

DEPARTMENT ORDER NO. 13  
Series of 1998

July 9/29

**GUIDELINES GOVERNING OCCUPATIONAL  
SAFETY AND HEALTH IN THE CONSTRUCTION INDUSTRY**

In the interest of ensuring the protection and welfare of workers employed in the construction industry, the protection and welfare of the general public within and around the immediate vicinity of any construction worksite as well as the promotion of harmonious employer-employee relationships in the construction industry, and after consultations with the stakeholders in the construction industry, taking into consideration industry practices and applicable government requirements, the following guidelines are hereby issued for all concerned:

**Section 1. Definition of Terms.** As used herein, the terms below shall be defined as follows:

- a) **“Accredited organization”** means any organization duly accredited by the Department of Labor and Employment (DOLE) delegated or authorized to perform functions related to improvement of occupational safety and health in the form of training, testing, certification, safety and health auditing or any other similar activity.
- b) **“Certified first-aid”** means any person trained and duly certified or qualified to administer first-aid by the Philippine National Red Cross or by any organization accredited by the same.
- c) **“Construction project manager/consultant”** means a person or entity who is hired by the project owner, to act in the owner’s behalf concerning supervision and monitoring of all matters related to the overall execution of a construction project. The construction project manager shall be a separate entity from the general constructor or any subcontractor of the construction project.
- d) **“Construction safety and health committee”** means the general safety and health committee for a construction project site that shall be the overall coordinator in implementing OSH programs.
- e) **“Construction safety and health officer”** means any employee/worker trained and, in addition to their regular duties and responsibilities, tasked by his employer to implement occupational safety and health programs in accordance with the provisions of the Occupational Safety and Health Standards (OSHS).

- f) "**Construction safety and health program**" refers to a set of detailed rules to cover the processes and practices that shall be utilized in a specific construction project site in conformity with the OSHS including the personnel responsible and the penalties for violations thereof.
- g) "**Construction safety signage**" refers to any, but not limited to, emergency or danger sign, warning sign or safety instruction, of standard colors and sizes in accordance with the specifications for standard colors of signs for safety instructions and warnings in building premises as described in Table II of the OSHS.
- h) "**Constructor**" is deemed synonymous with the term "builder". It refers to any person or organization who undertakes or offers to undertake or purports to have the capacity to undertake or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. The term constructor includes subcontractor and specialty contractor.
- i) "**Emergency health provider**" means any person or organization who is certified or recognized by the Department of Health and who can provide the same or equivalent emergency health services as an emergency hospital, including emergency treatment of workers on site, emergency transport and care during transport of injured workers to the nearest hospital, with adequate personnel, supplies and facilities for the complete immediate treatment of injuries or illnesses.
- j) "**General constructor**" means a constructor who has general supervision over other constructors in the execution of the project and who directly receives instructions from the owner or construction project manager (if one is appointed by the owner).
- k) "**General safety and health inspection**" refers to inspection of the work environment, including the location and operation of machinery other than those covered by technical safety inspections, adequacy of work space, ventilation, lighting, conditions of work environment, handling, storage or work procedures, protection facilities and other safety and health hazards in the workplace
- l) "**Heavy equipment**" refers to any machine with engine or electric motor as prime mover used either for lifting, excavating, leveling, drilling, compacting, transporting and breaking works in the construction site, such as but not limited to crane, bulldozer, backhoe, grader, road compactor, prime mover and trailer, with minimum operating weight and horsepower rating of 1,000 KG and 10 HP, respectively.
- m) "**Imminent danger**" means a condition or practice that could reasonably be expected to cause death or serious physical harm before abatement under the normal enforcement procedures can be accomplished.





- n) "**Occupational health personnel**" refers to a qualified first-aider, nurse, dentist, or physician, engaged by the employer to provide occupational health services in the establishment/undertaking.
- o) "**Project manager**" means the overall technical personnel of the general contractor and/or the subcontractor in charge of the actual execution of a construction project.
- p) "**Resident engineer**" means a duly licensed engineer who shall be tasked to be present at the construction site at all times, whenever work is being undertaken, and shall have the responsibility of assuring the technical conformance of all designs, materials, processes, work procedures rendered for the execution of the construction project, including safety and health of all persons within the construction site.
- q) "**Safety and health audit**" refers to a regular and critical examination of project sites, safety programs, records and management performance on program standards on safety and health.
- r) "**Safety and health committee**" means a group tasked with the authority to monitor, inspect, and investigate all aspects of the construction project pertaining to health and safety of construction workers.
- s) "**Safety organization**" means any organization recognized and accredited by the DOLE to conduct occupational safety and health training and/or safety and health audit.
- t) "**Safety personnel**" refers to any person engaged by any constructor, trained, accredited by DOLE and tasked to provide occupational safety and health services for the workers/employees in any construction project.
- u) "**Skills standards**" refers to the written specification of the minimum stock knowledge and skills a worker should possess to perform the functions identified in the job description of his occupation.
- v) "**Technical safety inspection**" refers to inspection for the purpose of safety determination of boilers, pressure vessels, internal combustion engines, electrical installations, elevators, hoisting equipment and other mechanical equipment.
- w) "**Trade test**" refers to an instrument used to measure workers' skills and knowledge based on the requirements of the skills.
- x) "**Treatment Room**" refers to any enclosed area or room equipped with the necessary medical facilities and supplies, and located within the premises of the establishment where workers maybe brought for examination and treatment of their injuries or illnesses in cases of emergency.
- y) "**Tool box meeting or gang meeting**" refers to daily meeting among workers and their respective supervisors for the purpose of instruction, discussion and proper briefing on the



planned work, the assessment of past work, the possibility or actual occurrence of accidents at the site, tips and suggestions on how to prevent possible accidents and other related matters.

