

Manual on Labor Laws Compliance System and Procedures for Uniform Implementation

(Department Order No. 131, Series of 2013, As Amended)

Department of Labor and Employment
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FOREWORD

Accountability, integrity, transparency, and uniformity of action have all been in my mind when I instructed the formulation of this Manual on the Labor Law Compliance System. I had been thinking that a Manual such as this befits the singular importance of the reform that the LLCS is. One of the keys to the success of the LLCS reform is this Manual: it provides for a standardized and synchronized implementation of the LLCS.

I am, therefore, pleased that the Bureau of Working Conditions (BWC), in cooperation with all DOLE agencies concerned, has finally come out with this Manual, which is intended to serve as a guide to all DOLE Regional Directors and Labor Laws Compliance Officers (LLCOs) in the conduct of Joint Assessment, Compliance Visit, and Occupational Safety and Health Standards Investigation, pursuant to Department Order No. 131, Series of 2013, otherwise known as the "Rules on Labor Laws Compliance System", which took effect on 22 August 2013.

As our new system of ensuring compliance with all labor laws, the LLCS's enabling component is grounded on the following facts: (a) 99 percent of the country's establishments are Micro, Small, and Medium Enterprises (MSMEs); (b) the traditional 'police' approach in enforcing compliance has not been as successful as that of the proliferation of rent-seeking behavior of individuals and/or groups to evade compliance; and (c) the 'police' approach has alienated both employers and workers from the process of ensuring labor laws compliance, and cultivated distrust at the plant-level with our enforcement officers.

The July 2009 findings of the International Labour Organization (ILO) technical audit on the Labor Standards Enforcement Framework (LSEF), after six years of its implementation, captured these three major considerations in the shift in enforcement approaches. The ILO audit noted the following: (1) there are 784,000 establishments legally required to be inspected, and with 193 labor inspectors, one establishment get inspected once every 16 years; (2) the LSEF has no major impact in securing higher level of compliance with labor standards; (3) for Routine Inspection, unions are critical of the quality and procedures used; and (4) for Technical Assistance Visit, there is low compliance and low participation rate.

This necessitated the shift in enforcement, from purely regulatory approach to one that combines both regulatory and developmental approaches, to enable establishments to comply with all labor laws with the active participation of both employers and workers at the plant-level, and industry associations and their leaders, through industry tripartite councils and voluntary codes of good practices on decent work and competitive enterprises. In the process, we inculcate and foster a culture of voluntary compliance.

Broad is the developmental approach. It combines awareness-raising, incentives for compliance, enhancement of plant-level partnership through harmonized delivery of plant-level DOLE programs and services, such as productivity improvement for MSMEs, and a joint (tripartite-based) assessment and certification process.

The LLCS assessment and certification is our way of recognizing, as well as of engaging, our workplace social partners--the employers and the workers--in the entire process of inculcating voluntary compliance as a corporate culture or way of life.

Department Order No. 131, Series of 2013, on LLCS to start, was tripartite-crafted and -approved. Together with us, our social partners have a shared responsibility and accountability in ensuring the effective and efficient implementation of the LLCS. Hence, there is feedback mechanism in our system.

The LLCS certification process is similar to an ISO audit, but with the participation of our social partners. It is tripartite in character, where the LLCO, together with employers' and workers' representatives, shall conduct a Joint Assessment of the establishment's compliance with all labor laws. If found compliant, the establishment will receive a certificate of compliance (COC) which is valid for two years, unless there is a complaint which would warrant the conduct of a Compliance Visit; or, if there is imminent danger, or a fatal accident, trigger the conduct of Occupational Health and Safety Investigation. If there are gaps or deficiencies, the LLCO will assist the establishment to comply through corrective actions by providing technical assistance and educating both the employer and the workers for better conformity with all labor laws and standards, and once compliance is satisfied, COC will be issued.

The other certification approach is through the tripartite team's certification process of the DOLE Regional Tripartite Industrial Peace Council (RTIPC) under the Incentivizing Compliance Program (ICP). This is equivalent to the COC where the establishment may apply, or gets nominated to be processed for issuance of a Tripartite Certificate of Compliance with Labor Standards (TCCLS), which is valid for three years; or for any of the four other certificates or awards, namely, *Gawad Kaligtasan at Kalusugan* (GKK), Child Labor Free Establishment (CLFE), LMC Awards, Productivity Olympics; for the Secretary's Award.

With respect to the ILO audit on personnel complement, President Benigno S. Aquino III has given the DOLE 372 new plantilla personnel in 2012--twice bigger than the personnel complement of the DOLE National Capital Region--and provided them mobile devices and gadgets. The 372 new plantilla brings the total number of enforcement officers, now the LLCOs, to 574. This number was consistent with the ILO's whole-year work standard ratio enforcement of one LLCO for every 120 establishments.

Further, with the provision for mobile devices and gadgets, the DOLE, with ILO technical assistance, developed the LLCS Management Information System (LLCS-MIS), or Labor Inspection Systems Application (LISA-PH). An important feature of the system is data capture and transmittal from the field in real-time as an electronic checklist is filled-up through the use of mobile devices and gadgets. Data are instantly available for viewing and processing to generate reports, statistics, and summons, including real-time monitoring of decent work indicators, based on the country's decent work profile.

But critical to the success of the LLCS is our people--the LLCOs. We continue to re-orient and professionalize them. Our LLCOs, who have to abide by their own Code of Conduct, have undergone through an intensive, four-level training program, which consists of the following courses:

1. Basic Course on GLS, Productivity, and DOLE Programs and Services;
2. Basic Occupational Safety and Health;
3. Advanced Course for LLCOs on SEnA, Conciliation-Mediation, and Accident Investigation; and
4. Specialization Courses on POEA Rules and Regulations and on MLC, 2006, specifically the conduct of Joint Assessment of Domestic Ships, Construction Safety, Social Audit, Boilers and Pressure Vessels, Electrical Safety, and Technical Safety Inspection.

I admit more still needs to be done at this stage in the LLCS's implementation. But it is heartening to note that this early, I have encountered positive feedback, both from the employers and workers, including from the LLCOs themselves, about our reform. At the ASEAN Labor Inspection Conference which we hosted this year, the Philippines was recognized as the first to adopt an innovative approach for improving compliance with labor laws that looks beyond just enforcement.

I am convinced that the LLCS, if implemented correctly, will foster an environment where businesses can grow and expand, and where workers will become active participants in promoting decent work in our quest for sustained economic growth. I also truly believe that establishments will adhere to existing standards voluntarily, with the LLCS in place.

My sincere hope is that this Manual on the LLCS will be most useful in our collective task of ensuring and enabling compliance with all labor laws, which is very crucial in realizing the DOLE's sectoral goal of contributing to inclusive growth through decent work and competitive enterprises.

Cagayan de Oro City, Philippines. 29 August 2014.

ROSALINDA DIMAPILIS-BALDOZ
Secretary

LIST OF ACRONYMS

AC	Assessment Checklist
AMR	Annual Medical Report
ASSESSMENT	Joint Assessment
BIR	Bureau of Internal Revenue
BMBE	Barangay Micro Business Enterprises
BOSH	Basic Occupational Safety and Health
BWC	Bureau of Working Conditions
BWSC	Bureau of Workers with Special Concerns
CBA	Collective Bargaining Agreement
CDA	Cooperative Development Authority
COC	Certificate of Compliance
COSH	Construction Occupational Safety and Health
CSPH	Construction Safety and Health Program
CV	Compliance Visit
DO	Department Order
DOLE Secretary	Secretary of the Department of Labor and Employment
DOLE-RD	Department of Labor and Employment-Regional Director
DOLE-RO	Department of Labor and Employment-Regional Office
DOTC	Department of Transportation and Communications
DTI	Department of Trade and Industry
ECC	Employees Compensation Commission
FWP	Family Welfare Program
GLS	General Labor Standards
HDMF	Home Development Mutual Fund
HRDS	Human Resource Development Service
ICP	Incentivizing Compliance Program
ID	Imminent Danger
IJA	Industry-Wide Joint Assessment
ILO	International Labor Organization
INVESTIGATION	Occupational Safety and Health Standards Investigation
ISO	International Organization for Standardization
ITC	Industry Tripartite Council
JA	Joint Assessment
LEES	Labor and Employment Education Service
LGU	Local Government Unit
LLCO	Labor Laws Compliance Officer
LLCS	Labor Laws Compliance System
LLCS-MIS	Labor Laws Compliance System-Management Information System
LMC	Labor Management Council
LSCC	Labor Standards Compliance Certificate
LSEF	Labor Standards Enforcement Framework
LTFRB	Land Transportation Franchising and Regulatory Board
MC	Mandatory Conference
MLC	Maritime Labour Convention
MOA	Memorandum of Agreement

MSE	Micro and Small Establishment
MSMEs	Micro, Small and Medium Enterprises
NA	Notice of Assessment
NCMB	National Conciliation Mediation Board
NGA	National Government Agency
NR	Notice of Results
NWPC	National Wages and Productivity Commission
OSHS	Occupational Safety and Health Standards
PAG-IBIG	Pagtutulungan sa Kinabukasan: Ikaw, Bangko, Industriya at Gobyerno
PCAB	Philippine Contractors Accreditation Board
PCT	Process Cycle Time
PEZA	Philippine Economic Zone Authority
PNP	Philippine National Police
POEA	Philippine Overseas Employment Administration
PPE	Personal Protective Equipment
PRAISE	Program on Awards and Incentives for Service Excellence
PRESEEDS	Promotion for Rural Employment through Self-Employment and Entrepreneurship Development
PT	Planning Tool
QRP	Quick Response Program
RCMB	Regional Conciliation Mediation Board
RD	Regional Director
RFA	Request for Assistance
RO	Regional Office
RTWPB	Regional Tripartite Wage and Productivity Board
SAVE	Special Assessment or Visit Establishments
SEADO	SEnA Desk Officer
SEC	Securities and Exchange Commission
SEnA	Single Entry Approach
SOSIA	Supervisory Office for Security and Investigation Agencies
SR	Status Report
SSS	Social Security System
SUC	State University or College
TAV	Training and Advisory Visit
TCCLS	Tripartite Certificate of Compliance with Labor Standards
TESDA	Technical Education and Skills Development Authority
TSI	Technical Safety Inspection
TSSD	Technical Support and Services Division
TULAY	Tulong Alalay sa mga Taong may Kapansanan
VAWC	Violence Against Women and their Children
VCGP	Voluntary Code of Good Practices
VISIT	Compliance Visit
WEED	Women Workers Employment and Entrepreneurship Development
WODP	Workers Organization and Development Program
WSO	Work Stoppage Order
WYC	Working Youth Center

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Part I. Labor Laws Compliance System (LLCS)

A. Purpose, Policy and Scope

Purpose

The LLCS was formulated to operationalize the constitutional mandate to protect the interests and welfare of the employees towards the promotion of social justice and maintenance of industrial peace through the encouragement of voluntary compliance and enforcement of labor laws.

Policy

Pursuant to Department Order No. 131-13, which superseded Department Order No. 57-04 or the Labor Standards Enforcement Framework (LSEF), the conduct of Assessment, Visit and Investigation shall be undertaken by the LLCOs in all establishments, branches, and workplaces and worksites, taking into consideration the priority establishments identified under Rule IV, Section 2 of D.O. 131-13 and issuances of the Secretary.

Scope

Assessment refers to the determination of compliance by establishments with all Labor Laws, which include the General Labor Standards (GLS), Occupational Safety and Health Standards (OSHS) and other related labor laws and issuances. This covers provisions on wages, hours of work and other non-monetary benefits as well as the standards that refer to the conditions of work premises, required personal protective equipment (PPE) and health programs, and other related laws dealing with occupational safety and health. Additionally, it covers workplace observance of labor rights and key indicators in the country's decent work profile.

B. Performance Indicators: Philippine Labor and Employment Plan (LEP 2011-2016); Planning Tool (PT 2013-2016) and Major Final Output 4 (MFO4 FY 2014-2015)

MFO 4: Employment Regulation Services
2014- 2015 76,767 establishments inspected
4.56M workers covered
100% establishments with deficiencies given appropriate assistance
70% compliance rate

C. Modes of Implementation

1. Joint Assessment or Assessment. This refers to scheduled assessment of establishments, branches, and workplaces and worksites to evaluate compliance with labor laws and social legislations. The Joint Assessment is actually tripartite in approach as it is jointly undertaken by the LLCO, the representative of the employers, and representative of the employees using a prescribed assessment checklist. It also covers establishments that had undergone settlement under the Single Entry Approach (SEnA) procedure and Accident Investigation.

2. Compliance Visit or Visit. This refers to the act of validating compliance of establishments with labor laws and social legislations by the LLCO based on:

- a. SEnA Referral pursuant to Section 7 of Department Order No. 107, series of 2010; or
- b. Complaint filed against an establishment and a Visit has been directed by the Regional Director.

3. Occupational Safety and Health Standards Investigation or Investigation. This is the process of determining the existence of imminent danger, dangerous occurrence and/or accident resulting to disabling injury or analogous circumstances within the workplace based on a report or information received by the DOLE-ROs from concerned citizen or through media, telephone call, electronic mail or any other source.

This Investigation shall be conducted based on any condition or practice in any place of employment where specific danger could reasonably be expected to cause death or serious physical harm, but the imminence of such danger can be eliminated through enforcement procedures.

- a. **Imminent Danger** refers to a condition or practice in any workplace that can be reasonably expected to cause death or serious physical harm.
- b. **Disabling Injury** refers to a work injury which results to death, permanent total disability, permanent partial disability or temporary total disability.
- c. **Plain View Violation** refers to observable and apparent OSHS violation.

4. Verification Assessment or Verification. This is a follow-up assessment conducted in the following cases:

- a. To validate compliance after ten (10) days period of correction and/or the agreed OSH remediation period which should not be more than three (3) months;
- b. To validate abatement of the imminent danger after the seventy two (72)

hours mandatory conference; and

- c. Other analogous circumstance that requires validation from the LLCO to ensure compliance with labor standards and occupational safety and health standards.

D. LLCS and Incentivizing Compliance Program (ICP)

Pursuant to Section 2, Rule VII of Department Order No. 131, series of 2013, establishments that are able to maintain their COC in good standing within four (4) consecutive years shall automatically qualify for publication as nominee to the Tripartite Certificate of Compliance with Labor Standards (TCCLS) under Department Order No. 115-11, series of 2011, as amended.

For purposes of encouraging more establishments to go through the tripartite voluntary certification process on labor laws compliance, the following shall be observed by the DOLE-ROs:

1. Establishments with TCCLS are automatically deemed to have COCs and shall no longer be subjected to assessments;
2. Establishments with COC may acquire TCCLS, pursuant to Section 2, Rule VII of D.O.131, series of 2013, upon validation by the DOLE-ROs of its good standing status within four (4) consecutive years and upon concurrence by the Regional Tripartite Certification Committee;
3. All establishments with TCCLS, either directly bestowed through tripartite certification process or acquired through COC of good standing for four (4) years, may qualify for the Secretary's Award.

E. Priority Establishments

Pursuant to D.O. 131-13, the priority establishments shall be those:

1. Engaged in hazardous work;
2. Employing child employees;
3. Engaged in contracting and subcontracting arrangements;
4. Philippine registered ships or vessels engaged in domestic shipping;
5. Employing 10 or more employees; and
6. Other priority establishments covered by subsequent issuances.

Part II. Assessment of Priority Establishments

A. Assessment of Contractors/Subcontractors, Service Cooperatives and Security Agencies.

To ensure compliance with Department Order No. 18-A, series of 2011; Department Order No. 14, as amended, governing the employment and working conditions of security guards and similar personnel in the private security industry; the guidelines of the Cooperative Development Authority with respect to Service Cooperatives; and related labor laws, the following procedures shall be observed in the conduct of assessment or visit of contractors/subcontractors:

Service Contractors/Subcontractors

1. DOLE-RO of Registration. The RD shall ensure and oversee the conduct of assessment/visit of all contractors/subcontractors registered in his/her region. He/She shall:

- a. Assign, through raffle, to qualified LLCOs in his/her region the registered contractors/subcontractors to be assessed or visited;
- b. Provide guidance to the LLCOs on operational issues;
- c. Coordinate with the DOLE Secretary, through the BWC, policy issues encountered on hiring practices; deductions; registration renewal and other policy concerns while assessing contractors/subcontractors;
- d. Monitor the progress of the assessment or visit of his/her LLCOs to the contractors/subcontractors;
- e. Review and verify the recommendations made by the LLCOs;
- f. Regularly publish in the regional and national DOLE website the list of registered contractors/subcontractors with COC in the region; and
- g. Submit report on the assessment results of all contractors/subcontractors registered in the region to the DOLE Secretary, through the BWC.

2. LLCO of DOLE-RO of Registration. The assigned LLCO shall first assess or visit the head office of the contractors/subcontractors observing the procedure outlined in Part XI of this Manual. Additionally, he/she shall verify the following:

- a. The registration of the contractor/subcontractor and its compliance with the substantial capital requirement;
- b. Its non-engagement in labor-only contracting under Sections 4 and 6 of D.O.18-A, as indicated in the Checklist;
- c. Compliance with the semi-annual reportorial requirements under Section 22 of D.O.18-A, as indicated in the Checklist;
- d. Compliance with “no cash bond, no deposit for loss or damage on occupation or industry not allowed to do so by law or by the Secretary of Labor and Employment”;

- e. Employment records vis-à-vis compliance with D.O.18-A on the term of the Service Agreements pursuant to Section 7 on prohibited activities, particularly subparagraph A, items 7 to 8, and compliance with Section 8 on the right of contractor's employees, as indicated in the Checklist; and
- f. OSHS compliance records.

The LLCO shall conduct interview of office employees and inspect the OSH conditions at the head office.

The LLCO shall proceed to the principal or user enterprise worksite/workplace for coordination with their contractors/subcontractors. He/she shall then conduct interview of deployed employees, at random, at their place of work and inspect their workplaces.

The LLCO shall consolidate its findings and shall issue NR. In case of compliance, he/she shall recommend for the issuance of COC; otherwise, he/she shall recommend the conduct of mandatory conference.

3. DOLE-RO of Operation. The RD shall ensure and oversee the conduct of assessment/visit of all contractors/subcontractors operating in his/her region pursuant to Item A-1, Part II of this Manual. After the conduct of assessment/visit, the RD of Operation shall indorse the findings of the assigned LLCO to the RD of Registration.

4. LLCO of DOLE-RO of Operation. The assigned LLCO shall assess or visit the contractors/subcontractors operating in the region observing the procedure outlined in Part XI of this Manual. Additionally, he/she shall verify the following:

- a. The registration of the contractor/subcontractor and its compliance with the substantial capital requirement;
- b. Its non-engagement in labor-only contracting under Sections 4 and 6 of D.O.18-A, as indicated in the Checklist;
- c. Compliance with the semi-annual reportorial requirements under Section 22 of D.O.18-A, as indicated in the Checklist;
- d. Compliance with "no cash bond, no deposit for loss or damage on occupation or industry not allowed to do so by law or by the Secretary of Labor and Employment";
- e. Employment records vis-à-vis compliance with D.O.18-A on the term of the Service Agreements pursuant to Section 7 on prohibited activities, particularly subparagraph A, items 7 to 8, and compliance with Section 8 on the right of contractor's employees, as indicated in the Checklist; and
- f. OSHS compliance records.

The LLCO shall coordinate with the principal or user enterprise for the conduct of interviews of contractors/subcontractors' deployed employees, at

random, at their place of work and inspect their workplaces. The LLCO shall submit his/her findings to the RD of Operation.

Service Cooperatives

5. DOLE-ROs. The RDs of Registration and Operation shall ensure the conduct of assessment or visit of service cooperative engaged in contracting/subcontracting arrangement in their respective regions pursuant to Item A-1, Part II of this Manual.

6. DOLE-LLCOs. The assigned LLCOs shall observe items 2 & 4 mentioned above and they shall examine the following to establish the genuineness of the service cooperative:

- a. Registration with the CDA;
- b. Constitution and By-laws and Articles of Incorporation;
- c. Membership of the workers/employees with the service cooperative, their right to vote and be voted, their capital share and participation in the management of the cooperative, the names and tenure of office of the general manager and executive officers of the cooperative;
- d. Members' capital share, dividends and deductions in their wages; and
- e. Members' right to self-organization and collective bargaining.

Security Agencies

7. DOLE-ROs. The RDs of Registration and Operation shall ensure the conduct of assessment or visit of security agencies engaged in contracting/subcontracting arrangement in their respective regions pursuant to Item A-1, Part II of this Manual.

In case of non-submission of certificate of registration to the DOLE-RO of Operation, the RD of Registration shall declare the security agency as engaged in labor-only contracting and the principal or user enterprise will be jointly and severally liable for wage and wage-related benefits.

8. DOLE-LLCOs. The assigned LLCO shall observe Items A-2 & A-4, Part II of this Manual, to determine compliance of security agencies with labor laws and D.O. 14, as amended, and examine the following:

- a. Security Agency's license to operate from Philippine National Police Civil Security Group Security Supervisory Office for Security Investigation Agencies(PNP-SOSIA);
- b. Security guard's license to exercise profession from PNP Civil Security Group Security Supervisory Office for Security Investigation Agencies; and
- c. Firearm license from PNP.

Contractors in the Construction Industry

9. DOLE-ROs. Contractors in the Construction Industry are required to be registered with PCAB and are not required but may register under D.O.18-A.

D.O.18-A or DTI-PCAB registered contractors are required to observe D.O.18-A; D.O. No. 19, series of 1993, or the guidelines governing the employment of workers in the Construction Industry; D.O. No. 13, series of 1998, as amended, or the guidelines governing OSH in the Construction Industry; and all labor laws. The RDs of Registration or Operation shall ensure the conduct of assessment or visit of contractors in their respective regions pursuant to Item A-1, Part II of this Manual.

10. DOLE-LLCOs. The assigned LLCO shall observe Items A-2 & A-4, Part II of this Manual, if applicable, to determine compliance by contractors with the requirement of D.O. 18-A, D.O. 13, D.O. 19 and other administrative issuances, as indicated in the Checklist. Additionally, he/she shall examine the following:

- a. Contractor's license to operate or subcontract in the Construction Industry or the DTI-PCAB license; and
- c. Compliance with the requirement for CSHP, PPEs, required safety personnel and OSH requirements, as indicated in the Checklist.

