

**RULES AND REGULATIONS IMPLEMENTING EXECUTIVE ORDER NO. 307
ESTABLISHING AN OCCUPATIONAL SAFETY AND HEALTH CENTER IN THE
EMPLOYEES' COMPENSATION COMMISSION**

STATEMENT OF AUTHORITY

These Implementing Rules and Regulations are issued pursuant to the authority of the Employees Compensation Commission (ECC) under Section 8 of Executive Order No. 307 establishing the Occupational Safety and Health Center (OSHC).

RULE I

DECLARATION OF POLICY

Section 1. It is the declared policy of the Commission to:

1. upgrade the capability of Government to prevent, eliminate or reduce work-related injuries, illnesses and deaths; this is to contain economic losses in terms of man-hours, destruction of property and expenditure for employee's compensation, as well as social cost related to the suffering of victims of industrial accidents or outbreaks of occupational diseases and their families;
2. implement effectively occupational health and safety programs that will promote the health, efficiency and general well-being of the Filipino workers through the improvement of the quality of his working life that will enhance significantly the productivity of industries and business all being critical factors in the attainment of national development goals and at the same time; and
3. maintain an expert intelligence and training center for industrial disease and occupational safety that will provide the operational framework and mechanisms for the achievement of the objectives set forth in E.O. 307, P.D. 626 as amended, the Labor Code of the Philippines as amended, and other related legislations.

RULE II

DEFINITION OF TERMS

Section 2. Definition of Terms – The terms as used in these Rules shall have the following meanings:

1. **Board** – refers to the Governing Board of the Employees' Compensation Commission;
2. **Center** – refers to the Occupational Safety and Health Center (OSHC);
3. **Client** – refers to workers, companies, public or private offices, trade unions and workers' organizations or any organizations/communities requesting for or requiring technical assistance from the OSHC; it includes internal clients which refers to the DOLE bureaus and agencies and other stakeholders such as government organizations, non-government organizations, professional organizations and the academe;

4. **DOLE** – refers to the Department of Labor and Employment
5. **Employee** – any person hired, permitted or suffered to work by an employer; 4. Employer – any person, natural or juridical, employing the services of an employee
6. **Employees Compensation Commission (ECC)**, an attached agency of the DOLE established through PD 626 mandated to promote and develop a tax-exempt employees' compensation program whereby employees and their dependents, in the event of work-connected disability or death, may promptly secure adequate income benefits and medical or related benefits.
7. **Industrial Hygiene** – is the science and art of anticipation, recognition, evaluation, and control of physical, chemical, biological, and ergonomic hazards or stressors arising in or from the workplace, which may cause harm or induce discomfort or adverse health effects to workers or members of the community. (Fundamentals of Industrial Hygiene, 1996)
8. **IRR** – refers to the Implementing Rules and Regulations of EO 307
9. **Occupational Safety and Health (OSH)** – is defined as the a) promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations; b) prevention among its workers of any departures from health caused by their working conditions; c) protection among workers in their employment from risks usually from factors adverse to health and d) placing and maintenance of the worker in an occupational environment adapted to his/her physiological ability.
10. **Worker** – any member of the labor force, whether employed or unemployed, wage or non-wage.
11. **Workplace** - refers to the office, premises or worksite where a worker is temporary or habitually assigned. Where there is a no fixed or definite workplace, the term shall include the place where the worker actually performs regular work, or where he regularly reports to render service or to take an assignment.
12. **Technical Guidelines** – refer to an instrument for improving safety and health in the workplace. They refer to the materials of mechanical or scientific nature issued for the purpose of advice, as basis for policies and actions on OSH matters. Developed through consultation with the stakeholders, they provide procedures for clarifying and implementing existing regulations, laws and standards.

RULE III

FUNCTIONS OF THE OCCUPATIONAL SAFETY AND HEALTH CENTER

The OSHC is established in the Employees Compensation Commission.

Section 3. Coverage of Services

The services of the Occupational Safety and Health Center (OSHC) shall cover the preventive (primary, secondary, tertiary prevention) aspects of occupational safety and health in every workplace, public or private.

