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HAZARDOUS WORK AND ACTIVITIES TO PERSONS BELOW 18 YEARS OF AGE

DOLE DEPARTMENT ORDER NO. 04, September 21, 1999

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SECTION 1. Basis. — This Guidelines is being issued pursuant to Article 139(c), Book III of the Labor Code of the Philippines, as amended, and its implementing rules and regulations, and Republic Act No. 7658, An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings, Amending for this Purpose Section 12, Article VIII of Republic Act No. 7610 (otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act).

SECTION 2. Policy. — (a) The employment of a person below eighteen (18) years of age in an undertaking which is hazardous or deleterious in nature as identified in this Guidelines shall be prohibited.

(b) The employment of children below fifteen (15) years of age in any undertaking is likewise prohibited, except only in employment that would not endanger their life, safety, health and morals, or impair their normal development, and in any event subject to the requirements of Republic Act No. 7658.

SECTION 3. Coverage. — The following work and activities are hereby declared hazardous to persons below 18 years of age without prejudice to Section 14, Article VIII of Republic Act No. 7610; to DOLE Memorandum Circular No. 2, Series of 1998 (Technical Guidelines for Classifying Hazardous and Non-Hazardous Establishments, Workplaces and Work Processes) and to other work and activities that may subsequently be declared as such:

1. Work which exposes children to physical, psychological or sexual abuse, such as in:

- lewd shows (stripteasers, burlesque dancers, and the like)
- cabarets
- bars (KTV, karaoke bars)
- dance halls
- bath houses and massage clinics
- escort service
- gambling halls and places

2. Work underground, under water, at dangerous heights or at unguarded heights of two meters and above, or in confined places, such as in:

- mining
- deep sea fishing/diving
- installing and repairing of telephone, telegraph and electrical lines; cable fitters
- painting buildings
- window cleaning
- fruit picking involving climbing

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3. Work with dangerous machinery, equipment and tools, or which involves manual handling or transport of heavy loads, such as in:

- logging:
- construction
- quarrying
- operating agricultural machinery in mechanized farming
- metal work and welding
- driving or operating heavy equipment such as payloaders, backhoes, bulldozers, cranes, pile driving equipment, trailers, road rollers, tractor lifting appliances, scaffold winches, hoists, excavators and loading machines
- operating or setting motor-driven machines such as saws, presses and wood-working machines
- operating power-driven tools such as drills and jack hammers
- stevedoring
- working in airport hangars
- working in warehouses
- working in docks

4. Work in an unhealthy environment which may expose children to hazardous processes, to temperatures, noise levels or vibrations damaging to their health, to toxic, corrosive, poisonous, noxious, explosive, flammable and combustible substances or composites, to harmful biological agents, or to other dangerous chemicals including pharmaceuticals, such as in:

- manufacture or handling of pyrotechnics
- tanning
- pesticide spraying
- blacksmithing, hammersmiths, forging
- extracting lard and oil
- tiling and greasing of heavy machinery
- fiber and plastic preparing
- bleaching, dyeing, and finishing of textiles using chemicals
- embalming and as undertakers
- painting or as finishers in metal craft industries
- applying of adhesive/solvent in footwear, handicraft and woodwork industries
- brewing and distilling of alcoholic beverages
- recycling of batteries and containers or materials used or contaminated with chemicals
- working in abattoirs or slaughterhouses
- garbage collecting
- handling of animal manure in poultry houses or as fertilizer (compost and other decaying matter included) in farming
- working in hospitals or other health care facilities
- assisting in laboratories and x-ray work
- welding
- working in furnaces or kilns
- working in discotheques
- working in video arcades

5. Work under particularly difficult conditions such as work for long hours or during the night, or work where the

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child is unreasonably confined to the premises of the employer.

SECTION 4. Applicability of this Guideline to Domestic or Household Service. — Persons between 15 and 18 years of age may be allowed to engage in domestic or household service, subject in all cases to the limitations prescribed in Nos. 1 to 5 of Section 3 herein.

SECTION 5. Enforcement. — The labor standards enforcement officers of the Department of Labor and Employment shall use this Guidelines in monitoring of compliance with labor standards and laws related to child labor which provides for only two exceptions allowing children below fifteen (15) years of age to be employed provided such employment would not endanger their life, safety, health and morals, nor impair their normal development.

SECTION 6. Separability Clause. — If any part or provision of this Guidelines is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

This Department Order shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Accordingly, Department Order No. 4, approved on June 8, 1973, is hereby superseded.

Adopted: 21 Sept. 1999

(SGD.) BIENVENIDO E. LAGUESMA
Secretary

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