LABOR STANDARDS ENFORCEMENT FRAMEWORK

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Pursuant to the Visitorial and Enforcement Powers of the Secretary of Labor and Employment, as provided for under Articles 128 and 129 of the Labor Code of the Philippines, as amended and Administrative Order 296, series of 2002, aimed at ensuring the effective implementation of the Labor Standards Enforcement Framework in order to build a culture of voluntary compliance with labor standards by all establishments and workplaces and expand the reach of the Department of Labor and Employment through partnership with labor and employer's organization as well as with other government agencies and professional organizations that also have a stake on the welfare and protection of our workers, the following guidelines are hereby issued:

SECTION 1. The Labor Standards Enforcement Framework shall ensure compliance with labor standards through the following:

a. Self-Assessment - This voluntary mode shall be encouraged in establishments with at least 200 workers. It shall also apply to unionized establishments with Certified Collective Bargaining Agreement regardless of the number of workers. Employers will be provided with a Checklist for this purpose.

b. Inspection - This approach shall be undertaken in workplaces with 10 to 199 workers and effect restitutions/corrections if there are violations.

c. Advisory services - This approach shall be undertaken in workplaces with less than 10 workers and those registered as Barangay Micro-Business Enterprises (BMBEs).

SECTION 2. Strategy for Implementation - To implement the above approaches, the following shall be undertaken:

a. Advocacy and Education Campaign - Non-compliance with labor standards usually stern from inadequate understanding of the legal obligations by employers. The conduct of education and training services is seen as a means of ensuring voluntary labor standards compliance.

b. For Self-Assesment

b.1 Distribution of Checklist on Compliance with Labor Standards - All Regional Offices shall distribute the Checklist to covered establishments in their respective areas of jurisdiction within the first quarter of every year.

b.2 Conduct of Self-Assessment - Assessment shall be undertaken by the representatives of the employer and workers at least once a year utilizing the Checklist. The Labor Management Committee, Health and Safety Committee or other similar committees shall undertake the assessment within one (1) month from the receipt of the Checklist.

b.3 Submission of Checklist - The accomplished Checklist shall be submitted to the Regional Office not later than five (5) days after the assessment.

b.4 Spot Check - This shall be conducted by the Regional Evaluation Team to all covered establishments or workplaces.

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c. Conduct of Inspection

The conduct of inspection in all workplaces with 10-199 workers shall be undertaken by labor inspectors based on the following inspection priorities:

c.1 Existence of complaints, imminent danger or imminent occurence of accidents and illnesses/injuries;

c.2 Hazardous workplaces

c.3 Construction sites; and

c.4 Establishments employing women/child workers.

d. Conduct of Training and Advisory Services .

The Regional Offices of the Department shall conduct training and advisory visits (TAVs) to assist small and micro establishments map out an improvement program geared at increasing productivity to facilitate their eventual compliance with labor standards. TAVs shall be conducted by trained DOLE personnel.

The training to be undertaken in coordination with other government and non-government agencies shall include an orientation on practical work methods and low-cost workplace improvement strategies, which contribute to productivity and enterprise development.

e. Technical Safety Inspection by Local Government Units (LGUs)

The Department of Labor and Employment, upon the recommendation of the Regional Offices, shall delegate the conduct of technical safety inspection pursuant to Article 165 of the Labor Code of the Philippines, as amended, Rule 1980 of the Occupational Safety and Health Standards, Administrative Order No. 155, series of 2003 and the Memorandum of Agreement between the Department and appropriate LGUs.

SECTION 3. Monitoring and Evaluation - An Evaluation Team shall be organized in the Regional Offices for this purpose to undertake the following:

a. Determine authenticity of the documents submitted;

b. Determine compliance with labor standards and recommend spot checking, if necessary;

c. Recommend corrections or restitutions in cases of violations.

d. Monitor establishments covered by training and assistance visit (TAV) based on their commitments to comply with labor standards;

e. Evaluate LGUs capability and performance to conduct technical safety inspection and recommend appropriate action.

SECTION 4. Disposition of Labor Standards Violation/Labor Standards Cases - Any violation of labor standards unearthed during the conduct of Inspection, Self-Assessment or any case arising therefrom shall be disposed of in accordance with Articles 128, 129, 162 and 165 of the Labor Code of the Philippines, as amended and its implementing rules and regulations.

SECTION 5. Miscellaneous Provisions

a. The Bureau of Working Conditions shall develop and issue the Manual of Labor Standards including the appropriate Checklist and the Manual on the Conduct of Assistance/Advisory Services which shall form part of this Order and to provide the training and capability building to the personnel who will implement the approaches in this Order.

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b. The Bureau of Working Conditions shall further revise and develop a Labor Inspection Manual in the conduct of inspection as defined herein and a Manual on Technical Safety Inspection to guide personnel in the Local Government Units.

c. The Bureau of Working Conditions shall take charge of the monitoring and evaluation of the implementation and enforcement of this Order and to submit a quarterly report to the Secretary of Labor and Employment.

SECTION 6. Repealing Clause - All rules, Orders, Memoranda and other issuances inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

SECTION 7. Effectivity - This Department Order shall take effect within fifteen (15) days upon its publication in two (2) newspapers of general circulation.

Adopted: 07 Jan. 2004

(SGD.) PATRICIA A. STO. TOMAS
Secretary

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