The Center shall serve as the authority on Occupational Safety and Health in the areas of research, training and information dissemination and technical services.

Section 4. Research

The Center shall undertake studies and researches on all aspects of occupational safety and health. It shall focus on studies:

1. to prevent and reduce occupational and work-related injuries and illnesses;
2. to continuously review and support the updating of the list of occupational illnesses as prescribed in PD 626, Employees' Compensation and State Insurance Fund; and
3. to aid standard setting and enforcement of OSH Standards.

Relative to its research functions, the Center, through its technical personnel, shall have access to employers' premises and records to study any fact, condition or matter which may be necessary in pursuance of said research activities. Such researches shall not be the basis of any action against any individual, employer or workers and shall be subject to the confidentiality of trade secrets under Rule 1006 of the Occupational Safety and Health Standards.

Section 5. Training

The Center shall build and strengthen a pool of capable trainers in OSH nationwide in partnership with stakeholders and shall take the lead in developing a training agenda in consultation with its partners and stakeholders.

The Center shall focus its efforts on planning, developing and implementing comprehensive and gender sensitive training programs in the field of occupational safety and health.

Section 6. Clearing House of Information

The Center shall serve as the clearing house of information and innovative methods, techniques and approaches in dealing with occupational safety and health problems. It shall develop mechanisms for information dissemination and exchange to workers, employers, general public and stakeholders through mass media, electronic media and other forms of dissemination such as publications, conferences, or consultations. It shall develop and strengthen a specialized library on OSH to serve both the Center's staff as well as clients' members and stakeholders. The OSHC shall function as the CIS Center of the ILO in the Philippines.

Information on OSH will range from prevention through workplace and community efforts; to early detection through prompt and effective interventions and to measures that reduce accidents, illnesses, and impairments, among others.

Section 7. Technical Services

The Center's expertise shall be extended to the workers, public and private sectors, trade unions and other workers' organizations and to other government and non-governmental institutions. It shall render technical assistance and advice as requested by client/s in connection with specific OSH problems/issues. It shall pro-actively provide technical assistance in cooperation with the labor inspectors in cases of imminent danger, accidents, affecting both workers and the community.

The technical services may include the following:

- medical surveillance
- occupational health examinations
- health hazard evaluation
- work environment measurements
- safety audit
- development and issuance of technical guidelines
- testing of Personal Protective Equipment
- evaluation of ventilation systems;
- formulation of policies and programs on OSH

RULE IV

FUNCTIONAL RELATIONSHIPS

Section 8. Administrative concerns between OSHC and ECC Secretariat

The Center shall be governed by the same administrative and financial rules as the ECC Secretariat.

Section 9. Technical Concerns between OSHC and ECC Secretariat

The Center shall provide expertise to ECC on safety and health matters, for example:

1. assist the ECC in the review and formulation of its policies and programs;
2. assist in the continuing review and updating of the list of compensable diseases;
3. undertake studies and researches especially relating to the establishment of causal connection between diseases and occupations; and the development of medical criteria in determining the nature and extent of impairment or diminution of health, functional capacity or life expectancy of the employees as a result of their work and working conditions and on such other topics as the ECC may ask it to undertake; and
4. provide any and all technical assistance that the ECC may request from it.

Section 10. Functional relationships between OSHC and Bureau of Working Conditions (BWC)

The Center and the BWC shall coordinate work in the following areas:

1. conducting continuing programs to increase the supply of qualified personnel and

- enhance their competence in monitoring the provisions of the OSH Standards;
2. planning, developing and implementing training programs in the field of OSH for the private sector and government agencies. The Center shall provide technical assistance in the development of prescribed training modules and core competencies on OSH under the amended Rule 1030 s.2001;
 3. formulating the required training programs incorporating up-to-date OSH practices and technologies;
 4. reviewing and updating OSH standards;
 5. voluntary compliance under the labor inspection framework thru assistance visits; and
 6. identifying research agenda necessary to support the implementation and the review of Occupational Safety and Health Standards (OSHS) and new policies on safety and health at work.