Any non-correction of noted OSH deficiencies, including absence/expired license to operate in the Construction Industry, shall be indorsed and submitted to the DTI-PCAB, through the BWC, for appropriate action. It should be noted that a license from DTI-PCAB is a requirement before one can operate or do business in the Construction Industry.

DOLE-ROs Coordination and Issuance of COC

11. DOLE-RO coordination. For a more holistic approach in assessing contractors/subcontractors, the RD of Operation and RD of Registration shall closely coordinate, share findings and/or extend assistance in the conduct of assessment including interviews of employees and inspection of the worksites. They may agree that the RD of Registration shall conduct assessment at the head office while the RD of Operation shall conduct assessment at the principal or user enterprise within his/her jurisdiction.

12. Issuance of COC to contractors/subcontractors. The RD of Registration shall issue a COC to contractors/subcontractors (service contractors/subcontractors, service cooperatives, security agencies or contractors), when all their contracting/subcontracting activities are found compliant with D.O.18-A and other related labor laws.

13. Issuance of COC to the principal or user enterprise in contracting/subcontracting arrangement. In contracting/subcontracting,

a COC shall be issued to the principal or user enterprise when it is found compliant with D.O.18-A and other related labor laws, and all its contractors/subcontractors (service contractors/subcontractors, service cooperatives, security agencies or contractors), and their supply chain have been found compliant and with their respective COCs.

A compliant principal/user enterprise will not get a COC if the contractor/subcontractor is not compliant with respect to its Service Agreement with other principal/user enterprise. The contractor/subcontractor must have a COC before the principal/user enterprise can be given a COC. This policy is anchored on the principle of joint and solidary liability in contracting/subcontracting arrangement where the principal or user enterprise should exercise due diligence and ensure that it engaged contractors/subcontractors who are compliant with D.O.18-A and with COC.

14. Issuance of COC to principal or user enterprise with noted deficiencies. A COC shall be issued to the principal or user enterprise with noted deficiencies only when correction is made within the prescribed periods and when all its contractors/subcontractors (service contractors/subcontractors, service cooperatives, security agencies or contractors), have their respective COCs.

Compliance beyond the prescribed period of correction will not merit a COC. The establishment is considered compliant-after-correction but it can be issued a COC only if it is found compliant in the next round of Joint Assessment.

15. Issuance of COC to principal or user enterprise in the public sector. In case the principal or user enterprise is a National Government Agency (NGA), Local Government Unit (LGU), a State University or College (SUC), or a government branch, subdivision, instrumentality or a government owned or controlled corporation with original charter, the RD shall issue a COC when its contractor/subcontractor is found compliant with D.O.18-A and other related labor laws.

16. COC and Renewal of Certificate of Registration under D.O. 18-A. To ensure compliance with all labor laws, a valid and subsisting COC is a requirement for renewal of Certificate of Registration of contractors/subcontractors under D.O.18-A. It shall serve as a supporting document to the requirements of Section 21 of D.O.18-A.

B. Assessment of Philippine Registered Domestic Ships

To ensure compliance with Department Order No. 129, series of 2013, and labor laws, the following procedures shall be observed in the conduct of assessment or visit of Philippine Registered Ships engaged in domestic shipping.

1. DOLE-RO of Homeport. The RD of Homeport shall ensure the conduct of assessment or visit of Philippine Registered Ships engaged in domestic shipping. In cases where the ship is operating outside the jurisdiction of DOLE-RO of homeport, the DOLE-RD may request the DOLE-RO of operation, to conduct assessment of the ship and thereafter forward the result of assessment to the DOLE-RO of homeport for the purpose of issuance of the Certificate of Compliance.

2. DOLE-LLCOs. The assigned LLCO shall conduct the assessment or visit pursuant to the Manual Implementing Department Order No. 129-13 and the Memorandum of Agreement of the DOLE and Department of Transportation and Communications (DOTC).

3. RCMB or DOLE-RO of Homeport. RCMB or RD shall conduct orientation to shipping/crewing companies on Labor and Management Cooperation and Single Entry Approach (SEnA) prior to the issuance of the Certificate of Compliance.

C. Assessment of Public Utility Bus Transport Companies

To ensure compliance with Department Order No. 118, series of 2012, and labor laws, the following procedures shall be observed in the conduct of assessment or visit of public utility bus transport companies.

1. DOLE-RO of Place of Registration. The RD of Place of Registration shall ensure and oversee the conduct of assessment/visit of all public utility bus transport companies registered in his/her region. He/She shall:

- a. Assign, through raffle, to qualified LLCOs in his/her region the registered public utility bus transport companies to be assessed or visited;
- b. Provide guidance to the LLCOs on operational issues;
- c. Coordinate with the DOLE Secretary, through the BWC, policy issues encountered on part-fixed, part-performance payment scheme; drug free workplace policy and program; deductions; and other policy concerns while assessing public utility bus transport companies;
- d. Monitor the progress of the assessment or visit of his/her LLCOs to public utility bus transport companies;
- e. Review and verify the recommendations made by the LLCOs;
- f. Publish in the regional website all certified public utility bus transport companies in his/her region; and
- g. Submit report on the assessment results of all public utility bus transport companies registered in the region to the DOLE Secretary, through the BWC.

2. LLCO of DOLE-RO of Place of Registration. The assigned LLCO shall verify the implementation of part-fixed part-performance scheme duly approved by RTWPB, the required hours of work, rest period and compliance with OSHS in accordance with the procedure outlined in Part XI of this Manual.

3. Issuance of LSCC. The RD of Place of Registration shall issue an LSCC to public utility bus transport company after assessment and upon recommendation by the LLCO, copy furnished the LTFRB. The LSCC which is valid for two (2) years is required by the LTFRB under Memorandum Circular No. 2012-001 for public utility bus transport companies in the renewal of franchise and registration of vehicles, hence, the RD of Place of Registration shall exert all efforts to fast track the assessment and certification of the public utility bus transport companies.

Prior to its issuance, public utility bus transport companies employing 20 bus drivers and conductors shall be given orientation on Labor and Management Cooperation and Single Entry Approach (SEnA) through the concerned regional branches of the National Conciliation and Mediation Board (NCMB) or the RD of Place of Registration.

Bus Accident Investigation

3. DOLE-RO of Place of Accident. In case of accident involving death or disabling injury of the bus driver and/or conductor of the company, the RD having jurisdiction over the place of accident is required to conduct an investigation within 24 hours from the occurrence of the accident. He/She is given a 3-day window to conclude the investigation before the LTFRB will preventively suspend the operation of the public utility bus transport company.

4. LLCO of the DOLE-RO of Place of Accident. The LLCO of the DOLE-RO of Place of Accident shall verify the fact of death or disabling injury using the police accident report which can be obtained either from the nearest police station, LTFRB or the BWC. After the investigation, the LLCO thru the RD shall submit a report using the DOLE/BWC/OHSD/IP-6 Form to the BWC, and a narrative report specifying the following:

- a. Findings on the investigation;
- b. Actions taken to comply with the noted deficiency/ies;
- c. Status of issued LSCC containing the dates of issuance and revocation, if any;
- d. **QRP** services rendered by the LLCO to assist the employees of the company in danger of being suspended by the LTFRB. The LLCO will deliver the following assistance such as but not limited to:
 1. Job matching and referrals through Phil-Jobnet and Job Fairs;
 2. Employment guidance and counseling;
 3. Conduct skills re-training and upgrading such as Community-Based Entrepreneurship Training Program and Training Assistance Program for Displaced Workers;

4. Assistance in livelihood/entrepreneurship development like PRESEED, WODP, WYC, TULAY and WEED; and
5. Guidance in obtaining the employees' separation benefits.

e. Any other pertinent data.

It shall issue a WSO, if necessary, and conduct proceedings leading to the abatement of any OSH violations. Its findings (narrative report together with the NR) shall be coordinated with the DOLE-RO having jurisdiction over the principal place of business of the bus transport company.

5. DOLE-RO Coordination in case the Place of Accident is Different from the Principal Place of Business. The DOLE-RO having jurisdiction over the principal place of business of the public utility bus transport company involved in the accident shall assess its compliance level with respect to GLS and OSHS. In case the bus transport company has valid certificates prior to the accident and has no finding of non-compliance or deviation, the DOLE-RO having jurisdiction over the principal place of business shall inform the investigating DOLE-RO of the bus transport company's compliance.

D. Assessment of Landbased or Seabased Recruitment/Manning Agencies

To ensure compliance with Department Order No. 130, series of 2013 (seabased recruitment/manning agencies), POEA Rules and Regulations, Republic Act No. 8042 or the Migrant Workers Act, as amended by Republic Act No. 10022 and relevant labor laws, the following shall be observed:

1. **POEA.** Assessment of landbased or seabased recruitment/manning agencies shall be made upon request by the POEA.
2. **Assessment Coverage.** Landbased or seabased recruitment/manning agencies shall be assessed with respect to:
 - a. Compliance with labor laws as to their own personnel;
 - b. Compliance with POEA Rules and Regulations, Republic Act No. 8042 or the Migrant Workers Act, as amended by Republic Act No. 10022.
3. **DOLE-RO of Place of Business.** The RD of Place of Business shall ensure and oversee the conduct of assessment/visit of all landbased or seabased recruitment/manning agencies registered in his/her region. He/She shall:
 - a. Assign, through raffle, to qualified LLCOs in his/her region the recruitment/manning agencies to be assessed or visited;
 - b. Provide guidance to the LLCOs on operational issues;

- c. Coordinate with the DOLE Secretary, through the BWC, policy issues encountered while assessing recruitment/manning agencies;
- d. Monitor the progress of the assessment or visit of his/her LLCOs to recruitment/manning agencies;
- e. Review and verify the recommendations made by the LLCOs; and
- f. Submit report on the assessment results of all recruitment/manning agencies to the DOLE Secretary, through the POEA and BWC.

4. LLCO of DOLE-RO of Place of Business. The LLCO of DOLE-RO of Place of Business shall be guided by this Manual and the POEA rules and regulations in the conduct of assessment/visit for landbased or seabased recruitment/manning agencies. The LLCO, through the RD of Place of Business, shall provide the POEA a copy of the findings within forty eight (48) hours from the conduct of assessment/visit. He/She may also recommend to the RD of Place of Business the issuance of COC with respect to compliance with GLS and OSHS.

5. DOLE-RO of Branch Office. The RD of Branch Office shall ensure and oversee the conduct of assessment/visit of all branches of landbased or seabased recruitment/manning agencies pursuant to Item D-3, Part II of this Manual.

After the conduct of assessment/visit, the RD of Branch Office shall indorse the findings and/or recommendations of the assigned LLCO on compliance with GLS and OSHS to the RD of Place of Business for issuance of COC. Findings and/or recommendations on compliance with POEA rules shall be endorsed to the POEA.

6. DOLE-RO coordination. For a more holistic approach in assessing landbased or seabased recruitment/manning agencies, the RD of Branch Office and RD of Place of Business shall closely coordinate, share findings and/or extend assistance in the conduct of assessment including interviews of employees and inspection of the worksites.

7. Complaint or Request for Assistance. Any complaint or a Request for Assistance under the Single Entry Approach (SEnA) filed before the DOLE-RO against landbased or seabased recruitment/manning agencies shall be coordinated with the POEA.

E. Assessment of Apprenticeship/Learners

To ensure compliance with the approved Apprenticeship/Learnership Program and relevant labor laws, the assigned LLCO shall be guided by this Manual and shall examine the following:

1. The apprenticeship/learnership agreement;
2. The establishment's apprenticeship/learnership program vis-à-vis its employees' hiring practices;

3. The number of apprentices/learners and the total workforce of the establishment; and
4. The job or work being performed by the apprentices/learners.

Part III. Assessment Protocols and Functions

To ensure a well-organized and a more efficient implementation of Department Order No. 131, series of 2013, otherwise known as the Rules on LLCS, the following protocols shall be observed:

A. Coordination in case the Establishment has Branches or Franchisee

The DOLE-RO assessing the principal office of an establishment shall coordinate with the DOLE-ROs where its branches are located for the conduct of synchronized assessment or visit of the establishment's premises. The DOLE-RO covering the branches of the establishment shall indorse its findings and recommendations to the requesting DOLE-RO. The issuance of COC to said establishment shall take into consideration the findings and recommendations of the DOLE-ROs that assessed or visited the branches.

Franchisees have separate legal personality from their franchisor; they shall be assessed, given technical assistance to and certified independently.

B. Coordination in case of Establishments with Centralized Payroll System

Upon request of the establishment, the LLCO of the DOLE-RO where the principal office is located may conduct an all-inclusive assessment of their payroll documents to include assessment also of employees working in its branches. The DOLE-RD handling the branch office/s shall be furnished with a copy of the said LLCO's findings as to the employees working in the branches.

The LLCO of the DOLE-RO where the branch office is located shall then limit its assessment of the requesting establishment to:

- a. Inspection of workplace to determine compliance with OSH standards (e.g. work environment, lighting, noise); and
- b. Interview of employees.

The COC shall be issued by the DOLE-RD that assessed the establishment's principal place office while assessment accomplishments shall reflect the assessment of the branches.

C. Roles and Functions

1. DOLE-RO. The RD shall ensure and oversee the conduct of assessment/visit of all establishments registered or located in his/her region. He/She shall:

- a. Develop and communicate to the LLCOs his/her region's LLCS annual work plan containing the priority industries, timelines, strategies and plan of actions, including distribution of monthly quotas per LLCOs, that must be followed to attain the region's assessment target for the year;
- b. Assign establishments to qualified LLCOs in his/her region using the LLCS-MIS;
- c. Supervise and regularly monitor the work progress of his/her LLCOs;
- d. Review and verify the recommendations made by the LLCOs in the documents submitted to him/her;
- e. Initiate mandatory conference in cases of Occupational Safety and Health Standards Investigations;
- f. File the appropriate criminal action against the establishments in case of violation of Article 128 in relation to Article 288 of the Labor Code, as amended;
- g. Coordinate with other government agencies and stakeholders;
- h. Provide support and assistance to the LLCOs;
- i. Confirm and review reports of closed or non-existent establishments and those that cannot be located;
- j. Promote the ICP and other DOLE programs to the stakeholders;
- k. Use the feedback system as a tool to evaluate the performance and standing of the LLCOs and propose to the DOLE Secretary, through the BWC, LLCOs that should be given General Authority to conduct assessment;
- l. Ensure and preserve the required number of trained and qualified LLCO per region as prescribed under item B, Part IX of this Manual, or as otherwise determined through subsequent directives;
- m. Regularly coordinate and report to the Office of the DOLE Secretary through the BWC; and
- n. Perform such other functions as maybe required by the DOLE Secretary.

2. LLCO. The assigned LLCO shall assess or visit the establishment operating in the region by observing the procedure outlined in Part XI of this Manual. He/She shall:

- a. Conduct assessment, visit, investigation and technical safety inspection based on the annual work plan developed by the RD;
- b. Ensure that his/her distributed monthly quotas are met;
- c. Input his/her assessment findings in the LLCS-MIS;
- d. Conduct verification assessment, if necessary;
- e. Submit his/her appropriate recommendations to the RD;
- f. Execute his/her Affidavit of Service, if necessary;

- g. Educate employers and employees regarding labor laws through the DOLE programs and services;
- h. Endorse his/her findings to the appropriate government agencies (e.g. SSS, PhilHealth, Pag-IBIG, DTI-PCAB, LTFRB, POEA, LGU, CDA, TESDA);
- i. Refer to DOLE agencies any requests for assistance under the DOLE toolbox of programs and services; and
- j. Perform such other functions as maybe required by the RD and/or the DOLE Secretary.

3. Program Manager and Other DOLE Offices

The BWC shall:

- a. Monitor, review and evaluate the assessment, accident and other reports submitted by the DOLE-ROs;
- b. Submit to the DOLE Secretary policy and program recommendations to improve or address gaps in the implementation of the LLCS;
- c. Conduct random audit of the establishments assessed by the DOLE-ROs;
- d. Coordinate with the HRDS in evaluating the results of the LLCS feedback system, which can be utilized in determining the LLCOs to be bestowed with a general authority to conduct assessment;
- e. Before the start of the assessment period, recommend and propose to the DOLE-Secretary the names of the LLCOs that shall be given general authority to assess, visit and investigate;
- f. Provide technical assistance and support to the DOLE-ROs to help them attain their LLCS objectives and targets;
- g. In coordination with HRDS, conduct trainings and capacity building activities of LLCOs;
- h. Act as the over-all administrator of the LLCS-MIS; and
- i. Together with OSHC, ECC and other relevant DOLE agencies, act as members of the composite team in performing SAVE or in investigating accident incidents requiring technical expertise.

Part IV. Compliance Assessment Modalities

Pursuant to Administrative Order No. 404, series of 2014, or the Guide for Effective and Efficient Compliance Assessment under the LLCS, the following assessment modalities can be resorted to by the DOLE-ROs in combination, separately or simultaneously, to ensure that all target establishments for the year have been visited and extended assistance towards compliance with all labor laws:

A. Zonal Assessment

To maximize assessment coverage, DOLE-ROs shall employ the zonal approach in the course of assessment and shall consider the priority establishments for assessment within a selected zone. This approach should prioritize zones/areas which have low levels of compliance based on the records of the DOLE-RO. In the preparation of assessment programs, all establishments in these areas should be assessed to maximize the utilization of the LLCOs' time and effort.

B. In-House OSH Assessment

To expedite the assessment process, DOLE-ROs shall adopt In-House OSH Assessment as a strategy using the Accredited OSH Practitioners or OSH Consultants/Consulting Organizations, together with the safety committees of the establishments. They shall be tapped to monitor OSHS compliance in their respective plants and worksites and be guided by the following:

1. A copy of the OSH Assessment Checklist shall be sent in advance by the DOLE-ROs to their accredited OSH practitioners, who shall be tasked to assess OSH compliance of their employers/companies pursuant to the Memorandum dated 14 August 2014;
2. The receiving OSH practitioner shall officially send back to the ROs, within two (2) weeks from receipt, the accomplished OSH Checklist for verification;
3. A table review of the assessment results made by the OSH practitioner shall be done by the DOLE-RO's LLCO and the establishment with findings of non-compliance shall be prioritized for Joint Assessment;
4. Validation of the OSH assessment shall be done by the LLCO with the Safety Committee/Officer at the plant-level during the tripartite Joint Assessment on GLS and other compliances; and
5. In case of compliance, the LLCO shall recommend for the issuance of the Certificate of Compliance (COC) with OSHS and/or GLS; otherwise, possible technical assistance or corrective actions shall be proposed to the establishment to help them comply with labor laws subject to the correction and remediation periods mentioned under D.O. 131-13.

A multi-pronged approach may be resorted to by the DOLE-ROs by consulting the different safety organizations to expedite this process.

C. Assessment by Industry

To expand the assessment coverage, the DOLE-ROs are directed to mobilize their respective Industry Tripartite Councils (ITCs) and associations (e.g., PALSCON for contractors, IBPAP for BPOs, FFCCCII, Makati Business Club, Foreign and Local Chambers of Commerce, etc.), for effective and expanded reach in the industry and association members.

1. ITC-wide Joint Assessment. For the ITCs, consistent with the principle of industry self-regulation, the Voluntary Codes of Good Practices (VCGPs) on compliance with all labor laws should be pursued through Industry-wide Joint Assessment (IJA). The timeframe for the IJA shall be agreed upon with the stakeholders but should not go beyond the end of October this year, and at the same period every year thereafter.

2. Venue, Conduct of Assessment and Expected Output. Subject to the peculiarity of the industry, the IJA shall be conducted in one venue with:

- a. Composite teams under the Special Assessment or Visit of Establishments (SAVE), or with augmentation teams from neighboring regions depending on the size of ITC membership;
- b. Orientation on the LLCs;
- c. One-on-one discussion workshop with industry members' designated representatives and their union or workers' representatives; and
- d. Provision of technical assistance.

The expected output shall be increased in number of certified establishments in the industry and their subcontractors, if any; and/or number of establishments with Action Plans for further Assessment or Corrective Actions; and/or number of establishments availing free technical assistance on OSH or Productivity.

3. Pre-processing of Documents for IJA. Under this approach, member-establishments shall be asked to provide the DOLE-RO key information, at least two weeks prior to the IJA, for pre-processing of documentary submissions and for their Notice of Assessment.

Table documentary pre-processing by the DOLE-RO is necessary to ensure that the assessment can be completed within 2-3 hours for each member establishment, compared to the average 6-8 hours on-site assessment. If gaps are identified, the assisting LLCO and the member-establishment shall agree on a timetable for technical assistance and correction, and submit the same to the DOLE-RO. In case of discrepancy between the in-house OSH and the industry

assessment with respect to OSH, the LLCO shall reconcile the findings with the concerned OSH practitioner/consultant.

Certified companies shall be published in the appropriate newspaper of general circulation in the region and including a listing of members who choose not to undergo the IJA. Compliant establishment shall be bestowed, in addition to the COC, with a marker that reads: "THIS IS A LABOR LAWS COMPLIANT AND CHILD LABOR FREE ESTABLISHMENT"

D. Ecozone-wide Assessment on Voluntary Compliance

Consistent with the agreed joint enforcement of labor standards laws and occupational safety and health standards in the economic zones of Philippine Economic Zone Authority (PEZA), pursuant to the Implementing Rules and Regulations of the 2006 DOLE-PEZA Memorandum of Agreement (MOA) and the corresponding regional MOA, the RD shall organize with the PEZA manager in the area, an Ecozone-wide Assessment of locators' voluntary compliance with labor standards and OSH.

1. Ecozone-wide Assessment. An Ecozone-wide Assessment can be done using the IJA process, or it can be organized differently depending on the peculiarity of the Ecozone operations.

2. Conduct of Assessment. A composite team composed of PEZA zone manager and LLCOs shall conduct the compliance audit using the assessment Checklist.