- z) **“Unguarded surface”** refers to any working surface above water or ground, temporary or permanent floor platform, scaffold construction or wherever workers are exposed to the possibility of falls hazardous to life or limb.

## Section 2. **Jurisdiction**

The DOLE, through the Secretary of Labor and Employment, has the exclusive jurisdiction in the preparation of Occupational Safety and Health Standards (OSHS) for the Construction Industry including its very enforcement, as provided for by law.

- 2.1. As embodied in Article 162, Chapter 2, Title I of Book Four of The Labor Code of the Philippines, "The Secretary of Labor and Employment shall by appropriate orders set and enforce mandatory occupational safety and health standards to eliminate or reduce occupational safety and health hazards in all work places and institute new and update existing programs to ensure safe and healthful working conditions in all places of employment."
- 2.2. As embodied in Article 165, Chapter 2, Title I of Book Four of The Labor Code of the Philippines, "(a) The Department of Labor and Employment shall be solely responsible for the administration and enforcement of occupational safety and health laws, regulations and standards in all establishments and workplaces wherever they may be located"

## Section 3. **Delegation of Authority and Accreditation**

The authority to enforce mandatory occupational safety and health standards in the construction industry may be delegated in part by the Secretary of Labor and Employment, under the following conditions:

- a) Chartered Cities and Municipalities may be allowed to conduct Technical Safety Inspections and general safety audit of construction project sites within their respective jurisdiction where they have adequate facilities and competent personnel for the purpose as determined by the DOLE and subject to national standards established by the latter, provided they submit for approval an application for such authority.
- b) Private Safety Organizations with adequate facilities and competent personnel for the purpose, may be accredited by DOLE to conduct technical and/or general Safety and Health Audit of construction project sites, for and in behalf of the company or establishment.

- c) Accreditation of safety organizations and practitioners shall be in accordance with Rule 1030 of the OSHS.

#### Section 4. Coverage

This issuance shall apply to all operations and undertakings in the construction industry and its subdivisions, namely, general building construction, general engineering construction and specialty trade construction, based on the classification code of the Philippine Construction Accreditation Board (PCAB) of the Construction Industry Authority of the Philippines (CIAP); to companies and entities involved in demolition works; and to those falling within the construction industry as may be determined by the Secretary of Labor and Employment.

#### Section 5. Construction Safety and Health Program

Every construction project shall have a suitable Construction Safety and Health Program, which must be in accordance with these rules, and other orders and issuances issued by the DOLE. The Construction Project Manager, or in his absence, the Project Manager as authorized by the owner, shall be responsible for compliance with this Section.

5.1 The Construction Safety and Health Program shall state the following:

- a) composition of the Construction Safety and Health Committee, if one has been formed, otherwise, an undertaking to organize such committee and appoint its members before the start of construction work at the project site;
- b) specific safety policies which the General Constructor undertakes to observe and maintain in its construction site, including the frequency of and persons responsible for conducting toolbox and gang meetings;
- c) penalties and sanctions for violations of the Construction Safety and Health Program;
- d) frequency, content and persons responsible for orienting, instructing and training all workers at the site with regard to the Construction Safety and Health Program under which they operate; and
- e) the manner of disposing waste arising from the construction.

- 5.2 The Construction Safety and Health Program shall be executed and verified by the Construction Project Manager or Project Manager and shall be submitted to the Bureau of Working Conditions (BWC) which may approve, disapprove or modify the same according to existing laws, rules and regulations and other issuances by the DOLE.
- 5.3 The cost of implementing the Construction Safety and Health Program shall be integrated into the project's construction cost, provided, that said cost shall be a separate pay item, duly quantified and stated in the project's tender documents and construction contract documents.

### **Section 6. Personal Protective Equipment**

Every employer shall, at his own expense, furnish his workers with protective equipment for eyes, face, hands and feet, lifeline, safety belt/harness, protective shields and barriers whenever necessary by reason of the hazardous work process or environment, chemical or radiological or other mechanical irritants or hazards capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical agent.

Provision of personal protective equipment (PPE) shall be in accordance with Rule 1080 of the OSHS. The equivalent cost for the provision of PPE (life span, depreciation, replacement, etc.) shall be an integral part of the project cost.

- 6.1. The employer shall provide adequate and approved type of protective equipment. Workers within the construction project site shall be required to wear the necessary PPE at all times.
- 6.2. Construction workers who are working from unguarded surfaces six (6) meters or more above water or ground, temporary or permanent floor platform, scaffold or where they are exposed to the possibility of falls hazardous to life or limb, must be provided with safety harnesses and life lines.
- 6.3. Specialty construction workers must be provided with special protective equipment, such as specialized goggles or respirators for welders and painters or paint applicators.
- 6.4. All other persons who are either authorized or allowed to be at a construction site shall wear appropriate PPE.

