and 2031 respectively, throughout the country.
- Labor Advisories signed by Secretary Rosalinda D. Baldoz on:
 - November 10, 2010 re: November 16, 2010, Tuesday, as a Regular Holiday throughout the country in Observance of Eid'l Adha pursuant to Proclamation No. 60.
 - November 12, 2010 re: Monday, as a Regular Holiday throughout the Country in Observance of Bonifacio Day pursuant to Proclamation No. 1841 and Republic Act. No. 9492, respectively.
- Participated in the Formulation / discussion of:
 - Joint DOLE-DILG-PEZA Guidelines in the Conduct of PNP Personnel, Ecozone, Police and Private Security Guards and Similar Personnel during Labor Disputes.
 - TWG discussion on the Draft DOLE Unified Sheriffs Manual in Execution of Judgments.
 - Formulation of Guidelines Governing the Employment of Working Conditions of Migratory Workers in the Sugar Industry.
 - Issuance of Manual on the Conduct of Inspection Rescue and Enforcement Proceedings in Child Labor.

2. Program Development

A. Supervision, Monitoring and Evaluation Activities

- Evaluated reports/data on Facility Evaluation - 30, Time and Motion Study- 3, Compressed Workweek - 5, and Flexible Work Arrangements, 3 submitted by the Regional Office to BWC.

B. Information, Education and Advocacy on Labor Standards

MONTH	IEC MATERIALS	ADVISORY OPINIONS	PHONED / WALKED IN QUERIES
JANUARY	2215	8	170
FEBRUARY	804	16	253
MARCH	523	17	279
APRIL	281	15	231
MAY	100	10	95
JUNE	249	13	150
JULY	79	15	339
AUGUST	20	17	190
SEPTEMBER	368	15	299
OCTOBER	206	12	127
NOVEMBER	104	27	209
DECEMBER	184	7	265
TOTAL	5133	172	2607

3. Technical Assistance/Consultative Services

A. Reports/Comments/Recommendations

- Computation of Backwages of workers of Phil. Bobbin corp. in the case entitled : IN Re Voluntary Arbitration of the Labor Dispute at Phil bobbin Corp. docketed as NOS. VA-2008-01 (NCMB-RB IV-CAV-NS-09-008-07)
- Computation of monetary awards based on the submitted payrolls in re: routine Inspection conducted at the New Heaven Security Agency with Case No. R1200-0611-RI-275.
- Computation of separation pay, gratuity pay plus all remaining benefits and indemnity in favor of complainant of DSCEU pursuant to the order dated August 29, 2009 of the then Undersecretary Romeo C. Lagman in the case entitled in re: Labor Dispute at PNCC Skyway Corp.

- Computation of Backwages and Separation Pay of Respondent Augusto Laurel pursuant to the Order dated 17 October 2001 in re: Peñafrancia Sugar Mills.
- Prepared comments / inputs on:
 - House Resolution No. 171.
 - RA 9520 – Implementing Rules and Regulations issued by the Cooperative Development Authority on Philippine Cooperative Code of 2008.
 - Proposed review on the policies and regulations on recruitment and placement of workers and job contracting
 - The proposed rules and regulation for domestic seafarers.
 - Draft IRR of RA 10028 on the Expanded Breastfeeding Promotion Act of 2009.
 - Draft DO prescribing the guidelines governing the employment and working conditions of the migratory workers in sugar industry.
 - Proposed review on the policies and regulations on recruitment and placement of workers and job contracting.
 - Vietnam Ministry of Labor and Social Affairs (MOLISA)
 - IRR of Magna Carta of Women (RA 9710) particularly on special leave provision.
 - First draft of the ACM Work Program 2010-2015.
 - Philippine Report on Ratified ILO Conventions and Recommendations (ILO Convention No. 165)
 - Department Order 104 re: Delineation of Function of Time Study and Facility Evaluation among BWC, NWPC, ROs and RTWPBs.
 - Proposed DOLE Sheriffs' Manual on Execution of Judgments
 - Formulae in Computing the Equivalent Monthly Minimum Wage Rates For Autonomous Region in Muslim Mindanao (ARMM)
 - House Bill on BPO workers Welfare and Protection Act; House Bill No. 5579 Explanatory Note on Philippine Jockey Retirement Act of 2008.
 - House Bill on BPO Workers Welfare and Protection Act, House Bill No. 2592.
 - Security of Tenure Bills, Senate Bills 672, 858; House Bills 1451, 1060, 892 and 1049
 - House Bills and Senate Bills on Equal Opportunities and Discrimination Act

- House Bill No. 2809, An Act Protecting the Rights of Farmers and Tenants and ensuring Continues food Security Amid Commercial Pressures on Land Resulting From Biofuel Production, Amending Certain Provisions of RA No. 9367 or the Biofuels Act of 2006.
 - House Bill 375, An Act Providing for a P125 Daily Across The Board Increase in the Salary Rates of Employees and Workers in the Private Sector and for Other Purposes.
 - House Bill 943, An Act Granting An Annual Productivity Incentive to all workers in the Private Sector, Establishing Mechanisms for Its Implementation, and for Other Purposes.
 - House Bill 1218, an Act Granting An annual Productivity Incentive to all Workers in the Private Sector, Establishing Mechanisms for Its Implementation, and for Other Purposes.
 - House Bill 1048, An Act Amending Certain Provisions of Republic Act No. 6971 Otherwise known as the “Productivity Incentives Act. Of 2007” and for Other Purposes.
 - House Bil Nos. 454, 553, 1140, 1201, 1815 and Senate Bill Nos. 7, 78, 2138, 1692 and 175, An Act Providing For Additional Benefits and Protection to the Househelpers
 - House Bill Nos. 51, 421, 589, 652, 1452, 1692 and 175 on Anti-Discrimination Act
 - House Bill No. 165 on the Race Horse Jockeys Retirement Age of 2010
 - House Bill 562 Rationalizing Nightwork Prohibition on Women Workers.
 - MOA between DOLE and Jolibee in relation to DOLE YE-YE Project.
- Conducted Writeshop on the Formulation of Guidelines governing the employment and the Working Conditions of Domestic Seafarers, Kimberly Hotel, April 6-7, 2010
 - Submitted to the DOLE Secretary proposed Rules and Regulation governing the Employment and Working Conditions of Domestic Seafarers.
 - Prepared summary and Powerpoint Presentation of the Inspection Audit Report

B. Meetings, Consultations, Lectures, Seminars, Trainings Attended

Month	Meetings/ Consultations	Workshops/Seminars/ Trainings Participated in/ Conducted	Lecture/ Resource Person
JAN	5	0	0
FEB	7	1	3
MAR	10	2	1
APRIL	9	1	4
MAY	1	1	1
JUNE	6	1	2
JULY	5	1	2
AUG	2	4	2
SEPT	4	2	1
OCT	8	0	3
NOV	5	0	2
DEC	3	1	1
Total	65	14	22

E. The Kapatiran WISE-TAV Program

The KWT is a developmental program of the BWC that encourages big companies practicing corporate social responsibility to assist MSMEs in becoming compliant with Labor Standards through the initiatives of the DOLE-accredited safety practitioners and active Safety and health Committees in the big companies in cooperation with the DOLE-ROs.

As of December 2010, it is implemented in 4 Regions namely: NCR, Region 1, IVA and XI with 21 Big Brother, 230 Small Brothers involving 43,017 workers.

The Project was launched in March, 2007 in Quezon Province, starting with 3 Big Brothers, 44 Small Brothers covering 2,042 workers.