In case of deficiency, the composite team shall provide zone locators technical advisory services, assist them in the immediate correction of gaps or deficiencies, and in the formulation and submission of action plans to effect full compliance. If declared free of any deficiencies after evaluation, the locator/s shall immediately be issued with COC. If all locators are compliant with all labor laws, the economic zone can be declared a compliant zone and bestowed with a marker that reads: "THIS ECOZONE IS LABOR LAWS COMPLIANT AND CHILD LABOR FREE".

E. Assessment of Establishments with LMC and Convergence Program

Unorganized establishments with existing Labor-Management Council or Committee (LMC), or a beneficiary of program and services convergence on productivity, OSH or Family Welfare Program (FWP), an appropriate COC (GLS, OSH or Labor Relations) shall be issued by the DOLE-RO upon recommendation by the National Conciliation and Mediation Board (NCMB) and National Wages and Productivity Commission (NWPC), or of any convergence partner.

F. Equivalency of Incentivizing Compliance Program's Certificate and Collective Bargaining Agreements (CBAs)

1. TCCLS Equivalency. Pursuant to Memorandum dated 21 July 2014, the Tripartite Certificate for Compliance with Labor Standards (TCCLS) shall be deemed equivalent to a COC. Thus, establishments issued with TCCLS shall no longer be subjected to assessments and shall be counted as compliant with labor laws and OSH standards.

2. Equivalency of ICP Certificates. Establishments nominated for the Secretary's Award or those with valid Gawad Kaligtasan at Kalusugan (GKK), Child Labor-Free Establishment (CLFE) Certificate, Labor-Management Committee Awardees, and Productivity Olympics finalists and champions under the ICP, shall automatically be considered equivalent to COC under the LLCS; however, the awarding agencies are required to include the BWC in the validating team.

3. Equivalency of Collective Bargaining Agreements (CBAs). For organized establishments with subsisting and duly-registered CBAs, the RD may issue, *motu proprio*, the COC on GLS and Labor Relations upon evaluation of the terms of the CBA, which should be compliant with minimum labor standards and labor rights. However, as part of DOLE technical assistance, compliance with OSH standards must be verified together with the OSH Committee at the workplace prior to issuance of OSH COC.

The RD shall acknowledge in writing, addressed to the employer and the union, the terms of the CBA as compliant with General Labor Standards if found to be compliant with the requirements of the Labor Code, as amended, and issue the COC on GLS to the establishment. A COC on Labor Relations shall likewise be issued due to the organized nature of the establishment and/or creation/existence of an LMC or Grievance Machinery/Committee, or any similar workplace/plant-based committee.

G. Equivalency of ISO Certified Establishments

ISO certified establishments may be issued by DOLE-RO with an equivalent COC on GLS or OSH, or Labor Relations if organized or with existing Grievance Machinery or LMC upon verification by the LLCO.

Part V. Guidelines in the Conduct of Special Assessment or Visit of Establishments (SAVE)

Pursuant to Department Order No. 131-A, series of 2014, or the Guidelines in the Conduct of Special Assessment or Visit of Establishments (SAVE), the following shall be observed to ensure compliance with labor laws, particularly on policy on hiring and other related concerns:

A. Special Assessment or Visit of Establishments (SAVE)

The Secretary of Labor and Employment, in the exercise of his/her visitorial power under Article 128 of the Labor Code, as amended, may place an establishment under SAVE.

- 1. Composite Team for SAVE.** A composite team shall conduct the SAVE. It shall be comprised of representatives from the Regional Office, as lead, and the Bureau of Working Conditions (BWC), the Occupational Safety and Health Center (OSHC), and other DOLE Agencies, as may be necessary, as members.
- 2. Covered Establishment.** The conduct of SAVE may cover the head office and/or branches in specific region/s or nationwide as may be directed by the Secretary of Labor and Employment.
- 3. Procedure.** SAVE shall observe the following procedure:
 - a. Within 24 hours from receipt of an order from the Secretary of Labor and Employment, the Regional Director/s shall issue the Authority to Assess the establishment covered by the SAVE;
 - b. Assessment or Visit shall be conducted in accordance with DO 131-13, utilizing the LLCS-Management Information System;
 - c. In addition to the indicators in the Checklist, the composite team shall look into the following:
 - c.1 Establishment Profile, with information on the number and location of branches;
 - c.2 Organizational structure and total number of employees, broken down into the following specific employment classification and structure:
 - Managerial;
 - Supervisory;
 - Rank and file employees (classified according to status whether regular/permanent, seasonal, temporary, project-based, fixed-term, casual, probationary, apprentice, under dual training system, learners, trainees, and OJTs); and

- Number of workers repeatedly hired, if any, and its frequency (e.g. 3-3-3, 5-5-5 etc.).
 - c.3 The recruitment/hiring, and firing processes and practices;
 - c.4 Compliance with labor laws, GLS and OSHS;
 - c.5 Other information detailed under the order of the Secretary of Labor and Employment; and,
 - c.6 Contractors/Subcontractors, total number of employees mobilized or assigned with the principal/s, term of employment vis-à-vis the term of the service agreement, and compliance with D.O.18-A;
- d. After the initial assessment, the Regional Director shall submit a report within seventy two (72) hours from the date of assessment to the Secretary of Labor and Employment containing the above information and preliminary determination of compliance with labor laws;
 - e. In case of compliance, a certificate shall be issued by the Regional Director with the concurrence of the members of the composite team. A copy of the certificate shall be provided to all other Regional Offices for monitoring of compliance of branches;
 - f. If there are gaps in compliance, a monthly progress report shall be submitted by the Regional Director on the corrective actions and proceedings that transpired thereafter (hearings and technical assistance rendered, if any), and the plan of action recommended by the composite team;
 - g. The SAVE activity shall be concluded with a final report detailing the facts, information, statistics, other relevant data and recommendations essential for the Secretary of Labor and Employment to determine the establishment's compliance with labor laws to be submitted by the Regional Director within three (3) months from the conduct of assessment; and,
 - h. Subject to the discretion of the Secretary of Labor and Employment, further proceedings to enforce compliance with labor laws may be conducted before the Office of the Secretary.

Part VI. Assessing Hiring Practices and Security of Tenure Related Concerns, Cash Bonds, Allowable Deductions, and De Minimis Benefits in Pay Restructuring

To guide the LLCOs in determining whether the assessed or visited establishment's hiring practices is consistent with Articles 293, 294 and 295 (formerly, Articles 279, 280 and 281) of the Labor Code, as amended, D.O.18-A, series of 2011, D.O. 19, series of 1993, Department Circular No. 1, series of 2007, and settled jurisprudence, the following have been declared allowed or prohibited hiring practices:

A. Allowable Hiring Practices

- 1. Hiring of employees under regular employment.** A regular employee is engaged to perform activities which are usually necessary and desirable in the usual business or trade of the employer for an indefinite period of time (i.e. cashiers, sales clerks and baggers in retail stores; waiters in restaurants; call center agent in Business Process Outsourcing; teachers and professors in educational institutions);
- 2. Hiring of employees under casual employment.** A casual employee is engaged to perform a job, work or service, which is merely incidental to the business of the employer for not more than one (1) year (i.e. office cook and messenger in corporations);
- 3. Hiring of employees under a probationary contract/employment.** A probationary employee refers to one hired for a trial period during which the employer determines his/her fitness to qualify for regular employment based on reasonable standards made known to him/her at the time of engagement. The probationary period is limited to six (6) months unless there is an agreement to extend the same for a reasonable period to give the employee a chance to pass the probation standard;
- 4. Hiring of employees under project contract/employment.** A project employee is one hired for a specific project or undertaking, the termination or completion of which has been determined at the time of engagement. A particular project or undertaking could be within the regular business of the employer but is distinct, separate, and identifiable from the undertakings of the company (i.e. engineer in construction firm). It could also be a particular job or undertaking that is outside the regular business of the company (i.e.: software developer in an insurance company);
- 5. Hiring of employees under seasonal employment.** A seasonal employee is one who is engaged to work in one (1) particular season on an activity which is usually necessary and desirable to the usual trade or business of the employer. The season must be defined and established (i.e. planter in banana plantations; mill operator in sugar cane mill companies); and

6. Hiring of employees under fixed-term or contractual employment. A fixed-term or contractual employee is one hired for a fixed term or duration, and not necessarily in relation to a specific project or undertaking. It shall also mean one who is hired on a temporary basis for the purpose of substituting or relieving for a regular employee who may be absent from his post for some valid reason, such as maternity leave, sick leave, study leave, military service, etc. To be allowed, the parties shall knowingly and voluntarily agree upon fixed-term or contractual employment on more or less equal terms, with no moral dominance exercised by and upon either party (i.e. analysts, liaison officers, and relievers).

B. Prohibited Hiring Practices

1. Hiring of non-regular employees who are performing activities that are necessary and desirable to the usual business or trade of the employer, which hiring constitutes all, or majority, of the employees of the latter. This does not apply to fixed-term, probationary, project, and seasonal employment;
2. Hiring of new employee under a fixed-term employment to replace another fixed-term employee to the same job, work or service after the expiration of the latter's fixed-term employment;
3. Hiring of new employee under a project employment to replace another project employee after the completion of the latter's project employment;
4. Hiring of new employee under a seasonal employment to replace another seasonal employee after the lapse of the latter's seasonal employment;
5. Hiring of employees in the guise of On-the-Job Training¹ (OJT);
6. Repeated hiring under any of the following situations:
 - a. Engaging a fixed-term employee for a fixed-term immediately after expiration of the fixed-term employment.
 - b. Engaging a project employee for a project employment immediately after completion of the project, except as may be provided for under Department Order No. 19, series of 1993, or the Guidelines Governing the Employment of Workers in the Construction Industry.
 - c. Engaging a probationary employee under probationary employment immediately after expiration of the probationary employment, except if the engagement is an extension of probationary employment for a reasonable

¹OJT is a modality of training and learning. It is not an employment scheme.

period to give the probationary employee a chance to pass the probation standard.

- d. Engaging a fixed-term employee under a probationary or a project contract after the expiration of the fixed-term employment.
 - e. Engaging a project employee under a probationary or fixed-term contract after completion of the project.
 - f. Engaging a probationary employee under a project or fixed-term contract after the expiration of probationary employment.
 - g. Engaging an apprentice/learner employee as a project, a fixed-term, or a probationary employee after completion of the apprenticeship/learnership agreement.
 - h. Engaging an apprentice/learner employee under another apprenticeship/learnership agreement on substantially similar task or work.
 - i. Engaging a contractor employee under another contract after the expiration of the Service Agreement to perform the same or substantially the same task with the same or different principal.
 - j. Engaging a contractor's employee by the principal under a probationary, fixed-term, or project contract/employment to perform the same or substantially the same task after the expiration of the service agreement.
7. Requiring an employee to assume a different identity every contract renewal, or as condition for renewal of contract; and
8. Requiring an employee to sign a blank payroll, or ante-dated resignation letter and waiver/quitclaim every contract renewal.

C. Non-interference in the Disposal of Wages and Allowable Deductions

Pursuant to Sections 9 to 11, Rule VIII of the Implementing Rules of Articles 113 to 115, Book III of the Labor Code, as amended, no employer shall limit or interfere with the freedom of the employee to dispose of his/her wages. Except in the following cases where the employer may make deductions from the wages:

- 1. When the deductions are authorized by law, including deductions for insurance premiums advanced by the employer in behalf of the employee as well as union dues where the right to check-off has been recognized by the employer or authorized in writing by the individual employee himself/herself;

2. When the deductions are with written authorization of the employees for payment to a third person;
3. When the employer is a private security agency where the practice of making deductions or requiring deposits to answer for reimbursement of loss or damage on tools, materials, or equipment supplied by the employer is allowed but subject to the observance of the following conditions:
 - a. That the employee concerned is clearly shown to be responsible for the loss or damage;
 - b. That the employee is given reasonable opportunity to show cause why deductions should not be made;
 - c. That the amount of such deductions is fair and reasonable and shall not exceed the actual loss or damage; and
 - d. That the deduction from the wages of the employee does not exceed 20% of the employee's wages in a week.

No other deductions from the wages of the employees shall be made without express authorization from the DOLE Secretary. However, this shall be implemented prospectively.

D. *De Minimis* Benefits in Pay Restructuring

Minimum wage earners are exempt from tax as provided under R.A. No. 9504. Thus, in assisting establishments in restructuring the pay computations, care must be observed and guidance on *de minimis* benefits is hereby provided so as not to affect or reduced the take home pay of the workers.

"De minimis benefits," as defined by the Bureau of Internal Revenue Regulation No. 2-98, refer to facilities or privileges (such as entertainment, Christmas party and other cases similar thereto; medical and dental services; or the so-called courtesy discount on purchases), furnished or offered by an employer to his employees, provided such facilities or privileges are of relatively small value and are offered or furnished by the employer merely as a means of promoting the health, goodwill, contentment, or efficiency of his employees (Sec 2.79). Pursuant to Revenue Regulation No. 8-2012, the following are *de minimis* benefits with its corresponding ceiling:

- a) Monetized unused vacation leave credits of private employees not exceeding ten days during the year;
- b) Monetized value of vacation and sick leave credits paid to government officials and employees;
- c) Medical cash allowance to dependents of employees, not exceeding P750 per employee per semester or P125 per month;

- d) Rice subsidy of P1,500 or one sack of 50 kg. rice per month amounting to not more than P1,500;
- e) Uniform and clothing allowance not exceeding P5,000 per annum;
- f) Actual medical assistance, e.g., medical allowance to cover medical and healthcare needs, annual medical/executive check-up, maternity assistance, and routine consultations, not exceeding P10,000 per annum;
- g) Laundry allowance not exceeding P300 per month;
- h) Employees achievement awards, e.g., for length of service or safety achievement, which must be in the form of a tangible personal property other than cash or gift certificate, with an annual monetary value not exceeding P10,000 received by the employee under an established written plan which does not discriminate in favor of highly paid employees;
- i) Gifts given during Christmas and major anniversary celebrations not exceeding P5,000 per employee per annum; and
- j) Daily meal allowance for overtime work and night/graveyard shift not exceeding twenty-five percent (25%) of the basic minimum wage on a per region basis.

Part VII. Handling of Interference or Limitations in the Conduct of Assessment, Visit or Investigation

A. Employer Interference

When entry to the establishment is allowed but the employer or his/her representative interferes with or limits any important aspect of the assessment (e.g., limiting walk-around tour, providing incomplete employment records, preventing employees from being interviewed, etc.), the LLCO shall continue with the assessment of activities where the employer or his/her representative has no objection.

The LLCO, after the assessment, shall politely inform the employer or his/her representative that the interference or limitation shall form part of the report with appropriate recommendation to the RD.

B. Forcible Conduct against an LLCO

Any forcible conduct against the LLCO is prohibited and shall immediately be reported to the RD for possible filing of cases against the person/s responsible for such act/s.

If any of the following forcible conduct is inflicted on the LLCO before, during or after assessment, he/she shall immediately extricate himself/herself from the workplace or request rescue from the RD:

1. Physically holding, grabbing, pushing, shoving, or in any way limiting the LLCO's freedom of action;
2. Striking, kicking, or in any way inflicting injury, pain or harm to the LLCO;
or
3. Threatening to inflict harm or any of the prohibited acts mentioned above.

The act/s shall form part of the LLCO assessment report with appropriate recommendation to the RD.

C. Strike, Lockout or Labor Dispute

The conduct of assessment shall be deferred or immediately stopped, when in progress, in case of work stoppage due to strike/lockout or when picketing is in progress by reason of a labor dispute. If the conduct of assessment is to aid in the resolution of the labor dispute, the same must be agreed upon by the parties and facilitated by the NCMB.

D. Bankruptcy or Cessation of Business

As a general rule, assessment shall not be conducted if the establishment has closed or ceased operation due to bankruptcy as declared by the Securities and Exchange Commission (SEC) or the Department of Trade and Industry (DTI). However, if the conduct of assessment is requested by the employees or the employer to determine the establishment's liability to the employees, the same shall be facilitated by the NCMB.

Should the establishment or contractor/subcontractor, which is the subject of Assessment or Investigation, have ceased to operate, the LLCO shall secure proof of termination of operation or closure of business such as photos of the establishment depicting non-operation, affidavits of persons who have personal knowledge of the closure, certificate of business closure from Department of Trade and Industry, Securities and Exchange Commission, City or Municipality where it operates, Bureau of Internal Revenue or from any other government agencies requiring registration of such closure of business operation.

The report of the LLCO shall be accompanied with his/her Affidavit stating that the establishment or contractor/subcontractor have closed or ceased operation with attachments of proof of closure.

E. Establishments which cannot be located

The LLCO, after exerting diligent effort to locate the establishment, shall immediately submit a report to the RD if the establishment for Assessment, Visit or Investigation cannot be located. The RD shall verify the information and if indeed the establishment is non-existent, he/she shall assign another establishment to the LLCO. The DOLE-RD shall notify the BWC, in writing, that the establishment or a list of establishments cannot be located in his/her area of jurisdiction to update the master list of establishments.

The BWC shall conduct a random audit of the list of reported establishments that cannot be located by evaluating the proof of termination of operation or closure of business such as photos of the establishment depicting non-operation, affidavits of persons who have personal knowledge of the closure, certificate of business closure from Department of Trade and Industry, Securities and Exchange Commission, City or Municipality where it operates, Bureau of Internal Revenue or from any other government agencies requiring registration of such closure of business operation.

Part VIII. Authority to Assess/Investigate

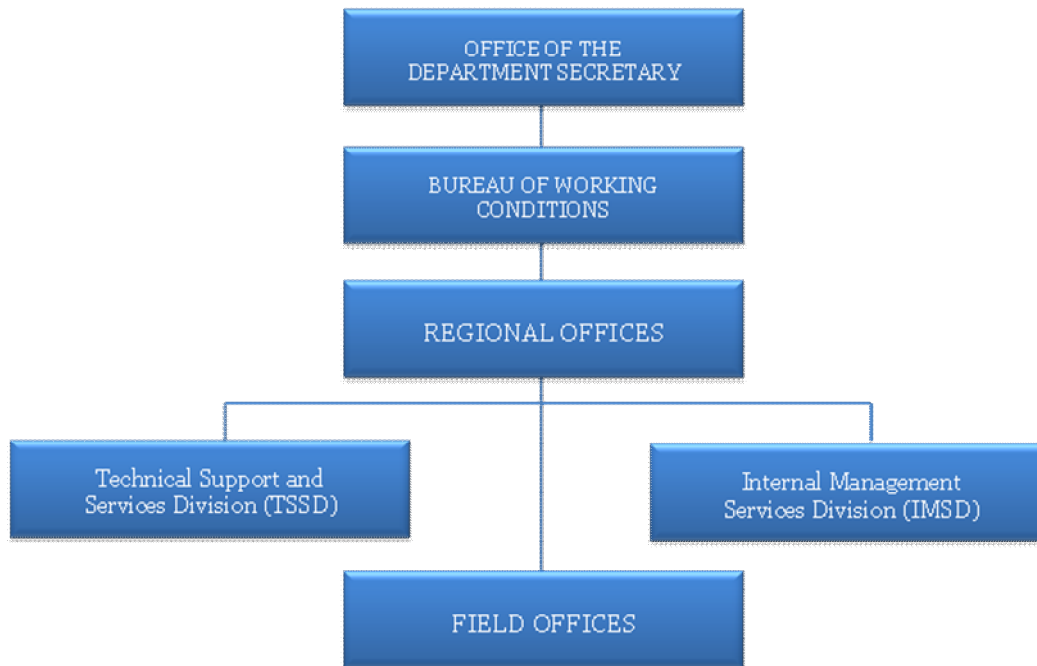
Authority to Assess/Investigate refers to the written authority issued by the Secretary or his/her duly authorized representative to the LLCOs to conduct Assessment, Visit or Investigation of establishment to determine and assist in enabling compliance with labor laws and social legislations.

The Authority to Assess/Investigate must be:

1. Issued containing the following: (a) the name of the Establishment, Branch, Workplace and Worksite, including their contractors, if any, or a list thereof; (b) the corresponding complete addresses; and, (c) the validity period of the Authority;
2. Issued through "raffle" to ensure impartiality in assignment except in cases where another raffle is needed for Technical Safety Inspection;
3. Coterminous with the term of the General Authority, unless a shorter period is provided by the RD; and
4. In OSH Investigation, the authority to investigate shall be issued within twenty-four (24) hours from discovery of the existence of Imminent Danger (ID) or Disabling Injury (DI).

Part IX. Organizational and Administrative Matters

A. Organizational and Functional Structure of the LLCS



1. The DOLE Secretary is vested with the Visitorial and Enforcement Powers pursuant to Articles 128 and 129 of the Labor Code of the Philippines, as amended.
2. The BWC primary functions are policy formulation and standards setting as well as advisory in the administration and enforcement of labor standards. It also renders technical supervision and assistance on the implementation of the LLCS in all the DOLE-ROs.
3. The Department has sixteen (16) DOLE-ROs all over the Philippines headed by the RDs. The RD in each DOLE-RO exercises, by delegation, the enforcement power of the Secretary pursuant to Article 128 of the Labor Code of the Philippines, as amended, and has administrative supervision over the LLCOs in his/her region. The RDs shall preserve and mobilize all the allocated LLCOs in their respective regions in the implementation of the LLCS.
4. The LLCS is lodged in the Technical Support and Services Division (TSSD) where the LLCOs are assigned.

B. Distribution of Plantilla Positions of LLCOs

REGION	Number of LLCOs per Region		372 additional plantilla Distribution	2012 No. of GLS & TSI Inspectors	Total
	LEO III	Sr. LEO			
TOTAL	228	144	372	202	574
NCR	82	54	136	33	169
CAR	4	1	5	10	15
RO I	7	5	11	8	19
RO II	3	1	4	8	12
RO III	25	17	42	14	56
RO IV-A	37	23	61	18	79
RO IV-B	3	1	4	10	14
RO V	3	3	6	11	17
RO VI	14	7	21	13	34
RO VII	17	12	29	17	46
RO VIII	2	1	3	11	14
RO IX	4	1	5	10	15
RO X	6	6	12	13	25
RO XI	11	8	19	12	31
RO XII	6	3	9	8	17
CARAGA	4	1	5	6	11

Source: Personal Services Itemization and Plantilla of Personnel (PSIPOP) for Fiscal Year 2013

C. Registry of LLCOs

The BWC shall maintain a National Registry of Qualified LLCOs, which shall be updated regularly. The Registry of Qualified LLCOs shall be posted in the official website of DOLE for information of the general public and as a precaution to others who are not qualified/authorized to assume as LLCOs.