Section 11. Functional relationships between OSHC and DOLE Regional Offices

The Center shall coordinate the implementation of its functions with DOLE Regional Offices:

1. In capability building of labor inspectors in specialized OSH topics;
2. In providing technical assistance in aid of enforcement, review of national/international instruments; and
3. In assisting program development, implementation, monitoring and evaluation.

RULE V

LINKAGES

Section 12. Linkages between OSHC and other Government Organization (GO), Non-Government Organization (NGO) and stakeholders

The Center shall assist and expand collaborative partnerships with Government agencies, labor and employer groups, NGOs and other stakeholders in the area of research, training, information dissemination, technical services and in the formulation of rules and regulations.

RULE VI

GOVERNING BOARD

Section 13. Powers and Functions of the Board

In addition to its basic responsibility as the Governing Board of the Center, the Governing Board of the Employees' Compensation Commission shall:

1. initiate policies and programs towards adequate occupational health and safety and accident prevention in the working environment;
2. adopt annually, a budget of expenditures of the Commission and its staff chargeable

- against the State Insurance Fund;
3. provide policy directions and advice in the exercise of all the functions and powers necessary to attain the purposes and objectives of the EO 307 thru strategic planning, board decisions, recommendations and instructions;
 4. address policy and program directions governing the vulnerable sector who are not covered by the regular budget;
 5. approve and review the Center's organizational and administrative structure, staffing and compensation patterns and corporate operating budget;
 6. appoint the technical staff and other personnel of the Center;
 7. assess and fix the rate of dues, charges, or fees for the use of the Center's premises, facilities, services and other fees and charges related to the activities of the Center as well as determine the uses by which the funds accumulated from such shall be used; and
 8. approve monetary grants and benefits in addition to entitlements authorized by the Department of Budget and Management and/or the Office of the President.

Section 14. Meetings

The Governing Board shall meet at least once a month to effectively carry out its duties and responsibilities under EO 307. Special meetings may be convened whenever necessary.

RULE VII

DUTIES OF THE EXECUTIVE DIRECTOR

Section 15. Duties of the Executive Director

Under the direct supervision of the Employees' Compensation Commission, the Executive Director who also serves as an ex-officio, non-voting member of the Board shall carry out the following duties. He/She shall:

1. render technical advice to the Secretary of Labor and Employment and the Board on matters pertaining to occupational safety and health;
2. execute policies and programs approved by the Board;
3. ensure the smooth conduct of operations and management functions of the Center;
4. promote and strengthen the role of the OSHC as a national clearing house on occupational safety and health concerns;
5. plan, prepare and oversee the implementation of the strategic plan and annual work program of the OSHC;
6. tap external donor assistance to support programs and services for clients not covered by the State Insurance Fund;
7. recommend the appointment of personnel and technical staff to the Board;
8. submit periodic reports to the Governing Board on the status of the Center's program implementation; and
9. perform such other functions as provided by law and as may be directed by the Board.

RULE VIII

MISCELLANEOUS PROVISIONS

Section 16. Request for Technical Assistance

Requests for technical assistance shall be in writing except in cases of imminent danger where non-written request would suffice.

The Center shall contact and work with the Regional Offices as appropriate when rendering technical assistance to requesting companies conducted outside of the Center's office premises.

Findings, recommendations and services shall be given to the authorized requesting client(s) within the shortest possible time. For imminent danger, results shall be given immediately to requesting clients.

Section 17. Separability Clause

If any provision of the Executive Order and these Rules is held invalid or unconstitutional, any other provision not so affected shall continue to be valid and effective.

Section 18. Repealing Clause

All laws, ordinances, rules, regulations, other issuances or parts thereof, which are inconsistent with these Rules are hereby repealed or modified accordingly.

RULE IX

EFFECTIVITY

Section 19. Effectivity

These rules and regulations shall take effect immediately.