## **Section 7. Safety Personnel**

To ensure that a Construction Safety and Health Program is duly followed and enforced at the construction project site, each construction project site is required to have the minimum required Safety Personnel, as described herein:

- 7.1. The General Constructor must provide for a full time officer, who shall be assigned as the general construction safety and health officer to oversee full time the overall management of the Construction Safety and Health Program.  
The general construction safety and health officer shall frequently monitor and inspect any health and safety aspect of the construction work being undertaken. He shall also assist government inspectors in the conduct of safety and health inspection at any time whenever work is being performed or during the conduct of accident investigation.
- 7.2. The General Constructor must provide for additional Construction Safety and Health Officer/s in accordance with the requirements for Safety Man/Officer of Rule 1033 (Training and Personnel Complement), depending on the total number of personnel assigned to the construction project site, to oversee the effective compliance with the Construction Safety and Health Program at the site, under the direct supervision of the general construction safety and health officer.
- 7.3. The General Constructor must provide for one (1) Construction Safety and Health Officer for every ten (10) units of heavy equipment assigned to the project site, to oversee the effective compliance with the Construction Safety and Health Program at the construction project site, in terms of heavy equipment utilization and maintenance.
- 7.4. Each construction subcontractor must provide for a representative, who shall have the same qualifications as a Safety Man/Officer, to oversee the management of the Construction Safety and Health Program for the subcontractor's workforce and the specific area of work operations in accordance with the requirements of Rule 1033 of the OSHS.

All safety personnel who will be employed by an employer on full-time basis should be accredited by the BWC of the DOLE.

## **Section 8. Emergency Occupational Health Personnel and Facilities**

- 8.1 The construction project owner or his duly authorized representative shall provide competent emergency health personnel within the worksite duly complemented by adequate medical supplies, equipment and facilities, based on the total number of workers in the site as indicated below:

- a) The services of a certified first-aiders when the total number of workers is fifty (50) or less;
  - b) The services of a full-time registered nurse when the total number of workers exceeds fifty (50) but not more than two hundred (200);
  - c) The services of a full-time registered nurse, a part-time physician and a dentist, and an emergency clinic when the total number of workers exceeds two hundred (200) but not more than three hundred (300); and
  - d) The services of a full-time registered nurse, a full-time physician, a dentist and an infirmary or emergency hospital with one (1) bed capacity when the number of employees exceed three hundred (300). In addition, there should be one (1) bed capacity for every one hundred (100) employees in excess of three hundred (300).
- 8.2 Where an employer provides only a treatment room, he shall provide for his workers in case of emergency, access to the nearest medical/dental clinic or to a medical/dental clinic located within five (5) kilometers radius from the workplace and can be reached in twenty-five (25) minutes of travel. Such access shall include the necessary transportation facilities. In such situation, there shall be a written contract with the medical/dental clinic to attend to such workplace emergencies.
- 8.3 The engagement of an Emergency Health Provider for the construction project site shall be considered as having complied with the requirement of accessibility to the nearest hospital facilities.
- 8.4 The employer shall always have in the construction site the required minimum inventory of medicines, supplies and equipment as indicated in Table 47 of the OSHS.

## Section 9. Construction Safety Signages

Construction Safety Signages must be provided to warn the workers and the public of hazards existing in the workplace. Signages shall be posted in prominent positions at strategic location and, as far as practicable, be in the language understandable to most of the workers employed.

- 9.1 The signages include but are not limited to:
- a) Mandatory requirement on the usage of personal protective equipment prior to entry to the project site.
  - b) Areas where there are potential risks of falling objects.
  - c) Areas where there are potential risks of falling.

- d) Areas where explosives and flammable substances are used or stored.
- e) Areas where there are tripping or slipping hazards.
- f) Approaches to working areas where danger from toxic or irritant airborne contaminants/substances may exist which should indicate the name of the contaminant/substance involved and the type of respiratory equipment to be worn.
- g) All places where contact with or proximity to electrical/facility equipment can cause danger.
- h) All places where workers may come in contact with dangerous moving parts of machineries or equipment.
- i) Location of fire alarms and fire fighting equipment.
- j) Instructions on the usage of specific construction equipment.
- k) Periodic updating of man-hours lost.

9.2 Signages should be regularly inspected and maintained in good condition. Signages that are damaged or illegible or that no longer apply should be removed and replaced by the safety officer, as needed.

## **Section 10. Safety on Construction Heavy Equipment**

In relation to heavy equipment operation in all construction sites, the following are required in the different phases of the project.

### 10.1 Pre-Construction

The General Constructor must ensure that appropriate certification is obtained from DOLE duly accredited organizations for the following:

- a) All heavy equipment operators assigned at the project site must be tested and certified in accordance with a standard trade test prescribed by Technical Education and Skills Development Authority (TESDA) in coordination with its accredited organization/s.
- b) All heavy equipment must be tested and certified in accordance with the standards prepared by DOLE or its recognized organization/s prior to commissioning of said equipment.

### 10.2 During Construction

The General Constructor must ensure that the following conditions are met or complied with:

#### 10.2.1 Mobilization or Transport of Heavy Equipment.

- a) Load restriction of trailers carrying such heavy equipment.
- b) Load restrictions, height and width clearances as imposed by Department of Public Works and Highways (DPWH) for all roads and bridges to be utilized during transport.
- c) Only duly certified operators are allowed to load and unload heavy equipment to trailer.
- d) Equipment to be transported must be properly secured to the trailer.

#### 10.2.2 Erection/Set-up of Heavy Equipment

- a) Existing hazards must be avoided.
- b) Standard checklist of steps and procedures must be observed.
- c) List of necessary equipment, tools and materials must be available and properly utilized.