Each RO shall keep a Regional Registry of LLCOs in accordance with the ratio set by the BWC. The LLCOs are required to meet their assigned targets relative to the implementation of the LLCS.

D. Geographical Coverage

<u>Region</u>	<u>Coverage</u>
NCR	Caloocan City, Las Piñas City, Makati City, Malabon City, Mandaluyong City, Manila City, Marikina City, Muntinlipa City, Parañaque City, Pasay City, Pasig City, Quezon City, Valenzuela City, Navotas, San Juan, Pateros, Taguig
CAR	Abra, Apayao, Benguet, Ifugao, Kalinga, Mountain Province
I	Ilocos Norte, Ilocos Sur, La Union, Pangasinan
II	Batanes, Cagayan, Isabela, Quirino, Nueva Vizcaya
III	Aurora, Bataan, Bulacan, Nueva Ecija, Pampanga, Tarlac, Zambales
IV-A CALABARZON	Batangas, Cavite, Laguna, Quezon, Rizal
IV-B MIMAROPA	Marinduque, Occidental Mindoro, Oriental Mindoro, Palawan, Romblon
V	Albay, Camarines Norte, Camarines Sur, Catanduanes, Masbate, Sorsogon
VI	Aklan, Antique, Capiz, Guimaras, Iloilo, Negros Occidental
VII	Bohol, Cebu, Negros Oriental, Siquijor
VIII	Biliran, Eastern Samar, Leyte, Northern Samar, Southern Leyte, Western Samar
IX	Zamboanga del Norte, Zamboanga del Sur, Zamboanga Sibugay, City of Isabela
X	Bukidnon, Camiguin, Lanao del Norte, Misamis Occidental, Misamis Oriental
XI	Davao, Davao Oriental, Davao del Sur, Compostela Valley
XII	North Cotabato, Sarangani, South Cotabato, Sultan Kudarat, Cotabato City, Tacurong City, Koronadal City, Kidapawan City, General Santos City
CARAGA	Agusan del Norte, Agusan del Sur, Surigao del Sur, Surigao del Norte

E. Qualifications and Competency Requirements of LLCOs

1. Qualification Standards (QS).

To ensure that the Department has a pool of LLCOs with relevant skills and competencies, this Qualification Standards shall be observed in the recruitment of LLCOs:

QS	Sr. LEO	LEO III
Education or Technical Know-how	Bachelor's degree preferably Licensed Mechanical, Electrical or Civil Engineer and Law	Bachelor's degree preferably Licensed Mechanical, Electrical or Civil Engineer and Law
Experience	2 years relevant experience	1 year relevant experience
Training	8 hours relevant training	4 hours relevant training
Eligibility	CS Professional or 2 nd Level eligibility	CS Professional or 2 nd Level eligibility
Skills and Competencies	Knowledge of applicable labor laws and department policies and procedures, proper inspection techniques and procedures, ability to interpret laws and standards and apply them to a particular situation; good communication skills; and basic computer skills.	

LLCOs tasked to conduct TSI shall be a licensed Mechanical/Electrical Engineer.

2. Competency Requirements

- a. Certified passer of Level 1A or Level 1B Basic Course for LLCOs by the Human Resource Development Service:
 - i. Level 1A – Basic Course
 - ii. Level 1B – Refresher Course for Experienced LLCOs;
- b. With very satisfactory performance rating;
- c. With certificate of good standing from the BWC. Good standing means “must not have been found guilty of administrative offense under the Civil Service Rules”. However, for the newly-hired LLCOs, the qualification of certificate of good standing is not required in their first year of assignment.

In determining good standing, the BWC shall get the feedback evaluation of the RD. The RD’s feedback evaluation shall be based on the feedback of the employer and the employees on the conduct of Assessment,

Visit or Investigation and of his/her own assessment of the performance and character of the concerned LLCO.

Those with unfavorable feedback, if considered by BWC to be the basis for initiating administrative complaints pursuant to Administrative Order No. 55, series of 2013, shall be referred by the BWC to the appropriate Administrative Complaints Committee (ACC) in the ROs through the Human Resource Development Service (HRDS) or be referred for Human Resource Development (HRD) interventions.

On the other hand, positive feedback on LLCOs shall be referred by the BWC to the HRDS for corresponding awards under the Program on Awards and Incentives for Service Excellence (PRAISE).

- d. Regularly undertake Refresher Courses on new laws, rules and other enforcement policies, new patterns of employment and changes in conditions of work. Specialized Trainings Course/Programs are provided to make them responsive specifically in the areas of occupational safety and health.

3. Functions

a. **Visitorial Power.** Pursuant to Article 128 of the Labor Code of the Philippines, as amended and D.O. 131, series of 2013, and other applicable laws, LLCOs are officers exercising public authority. They can enter workplaces and conduct Assessment, Visit or Investigation including plain view investigation, at any time of the day or night whenever work is being undertaken, to examine records and investigate fact, condition or matter necessary to determine if there is conformity with standards and to enforce the same.

b. **Training and Advisory Services/Functions.** The LLCOs shall provide assistance in the preparation of action plan for correction of OSHS deficiencies during the Assessment. The advisory services and information on the existing DOLE Programs and Services shall be based on the Labor and Employment Education Services (LEES). In undertaking the modes of implementation as defined in the LLCS, the LLCOs shall provide information to both workers and employers on their right as well as their duties and responsibilities under the Labor Code to ensure voluntary compliance.

c. **Information and Education Functions.** The LLCOs shall help the establishments with noted deficiencies; and assist Micro and Small Establishments (MSEs), through referrals to other DOLE Agencies, in mapping out an improvement program geared towards increasing their productivity and facilitating eventual compliance with labor standards based on the DOLE Toolbox of Programs and Services:

1. Kapatiran Program;
2. Labor and Employment Education Service;

3. Basic Occupational Safety and Health;
4. Family Welfare Program;
5. Labor-Management Cooperation;
6. Productivity Improvement Programs;
7. Other Programs as maybe formulated to ensure compliance with labor laws.

Specifically, the LLCOs will function as follows;

1. Conduct labor education to both employers and workers during the conduct of inspection at plant-level and upon request;
2. Initiate and conduct of briefing on DOLE's job facilitation and preservation programs;
3. Conduct work environment measure and assessment in case of reported accidents in workplaces;
4. Conduct activities toward the prevention and elimination of child labor;
5. Facilitate and act as resource speakers in the conduct of Training and Advisory Orientation Course;
6. Conduct follow-up visits and verification of plans of action;
7. Conduct verification and spot-check of establishments which have submitted Self-Assessment checklists;
8. Conduct conciliation/mediation proceedings between employer and employee at plant-level (during inspection and at any stage of the proceedings);
9. Act as hearing officers during summary investigation of establishments not covered by his/her previous and present assessment assignments. The function to act as hearing officers shall not include hearing of cases subject to SEnA; and
10. Prepare recommendations in the form of draft compliance orders and other orders for signature of the RD.

4. Obligations/ Value Statements

- a. **Impartiality.** Under the No Gift-No Bribe Policy of DOLE as stated in Administrative Order No. 476-10, and Guidelines in the Implementation of the "NO GIFT POLICY" as stated in Administrative Order No. 35-14, the LLCOs shall not accept gifts, donations or services from either employers or employees to maintain his/her position of impartiality and so as not to affect the results of his/her findings, investigations and recommendations.
- b. **Confidentiality and Use of Discretion.** The LLCOs shall strictly observe the rule of professional secrecy. The information obtained from assessment is confidential where sound discretion shall be exercised whether or not the same shall be disclosed, such as when the employer identifies an operation or condition as a trade secret. All information

reported to or obtained by an LLCO in connection with any assessment or other activity that contains or might reveal a trade secret shall be kept confidential (Rule 1006, OSHS).

The following Value Statements developed by the LLCOs may be considered in addition to the ones mentioned above:

1. **KNOWLEDGE and COMPETENCE.** Continuous upgrading of professional skills, competencies and knowledge for the effective implementation of the LLCS by actively participating in various training and development activities;
2. **HONESTY and INTEGRITY.** Discharge of duties and functions with utmost honesty and integrity to safeguard public interest and to uphold the good reputation of the Department;
3. **COURTESY and RESPECT.** Act with utmost fairness, courtesy and respect in the exercise of duties as agents of change and transformation thereby strengthening public trust and confidence;
4. **OBJECTIVITY, NEUTRALITY and FAIRNESS.** Treat co-workers, clients and stakeholders with fairness and impartiality regardless of status in life and position in the society or religious belief by using diversity in action thereby ensuring the preservation of dignity of persons;
5. **COMMITMENT and RESPONSIVENESS.** Commit to play an active part in promoting workers' and employers' welfare; and
6. **CONSISTENCY BETWEEN PERSONAL and PROFESSIONAL BEHAVIOR.** Uphold the DOLE Core Values and provisions of the DOLE Code of Conduct in the discharge of duties.

- c. **Other Related Tasks.** The LLCO shall perform related tasks as maybe assigned by the BWC and/or the ROs.

For all LLCO-Engineers designated to conduct TSI, they shall perform the following additional duties and responsibilities:

Mechanical Engineers shall:

1. Conduct TSI on industrial and agricultural enterprises, oil refineries, electric generating plants, and construction sites to assess compliance with the Philippine Mechanical Engineering Code of mechanical units

such as boiler, pressure vessel, power piping lines, crane and hoist, internal combustion engine, steam/gas/hydro turbine, and elevator/manlift/dumbwaiter;

2. Evaluate and process plans and applications of mechanical units for the purpose of issuance of permits to operate;
3. Prepare recommendation and orders of payment for the issuance of permits to operate of inspected mechanical units;
4. Evaluate, if all permits to operate of mechanical units are renewed every year; and
5. Conduct inspection/assessment of construction sites to assess compliance with the National Building Code of the Philippines.

Electrical Engineers shall:

1. Conduct TSI on industrial and agricultural enterprises, oil refineries, electric generating plants, and construction sites to assess compliance of electrical wiring installation with the Philippine Electrical Code;
2. Evaluate and process plans and applications of electrical wiring installation units for the purpose of issuance of certificate of electrical inspection;
3. Prepare recommendation and orders of payment for the issuance of certificate of electrical inspection; and
4. Evaluate, if all certificates of electrical inspection are renewed every year.

Pursuant to the exercise of the engineering profession, only DOLE-RO/BWC personnel who are Professional Mechanical Engineers (PME)/Professional Electrical Engineers (PEE) are authorized to clear or approve plans and applications of mechanical units and electrical wiring installations. In cases where there is no PME/PEE in the DOLE-RO, the said regional office concerned may seek assistance with the nearest DOLE-RO or BWC to facilitate the clearing or approval of the said plans and applications.

F. Discipline

Administrative proceedings may be initiated by the disciplining authority *motu proprio* or upon sworn complaint of any person against a designated LLCO².

² Sec. 16, Rule V, A.O. No. 55, s. 2013

The complainant shall file his/her complaint to the DOLE-RO which has jurisdiction over the person being complained of.

Section 17 and 18, Rule V of the Administrative Order No. 55, series of 2013 provide,

“Section 17. Requisites of a Valid Complaint. – *A complaint against any official or employee of the DOLE shall be in writing, subscribed and sworn to by the complainant otherwise the same shall not be given due course.*

The complaint shall be written in a clear, simple and concise language and in a systematic manner as to apprise the person complained of, of the nature and cause of the accusation against him/her and to enable him/her to intelligently prepare his/her defense or answer/comment. It shall be filed with the appropriate office in triplicate copies. However, should there be more than one (1) person complained of, the complainant is required to submit additional copies corresponding to the number of persons complained of.

The complaint shall contain the following:

- a. full name and address of the complainant;*
- b. full name and address of the person/s complained of as well as the latter's position and office/s;*
- c. a narration of the relevant and material facts which shows the acts or omissions allegedly committed;*
- d. certified true copies of documentary evidence and affidavits of witnesses, if any; and*
- e. certification or statement of non-forum shopping.*

The absence of any of the aforementioned requirements may cause the dismissal of the complaint without prejudice to its re-filing upon compliance therewith.

In cases initiated by the disciplining authority, a sworn complaint is no longer required. Issuance of a show-cause memorandum is sufficient.

Section 18. Anonymous Complaints.- *No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence, in which case the person complained of may be required to comment.*

Anonymous complaint shall comply with the requisites of a valid complaint except the requirement for the full name and address of the

complainant as provided for in Section 17 of this Rules. xxx”

Further, Sec. 9 [b], Rule II, Administrative Order No. 55, s. 2013, provides that,

“xxx The Regional Directors shall have original jurisdiction to investigate and decide over all complaints and cases against officials and employees under their supervision and control xxx”

In case of an official or employee on detail, the authority to discipline him/her is still vested in the appointing authority of the mother agency where he/she belongs in accordance with CSC MC No. 21, series of 2002 in relation to Sec. 5 of CSC Resolution No. 02-1181. However, in case an administrative complaint is filed against any of the employees appointed to the 372 additional plantilla positions for LLCOs who are detailed to the DOLE-ROs, the Secretary as the appointing authority may instruct the DOLE-RO where such employee has been detailed to create a Fact-Finding Committee to handle the preliminary investigation. The RD, as the head of the Committee, will submit a Preliminary Investigation Report with Recommendation (PIRR) together with the Order of Dismissal or Formal Charge, whichever is applicable to the DOLE Secretary.

G. Tools/Aids in the Conduct of Assessment

The LLCO shall wear the DOLE-prescribed uniform and bring the following documents and appropriate tools during the conduct of assessment:

- a. Letter specifying the purpose of the Assessment, Visit or Investigation;
- b. DOLE ID Card;
- c. Authority to Assess signed by the RD;
- d. Assessment Checklist and the prescribed forms;
- e. Mobile device and its appropriate LLCS-MIS application;
- f. Electronic copy of DOLE programs and services, Labor Code of the Philippines, as amended, D.O. 131- 13 and this Manual, OSHS, loaded in the mobile device and other relevant laws and regulations;
- g. Applicable PPE such as hard hat and safety shoes;
- h. Direct reading instruments; and
- i. Camera to document an accident area, imminent danger condition or any matter pertinent to the assessment.

The LLCS-MIS is an online, web-based application system that utilizes IT gadgets for the transmission and processing of real-time data collected from the field using an electronic checklist. Assessment, visit and accident investigation shall be conducted in accordance with Department Order 131-13, utilizing the LLCS-Management Information System and its Manual.

The failure of the LLCO to utilize the LLCS-MIS mobile in reporting the results of the Assessment shall subject him/her and the RD to administrative case; unless, a

justification in writing is submitted to the DOLE Secretary (copy furnished the BWC) stating the reason/s for the failure.

Part X. Annual Work Program for LLCS

Objectives

The LLCS Program is a yearly plan to ensure the conduct of efficient and effective enforcement activities towards a culture of voluntary compliance with labor laws by all establishments, branches, and workplaces and worksites and expand the reach of DOLE through partnership with labor and employers' organization, as well as with other government agencies and professional organizations.

Policy

On or before the 10th day of January, all RDs shall annually submit for evaluation to the BWC an LLCS Program or Work Plan based on D.O. 131-13 and this Manual. No assessment shall be allowed in any Region without compliance with this requirement. If such enforcement activities have already commenced, non-submission/ non-approval of the said program shall cause the suspension of said activities.

Scope

A. Specific Targets

The following specific targets shall apply:

1. Number of establishments, branches, and workplaces and worksites to be assessed especially those with recurring violations, unhealthy working conditions and those without valid COC;
2. The number of Micro-Entrepreneurs and Barangay Micro Business Enterprises (BMBEs) to be assessed, especially those with unhealthy working conditions (BMBEs are exempted from giving minimum wage but are not exempted from Assessment);
3. Number of chartered cities to be evaluated or recommended for delegated authority to conduct TSI; and
4. Target for Advocacy, Education and Training to ensure voluntary compliance with labor standards.

B. Work Standards

The following minimum work standards shall be adopted:

1. In the conduct of Assessment:

NCR – 160 establishments, branches, workplaces and/or worksites per LLCO computed at one (1) per day for four (4) days in a week for ten (10) months.

Other Regions – 130 establishments, branches, workplaces and/or worksites per LLCO computed at one (1) per day for thirteen (13) days in a month.

The BWC may adjust the work standard when required by reason of any incongruity in the number of establishments vis-à-vis the number of LLCOs and financial resources provided to the DOLE-ROs.

2. 100% of establishments with noted deficiencies shall be provided technical assistance to assist in compliance.
3. Compliance rate of 70%.
4. Every establishment without valid GLS and OSH Certificates of Compliance (COC) and/or Tripartite Certificate of Compliance with Labor Standards (TCCLS) shall be assessed at least once a year.

C. Suspension of Enforcement Activities

Joint Assessment shall be suspended from November 30 of every year until January 10 of the succeeding year, unless extended or shortened by subsequent issuances. This suspension shall not apply to Visits based on complaints, Investigations and Technical Safety Inspection.

D. Masterlist of Establishments, Branches, and Workplaces and Worksites

The BWC shall develop and maintain the masterlist or database of establishments, branches, and workplaces and worksites which every DOLE-RO shall utilize in accomplishing targets.

1. **Review of Masterlist.** The BWC shall review and revise the Masterlist quarterly to delist those that are no longer in business or within the territory of appropriate DOLE-RO and to add new establishments, branches, and workplaces and worksites.
2. **Encoding of Masterlist of establishments in the existing BWC**

Integrated System (LLCS-Management Information System). The LLCS-MIS administrator or focal person in the Regions shall encode the establishments in the LLCS-MIS to facilitate the assessment process. The Masterlist shall be maintained by the BWC.

The system of encoding shall include Philippine Standard Geographic Code for the address, industry classification in accordance Philippine Standards Industrial Classification Code, by type of workplace whether non-hazardous, hazardous or highly hazardous, and the number of employees.

- 3. Reporting of Accomplishment.** For purposes of reporting the accomplishments of the DOLE-ROs, each branch of the establishment assessed shall be counted as one accomplishment, i.e. an establishment with 1 main office and 3 branches assessed separately shall be counted as 4 accomplishments. The assessment of the main office and the branch office shall be counted as separate accomplishments by the ROs which conducted the assessment.

Illustration:

National Capital Region Masterlist of Establishments, Branches, and Workplaces and Worksite

Sort : **Alphabetical** ▼

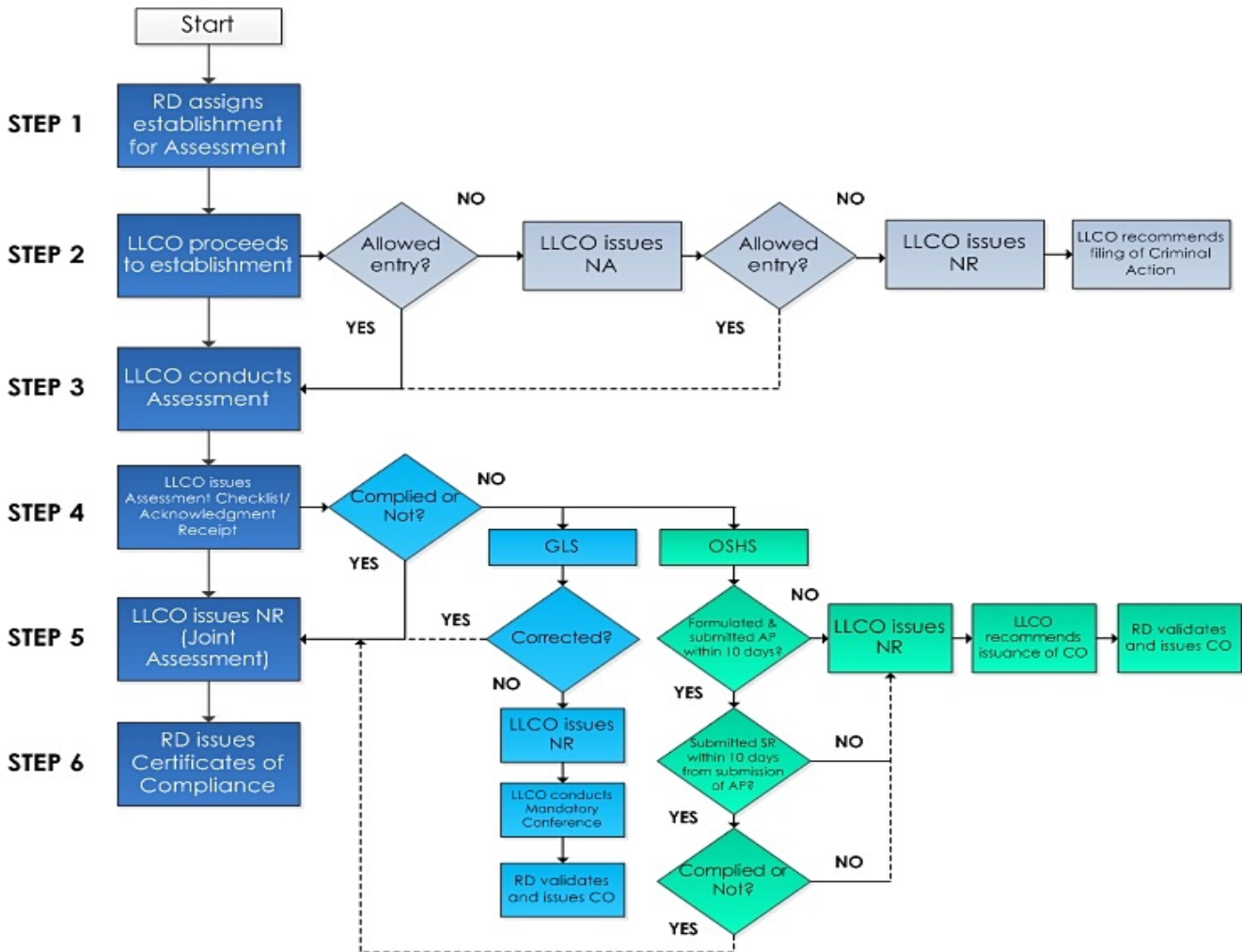
+ Add new establishment

Organization Name : Search Clear

#	Establishment Name	Status	Assessments
151	3M PETROLEUM DEALER CORPORATION Retail sale of automotive fuel in specialized stores 1241 AM DELA FUENTE ST., SAMPALOC MANILA Add assessment Add Case	Open	1
152	3M2FA Corporation Monetary intermediation Doña Tating St., Poblacion I, Tiaang, Quezon Add assessment Add Case	Open	0
153	3PL Service Provider Phils. Inc. OTHER PERSONAL SERVICE ACTIVITIES Warehouse 2CA, Mercedes Ave., Mercedes Bus. Park, Pasig City Add assessment Add Case	Open	0
154	3PLE R LIGHTS AND SOUNDS Retail sale of cultural and recreation goods in specialized stores 622 Gonzalo Puyat St., Quiapo, Manila Add assessment Add Case	Open	1
155	3R HARDWARE & MILL SUPPLY RETAIL TRADE, EXCEPT OF MOTOR VEHICLES AND MOTORCYCLES Hayes st. CDO Add assessment Add Case	Open	0
156	3RB Construction CONSTRUCTION OF BUILDINGS Panal, Tabaco City Add assessment Add Case	Open	0
157	3rd Alert Security Agency Private security activities Commission Civil Street, Jaro, Iloilo City Add assessment Add Case	Open	1
158	3rd Alert Security Agency Security systems service activities Posted at AMCOR Tobacco Packaging Rizal KM 22 Ortigas Ave. Ext. Mapandan, Calinta, Rizal Add assessment Add Case	Open	0
159	3RD LANTING SECURITY & WATCHMAN AGENCY EMPLOYMENT ACTIVITIES 2F RALSIA BLDG 5283 DIESEL ST PALANAN MAKATI CITY Add assessment Add Case	Open	0
160	3RD LANTING SECURITY AND WATCHMAN AGENCY SECURITY AND INVESTIGATION ACTIVITIES 2ND FLOOR BLDG 5283 DIESEL ST PALANAN MAKATI CITY Add assessment Add Case	Open	0