LUCITA S. LAZO

Undersecretary, Department of Labor and Employment
Chairman-Designate, ECC Governing Board

FELICIDAD A. GUTIERREZ ARTURO G. SAN GABRIEL

Member-Designate Member-Designate
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MIGUEL B. VARELA VLADIMIR R. TUPAZ

Member Representing Employers Member Representing, Employees

DR. MARGARITA GALON ELMOR D. JURIDICO

Member-Designate Executive Director

Philippine Health Insurance Employees' Compensation Commission

ATTESTED BY:

DR. DULCE P. ESTRELLA-GUST

Executive Director

Occupational Safety and Health Center

Annex I

GLOSSARY OF TERMS

1. ***Clearing House of Occupational Safety and Health Information*** – refers to the central office for collection and dissemination of OSH information.
2. ***Ergonomic Hazards*** - include improperly designed tools or work areas, improper lifting or reaching, poor visual conditions, or repeated motions in an awkward positions which can result in accidents or illnesses in the workplace; (Fundamentals of Industrial Hygiene 1988).
3. ***Hazardous equipment*** – refers to plant equipment which by their very nature have the potential of causing severe or fatal injury to the worker or operator i.e. boiler and pressure vessels, crane and other lifting equipment, press machines, woodworking machines and other similar equipment.
4. ***Hazardous work processes*** – refer to work operations or practices performed by a worker in the establishment or workplace in conjunction with or as an incident to such operations or practices and which expose the employees to hazards likely to cause any disabling injury, illness, death or physical or psychological harm; (MC.2, S.1998).
5. ***Hazardous materials or substances*** – refers to substances which upon exposure results or may result in adverse effects on health and safety of humans in an occupational setting. It may refer to substances in solid, liquid or gaseous form known to constitute toxic, flammable, explosive, corrosive, oxidizing and radioactive properties;
6. ***Health Hazard Evaluation*** – means the investigation and determination of potentially toxic or hazardous effects of any substance normally used or found in any place of employment to which the OSH Standards is applicable or any substance and physical agent normally used or found in any place of employment to which the OSHS is applicable. It will also include investigation of toxic substances and physical hazards not

yet included in the OSHS.

7. **Imminent Danger** - refers to a condition or practice in any workplace that could reasonably be expected to cause death or serious physical harm before abatement until the enforcement procedures can be accomplished;
8. **Occupational Hazards** - refers to various environmental factors or stresses that can cause sickness, impaired health, or significant discomfort in workers and can be classified as chemical, physical, biological or ergonomic.
9. **Occupational Health Surveillance** – the continuous, systematic use of routinely collected health data to guide OSH decisions and actions.
10. **OSH Trainings** - are interventions conducted to facilitate learning on occupational safety and health, the results of which can contribute to the attainment of better and improved OSH conditions.
11. **Personal Protective Equipment (PPE)** – refers to devices worn by workers to protect them against hazards in the work environment including but not limited to safety helmet, safety spectacles, face shields, ear plugs/muffs, respirators, chemical gloves, safety belt/harness, working clothes, safety shoes.
12. **Primary Prevention Program on OSH** - is the promotion of health by personal, workplace and community-wide efforts. This includes the preventive strategies such as advocacy, information dissemination, capability building through training, research and interventions on workplace improvements;
13. **Safety device** – refers to mechanical, electrical, hydraulic or other device which prevent or restricts the dangerous or harmful influence on a person that can be caused by the machinery, the processed materials and their surroundings.
14. **Secondary Prevention program on OSH** - are the measures available to individuals and populations for the early detection and prompt and effective intervention to correct illnesses and accidents;
15. **Tertiary Prevention Program on OSH** - consists of the measures available to reduce impairments and disabilities, minimize suffering caused by existing departures from good health, and to promote the patient's adjustment to irremediable conditions. This extends the concept of prevention into the field of rehabilitation;
16. **Technical Services** – refer to occupational safety and health services extended to workplaces such as but not limited to health examinations, safety audits, work environment measurement, testing of personal protective equipment, environment assessments as these relate to work conditions and procedures.
17. **Threshold Limit Value** – refers to the Philippine Occupational Safety and Health Standards set for airborne concentrations of substances and represents conditions under which workers may be repeatedly exposed for an 8-hours workday at a total of 48 hours per week, without adverse health effects; (OSHS).
18. **Work Environment Measurement** – shall mean sampling and analysis carried out in respect of the atmospheric working environment and other fundamental elements of working environment for the purpose of determining actual conditions therein; (OSHS).