#### 10.2.3. Routine Inspection

In the interest of accident prevention, duly certified mechanics and operators shall conduct daily routine inspection of all heavy equipment deployed at the site in accordance with standards set by TESDA in coordination with the Association of Construction Equipment Lessors (ACEL, Inc.).

- a) Routine inspection of all heavy equipment must be performed by DOLE accredited professionals in accordance to standards set by DOLE recognized equipment suppliers.
- b) All equipment which do not comply with the minimum safety standards for equipment certification shall be immediately removed from the work site for restoration or repair until they meet said standards or requirements.

The General Constructor and the equipment owner shall maintain a separate logbook for data on maintenance, repairs, tests and inspections for each heavy equipment. Such logbook shall be used as a necessary reference during the conduct of equipment inspection.

#### 10.2.4. Certified Operators

- a) Only duly certified operators shall be allowed to operate their designated heavy equipment.
- b) All operators and riggers must wear personal protective equipment as prescribed in the above pertinent sections.



### 10.3 Post-Operation and Post-Construction

The procedures for dismantling and demobilization of heavy equipment shall follow the same requirements as listed under 10.2.1 and 10.2.2 above.

## Section 11. Construction Safety and Health Committee

### 11.1 Composition

To ensure that these rules and the Construction Safety and Health Program are observed and enforced at the project site, each site shall, at the start of the construction have a construction safety and health committee composed of the following personnel as described under Section 7 above:

- a) Project Manager or his representative as the chairperson ex officio;
- b) General Construction Safety and Health Officer;
- c) Construction Safety and Health Officers;
- d) Safety representatives from each subcontractor,
- e) Doctors, Nurses and other Health personnel, pursuant to the requirements stated in Rule 1042 of the OSHS, who shall be members ex officio;
- f) Workers' representatives (minimum of 3, union members if organized, not necessarily from one employer).

The persons constituting the Safety and Health Committee shall, as far as practicable, be found at the construction site whenever construction work is being undertaken.

The time spent by the members of the Safety and Health Committee in the performance of their duties such as committee meetings, seminars and training, investigation and other tasks that maybe assigned or planned by the committee shall be considered hours worked and therefore compensable time.

### 11.2 Authority and Duties of the Construction Safety and Health Committee

The chairperson shall convene the Construction Safety and Health Committee at regular intervals so as to effectively and efficiently monitor the implementation of the Construction Safety and Health Program. As such, he shall have the following duties:

- a) plan, develop and oversee the implementation of accident prevention programs for the construction project;

- b) direct the accident prevention efforts for the construction project in accordance with these rules and the Construction Safety and Health Program;
- c) initiate and supervise the conduct of brief safety meetings or toolbox meetings everyday;
- d) review reports of safety and health inspections, accident investigations;
- e) prepare and submit to DOLE reports on committee meetings;
- f) provide necessary assistance to government inspecting authorities in the proper conduct of their enforcement and other activities;
- g) initiate and supervise safety and health training for employees;
- h) develop and maintain a disaster contingency plan and organize such emergency service units as may be necessary to handle disaster situations; and
- i) perform all duties provided in the Construction Safety and Health Program or those that are necessary and incidental to the fulfillment of their duties herein described.

## Section 12. **Safety and Health Information**

### 12.1 Workers should be adequately and suitably:

- a) informed of potential safety and health hazards to which they may be exposed at their workplace; and
- b) instructed and trained on the measures available for the prevention, control and protection against those hazards.

12.2 No person shall be deployed in a construction site unless he has undergone a safety and health awareness seminar conducted by the Occupational Safety and Health Center (OSHC), BWC and other concerned offices of DOLE or by safety professionals or safety organizations or other institutions DOLE has accredited or recognized. The DOLE in collaboration with constructors shall promote programs for the implementation of these awareness seminars for construction workers.

12.3 Every worker shall receive instruction and training regarding the general safety and health measures common to construction sites which shall include:

- a) basic rights and duties of workers at the construction site
- b) means of access and egress both during normal work and in emergency situations
- c) measures for good housekeeping
- d) location and proper use of welfare amenities and first-aid facilities
- e) proper care and use of the items or personal protective equipment and protective clothing provided the workers

- f) general measures for personal hygiene and health protection
- g) fire precautions to be taken
- h) action to be taken in case of any emergency
- i) requirements of relevant health and safety rules and regulations.

12.4 The instruction, training and information materials, shall be given in a language or dialect understood by the worker. Written, oral, visual and participative approaches shall be used to ensure that the worker has assimilated the material.

12.5 Each supervisor or any designated person (e.g. foreman, leadman, gangboss, etc.) shall conduct daily tool box or similar meetings prior to starting the tasks for the day to discuss with the workers and anticipate safety and health problems related to every task and the potential solutions to those problems. The supervisor shall remind the workers on the necessary safety precautions that need to be undertaken.

12.6 Specialized instruction and training should be given to:

- a) drivers and operators of lifting appliances, transport, earth-moving and materials-handling equipment and machinery or any equipment of specialized or dangerous nature;
- b) workers engaged in the erection or dismantling of scaffolds;
- c) workers engaged in excavations at least one meter deep or deep enough to cause danger, shafts, earthworks, underground works or tunnels;
- d) workers handling explosives or engaged in blasting operations;
- e) workers engaged in pile-driving;
- f) workers working in compressed air, cofferdams, and caissons;
- g) workers engaged in the erection of prefabricated parts of steel structural frames and tall chimneys, and in concrete work, form work and other such work;
- h) workers handling hazardous substances and materials;
- i) workers as signalers; and
- j) other workers as maybe categorized by TESDA.