Part XI. Procedures in the Conduct of the Modes of Implementation

A. Joint Assessment



Legend:

- | | |
|---|--|
| <ul style="list-style-type: none"> Compliant Establishment Not allowed entry Non-compliant GLS Non-compliant OSHS | <ul style="list-style-type: none"> AP - Action Plan CO - Compliance Order NA - Notice of Assessment NR - Notice of Results LLCO - Labor Laws Compliance Officer RD - Regional Director SR - Status Report |
|---|--|

Figure 1. Joint Assessment

STEP 1: RD ASSIGNS ESTABLISHMENT FOR JOINT ASSESSMENT

KEY RESULT:	The Letter and Authority to Assess are issued	
KEY PLAYERS:	RD and LLCO	
SAMPLE FORM:	FORM 1 – Letter	ANNEX A
	FORM 2 – Authority to Assess	ANNEX C
TIME FRAME:	Based on Work Plan	

1.1 Issuance of Letter and Authority to Assess.

From the pool of LLCOs given with General Authority, the RD shall designate the LLCO that shall conduct Assessment of specific establishments, branches, and workplaces and worksites within his/her respective region. The RD shall issue a Letter addressed to the company, sent in advance or hand-carried by the LLCO, specifying the purpose of the Assessment and the reforms on the inspection system, now called the LLCS.

1.1.1 In the absence of the RD, his/her Officer-in-Charge shall perform the functions mentioned in 1.1 hereof.

STEP 2: LLCO PROCEEDS TO ESTABLISHMENT

KEY RESULT:	Access to establishment	
KEY PLAYERS:	RD, LLCO and representative of the employer	
SAMPLE FORM:	FORM 1 – Letter	ANNEX A
	FORM 2 – Authority to Assess	ANNEX C
	FORM 3 – Notice of Assessment	ANNEX E
	FORM 7 – Notice of Results (NR)	ANNEX I
TIME FRAME:	Assigned/ Determined by the RD	

2.1 Employer allowed access to records and premises.

He/She shall introduce himself/herself as the DOLE personnel assigned to conduct the Assessment and shall present the Letter and Authority to Assess to the employer's representative. Proceed to STEP 3.

2.2 Employer refused access to records and premises on the first visit.

The LLCO shall issue to the employer a Notice of Assessment (NA) containing: (1) the fact of refusal or failure to access the records and premises; and, (2) the schedule or date of the next visit.

In case of refusal of employer or its representative to receive the Notice of Assessment, the LLCO shall send it through registered mail or other recognized modes of service. A copy of the NA shall likewise be posted in two (2) conspicuous places of the establishment premises. The LLCO shall execute an Affidavit of Service attesting to the fact of refusal or failure, which shall form part of the entire records of the Assessment.

2.3 Employer refused access to records and premises on the second visit.

The LLCO shall issue an NR to the employer indicating the refusal. In case of refusal of the employer or its representative to receive the NR, the LLCO shall adopt the same service procedure outlined under the second paragraph of 2.2.

The LLCO shall submit to the RD a Narrative Report duly supported by: (1) Notice of Results stating the failure to conduct Assessment; (2) Notice of Assessment; and, (3) Affidavits of Service.

The Affidavits of Service shall specify that he/she proceeded to the establishment but was refused access to record, premises or conduct interview to its workers on the first and second visits despite receipt of NA. Such refusal shall constitute as a violation of Article 128 in relation to Article 288 of the Labor Code of the Philippines, as amended. Within ten (10) days from receipt of NR by the employer, the LLCO shall recommend to the RD the filing of appropriate criminal action.

STEP 3: LLCO CONDUCTS JOINT ASSESSMENT

KEY RESULT:	Joint Assessment is conducted
KEY PLAYERS:	LLCO, representatives of the employer and employees
SAMPLE FORM:	FORM 4 – Affidavit/ Sinumpaang Salaysay ANNEX F
	FORM 5 – Assessment Checklist ANNEX G
	FORM 6 – Acknowledgement Receipt
TOOL:	Mobile Device with its appropriate LLCS-MIS
TIME FRAME:	Within eight (8) hours from entry to the establishment

3.1 Opening Conference.

The LLCO shall explain the purpose of the Assessment and the reforms under the LLCS such as availment of DOLE programs and services and promotion of the tripartism feature of the present system whereby the employer shall be informed that the Joint Assessment shall be conducted in the presence of its representatives and that of the employees.

3.2 Representatives in the conduct of Assessment.

3.2.1 Employer's Representative.

1. Owner;
2. President;
3. Vice-President;
4. Manager;
5. HR Head or Staff;
6. Supervisor; or
7. Any other employee given expressed, implied or apparent authority to represent the establishment.

3.2.2 Employees' Representative.

1. For organized establishments – any designated officer of the local union or any of its duly authorized representative designated as such in the collective bargaining agreement.
2. For unorganized establishments – the employees' representative shall come from the members of the following:
 - a. LMC;
 - b. Safety and Health Committee;
 - c. Family Welfare Committee; and
 - d. Any rank-and-file employee designated by the employees present at the time of assessment (need not be through secret balloting).

3.3 Presentation and Examination of Records.

All money claims arising from employer-employee relations have a prescriptive period of three (3) years.

In case of Joint Assessment, the LLCO may initially require presentation of past employment records covering a period of one (1) year from date of assessment. In case of Compliance Visit, the LLCO shall require presentation of employment records covering a period of three (3) years from the date of assessment.

In case the company has been previously assessed and deficiencies were discovered, the LLCO shall verify if the same had been corrected. The coverage of his/her examination shall start from the date of the last assessment, Visit, or Investigation. As proof of last Assessment, Visit, or Investigation, the LLCO shall require the NR of the last assessment.

The LLCO shall conduct an initial examination of the following records which shall be used in determining compliance with labor laws and other related issuances:

1. Roster of the workers, (regular, probationary, temporary, casual, piece- rate, contractual, resident aliens, etc.) their designation, and date hired;
2. Employment contracts;
3. Payroll and/or vouchers;
4. Daily time records and/or time sheets;
5. Injury and Illness records/medical surveillance/monitoring records;
6. Equipment inspection and maintenance record as well as the material safety data sheet;
7. Work environment measurement result or data for hazardous establishment;
8. Evidence of service charge distribution, if applicable;
9. Proof of payment of 13th month pay/ five (5) days Service Incentive Leave Pay;
10. Registration under Rule 1020 of the OSHS;
11. Proof of payment/remittance of SSS/PhilHealth/HDMF;
12. Alien Employment Permit, if there is any;
13. Apprenticeship Agreements, Dual Training System and Learnership Agreements, if there is any;

14. Proof of registration under Department Order 18-A for job contractors, if applicable;
15. PCAB Registration, if applicable;
16. Last Notice of Results, if applicable;
17. Certificate of Accredited Safety Officer / First Aider;
18. Organization of Safety and Health Committee under Rule 1040 of the OSHS;
19. Drug-Free Workplace Policy and Program/ HIV-AIDS Program/ Anti-Sexual Harassment Law;
20. Collective Bargaining Agreement; if unionized establishment;
21. Service Agreement under Department Order 18-A for Job Contractors, if applicable;
22. Contractor's Bond to answer to wages due to workers, if applicable;
23. Employment Contract with physicians, dentists, nurses and/or first aiders, or HMOs, if applicable;
24. Contract or Memorandum of Agreements with infirmary and emergency hospitals, if applicable;
25. Records of leave benefits on sickness, maternity, paternity and solo parent, including those for victims of VAWC and other special leaves;
26. Company policy and/or practice on voluntary benefits, if any; and
27. Securities and Exchange Commission Certificate or Department of Trade and Industry Certificate and Mayor's Permit.

The above employment records shall be used in determining compliance with labor laws including: minimum wage, holiday pay, overtime pay, night shift differential pay, service incentive leave pay, 13th month pay, rest day pay, and other monetary benefits provided by law or compliance with other labor laws and social legislations.

In case of centralized payroll system, the RO having jurisdiction over the head office of the establishment shall evaluate the GLS compliance of the establishment, the result of which shall be copy furnished to the other ROs. The OSHS compliance of its branches shall be determined by the other ROs.

3.4 Conduct of Interview.

The LLCO may conduct an individual or group interview of employees selected through random sampling. After the interview, the LLCO shall attach the Affidavits of the interviewed employees to the Assessment Checklist.

3.5 Inspection of Work Premises.

The LLCO together with the representatives of the employer and employee shall inspect the entire workplace. The LLCO shall be guided by any of the following indicators:

1. OSHS compliance indicators;
2. POEA compliance indicators for Recruitment Agencies;
3. Maritime Labour Convention 2006 indicators for Recruitment/Manning agencies and Philippine Registered Ships engaged in domestic shipping; or
4. Transport compliance indicators for public utility bus transport companies.

during the period of correction, the LLCO shall refer the matter to the RD.

If no payment is made within the ten-day period, an NR indicating the noted deficiency shall be issued to the employer.

4.1.2.2 Occupational Safety and Health Standards Deficiencies.

The LLCO shall inform the representative/s of the employer to implement the following recommendations:

1. OSHS deficiencies – The LLCO shall specify the recommended actions on each OSHS deficiency, such as, registration of establishment under Rule 1020, provision of adequate lighting, creation of health and safety organization or submission of administrative safety and health reports among others.
2. Personal Protective Equipment (PPE) – The LLCO shall require the establishment to immediately provide the employees with the approved and appropriate PPE free of charge. He/She shall also inform the establishment that it shall not allow any employee to work without wearing the appropriate PPE.

4.1.2.3. Action Plan.

This is a written plan of action of an establishment in response to the noted OSHS deficiencies. The LLCO shall assist the employer in preparing the Action Plan by providing him with an Action Plan form and Status Report form with recommendations on the appropriate remedies for the noted deficiencies.

a. Employer submits the Action Plan during the Assessment.

The accomplished Action Plan form shall be summarized by the LLCO in the Assessment Checklist. In case the Action Plan involves technical/ engineering correction which requires longer period, the same maybe allowed subject to the approval of the RD.

Within ten (10) days from submission of the Action Plan, the employer shall submit a Status Report showing the percentage of the completion of the Action Plan. The LLCO shall also monitor that the Action Plan is fully implemented for a period of not more than three (3) months from Assessment.

At the end of the remediation period of the Action Plan, the LLCO shall conduct Verification Assessment with regard to the compliance of the establishment. He/She shall proceed to the establishment and check if the Action Plan has been fully implemented. Proceed to STEP 5.

b. Employer is unable to submit the Action Plan during the Assessment.

The employer shall be given ten (10) days from receipt of Assessment Checklist to accomplish the Action Plan form. The employer shall then submit the accomplished form to the TSSD Chief or the Field Office Head of the RO having jurisdiction. The TSSD Chief or the Field Office Head shall notify the LLCO concerned of the receipt of the Action Plan, and then he/she shall proceed with 4.1.2.3(a).

c. Employer failed to submit the Action Plan or the Status Report within the Period of Correction.

If the employer fails to submit or fully implement the Action Plan or submit the Status Report, the LLCO shall proceed with STEP 5.

In order to expedite the process of the issuance of the NR, the LLCO may prepare the NR indicating there at the deficiencies enumerated in the accomplished assessment after the conduct of assessment and the findings be explained to the employer's and employee's representative after which both representatives are made to affixed their names and signatures as a matter of conformity with the findings of the LLCO. It should also be explained that the prepared NR shall only be issued after the employer failed in the instances enumerated in Step 5.1. In such cases, the said NR may be served by the designated process server or through other recognized mode of service.

4.1.3 DOLE Toolbox of Programs and Services.

The LLCO shall offer the appropriate DOLE Programs and Services to the establishments such as: Kapatiran Program, Labor and Employment Education Service (LEES), Basic Occupational Safety and Health (BOSH), Construction Occupational Safety and Health (COSH), Construction Safety Orientation, Family Welfare Program, Labor-Management Cooperation, Productivity Improvement Programs, and other Programs as maybe formulated to ensure compliance with labor laws.

STEP 5: ISSUE NOTICE OF RESULTS

KEY RESULT: NR issued to the representatives of the employer and employees
KEY PLAYERS: LLCO, representatives of the employer and employees
SAMPLE FORM: FORM 7 – NR ANNEX I
TIME FRAME: After the conduct of Assessment, after failure to prepare or fully implement the Action Plan, submit Status Report.

5.1 The NR shall be issued in the following instances:

1. If the establishment is compliant with both the GLS and OSHS;
2. If the establishment failed to correct deficiencies on GLS;
3. If the establishment failed to prepare the Action Plan;
4. If the establishment failed to submit the Status Report; and
5. If the establishment failed to fully implement the Action Plan.

5.2 Accomplished Notice of Results.

The LLCO shall accomplish the NR indicating the results of Assessment. The NR shall be served either by the LLCO or the designated process server. Upon receipt of the NR, the representatives of the employer and the employees shall be required to affix their signatures on top of their respective printed names.

The accomplished NR shall be distributed to the: (1) owner or his/her/its representative; (2) representative of the employees; (3) RO; and (4) BWC. The copy for the BWC shall be sent within five (5) days from termination of Assessment.

5.3 In case of compliance with GLS and/or OSHS.

Proceed to Step 6.

5.4 In case of non-compliance with GLS and/or OSHS.

5.4.1. For GLS deficiency.

After the issuance of NR under 2 of 5.1, the TSSD Chief shall docket the labor standards case as follows:

Sample:
Region Number-Province Code-JA-Year-Month-G
RO01-1-JA-2014-01-0001-G

After the case has been docketed, the Hearing Officer shall issue a Notice of Mandatory Conference to the employer and representative of the employees to appear before the assigned Hearing Officer. Proceed to Step 5.5.

5.4.2. For OSHS deficiency.

After the issuance of NR under 3, 4 and 5 of 5.1 , the TSSD Chief shall docket the labor standards case as follows:

Sample:
Region Number-Province Code-JA-Year-Month-O
RO01-1-JA-2014-01-0001-O

and the LLCO shall recommend to the RD the issuance of a Compliance Order.

5.5 Mandatory Conference.

The mandatory conference shall be conducted by the Hearing Officer on the scheduled date which shall be within ten (10) days from receipt of NR. The mandatory conference shall be terminated thirty (30) days from date of the first conference.

Generally, the postponement shall not be allowed during mandatory conference, except on meritorious ground which shall not exceed two (2) postponements.

5.6 Indorsement to appropriate agencies.

If there are violations of other labor laws and social legislations which concern other agencies, indorsement shall be made as follows:

1. In case of violation of Republic Act 9178 otherwise known as "Barangay Micro Business Enterprises (BMBEs), it shall be indorsed to appropriate Local Government Unit;
2. In case of violation of Philippines Overseas Employment Administration (POEA) Rules and Regulations, it shall be indorsed to the Administration;
3. In case of violation of Social Security System (SSS) Law, Philippine Health Insurance (PHIC) Law, Home Development Mutual Fund (HDMF) Law, it shall be indorsed to the said appropriate agencies;
4. In case of violation of the Rules and Regulations of Land Transportation Franchising and Regulatory Board (LTFRB), it shall be indorsed to the same agency;
5. In case of violation of the Guidelines in the Implementation of Apprenticeship and Learnership Program of Technical Education and Skills Development Authority (TESDA), it shall be indorsed to the said Authority;
6. In case of violation of labor laws committed by contractor/subcontractor registered under DTI-PCAB, such finding shall be referred first to the latter for appropriate action before the DOLE RO issues a Notice of Results (NR) in view of the Memorandum of Agreement-Joint Administrative Order No. 01, Series of 2011; and
7. In case of violation of the Republic Act 7277 also known as "Magna Carta for Disabled Persons", a copy of the findings shall be furnished to the Bureau of Workers with Special Concerns (BWSC) and the LGU concerned.

5.7 Issuance of Compliance Order.

The RD shall issue a Compliance Order within ten (10) days from the termination of the mandatory conference.

The Process Cycle Time (PCT) of case disposition shall be forty (40) days reckoned from the date of first mandatory conference until the issuance of Compliance Order.

B. Compliance Visit

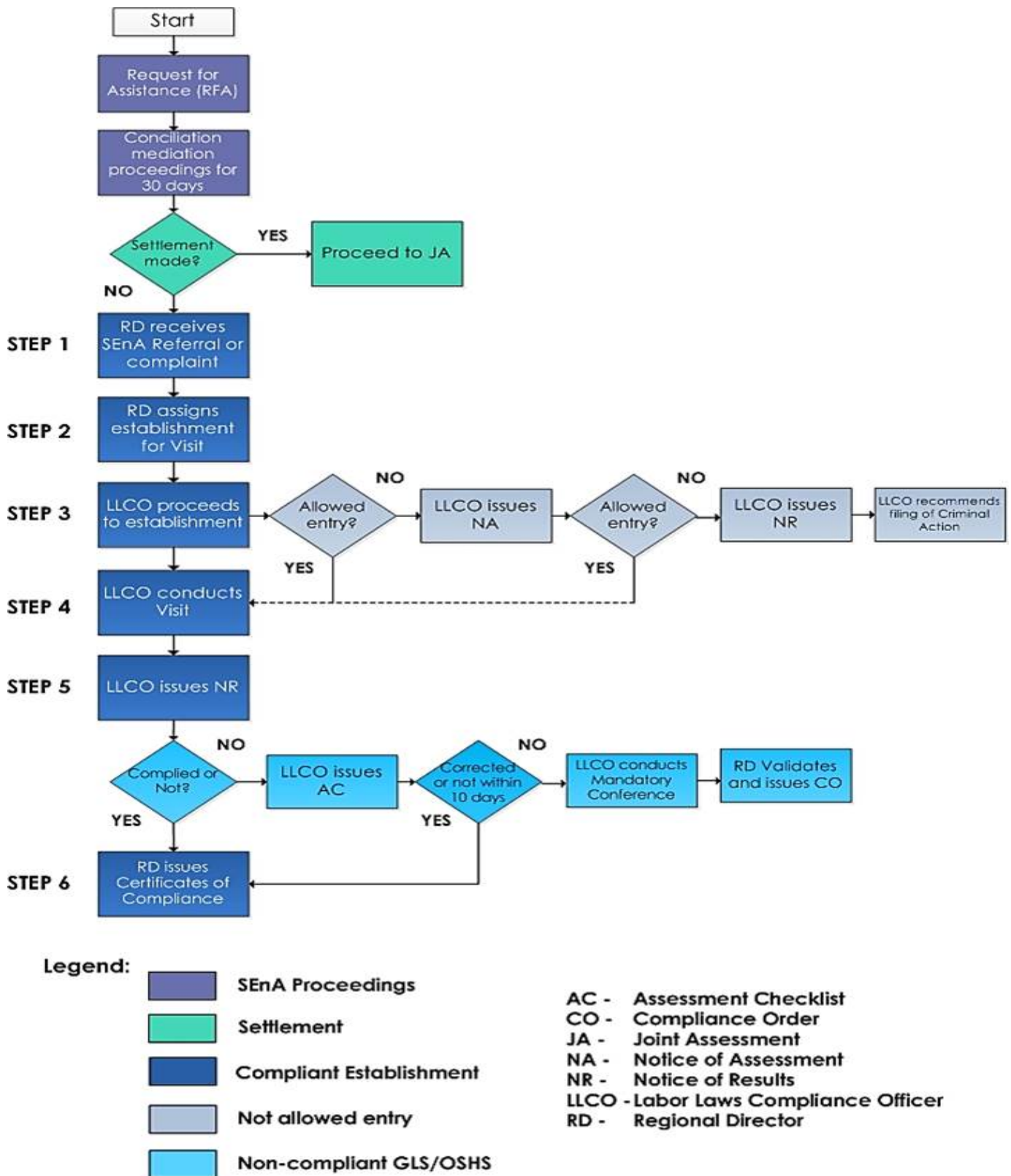


Figure 2. Compliance Visit

STEP 1: SEnA REFERRAL OR COMPLAINT RECEIVED BY THE RD

KEY RESULT: SEnA Referral or Complaint received by RD
KEY PLAYERS: SEnA Desk Officer (SEADO) or RD
SAMPLE FORM: SEnA Referral Form, Complaint Form
TIME FRAME: Within five (5) days from receipt of the SEnA Referral or Complaint

1.1 Receipt of SEnA Referral or Complaint

Upon receipt of the SEnA Referral from the SEADO recommending the conduct of the Visit, the RD shall check if the complaint is for violation of labor standards benefits and if the complainant is an employee of the establishment.

In the determination whether the complainant is an employee of the establishment, complainant's employment status at the time of the filing of the RFA shall be considered.

1.2 Receipt of Anonymous Complaint

In case the complaint received is from an anonymous source or from the media, the concerned establishment shall be subject to Assessment.

STEP 2: RD ASSIGNS ESTABLISHMENT FOR COMPLIANCE VISIT

KEY RESULT: Establishment is assigned to LLCO
KEY PLAYERS: RD and LLCO
SAMPLE FORM: FORM 1.1 – Letter ANNEX B
FORM 2 – Authority to Assess ANNEX C
TIME FRAME: Within five (5) days from receipt of SEnA Referral or Complaint

2.1 Issuance of Letter and Authority to Assess.

From the pool of LLCOs given with General Authority, the RD shall assign the establishment to the LLCO for the conduct of Visit and issue a Letter and Authority to Assess, indicating the date and the purpose of the scheduled Visit.

2.1.1 In the absence of the RD, his/her Officer-in-Charge shall perform the functions mentioned in 2.1 hereof.

STEP 3: LLCO PROCEEDS TO ESTABLISHMENT

KEY RESULT: Access to establishment
KEY PLAYERS: RD and LLCO
SAMPLE FORM: FORM 1.1 – Letter ANNEX B
FORM 2 – Authority to Assess ANNEX C
FORM 3 – Notice of Assessment ANNEX E
FORM 7.1 – Notice of Result ANNEX J
TIME FRAME: Within five (5) days from receipt of Authority to Assess

3.1 Employer allowed access to records and premises.

He/She shall introduce himself/herself as the DOLE personnel assigned to conduct the Visit and shall present the Letter and Authority to Assess to the employer's representative. Proceed to STEP 4.

3.2 Employer refused access to records and premises on the first visit.

The LLCO shall issue to the employer an NA containing: (1) the fact of refusal or failure to give access to the records and premises; and, (2) the schedule or date of the next visit.

In case of refusal of employer or its representative to receive the NA, the LLCO shall send it through registered mail or other recognized modes of service. A copy of the NA shall likewise be posted in two (2) conspicuous places of the establishment premises. The LLCO shall execute an Affidavit of Service (AS) attesting to the fact of refusal or failure, which shall form part of the entire records of the Assessment.

3.3 Employer refused access to records and premises on the second visit.

The LLCO shall issue an NR to the employer indicating the refusal. In case of refusal of the employer or its representative to receive the NR, the LLCO shall adopt the same service procedure outlined under the second paragraph of 3.2.

The LLCO shall submit to the RD a Narrative Report duly supported by: (1) Notice of Results stating the failure to conduct Assessment; (2) Notice of Assessment; and, (3) Affidavits of Service.

The Affidavit of Service shall specify that the LLCO proceeded to the establishment but was refused access to records, premises or conduct interview to its employees on the first and second visits despite receipt of NA. Such refusal by the employer shall constitute as a violation of Article 128 in relation to Article 288 of the Labor Code of the Philippines, as amended. Within ten (10) days from receipt of NR by the employer, the LLCO shall recommend to the RD the filing of appropriate criminal action.

STEP 4: LLCO CONDUCTS COMPLIANCE VISIT

KEY RESULT:	Visit is conducted	
KEY PLAYERS:	LLCO	
SAMPLE FORM:	FORM 5 - Assessment Checklist	ANNEX G
	FORM 4 - Affidavit	ANNEX F
TOOL:	Mobile Device with its appropriate LLCS-MIS	
TIME FRAME:	Within eight (8) hours from entry to the establishment	

4.1 Opening Conference with the Employer.

The LLCO shall briefly identify himself/herself as the DOLE personnel, present to the employer the Letter and Authority to Assess, and explain to the employer the purpose of such Visit.

4.2 Presentation and Examination of Records.

All money claims arising from employer-employee relations have a prescriptive period of three (3) years.

In case of Compliance Visit, the LLCO shall require presentation of employment records covering a period of three (3) years from date of Assessment.

In case the company has been previously assessed and deficiencies were discovered, the LLCO shall verify if the same had been corrected. The coverage of his/her examination shall start from the date of the last Assessment, Visit, or Investigation if the same has been corrected. As proof of last Assessment, Visit, or Investigation, the LLCO shall require the NR of the last assessment.

The LLCO shall conduct an initial examination of the following records which shall be used in determining compliance with labor laws and other related issuances.

1. Roster of the workers, (regular, probationary, temporary, casual, piece rate, contractual, resident aliens, etc.) their designation, and date hired;
2. Employment contracts;
3. Payroll and/or vouchers;
4. Daily time records and/or time sheets;
5. Injury and Illness records/medical surveillance/monitoring records;
6. Equipment inspection and maintenance record as well as the material safety data sheet
7. Work environment measurement result or data for hazardous establishment;
8. Evidence of service charge distribution, if applicable;
9. Proof of payment of 13th month pay/ five (5) days Service Incentive Leave Pay
10. Registration under Rule 1020 of the OSHS;
11. Proof of payment/remittance of SSS/PhilHealth/HDMF;
12. Alien Employment Permit, if there is any;
13. Apprenticeship Agreements, Dual Training System and Learnership Agreements, if there is any;
14. Proof of registration under Department Order 18-A for job contractors, if applicable;
15. PCAB Registration, if applicable;
16. Last Notice of Results, if applicable;
17. Certificate of Accredited Safety Officer / First Aider;
18. Organization of Safety and Health Committee under Rule 1040 of the OSHS;
19. Drug-Free Workplace Policy and Program/ HIV-AIDS Program/ Anti-Sexual Harassment Law;
20. Collective Bargaining Agreement; if unionized establishment;
21. Service Agreement under Department Order 18-A for Job Contractors, if applicable;
22. Contractor's Bond to answer to wages due to workers, if applicable;
23. Employment Contract with physicians, dentists, nurses and/or first aiders, or HMOs, if applicable;
24. Contract or Memorandum of Agreements with infirmary and emergency hospitals, if applicable;
25. Records of leave benefits on sickness, maternity, paternity and solo parent, including those for victims of VAWC and other special leaves;

- 26. Company policy and/or practice on voluntary benefits, if any; and
- 27. Securities and Exchange Commission Certificate or Department of Trade and Industry Certificate and Mayor's Permit.

The above employment records shall be used in determining compliance with labor laws including: minimum wage, holiday pay, overtime pay, night shift differential pay, service incentive leave pay, 13th month pay, rest day pay, and other monetary benefits provided by law or compliance with other labor laws and social legislations.

In case of centralized payroll system, the DOLE-RO having jurisdiction over the head office of the establishment shall evaluate the GLS compliance of the establishment, the result of which shall be copy furnished to the other DOLE-ROs. The OSHS compliance of its branches shall be determined by the other DOLE-ROs.

4.3 Conduct of Interview.

The LLCO may conduct an individual or group interview of employees selected through random sampling. After the interview, the LLCO shall attach the Affidavits of the employees to the Assessment Checklist.

4.4 Inspection of Work Premises.

The LLCO shall inspect the entire workplace. The LLCO shall be guided by any of the following indicators:

1. OSHS compliance indicators;
2. POEA compliance indicators for Recruitment Agencies;
3. Maritime Labour Convention 2006 indicators for Recruitment/Manning agencies and Philippine Registered Ships engaged in domestic shipping; and
4. Transport compliance indicators for public utility bus transport companies.

If Imminent Danger/Dangerous Occurrence was discovered during the conduct of the Visit, the LLCO shall proceed to STEPS 4 to 6 of the procedure of the Imminent Danger/Dangerous Occurrence Investigation and indicate his/her findings on Part IV of the Assessment Checklist.

STEP 5: ISSUE NOTICE OF RESULTS

KEY RESULT: NR is issued
KEY PLAYERS: LLCO, representatives of employer and employees
SAMPLE FORM: FORM 7.1 – Notice of Result ANNEX J
TIME FRAME: Within eight (8) hours from entry to the establishment

5.1 Notice of Results.

The LLCO shall accomplish the NR indicating whether the establishment is compliant or non-compliant with the GLS and OSHS. The NR shall be served either by the LLCO or the designated process server. Upon delivery, the representative of the employer and the

employees shall be required to affix their signatures on top of their respective printed names.

The accomplished NR shall be distributed to the: (1) owner or his/her/its representative; (2) representative of the employees; (3) DOLE-RO; and (4) BWC. The copy for the BWC shall be sent within five (5) days from termination of Visit.

Exit Conference. After the Visit, the LLCO shall discuss to the representative of the employer and/or employees his/her findings.

5.1.1 In case the result of the Visit showed that there is no noted deficiency.

Proceed to STEP 6.

5.1.2 In case the result of the Visit showed that there is noted deficiency.

The employer has ten (10) days from receipt of NR to correct the noted deficiencies. After which, the LLCO shall return to the establishment to validate if corrections have been made by the employer. If the employer has rectified the deficiencies, proceed to STEP 6. If the employer still failed to correct the noted deficiencies, a mandatory conference shall be conducted.

5.2 Mandatory Conference.

After the lapse of the period of correction in a Visit, the TSSD Chief shall docket the labor standards case as follows:

Sample:

Region Number-Province Code-CV-Year-Month.
RO01-1-CV-2014-01-0001

After the case has been docketed, the Hearing Officer shall issue Notice of Mandatory Conference to the employer and representative of the employees to appear before the assigned Hearing Officer. The mandatory conference shall commence within ten (10) days from receipt of NR and it shall be terminated within thirty (30) days from the date of the first conference.

Generally, postponement shall not be allowed during mandatory conference, except on meritorious ground which shall not exceed two (2) postponements.

5.3 Indorsement to appropriate agencies.

If there are violations of other labor laws and social legislations which concern other agencies, indorsement shall be made as follows:

1. In case of violation of Republic Act 9178 otherwise known as "Barangay Micro Business Enterprises (BMBEs), it shall be indorsed to appropriate Local Government Unit;

2. In case of violation of Philippines Overseas Employment Administration (POEA) Rules and Regulations, it shall be indorsed to the Administration;
3. In case of violation of Social Security System (SSS) Law, Philippine Health Insurance (PHIC) Law, Home Development Mutual Fund (HDMF) Law, it shall be indorsed to the said appropriate agencies;
4. In case of violation of the Rules and Regulations of Land Transportation Franchising and Regulatory Board (LTFRB), it shall be indorsed to the same agency;
5. In case of violation of the Guidelines in the Implementation of Apprenticeship and Learnership Program of Technical Education and Skills Development Authority (TESDA), it shall be indorsed to the said Authority;
6. In case of violation of labor laws committed by contractor/subcontractor registered under the DTI-PCAB, such finding shall be referred first to the latter for appropriate action before the DOLE-RO issues a Notice of Results (NR) in view of the Memorandum of Agreement-Joint Administrative Order No. 01, Series of 2011; and
8. In case of violation of the Republic Act 7277 also known as "Magna Carta for Disabled Persons", a copy of the findings shall be furnished to the Bureau of Workers with Special Concerns (BWSC) the LGU concerned.

5.4 Issuance of Compliance Order.

The RD shall issue a Compliance Order within ten (10) days from the termination of the mandatory conference.

The Process Cycle Time (PCT) for case disposition shall be forty (40) days reckoned from the date of first mandatory conference until the issuance of Compliance Order.

STEP 6: ISSUE CERTIFICATES OF COMPLIANCE

KEY RESULT: Issuance of Certificates of Compliance

KEY PLAYERS: RD and LLCO

SAMPLE FORM: Certificates of Compliance ANNEX N

TIME FRAME: Within five (5) days from receipt of recommendation

6.1 Recommendation of LLCO.

The LLCO shall recommend to the RD the issuance of COC after correction of the noted deficiencies.

6.2 Validation by the RD of the Recommendation.

The RD shall review the NR and other documents submitted by the LLCO. He/She shall determine if the recommendation of the LLCO for issuance of COC is correct. If the RD finds the recommendation to be correct, he/she shall issue any of the following certificates of compliance:

- a. **Certificate of Compliance on General Labor Standards** - If the establishment is compliant with GLS such as minimum wage, overtime pay, holiday pay, night shift differential pay, service incentive leave pay, 13th month pay and other monetary benefits prescribed by law.
- b. **Certificate of Compliance on Occupational Safety and Health Standards** - If the establishment is compliant with OSHS such as registration of establishment with DOLE.
- c. **Certificate of Compliance on Labor Relations** - If the establishment has an existing Grievance Machinery or LMC, and/or has an LMC convergence structure such as Compliance Committee, Productivity Committee, Family Welfare, or OSH Committee.
- d. **Labor Standards Certificate of Compliance for Public Utility Bus Transport Companies** - If the bus company is compliant with GLS and OSHS.
- e. **Certificate of Compliance** - If the Philippine registered ship engaged in domestic shipping is compliant with GLS and OSHS.

6.3 Promotion of ICP.

The RD shall promote the ICP to its certified establishments as part of the DOLE's advocacy efforts to promote voluntary compliance.

C. Occupational Safety And Health Standards Investigation

C.1 Imminent Danger Investigation

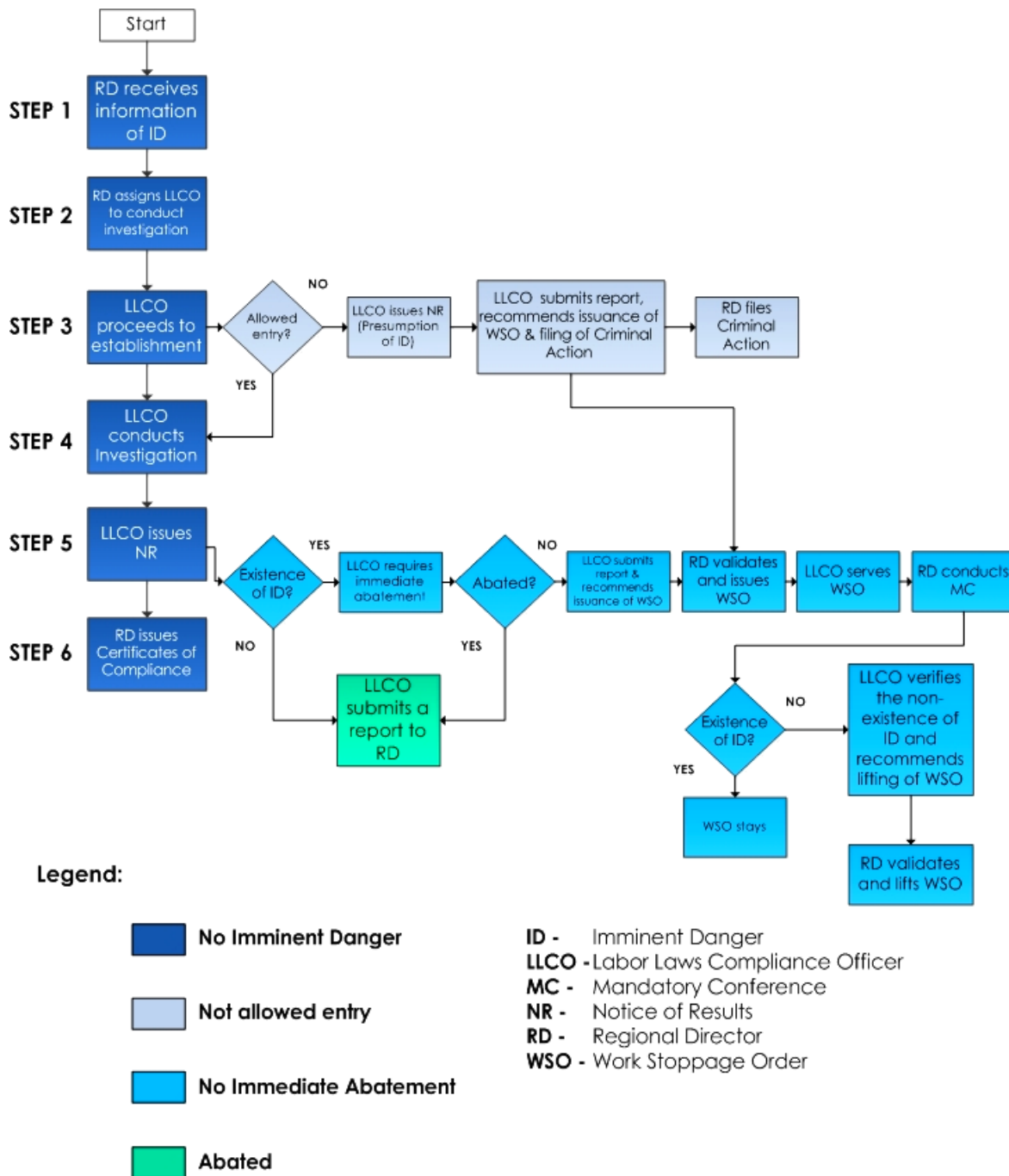


Figure 3. Imminent Danger/Dangerous Occurrence

STEP 1: RECEIPT OF INFORMATION OF IMMINENT DANGER

KEY RESULT: Information of existence of imminent danger received by RD
KEY PLAYERS: Informant and LLCO
SAMPLE FORM: FORM 9 – Work Alert Form ANNEX L
TIME FRAME: Within twenty four (24) hours from discovery of existence of imminent danger

1.1 Receipt of information of the existence of Imminent Danger

The LLCO shall write on the Work-Alert Form all the information given by the informant regarding the existence of imminent danger and submit the accomplished form to the RD.

1.2 Discovered Imminent Danger during the Conduct of Assessment/Visit.

The LLCO shall proceed to STEP 4 if imminent danger is discovered during the conduct of the Assessment/Visit.

STEP 2: RD DIRECTS LLCO TO CONDUCT INVESTIGATION

KEY RESULT: LLCO assigned to conduct Investigation in the establishment
KEY PLAYERS: RD and LLCO
SAMPLE FORM: FORM 2.1 – Authority to Investigate ANNEX D
TIME FRAME: Within one (1) day from receipt of information

2.1 Issuance of Authority to Investigate

Based on the accomplished Work-Alert Form, the RD shall issue an Authority to Investigate and require the LLCO to conduct Investigation in the establishment.

2.1.1 In the absence of the RD, his/her Officer-in Charge shall perform the functions mentioned in 1.1 hereof.

STEP 3: LLCO PROCEEDS TO ESTABLISHMENT

KEY RESULT: Access to premises
KEY PLAYERS: RD and LLCO
SAMPLE FORM: FORM 2.1 - Authority to Investigate ANNEX D
FORM 7.1 - Notice of Result ANNEX J
Work Stoppage Order (WSO)
TIME FRAME: Within one (1) day from receipt of Authority to Investigate

3.1 Purpose of Investigation.

The LLCO shall proceed to the establishment with the Authority to Investigate and inform the employer that an Investigation shall be conducted based on the

information received by the RO that there exists an imminent danger/dangerous occurrence in the establishment's premises.

3.1.1 LLCO is allowed access to record and premises of the establishment.

Proceed to STEP 4.

3.1.2 LLCO is refused access to records and premises on the first visit.

The LLCO shall issue an NR. If the employer does not accept the NR, the LLCO shall send it through registered mail or other recognized modes of service.

The LLCO shall submit the following to the RD based on the "presumption of existence of imminent danger": (1) NR with a narrative report stating failure to conduct Investigation and a recommendation to issue a WSO; and (2) Affidavit of Service.

The Affidavit of Service shall state that the LLCO proceeded to the establishment for Investigation but he/she was refused access to records, premises or conduct interview to its employees. Such refusal by the employer shall constitute as a violation of Article 128 in relation to Article 288 of the Labor Code of the Philippines, as amended. The RD shall file appropriate criminal action against the erring establishment within seven (7) days from receipt of NR by the establishment. For purposes of payment of wages and any other liabilities arising from the WSO, the employer is presumed a party at fault.

STEP 4: LLCO CONDUCTS INVESTIGATION

KEY RESULT:	Determination of the existence of imminent danger
KEY PLAYERS:	LLCO and Safety Officer
SAMPLE FORM:	FORM 5 – Assessment Checklist ANNEX G FORM 10 – Government Safety Engineer's Accident Investigation Report ANNEX M
TOOL:	Mobile Device with its appropriate LLCS-MIS
TIME FRAME:	Within eight (8) hours from entry to the establishment

4.2 Opening Conference with the Employer.

The LLCO shall briefly identify himself/herself as the DOLE personnel, present to the employer the Letter and Authority to Investigate, and explain to the employer the purpose of the Investigation.

4.3 Investigation of Premises.

The LLCO shall first inspect the entire workplace with the assistance of safety officer, if any, or representatives of the employer to determine if imminent danger exists in

order to ensure that every worker is free from danger of injury, sickness or death. The LLCO shall be guided by the OSHS compliance indicators as specified in the Assessment Checklist.

4.5 Presentation and examination of records.

The LLCO shall conduct an initial examination of the following records which shall be used in determining compliance with labor laws and other related issuances.

1. Roster of the workers, (regular, probationary, temporary, casual, piece rate, contractual, resident aliens, etc.) their designation, and date hired;
2. Employment contracts;
3. Payroll and/or vouchers;
4. Daily time records and/or time sheets;
5. Injury and Illness records/medical surveillance/monitoring records;
6. Equipment inspection and maintenance record as well as the material safety data sheet;
7. Work environment measurement result or data for hazardous establishment;
8. Evidence of service charge distribution, if applicable;
9. Proof of payment of 13th month pay/ five (5) days Service Incentive Leave Pay;
10. Registration under Rule 1020 of the OSHS;
11. Proof of payment/remittance of SSS/PhilHealth/HDMF;
12. Alien Employment Permit, if there is any;
13. Apprenticeship Agreements/ Learnership Agreements, if there is any;
14. Proof of registration under Department Order 18-A for job contractors, if applicable;
15. PCAB Registration, if applicable;
16. Last Notice of Results, if applicable;
17. Certificate of Accredited Safety Officer / First Aider;
18. Organization of Safety and Health Committee under Rule 1040 of the OSHS;
19. Drug-Free Workplace Policy and Program/ HIV-AIDS Program/ Anti-Sexual Harassment Law;
20. Collective Bargaining Agreement; if unionized establishment;
21. Service Agreement under Department Order 18-A for Job Contractors, if applicable;
22. Contractor's Bond to answer to wages due to workers, if applicable;
23. Employment Contract with physicians, dentists, nurses and/or first aiders, or HMOs, if applicable;
24. Contract or Memorandum of Agreements with infirmary and emergency hospitals, if applicable;
25. Records of leave benefits on sickness, maternity, paternity and solo parent, including those for victims of VAWC and other special leaves;
26. Company policy and/or practice on voluntary benefits, if any; and
27. Securities and Exchange Commission Certificate or Department of Trade and Industry Certificate and Mayor's Permit.