### Section 13. **Construction Safety and Health Training**

The basic construction safety and health training shall be a forty (40)-hour training course as prescribed by the BWC. The training course shall include the provisions of Rule 1410 of the OSHS. The BWC, from time to time, may modify the basic construction safety and health training course, as the need arises.

All safety personnel involved in a construction project shall be required to complete such basic training course. Every constructor shall provide continuing construction safety and health training to all technical personnel under his employ. Continuing training shall be a minimum of 16 hours per year for every full-time safety personnel.

#### **Section 14. Construction Safety and Health Reports**

All general constructors shall be required to submit a monthly construction safety and health report to the BWC or to the DOLE Regional Office concerned. The report shall include a monthly summary of all safety and health committee meeting agreements, a summary of all accident investigations/reports and periodic hazards assessment with the corresponding remedial measures/action for each hazard.

In case of any dangerous occurrence or major accident resulting in death or permanent total disability, the concerned employer shall initially notify the DOLE Regional Office within twenty-four (24) hours from occurrence. After the conduct of investigation by the concerned construction safety and health officer, the employer shall report all permanent total disabilities to DOLE Regional Office on or before the 20th of the month following the date of occurrence of accident using the DOLE/BWC/HSD-IP-6 form.

#### **Section 15. Construction Workers Skills Certificates**

In order to professionalize, upgrade and update the level of competence of construction workers, the TESDA shall:

- a) establish national skills standards for critical construction occupations;
- b) prepare guidelines on skills testing and certification for critical construction occupations;
- c) accredit construction sector organizations in the area of skills training and trade testing; and
- d) extend relevant assistance to construction sector organizations.

In this regard, all construction workers in critical occupations shall undergo mandatory skills testing for certification by TESDA.

An occupation shall be considered critical -

- a) when the performance of a job affects and endangers people's lives and limbs;
- b) when the job involves the handling of tools, equipment and supplies;
- c) when the job requires a relatively long period of education and training;
- d) when the performance of the job may compromise the safety, health and environmental concerns within the immediate vicinity of the construction site.

## Section 16. **Workers' Welfare Facilities**

The employer shall provide the following welfare facilities in order to ensure humane working conditions:

### 16.1 Adequate supply of safe drinking water.

- a) If the water is used in common drinking areas, it should be stored in closed containers from which the water is dispensed through taps or cocks. Such containers should be cleaned and disinfected at regular intervals not exceeding fifteen (15) days.
- b) Notices shall be conspicuously posted in locations where there is water supply that is not fit for drinking purposes.

### 16.2 Adequate sanitary and washing facilities

- a) Adequate facilities for changing and for the storage and drying of work clothes
- b) Adequate accommodation for taking meals and shelter.

### 16.3 Suitable living accommodation for workers, and as may be applicable, for their families

### 16.4 Separate sanitary, washing and sleeping facilities for men and women workers.

## Section 17. **Cost of Construction Safety and Health Program**

The total cost of implementing a Construction Safety and Health Program shall be a mandatory integral part of the project's construction cost as a separate pay item, duly quantified and reflected in the Project's Tender Documents and likewise reflected in the Project's Construction Contract Documents.

## Section 18. **Miscellaneous**

All provisions of other existing occupational safety and health guidelines not inconsistent with the above Guidelines shall form part of this Department Order.

All provisions of other existing occupational safety and health standards, rules and regulations not specifically provided herein shall remain in full force and effect.

In the event that any provision of this Guidelines is declared invalid by competent authority, the rest of the provisions thereof not affected shall remain in full force and effect.

## Section 19. Violations and Penalties

- 19.1. As circumstances may warrant, the DOLE shall refer to the Philippine Contractor s Accreditation Board (PCAB) its findings, after due process, on any act or omission committed by construction contractors in violation of labor standards, safety rules and regulations and other pertinent policies. Any such violation committed by construction contractors, whether general constructors or sub-contractors, shall constitute as prima facie case of a construction malperformance of grave consequence due to negligence, incompetence or malpractice contemplated under R.A. 4566 (Constructors' Licensing Law), as amended, and its Implementing Rules and Regulations.
- 19.2. In cases of imminent danger situations, the DOLE Regional Director shall issue a stoppage order, in conformance with the guidelines specified under Rule 1012.02 of the OSHS and other pertinent issuances for stoppage of operation or for other appropriate action to abate the danger. Pending the issuance of the order, the employer shall take appropriate measures to protect his workers. The stoppage order shall remain in effect until the danger is removed or corrected. Non-compliance with the order shall be penalized under existing provisions of labor laws.

## Section 20. Effectivity

This issuance shall serve as policy and procedural guidelines for this Department and its agencies in the administration and enforcement of applicable labor and social legislations and their implementing regulations.

Nothing herein shall be construed to authorize diminution or reduction of benefits being enjoyed by employees at the time of issuance hereof.

This Department Order shall take effect immediately.

**23** July 1998

  
BIENVENIDO E. LAGUESMA  
Secretary





Lingayen, Pangasinan

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## OFFICE OF THE UNIVERSITY BOARD SECRETARY

EXCERPT from the 184<sup>th</sup> Regular Board of Regents Meeting held on November 14, 2019 at CHED Central Office, Diliman, Quezon City.

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### Resolution No. 144 series of 2019

Approving, the Pangasinan State University Equal Employment Opportunity Policy (PSU-EEOP).