The above employment records shall be used in determining compliance with labor laws including: minimum wage, holiday pay, overtime pay, night shift differential pay, service

incentive leave pay, 13th month pay, rest day pay, and other monetary benefits provided by law or compliance with other labor laws and social legislations.

In case there is a deficiency during the initial review of records, he/she shall require that the 3-year period be presented taking into consideration that all money claims arising from employer-employee relations have a prescriptive period of three years.

Where deficiencies were discovered in previous assessment, the LLCO shall verify if the same had been corrected and the coverage of his/her examination shall start from such date of previous assessment start from the date of the last Assessment, Visit, or Investigation. As proof of last Assessment, Visit, or Investigation, the LLCO shall require the NR of the last assessment.

In case of centralized payroll system, the DOLE-RO having jurisdiction over the head office of the establishment shall evaluate the GLS compliance of the establishment, the result of which shall be copy furnished to the other DOLE-ROs. The OSHS compliance of its branches shall be determined by the other DOLE-ROs.

4.3 Conduct of Interview.

The LLCO shall conduct an individual or group interview of employees selected through random sampling. After the interview, the LLCO shall attach the Affidavits of the employees to the Assessment Checklist.

4.4 Toolbox of Programs and Services.

The LLCO shall offer the appropriate DOLE programs and services to the establishments such as: Kapatiran Program, Labor and Employment Education Service, Basic Occupational Safety and Health, Family Welfare Program, Labor-Management Cooperation, Productivity Improvement Programs, and other programs that maybe formulated to ensure compliance with labor laws.

STEP 5: ISSUE NOTICE OF RESULTS

KEY RESULT:	NR issued to the representatives of the employer and employees
KEY PLAYERS:	LLCO and Safety Officer
SAMPLE FORM:	FORM 7.1 - Notice of Result Work Stoppage Order (WSO) ANNEX J
TIME FRAME:	Within eight (8) hours from entry to the establishment

5.1 Notice of Results.

After the conduct of Investigation, the LLCO shall issue an NR stating: (1) existence or non-existence of imminent danger/dangerous occurrence; (2) compliance with GLS and/or OSHS; and, (3) deficiencies in GLS and/or OSHS. In case of noted deficiencies, the LLCO shall indicate the specific deficiencies in the NR.

The LLCO shall explain to the safety officer and the representatives of both the employer and employees the result of the Investigation. He/She shall require the representatives to affix their signatures on top of their printed name.

The accomplished NR shall be distributed as follows: (1) owner or his/her/its representative, (2) representative of the employees, (3) DOLE-RO and (4) BWC. The copy of the BWC shall be sent within five (5) days from termination of Investigation.

5.2 Exit Conference.

After the Investigation, the LLCO shall discuss to the representatives of the employer and employees his/her findings.

5.2.1. Non-existence of imminent danger and no noted deficiencies

Proceed to STEP 6.

5.2.2 Non-existence of imminent danger but with noted deficiencies

In case the Investigation showed that no imminent danger/dangerous occurrence exists but there are noted GLS and other OSHS deficiencies, the employer has ten (10) days to correct the said deficiencies upon receipt of NR. At the end of the period of correction, the LLCO shall check the compliance of the establishment. Proceed to Step 5.3.

Case Docketing. In case of noted deficiencies on GLS and other OSHS violation, the TSSD Chief shall docket the same within ten (10) days after the lapse of the period of correction as follows:

Sample:
Region – OI – Year – Month – Docket Number
RO01 – OI – 2014 – 01 – 0001

5.2.3 Existence of Imminent Danger.

The LLCO shall require the employer to immediately abate the cause of the imminent danger/dangerous occurrence.

Depending on the gravity of the incident and the required technical assistance, the LLCO may recommend to the RD the creation of composite team comprised of representatives from the BWC, Occupational Safety and Health Center (OSHC) and Employees Compensation Commission (ECC) to render necessary assistance.

5.2.4 Failure to abate imminent danger/ dangerous occurrence despite recommendation.

The LLCO shall submit an Investigation Report to the RD stating the failure to abate imminent danger/ dangerous occurrence and consequently recommend for the issuance of a WSO against the employer.

5.2.4.1 Issuance of Work Stoppage Order.

Upon receipt of the recommendation, RD shall review the Investigation Report and issue a WSO, if proper. The WSO shall be served to the establishment by the process server within one (1) day from his/her receipt.

During the effectivity of the WSO and if the violation is attributable to the fault of the employer, the employer shall pay all the monetary benefits to his/her employees.

Case Docketing. After the issuance of the NR, the Hearing Officer shall docket the case using the following format:

For issuance of Work Stoppage Order

Sample:

Region – OI – Year – Month – Docket Number – W
RO01 – OI – 2014 – 01 – 0001 – W

5.3 Mandatory Conference.

The RD shall conduct a mandatory conference for GLS, existence of imminent danger and other OSHS deficiency one (1) day after the service of WSO. The duration of the mandatory conference shall not exceed seventy-two (72) hours. The employer shall be given the opportunity to submit proof that the imminent danger/dangerous occurrence no longer exists. On such instance, the RD, through the LLCO, shall verify the claim. The LLCO shall then proceed to the subject establishment and investigate the premises to determine/verify the claim of abatement of imminent danger/dangerous occurrence. After the verification, the LLCO shall submit a report to the RD stating whether the imminent danger/dangerous occurrence was abated or not.

In case the establishment was unable to abate the imminent danger/dangerous occurrence within the seventy two-hour (72-hour) period, the WSO stays. At anytime, the establishment may file a motion to conduct another mandatory conference where it can prove that it has abated the imminent danger/dangerous occurrence. The RD shall initiate the mandatory conference within twenty-four hours (24 hours) from receipt of such motion.

5.3.1 Lifting of Work Stoppage Order (WSO).

Upon verification of the LLCO that the existence of imminent danger was already abated, he/she shall recommend to the RD the lifting of the WSO.

The RD shall validate the report before he/she lifts the WSO. In the Order lifting the WSO, the RD shall make a finding whether the proximate cause of the accident is due to the negligence or fault of the employer (as distinguished from any contributory negligence on the part of the disabled worker); in which case, the RD shall require the establishment to submit a proof of payment of foregone wages and benefits due to the workers covered by the suspension order.

5.4 Investigation Report.

The RD shall submit a full report of the Investigation to the DOLE Secretary through the BWC in case imminent danger/dangerous occurrence was not abated. The report shall be submitted within one (1) day either from lifting of the WSO or from termination of the mandatory conference.

5.5 Indorsement to appropriate agencies.

If there are violations of other labor laws and social legislations which concern other agencies, indorsement shall be made as follows:

1. In case of violation of Republic Act 9178 otherwise known as "Barangay Micro Business Enterprises (BMBEs), it shall be indorsed to appropriate Local Government Unit;
2. In case of violation of Philippines Overseas Employment Administration (POEA) Rules and Regulations, it shall be indorsed to the Administration;
3. In case of violation of Social Security System (SSS) Law, Philippine Health Insurance (PHIC) Law, Home Development Mutual Fund (HDMF) Law, it shall be indorsed to the said appropriate agencies;
4. In case of violation of the Rules and Regulations of Land Transportation Franchising and Regulatory Board (LTFRB), it shall be indorsed to the same agency;
5. In case of violation of the Guidelines in the Implementation of Apprenticeship and Learnership Program of Technical Education and Skills Development Authority (TESDA), it shall be indorsed to the said Authority;
6. In case of violation of labor laws committed by contractor/subcontractor registered under DTI-PCAB, such finding shall be referred first to the latter for appropriate action before the DOLE RO issues a Notice of Results (NR) in

view of the Memorandum of Agreement-Joint Administrative Order No. 01, Series of 2011; and

7. In case of violation of the Republic Act 7277 also known as “Magna Carta for Disabled Persons”, a copy of the findings shall be furnished to the Bureau of Workers with Special Concerns (BWSC) the LGU concerned.

STEP 6: ISSUE CERTIFICATES OF COMPLIANCE

KEY RESULT: Issuance of Certificates of Compliance
KEY PLAYERS: RD and LLCO
SAMPLE FORM: Certificates of Compliance ANNEX N
TIME FRAME: Within five (5) days from receipt of recommendation

6.1 Recommendation of LLCO.

The LLCO shall recommend to the RD the issuance of COC after Investigation or correction of the noted deficiencies.

6.2 Validation by the RD of the Recommendation.

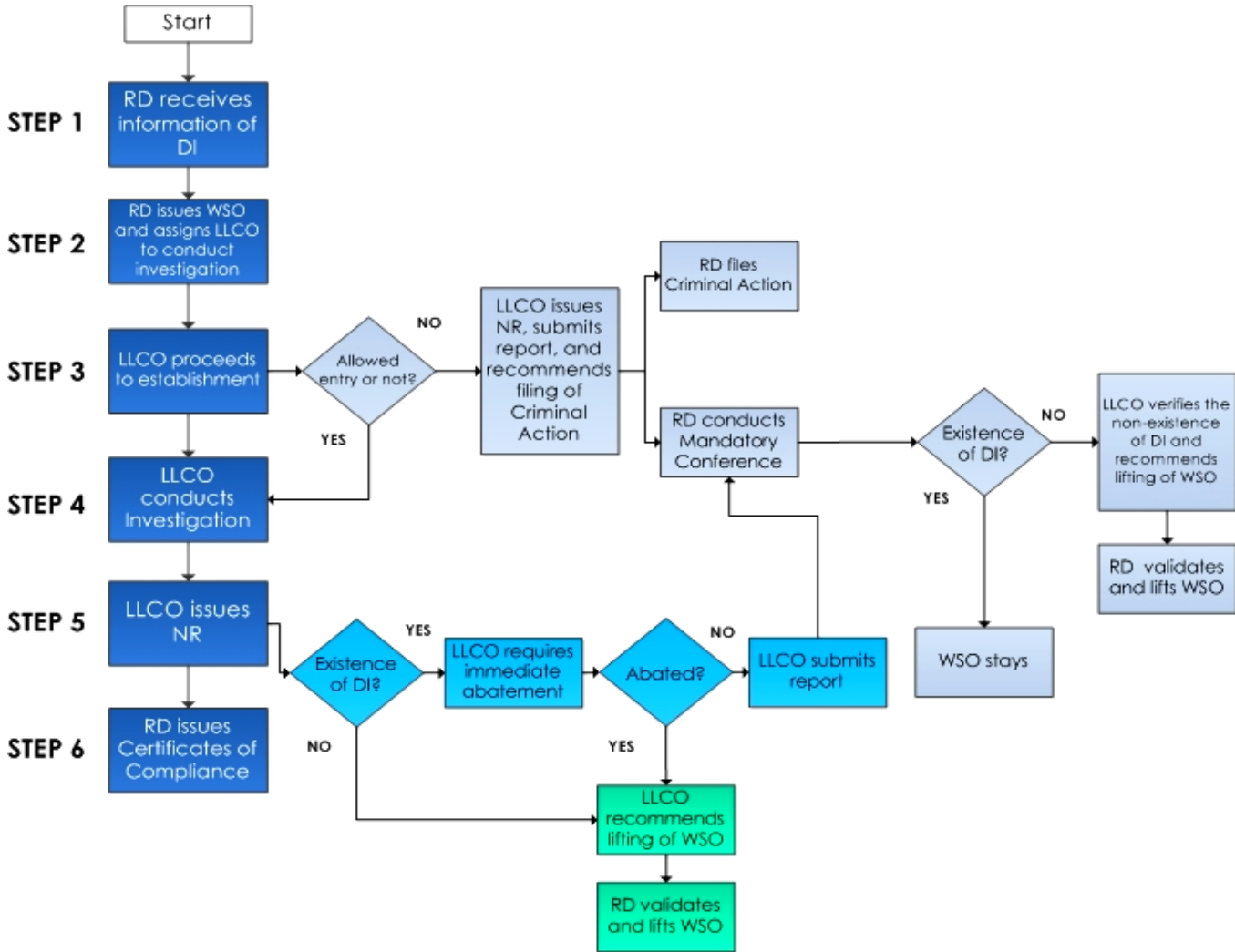
The RD shall review the NR and other documents submitted by the LLCO. He/She shall determine if the recommendation of the LLCO for issuance of COC is correct. If the RD finds the recommendation to be correct, he/she shall issue any of the following certificates of compliance:

- a. **Certificate of Compliance on General Labor Standards** - If the establishment is compliant with GLS such as minimum wage, overtime pay, holiday pay, night shift differential pay, service incentive leave pay, 13th month pay and other monetary benefits prescribed by law.
- b. **Certificate of Compliance on Occupational Safety and Health Standards** - If the establishment is compliant with OSHS such as registration of establishment with DOLE (refer to checklist).
- c. **Certificate of Compliance on Labor Relations** - If the establishment has an existing Grievance Machinery or LMC, and/or has an LMC convergence structure such as Compliance Committee, Productivity Committee, Family Welfare, or OSH Committee.
- d. **Labor Standards Certificate of Compliance for Public Utility Bus Transport Companies** - If the establishment is compliant both with GLS and OSHS.
- e. **Certificate of Compliance** - If the Philippine registered ship engaged in domestic shipping is compliant both with GLS and OSHS.

6.3 Promotion of ICP.

The RD shall promote the ICP to its certified establishments as part of the DOLE's advocacy efforts to promote voluntary compliance.

C.2 Disabling Injury Investigation



Legend:

- No Disabling Injury
- Not allowed entry
- No Immediate Abatement
- Abated
- DI** - Disabling Injury
- LLCO** - Labor Laws Compliance Officer
- NR** - Notice of Results
- RD** - Regional Director
- WSO** - Work Stoppage Order

Figure 4. Disabling Injury

STEP 1: RECEIPT OF INFORMATION OF DISABLING INJURY

KEY RESULT: Information of disabling injury received by RD
KEY PLAYERS: Informant and LLCO
SAMPLE FORM: FORM 9 – Work Alert Form ANNEX L
TIME FRAME: Within twenty four (24) hours from receipt of information

1.1 Receipt of Information of the existence of disabling injury

The LLCO shall write on the Work-Alert Form all the information given by the informant regarding the existence of disabling injury and submit the accomplished form to the RD.

1.2 Discovered disabling injury during the Conduct of Assessment/Visit.

If a disabling injury is discovered during the conduct of the Assessment/Visit, the LLCO shall proceed to STEP 4.

STEP 2: RD ISSUES WORK STOPPAGE ORDER AND DIRECTS LLCO TO CONDUCT INVESTIGATION

KEY RESULT: Issuance of Work Stoppage Order
LLCO assigned to conduct Investigation in the establishment
KEY PLAYERS: RD and LLCO
SAMPLE FORM: FORM 2.1 – Authority to Investigate ANNEX D
Work Stoppage Order
TIME FRAME: Within one (1) day from receipt of information

2.1 Issuance of Authority to Investigate and Work Stoppage Order.

The RD shall issue an Authority to Investigate and a WSO within one (1) day from receipt of Work-Alert Form and assign an LLCO to conduct Investigation in the establishment.

2.1.1 In the absence of the RD, his/her Officer-in Charge shall perform the functions mentioned in 1.1 hereof.

Case Docketing. After the issuance of the NR, the Hearing Officer shall docket the case using the following format:

For issuance of Work Stoppage Order

Sample:
Region – OI – Year – Month – Docket Number – W
RO01 – OI – 2014 – 01 – 0001 – W

STEP 3: LLCO PROCEEDS TO ESTABLISHMENT

KEY RESULT: Access to premises
KEY PLAYERS: LLCO and Safety Officer
SAMPLE FORM: FORM 2.1 – Authority to Investigate ANNEX D
 FORM 7.1 – Notice of Result ANNEX J
 Work Stoppage Order
TIME FRAME: Within one (1) day from receipt of Authority to Investigate

3.1 Purpose of Investigation.

The LLCO shall proceed to the establishment with the Authority to Investigate and inform the employer that an Investigation shall be conducted based on the information received by the RO that there exists a disabling injury in the establishment’s premises.

3.1.1 Employer allowed access to record and premises of the establishment.

Proceed to STEP 4.

3.1.2 Employer refused access to records and premises on the first visit.

The LLCO shall issue an NR and serve the WSO to the employer.

The LLCO shall submit to the RD a Narrative Report duly supported by: (1) Notice of Results stating the failure to conduct Investigation; and, (2) Affidavit of Service.

The Affidavit of Service shall specify that he/she proceeded to the establishment but was refused access to records, premises and conduct interview to its employees despite presentation of Letter and Authority to Investigate. This refusal constitutes as violation of Article 128 in relation to Article 288 of the Labor Code of the Philippines, as amended. Proceed to STEPS 5.2.3(a), (b) and (c).

For purposes of payment of wages and any other liabilities arising from the WSO, the employer is presumed a party at fault.

STEP 4: LLCO CONDUCTS INVESTIGATION

KEY RESULT: Determination of the existence of disabling injury
KEY PLAYERS: LLCO, Safety Officer
SAMPLE FORM: FORM 5 – Assessment Checklist ANNEX G
 FORM 10 – Government Safety Engineer’s Accident Investigation
 Report ANNEX M
TOOL: Mobile Device with its appropriate LLCS-MIS
TIME FRAME: Within eight (8) hours from entry to the establishment

4.1 Opening Conference with the Employer.

The LLCO must briefly identify himself/herself, present to the employer the Letter and Authority to Investigate, and explain to the employer the purpose of such Investigation.

4.2 Inspection of Premises.

The LLCO shall first inspect the entire workplace with the assistance of safety officer, if any, or representatives of the employer and employees before examining the employment records. He/ She shall determine the existence of disabling injury and ensure that the cause shall be abated. The LLCO shall be guided by the OSHS compliance indicators as specified in the Assessment checklist.

The LLCO may recommend to the RD the creation of composite team comprised of representatives from the Bureau of Working Conditions (BWC), Occupational Safety and Health Center (OSHC) and Employees Compensation Commission (ECC) to render necessary assistance depending on the gravity of the incident and the required technical assistance.

4.3 Presentation and examination of Records.

The LLCO shall conduct an initial examination of the following records which shall be used in determining compliance with labor laws and other related issuances.

1. Roster of the workers, (regular, probationary, temporary, casual, piece rate, contractual, resident aliens, etc.) their designation, and date hired;
2. Employment contracts;
3. Payroll and/or vouchers;
4. Daily time records and/or time sheets;
5. Injury and Illness records/medical surveillance/monitoring records;
6. Equipment inspection and maintenance record as well as the material safety data sheet;
7. Work environment measurement result or data for hazardous establishment;
8. Evidence of service charge distribution, if applicable;
9. Proof of payment of 13th month pay/ five (5) days Service Incentive Leave Pay;
10. Registration under Rule 1020 of the OSHS;
11. Proof of payment/remittance of SSS/PhilHealth/HDMF;
12. Alien Employment Permit, if there is any;
13. Apprenticeship Agreements/ Learnership Agreements, if there is any;
14. Proof of registration under Department Order 18-A for job contractors, if applicable;
15. PCAB Registration, if applicable;
16. Last Notice of Results, if applicable;
17. Certificate of Accredited Safety Officer / First Aider;
18. Organization of Safety and Health Committee under Rule 1040 of the OSHS;
19. Drug-Free Workplace Policy and Program/ HIV-AIDS Program/ Anti-Sexual Harassment Law;

20. Collective Bargaining Agreement; if unionized establishment;
21. Service Agreement under Department Order 18-A for Job Contractors, if applicable;
22. Contractor's Bond to answer to wages due to workers, if applicable;
23. Employment Contract with physicians, dentists, nurses and/or first aiders, or HMOs, if applicable;
24. Contract or Memorandum of Agreements with infirmary and emergency hospitals, if applicable;
25. Records of leave benefits on sickness, maternity, paternity and solo parent, including those for victims of VAWC and other special leaves;
26. Company policy and/or practice on voluntary benefits, if any; and
27. Securities and Exchange Commission Certificate or Department of Trade and Industry Certificate and Mayor's Permit.

The above employment records shall be used in determining compliance with labor laws including: minimum wage, holiday pay, overtime pay, night shift differential pay, service incentive leave pay, 13th month pay, rest day pay, and other monetary benefits provided by law or compliance with other labor laws and social legislations.

In case there is a deficiency during the initial review of records, he/she shall require that the 3-year period be presented taking into consideration that all money claims arising from employer-employee relations have a prescriptive period of three years.

Where deficiencies were discovered in previous assessment, the LLCO shall verify if the same had been corrected and the coverage of his/her examination shall start from such date of previous assessment start from the date of the last Assessment, Visit, or Investigation. As proof of last Assessment, Visit, or Investigation, the LLCO shall require the NR of the last assessment.

In case of centralized payroll system, the DOLE-RO having jurisdiction over the head office of the establishment shall evaluate the GLS compliance of the establishment, the result of which shall be copy furnished to the other DOLE-ROs. The OSHS compliance of its branches shall be determined by the other DOLE-ROs.

4.4 Conduct of interview.

The LLCO shall conduct an interview to the employees selected through random sampling. The employees shall be asked to fill out the affidavit form which shall be attached to the NR.

4.5 Toolbox of Programs and Services.

The LLCO shall offer the appropriate programs and services to the establishments such as: Kapatiran Program, Labor and Employment Education Service, Basic Occupational Safety and Health, Family Welfare Program, Labor-Management Cooperation, Productivity Improvement Programs, and other Programs as maybe formulated to ensure compliance with labor laws.

5.2.3 Existence of disabling injury

The LLCO shall require the employer to immediately abate the said deficiency.

Depending on the gravity of the incident and the required technical assistance, the LLCO may recommend to the RD the creation of composite team comprised of representatives from the BWC, Occupational Safety and Health Center (OSHC) and Employees Compensation Commission (ECC) to render necessary assistance.

5.2.4 Failure to abate disabling injury despite recommendation

The LLCO shall submit to the RD an Investigation Report containing: (1) verification of the existence of disabling injury in the workplace; (2) service of WSO; and, (3) failure of the employer to immediately abate despite recommendation to do so.

During the effectivity of the WSO, the establishment shall cease to operate until the noted deficiency was abated.

5.2.5 Mandatory Conference.

The RD shall conduct a mandatory conference for GLS, existence of imminent danger and other OSHS deficiency one (1) day from the service of WSO. The duration of the mandatory conference shall not exceed seventy-two (72) hours. The employer shall be given the opportunity to submit proof that the condition which caused disabling injury no longer exists. On such instance, the RD, through the LLCO, shall verify the claim. The LLCO shall then proceed to the subject establishment and investigate the premises to determine/verify the claim of non-existence of disabling injury. After the verification, the LLCO shall submit a report to the RD stating whether the imminent danger was abated or not.

5.2.5.1 Lifting of WSO.

Upon verification of the LLCO that the existence of imminent danger was already abated, he/she shall recommend to the RD the lifting of the WSO.

The RD shall validate the report before he/she lifts the WSO. In the Order lifting the WSO, the RD shall make a finding whether the proximate cause of the accident is due to the negligence or fault of the employer (as distinguished from any contributory negligence on the part of the disabled worker); in which case, the RD shall: (a) require the establishment to submit a proof of payment of foregone wages and benefits due to the workers covered by the suspension order; (b) declare the employer liable under Article 200 of the Labor Code and indorse a copy of the Order to the ECC for appropriate action.

5.2.5.2 Investigation Report.

The RD shall submit a full report of the result of the investigation to the DOLE Secretary through the BWC within one (1) day either from lifting of the WSO or from termination of the mandatory conference.

5.3 Indorsement to appropriate agencies.

If there are violations of other labor laws and social legislations which concern other agencies, indorsement shall be made as follows:

1. In case of violation of Republic Act 9178 otherwise known as "Barangay Micro Business Enterprises (BMBEs), it shall be indorsed to appropriate Local Government Unit;
2. In case of violation of Philippines Overseas Employment Administration (POEA) Rules and Regulations, it shall be indorsed to the Administration;
3. In case of violation of Social Security System (SSS) Law, Philippine Health Insurance (PHIC) Law, Home Development Mutual Fund (HDMF) Law, it shall be indorsed to the said appropriate agencies;
4. In case of violation of the Rules and Regulations of Land Transportation Franchising and Regulatory Board (LTFRB), it shall be indorsed to the same agency;
5. In case of violation of the Guidelines in the Implementation of Apprenticeship and Learnership Program of Technical Education and Skills Development Authority (TESDA), it shall be indorsed to the said Authority;
6. In case of violation of labor laws committed by contractor/subcontractor registered under Philippine Contractors Accreditations Board (PCAB), such finding shall be referred first to the latter for appropriate action before the DOLE RO issues a Notice of Results (NR) in view of the Memorandum of Agreement-Joint Administrative Order No. 01, Series of 2011; and
7. In case of violation of the Republic Act 7277 also known as "Magna Carta for Disabled Persons", a copy of the findings shall be furnished to the Bureau of Workers with Special Concerns (BWSC).

STEP 6: ISSUE CERTIFICATES OF COMPLIANCE

KEY RESULT:	Issuance of Certificates of Compliance
KEY PLAYERS:	RD and LLCO
SAMPLE FORM:	Certificates of Compliance ANNEX N
TIME FRAME:	Within five (5) days from receipt of recommendation

6.1 Recommendation of LLCO.

The LLCO shall recommend to the RD the issuance of COC after Investigation and correction of the noted deficiencies

6.2 Validation by the RD of the Recommendation.

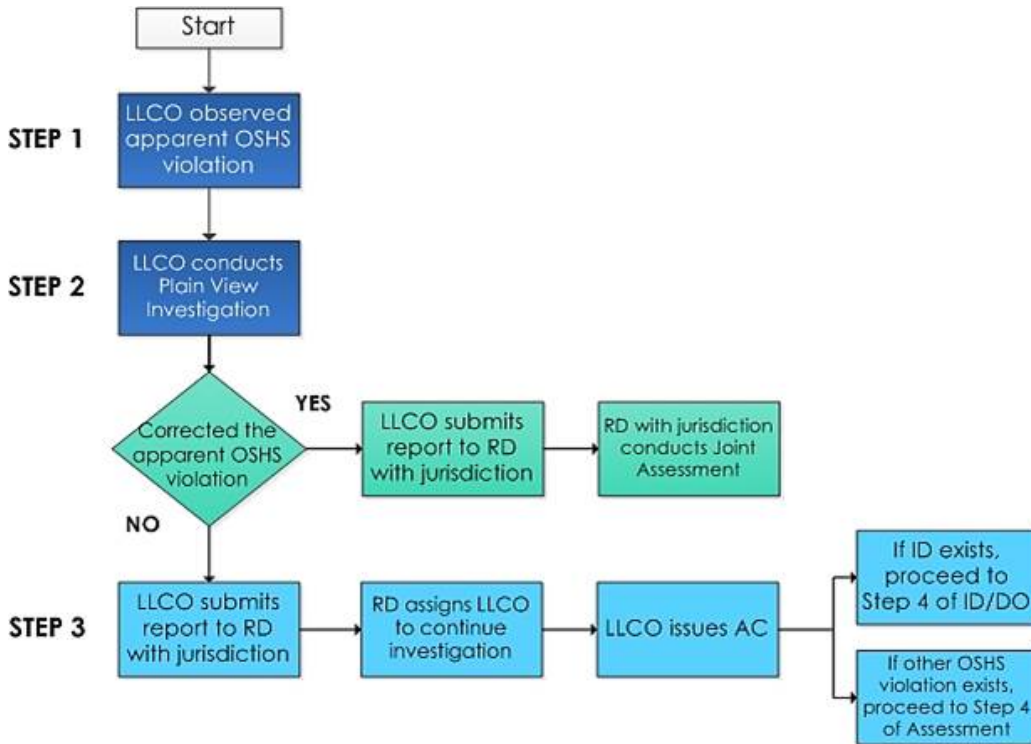
The RD shall review the NR and other documents submitted by the LLCO. He/she shall determine if the recommendation of the LLCO for issuance of Certificate of Compliance in favor of the establishment is correct. If the RD shall find the recommendation to be correct, he/she shall issue any of the following certificates of compliance:

- a. **Certificate of Compliance on General Labor Standards** - If the establishment is compliant with GLS such as minimum wage, overtime pay, holiday pay, night shift differential pay, service incentive leave pay, 13th month pay and other monetary benefits prescribed by law.
- b. **Certificate of Compliance on Occupational Safety and Health Standards** - If the establishment is compliant with OSHS such as registration of establishment with DOLE, (refer to checklist).
- c. **Certificate of Compliance on Labor Relations** - If the establishment has an existing Grievance Machinery or LMC, and/or has an LMC convergence structure such as Compliance Committee, Productivity Committee, Family Welfare, or OSH Committee.
- d. **Labor Standards Certificate of Compliance for Public Utility Bus Transport Companies** - If the establishment is compliant both with GLS and OSHS.
- d. **Certificate of Compliance** - If the Philippine registered ship engaged in domestic shipping is compliant both with GLS and OSHS.

6.3 Promotion of ICP.

The RD shall promote the ICP to its certified establishments as part of the DOLE's advocacy efforts to promote voluntary compliance.

C.3 Plain View Investigation



Legend:

- | | |
|---|---|
| Plain View Investigation | AC - Assessment Checklist |
| Corrected the apparent OSHS violation | DO - Dangerous Occurrence |
| Non-compliant GLS/OSHS | ID - Imminent Danger |
| | LLCO - Labor Laws Compliance Officer |
| | RD - Regional Director |
| | WSO - Work Stoppage Order |

Figure 5. Plain View

3.1 RD assigns LLCO to proceed with the Investigation.

Upon receipt of Investigation Report, the RD having jurisdiction over the subject establishment shall assign his/her LLCO to proceed with the OSHS Investigation of the establishment found to have OSHS deficiencies. If appropriate, the RD shall issue a WSO based on the recommendation of the LLCO.

3.2 Issuance of Assessment Checklist.

The LLCO assigned by the RD shall proceed to the establishment in order to issue an Assessment Checklist. When there is imminent danger/dangerous occurrence, proceed to STEP 4 of imminent danger/dangerous occurrence investigation. For other OSHS deficiencies, proceed to STEP 4 of Assessment.

Part XII. Annexes

A. LLCS Forms

- Annex A.** Letter to Assess (Joint Assessment)
- Annex B.** Letter to Assess (Compliance Visit)
- Annex C.** Authority to Assess
- Annex D.** Authority to Investigate
- Annex E.** Notice of Assessment
- Annex F.** Affidavit and Sinumpaang Salaysay
- Annex G.** Labor Standards Laws Compliance Assessment Checklist
- Annex H.** Acknowledgment Receipt
- Annex I.** NR (Joint Assessment)
- Annex J.** NR (Compliance Visit)
- Annex K.** Action Plan
- Annex L.** Work Alert Investigation Form
- Annex M.** Government Safety Engineer's Accident Investigation Report
- Annex N.** Certificates of Compliance

B. Laws and Issuances

Labor Code of the Philippines, as Amended (Books II, III, IV)

R.A. 4566 An Act Creating the Philippine Licensing Board for Contractors, Prescribing Its Powers, Duties and Functions, Providing Funds Therefor, and For Other Purposes.

R.A. 8504 Philippine AIDS Prevention and Control Act of 1998

R.A. 6727 Wage Rationalization Act

R.A. 9504 An Act Amending Section 22, 24, 34, 35, 51, and 79 of Republic Act No. 8424, As Amended otherwise known as the National Internal Revenue of 1997

R.A. 8188 An Act Increasing the Penalty and Imposing Double Indemnity for Violation of the Prescribed Increases or Adjustments in the Wage Rates. Amending for the Purpose Section Twelve of Republic Act Numbered Sixty-Seven Hundred Twenty-Seven otherwise known as the Wage Rationalization Act

P.D. 851 13th Month Pay Law

R.A. 8282 Social Security Law (on Maternity Leave Benefit)

R.A. 8187 Paternity Leave Act of 1996

R.A. 8972 Solo Parents' Welfare Act of 2000

R.A. 9262 Anti-Violence Against Women and their Children (VAWC) Act of 2004

R.A. 9710 Magna Carta of Women (Special Leave Benefits for Women)

R.A. 7641 An Act Amending Article 287 of P.D. 442, As Amended, Otherwise Known as The Labor Code of the Philippines, by Providing for Retirement Pay to Qualified Private Sector Employees in the Absence of Any Retirement Plan in the Establishment

R.A. 8558 An Act Amending Article 287 of P.D. 442, As Amended, Otherwise Known as The Labor Code of the Philippines, by Reducing the Retirement Age of Underground Mine Workers from Sixty (60) to Fifty (50)

R.A. 10028 Expanded Breastfeeding Promotion Act of 2009

R.A. 7877 Anti-Sexual Harassment Act of 1995

R.A. 7610 Special Protection of Children Against Abuse, Exploitation and Discrimination Act

* **R.A. 9231** An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose Republic Act No. 7610, As Amended, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act"

* **R.A. 7658** An Act Prohibiting the Employment of Children below 15 Years of Age in Public and Private Undertakings, amending for its Purpose Section 12, Article VIII of R.A. 7610

R.A. 6982 Social Amelioration Program in the Sugar Industry

* **D.O. 114-11** Amending the Implementing Rules and Regulations of Republic Act No. 6982

R.A. 7796 TESDA Act of 1994

B.P. No. 344 Accessibility Law (Persons With Disability)

R.A. 10151 An Act Allowing the Employment of Night Workers thereby Repealing Articles 130 and 131 of Presidential Decree Number Four Hundred Forty-Two, as amended, otherwise known as the Labor Code of the Philippines

R.A. 9679 Home Development Mutual Fund Law of 2009 (HDMF) known as [Pag-IBIG (Pagtulongan sa Kinabukasan: Ikaw, Bangko, Industriya at Gobyerno) Fund]

R.A. 9241 National Health Insurance Act of 1995

E.O. 187 Instituting a Comprehensive and Unified Policy for the Tuberculosis Control in the Philippines

A.O. 404, Series of 2014 Guide for Effective and Efficient Compliance Assessment under the LLCS

Article 132 of Labor Code, OSHS Rule 1060 – provision of personal facilities for men and women

Omnibus Rules Implementing the Labor Code

D.O. 131-13 Rules on Labor Laws Compliance System (New LLCS)

D.O. 131 A-14 Guidelines in the Conduct of Special Assessment or Visit of Establishments (SAVE)

Occupational Safety and Health Standards

* **D.O. 128-13** Amending Rule 1414 on Scaffolding of the 1989 OSH Standards, As Amended (Amended D.O. 13-98)

Memorandum Circular No. 2, Series of 1998 Technical Guidelines for Classifying Hazardous and Non-Hazardous Establishments, Workplaces and Work Processes

Memorandum Circular No. 1, Series of 2000 Implementing Guidelines for the Conduct of Workplace Environment Assessment (WEA) in Hazardous Establishments and Work Processes

* **D.O. 16-01, Series of 2001** Amendment to Rule 1030 of the Occupational Safety and Health Standards

* **D.O. 57-04, Series of 2004** Guidelines on the Effective Implementation of Labor Standards Enforcement

* **D.O. 74-05, Series of 2005** Amendment to Rule 1160 on Boiler of the Occupational Safety and Health Standards

* **Department Circular No. 2, Series of 2008** Amending Certain Provisions of the Occupational Safety and Health Standards

D.O. 136-14 Guidelines on the Implementation of Globally Harmonized System (GHS) in Chemical Safety Program in the Workplace

Joint DTI-DENR-DA-DOF-DOH-DILG-DOLE-DOTC Administrative No. 1, Series of 2009 The Adoption and Implementation of the Globally Harmonized System of Classification and Liabilities of Chemicals

Department Circular No. 1, Series of 2009 Guidelines on Occupational Safety and Health in the Shipbuilding, Ship Repair and Shipbreaking Industry

D.O. 97-09 Alien Employment Permit

* **D.O. 120-12, Series of 2012** Amending Certain Provisions of D.O. 97-09 Entitled Revised Rules for the Issuance of Employment Permits to Foreign Nationals (Amended D.O. 97-09)

D.O. 19, Series of 1993 Guidelines Governing the Employment of Workers in Construction Industry

* **D.O. 13, Series of 1998** Guidelines Governing OSHS in the Construction Industry (Amended D.O. 19, Series of 1993)

DPWH Department No. 2005- 56, Guidelines for the Implementation of DOLE DO 13, 1998, on Occupational Safety and Health in the Construction Industry.

D.O. 53-03 Guidelines for the Implementation of a Drug-Free Workplace

D.O. 37-03 Creating a Task Force for a Drug-Free Workplace

D.O. 102-10 Guidelines for Implementation of HIV and AIDS Prevention

Memorandum Circular No. 2, Series of 2000 Guidelines in the Application of the Workplace Component of R.A. 8504 otherwise known as the "Philippine AIDS Prevention and Control Act of 1998" and its Implementing Rules and Regulations

D.O. 38-03, Series of 2002 Creating an Inter-Agency Committee on STD/HIV and AIDS in the Workplace

Implementing Rules and Regulations of R.A. 6727

Revenue Regulation 10-2008 Implementing Pertinent Provisions of R.A. 9504

* **Revenue Memorandum Circular No. 91-2010** Provides Basic Questions and Answers to Clarify on the Increase in the Statutory Minimum Wage and Other Concerns in Relation to the Income Tax Exemption Given to Minimum Wage Earner under Republic Act (RA) No. 9504, as implemented by Revenue Regulations No. 10-2008

D.O. 10, Series of 1998 Guidelines for the Imposition of Double Indemnity for Non-Compliance with the Prescribed Increases or Adjustments in Wage Rates

D.O. 118-12 Rules and Regulations Governing Employment of Drivers and Conductors in Public Utility Transport Industry

NWPC Guidelines No. 1, Series of 2012 Operational Guidelines on D.O. 118-12

LTFRB M.C. 2012-001 Issuance of Labor Standards Compliance Certificate to Bus Companies

Implementing Rules and Regulations of P.D. No. 851

* Revised Implementing Rules and Regulations of P.D. No. 851 (Revised Guidelines on the Implementation of the 13th Month Pay Law)

Department Advisory No. 4, Series of 2008, (13th Month Pay)

Department Advisory No. 3, Series of 2010, (13th Month Pay)

D.O. 112-11 Guidelines in the Implementation of the Special Leave Benefits for Women

* **D.O. 112A-12** Amending the Guidelines on the Implementation of the Special Leave Benefits for Women (Amended D.O. 112-11)

Implementing Rules and Regulations of R.A. 7641 (Rules Implementing the New Retirement Law)

D.O. 09, Series of 1998 Rules Prescribing the Retirement Age for Underground Mine Employees

D.O. 56-03, Series of 2003 Rationalizing the Implementation of Family Welfare Program (FWP) in DOLE

D.O. 115-A, Series of 2012, Operational Guidelines on the Issuance of a Tripartite Certificate of Compliance with Labor Standards (TCCLS)

D.O. 115-11 Guidelines on the Implementation of the Incentivizing Compliance Program (ICP)

D.O. 33-02 Guidelines and Operational Procedures on the Master Listing of Child Laborers

D.O. 115B-12 Operational Guidelines on the Issuance of Child-Labor Free Establishment

D.O. 65-04 Rules and Regulations Implementing R.A. No. 9231, Amending R.A. 7610, As Amended

D.O. 18-02 Contracting/Subcontracting

* **D.O. 18-A** Rules Implementing Articles 106 to 109 of the Labor Code (Amended D.O. 18-02)

Memorandum dated June 18, 2012 Guidelines on the Computation of the Ten Percent (10%) Administrative Cost pursuant to Department Order No. 18-A (D.O. 18-A)

Department Circular 1, Series of 2008 Policy Guidelines Governing the Occupational Safety and Health of Workers in the Call Center Industry

Department Circular No. 01, Series of 2012 Clarifying the Applicability of Department Order No. 18-A, Series of 2011, to Business Process Outsourcing (BPO)/ Knowledge Process Outsourcing (KPO) and the Construction Industry

Implementing Rules and Regulations Governing Private Recruitment and Placement Agency (PRPA) for Local Employment

D.O. 123-12 Guidelines on the Implementation of the Social Amelioration and Welfare

TESDA Circular No. 16, Series of 2004 Revised Guidelines in the Implementation of Apprenticeship and Learnership Program

D.O. 01-01 Expansion of Learnable Trades

Implementing Rules and Regulations of B.P. 344, An Act Enhancing the Mobility of Disabled Persons (PWD)

D.O. 119-12 Rules Implementing R.A. 10151

D.O. 15-01 Rules on Internal Combustion Engine and Power Piping Lines (Rule 1180 Internal Combustion Engine)

D.O. 14-01 Guidelines Governing the Employment and Working Conditions of Security Guards and Similar Personnel in the Private Security Industry

D.O. 107-10 Guidelines on the Single Entry Approach Prescribing a 30-day Mandatory Conciliation-Mediation Services for all Labor and Employment Cases

D.O. 40-H-13 Amending Rule XXII of the Implementing Rules of Book V of the Labor Code of the Philippines

D.O. 125-13 Revised Guidelines on the Conduct of Time and Motion Study or TMS (Amended

D.O. 126-13 Revised Guidelines on the Conduct of Facility Evaluation

D.O. 129-13 Rules and Regulations Governing the Employment and Working Conditions of Seafarers On-board Ships Engaged in Domestic Shipping

D.O. 130-13 Rules and Regulations on the Employment of Filipino Seafarers On-board Philippine Registered Ships Engaged in International Voyage

D.O. 130A-13 Guidelines on the Authorization of Recognized Organizations to Conduct Inspection and Certification of Philippine Registered Ships Engaged in International Voyages pursuant to Maritime Labor Convention (MLC), 2006

D.O. 132-13 Guidelines on Maritime Occupational Safety and Health

D.O. 73-05 Tuberculosis Prevention and Control in the Workplace

Labor Advisory 04, Series of 2014 Exemption of Bus Operator-Driver from Part-Fixed, Part-Performance Compensation Scheme for Bus Drivers and Conductors under Department Order 118-12

Rules and Regulations promulgated under R.A. 4566

Labor Advisory 12-13 Payment of 13th Month Pay

Labor Advisory on R.A. 7641 (Labor Advisory on Retirement Pay Law)

Department Advisory No. 06, Series of 2011 Guidelines in the Implementation and Monitoring of the Kapatiran WISE-TAV Program

Department Advisory 02-08, Strengthening the Livelihood Formation and Enhancement Services for Women, Youth and Child Laborers' Parents and Older Siblings

Department Advisory No. 2, Series of 2004, Implementation of Compressed Workweek Scheme

Department Advisory No. 2, Series of 2009, Guidelines on the Adoption of Flexible Work Arrangements

Department Advisory No. 2, Series of 2010, Implementation of Flexible Work Arrangement for the Manufacturing Sector in Mindanao due to Power Crisis

Department Advisory No. 4, Series of 2010, Guidelines on the Implementation of Flexible Work Arrangements and the Exemption from the Night Work Prohibition for Women Employees in the Business Process Outsourcing Industry

Department Advisory No. 05-10 Guidelines for the Implementation of a Workplace Policy and Program on Hepatitis B

Joint Administrative Order No. 01, Series of 2011, Memorandum of Agreement by and among DOLE, DPWH, DTI-CMDF, PCAB, DILG, PRC

Guidelines in the Placement of Cadets /Apprentices Under the Job Corps Program (D.O. 22-02)

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