APPROVED

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IN WITNESS WHEREOF, I hereunder set my hand and stamped the seal of the University at PSU, Lingayen, Pangasinan, this November 18, 2019.

  
AILENE A. BATANG  
Acting-University Board Secretary

APPROVED FOR RELEASE:

  
DEXTER R. BUTED, DBA  
University President







## EXECUTIVE BRIEF

### SUBJECT

**APPROVAL OF PANGASINAN STATE UNIVERSITY EQUAL EMPLOYMENT OPPORTUNITY POLICY (PSU-EEOP).**

### RATIONALE

The Pangasinan State University (PSU) as an agent of change, an advocate and enabler for sustainable and inclusive development adheres to the policy on equality of employment in the government service as mandated by the Civil Service Commission (CSC) Resolution No. 90-463. It is committed to a comprehensive policy of equal opportunities in which individuals are treated on the basis of their relevant merits, abilities, contributions and performances without regard to race, age, color, physical appearance, ancestry, ethnicity, national origin, cultural mores, political opinions, sex, religion or belief, marital status, parental roles, sexual orientation, genetic information or disability.

In compliance with CSC Memorandum Circular No. 24, s. 2016, the PSU intends to develop the Equal Employment Opportunity Policy (EEOP) which will ensure that equal opportunity is incorporated into all pillars and elements of, but not limited to, Recruitment, Selection, and Placement (RSP), Learning and Development (L&D), Rewards and Recognition (R&R), and Performance Management (PM). This policy aims to provide every employee with a working environment free from discrimination and harassment and to ensure that agency's commitment to workplace diversity when making decisions in all areas favorable to qualified and deserving employees.

**APPROVED BY THE  
BOARD OF REGENTS**

Resolution No. 144 s., 2019 *CH*






## ADVANTAGES

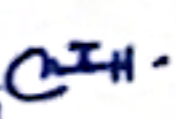
This EQUAL EMPLOYMENT OPPORTUNITY POLICY (EEOP) does not only prevent discrimination, but also encourages positive steps toward fairness in the workplace. Promoting equality in the workplace include creating an environment with high employee morale, developing a good reputation and the ability to recruit top talent. Another advantage of equality in the workplace is that the effectiveness of employees is measured by their contributions, which may motivate them to openly contribute to the company in a positive way.

## RECOMMENDATION

It is therefore recommended that the **PANGASINAN STATE UNIVERSITY EQUAL EMPLOYMENT OPPORTUNITY POLICY (PSU-EEOP)**, be approved by the Board of Regents.

  
**DEXTER R. BUTED**  
SUC President IV

**APPROVED BY THE  
BOARD OF REGENTS**

Resolution No. 144 s. 2019 



Republic of the Philippines

# Pangasinan State University

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## PROPOSED PANGASINAN STATE UNIVERSITY EQUAL EMPLOYMENT OPPORTUNITY POLICY (PSU-EEOP)



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### I. Rationale

The Pangasinan State University (PSU) as an agent of change, an advocate and enabler for sustainable and inclusive development adheres to the policy on equality of employment in the government service as mandated by the Civil Service Commission (CSC) Resolution No. 90-463. It is committed to a comprehensive policy of equal opportunities in which individuals are treated on the basis of their relevant merits, abilities, contributions and performances without regard to race, age, color, physical appearance, ancestry, ethnicity, national origin, cultural mores, political opinions, sex, religion or belief, marital status, parental roles, sexual orientation, genetic information or disability.

In compliance with CSC Memorandum Circular No. 24, s. 2016, the PSU intends to develop the Equal Employment Opportunity Policy (EEOP) which will ensure that equal opportunity is incorporated into all pillars and elements of, but not limited to, Recruitment, Selection, and Placement (RSP), Learning and Development (L&D), Rewards and Recognition (R&R), and Performance Management (PM). This policy aims to provide every employee with a working environment free from discrimination and harassment and to ensure that agency's commitment to workplace diversity when making decisions in all areas favorable to qualified and deserving employees.

### II. Scope and Coverage

The Pangasinan State University Equal Employment Opportunity Policy (PSU-EEOP) applies to all employees regardless of employment status covering the four (4) functional areas of human resource of management such as:

- Recruitment, Selection and Placement (RSP);
- Learning and Development (L&D);
- Performance management System (PMS); and
- Rewards and recognition (R&R).

The policies and principles of EEOP also apply to all Job Order personnel, personnel on Contract of Service who are temporarily engaged by Pangasinan State University, and any other persons or firms with a Memorandum of Agreement/Understanding with the University.

### III. Definition of Terms

The definition of the following are provided to have a common understanding of the terms used in this policy.

- 3.1. **Auxiliary Aids & Assistive Devices** – refers to the: 1) qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments; 2) qualified readers, taped tests, or other effective methods of delivering materials to individuals with visual impairments; 3) acquisition or modification of equipment or devices; and 4) other similar services and actions or all types of aids and services that facilitate the learning process of persons with mental disability (RA 10524);
- 3.2. **Discriminations** – refers to any distinction, exclusion, restriction, or preference based on the grounds of sex, sexual orientation, gender identity or expression, hereinafter referred to as “SOGIE” and has the purpose or effect of nullifying or impairing the recognition, access to, enjoyment, or exercise by all persons on an equal footing of all rights and freedoms. For purposes of this provision, the actual



sex, sexual orientation or gender identity of the person subjected to discrimination shall not be relevant for the purpose of determining whether an act of discrimination has been committed (Anti-Discrimination Act);

- 3.3. **Flexible Working Schedule** – granted to employee to vary his/her arrival and departure time without affecting the core work hours as defined by the employer (Solo Parent Act of 2000);
- 3.5. **Gender Identity** – refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with the physiological characteristics of the opposite sex (Anti-Discrimination Act);
- 3.6. **Harassment** – any unwanted, unwelcome or uninvited behavior or physical contact which makes a person feel offended, humiliated or intimidated (1) Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of sexual nature, whether verbal, non-verbal, graphic or physical (2) Gender-Based Harassment includes harassment based on gender, sexual orientation, gender identity or gender expression, which may include acts of aggression, intimidation or hostility whether verbal or non-verbal, graphic, physical or otherwise, even if the acts do not involve conduct of a sexual nature.
- 3.7. **Lactating employee** – is any female worker, regardless of employment status, who is lactating or breastfeeding her infant and/or young child (RA 10028);
- 3.8. **Lactation Station** – private, clean, sanitary, and well-ventilated rooms or areas in the workplace or public places where nursing mothers can wash-up, breastfeed or express their milk comfortably and store this afterward (RA 10028);
- 3.9. **LGBT (Lesbian, Gay, Bisexual and Transgender) Community** – refers to the collective of persons who are male and female homosexuals (lesbians and gays respectively), bisexual and transgender (Anti-SOGI Discrimination Act);
- 3.10. **Persons with Disability (PWDs)** – are those suffering from restriction or different abilities as a result of a mental, physical or sensory impairment to perform an activity in the manner or within the range considered normal for a human being including but not limited to PSU employees, job applicants, and clients (GAD Code of La Union);
- 3.11. **Service Providers** – refer to Job Order, Contract of Service
- 3.12. **Sexual Orientation** – refers to the directions of emotional sexual attraction or conduct. This can be towards people of the same sex (homosexual orientation) or towards people of both sexes (bisexual orientation) or towards people of the opposite sex (heterosexual orientation) (Anti-Discrimination Act);
- 3.13. **Solo Parent** – any individual who falls under the following categories (Solo Parents Act 2000);
  - 3.13.1. A woman who gives birth as a result of rape and other crimes against chastity even without a final conviction of the offender: Provided, that the mother keeps and raises the child;
  - 3.13.2. Parent left solo or alone with the responsibility of parenthood due to death of spouse;
  - 3.13.3. Parent left solo or alone with the responsibility of parenthood while the spouse is detained or is serving sentence for a criminal conviction for at least one (1) year;



- 3.13.4. Parent left solo or alone with the responsibility of parenthood due to physical and/or mental incapacity of spouse as certified by a public medical practitioner;
- 3.13.5. Parent left solo or alone with the responsibility of parenthood due to legal separation or de facto separation from spouse for at least one (1) year, as long as he/she is entrusted with the custody of the children;
- 3.13.6. Parent left solo or alone with the responsibility of parenthood due to declaration of nullity or annulment of marriage as decreed by a court or by a church as long as he/she entrusted with the custody of the children;
- 3.13.7. Parent left solo or alone with the responsibility of parenthood due to abandonment of spouse for at least one (1) year;
- 3.13.8. Unmarried mother/father who has preferred to keep and rear her/his child/children instead of having others care for them or give them up to a welfare institution;
- 3.13.9. Any other person who solely provides parental care and support to a child or children;
- 3.13.10. Any family member who assumes the responsibility of head of family as a result of the death, abandonment, disappearance or prolonged absence of the parents or solo parent.

#### **IV. Policy Commitments**

The PSU commits to observe the following equal employment opportunities (EEO) in all core maturity level indicators for the human resource systems and practices of the university:

##### **4.1. Recruitment, Selection, and Placement**

The PSU will make hiring decisions based on methodological evaluation of workforce needs, fair assessment of person's qualifications and ability to satisfactorily perform the essential duties of the position, consistent with applicable law, rules and regulations. Recruitment, Selection and Placement procedures shall be non-discriminatory and to that effect shall employ tools/aids/measures to facilitate needed services to groups with special needs.

- 4.1.1. Consideration of all qualified applicants for available positions regardless of race, age, color, physical appearance, ancestry, ethnicity, national origin, cultural mores, political affiliations or opinions, sex, religion or belief, marital status, parental roles, sexual orientation, genetic information or disability.
- 4.1.2. Publication of job vacancies posted and maintained in conspicuous locations, online posting of vacancies shall include PSU's commitment to equal employment opportunities.
- 4.1.3. Provision of auxiliary aids and services to ensure effective communication with job applicants who have vision, hearing or speech impairments.
- 4.1.4. Adoption of special queuing scheme that prioritizes Persons with Disability (PWD) walk in applicants:



- 4.1.5. Setting up of provisional area at the lobby for the sole purpose of entertaining PWD job applicants to ensure equal access of services.
- 4.1.6. For Human Resource Merit Promotion and Selection Board (HRMPSB) Meeting with PWD interviewee, interview shall be conducted in an accessible location provided with accessible features of facilities.
- 4.1.7. For Human Resource Merit Promotion and Selection Board (HRMPSB) Meeting with Sexual Orientation and Gender Identity Expression (SOGIE) interviewee, interview questions shall focus on the skills required by the position applied for. Discriminating questions should likewise be avoided.

#### **4.2. Learning & Development**

The PSU will implement a comprehensive and personnel learning and development programs designed to raise the level of efficiency, effectiveness and morale of the personnel. The Learning and Development system shall promote equal career and employment advancement opportunities for all employees.

- 4.2.1. All employees regardless of race, age, color, physical appearance, ancestry, ethnicity, national origin, cultural mores, political opinions, sex, religion or belief, marital status, parental roles, sexual orientation, genetic information or disability shall be provided with at least one (1) planned human resource development intervention every year.
- 4.2.2. Create an enabling environment for employees with special needs to learn/ understand concepts/ideas/principles and be part of training/workshop/discussion through the provision of auxiliary aids, interpreters and related services during training.
- 4.2.3. Conduct of Disability Awareness Training to capacitate employees in providing responsive and client-sensitive service to customers or clients with disabilities and ensure that they also develop and maintain good working relationships with colleagues with disabilities.
- 4.2.4. Integration of disability-related case materials, gender sensitivity concepts, topics on sexual orientation and gender identity and expression into professional discussions, study groups, workshops, trainings and seminars.

#### **4.3. Performance Management**

The PSU will ensure that performance standards and evaluation procedures are free of bias. Performance Management measures shall guarantee a fair and equitable planning, monitoring, coaching, review and evaluation of employee performance.

- 4.3.1. Installation of auxiliary aids and assistive devices to ensure that PWDs are able to perform their assigned task with ease.
- 4.3.2. Monitoring and ensuring that performance management systems are consistently based on employees' actual job performance; hence, comparable job performances receive comparable ratings regardless of the evaluator.



- 4.3.3. Adoption of flexible work schedule for solo parents and/or lactating/breastfeeding mothers as long as it shall not affect individual and agency productivity.
- 4.3.4. Establishment of child-minding center where PSU employees specifically solo parents can entrust and leave their children for care as they perform their tasks and responsibilities in their respective offices.
- 4.3.5. Setting-up of lactation station at the University Infirmary for lactating employee to encourage, protect and support the practice of breastfeeding while at work provided that they agree and adhere to established guidelines.

**4.4. Rewards and Recognition**

The PSU will administer continuing employee suggestions on incentive and award systems without discrimination.

- 4.4.1. Criteria for the selection shall be in accordance with the Equal Opportunity Principle (EOP) and Rewards and Recognition procedures shall ensure fairness and equity in the acknowledgment of contributions and conferment of awards and incentives.
- 4.4.2. Inclusion of equal opportunity clause in the Civil Service Commission (CSC) Approved Program on Awards and Incentives for Service Excellence (PRAISE) and dissemination of the same to all employees for awareness.

**V. Roles and Responsibilities**

**5.1. Human Resource and Development Office (HRMDO)**

The Human Resource and Development Office (HRMDO) together with its Unit Heads has accountability for the management and implementation of this policy. As such, it must:

- 5.1.1. Ensure that all employees are aware of their rights and responsibilities in relation to EOP;
- 5.1.2. Implement work practices, policies, and strategies to eliminate discriminatory behavior from the workplace to ensure that all employees enjoy equal employment opportunities;
- 5.1.3. Monitor the working environment, listen to concerns, provide confidential advice and take appropriate and prompt action to issues concerning EOP;
- 5.1.4. Conduct orientation or focus group discussions for proper and widest dissemination of EOP principles and guidelines to instill awareness and understanding to all employees.
- 5.3.2. Document any event, incident or occurrence regarding the application of EOP in all personnel systems.
- 5.3.3. As secretariat and key player of the committees in charge of Recruitment Selection Process, Learning & Development, Performance Management and Rewards and Recognition, the HRMDO shall make recommendation on the adoption of additional



policy that will enhance the working condition of employees particularly the identified special groups.

## **5.2. Employees**

The PSU employees shall have the following duties and responsibilities:

- 5.2.1. Maintain the working environment, listen to concerns, provide confidential advice and take appropriate and prompt action to issues concerning EOP;
- 5.2.2. Understand, respect and adhere to the principles of the EOP in all aspects of their work;
- 5.2.3. Respect the rights, dignity and work of all employees regardless of their race, age, color, physical appearance, ancestry, ethnicity, national origin, cultural mores, political opinion, sex, religion or belief, marital status, parental roles, sexual orientation, genetic information or disability;
- 5.2.4. Share responsibility for maintaining a workplace that is free from discrimination and harassment;
- 5.2.5. Seek redress for any incident of discrimination or harassment in the workplace through the Grievance Committee and/ or appropriate mediating body.

## **VI. Communication Plan**

There shall be an Orientation Program conducted on the PSU-EEOP to all University and Campus officials to draw support and appreciation on this policy and to empower capacitate them to orient their staff on this policy.

## **VII. Repealing Clause**

All other existing PSU issuances which are inconsistent herewith are deemed repealed or amended.

## **VIII. Separability Clause**


If any section or part of this policy is held unconstitutional or invalid, the other sections or provisions not otherwise affected remain in full force and effect.

## **IX. Commitment**

In the commitment for Transformative Governance System including but not limited to its Vision, Mission, Strategic Goals, Philosophy and Core Values, the PSU reaffirms its Policy on Equal Employment Opportunity. All personnel actions, programs and facilities are administered in accordance with the EEOP principles embarking the PSU's position on equal opportunity in all aspect of employment.

## **X. Effectivity**

This EEOP shall take effect immediately and shall remain in force and effect until suspended or rescinded.



**DEXTER R. BUTED**  
University President