DEPARTMENT OF LABOR AND EMPLOYMENT
OCCUPATIONAL SAFETY AND HEALTH CENTER

DEPARTMENT CIRCULAR NO. 1
Series of 2009

GUIDELINES ON OCCUPATIONAL SAFETY AND HEALTH IN THE SHIPBUILDING, SHIP REPAIR AND SHIP BREAKING INDUSTRY
GUIDELINES ON OCCUPATIONAL SAFETY AND HEALTH IN THE SHIPBUILDING, SHIP REPAIR AND SHIPBREAKING INDUSTRY

Pursuant to the rule-making authority of the Secretary of Labor and Employment under Article V of the Labor Code, as amended, and to ensure the protection and welfare of workers employed in the shipbuilding, ship repair and shipbreaking industry, the following guidelines are hereby issued for the guidance of and compliance by all concerned:

Section 1. Objective

The present guidelines enjoin all parties - government units, employers and workers, OSH practitioners and other concerned sectors - to actively strive to control and eliminate hazards and risks inherent in shipbuilding, ship repair, or shipbreaking and related activities.

Through these guidelines, individual or collective measures will be instrumental in preventing work-related activities and injuries, thereby, safeguarding the health of workers, encourage their motivation and productivity, reduce cost for treatment, rehabilitation or compensation and raise the profitability of establishments.

Section 2. Coverage

These guidelines shall apply to all establishments, workplaces, operations and undertakings in the shipbuilding, ship repair and shipbreaking industries.

Section 3. Definition of Terms. As used in these guidelines, the following terms shall mean:

1. Shipbuilding - means the construction of a vessel including the installation of machinery and equipment. Work in the shipbuilding includes constructing, assembling, installing, cleaning, painting, outfitting and testing.
2. Ship repair - means any repair of vessel including but not restricted to alterations/conversions, installations, cleaning, and maintenance.

3. Shipbreaking - means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of equipment or any component or part of a vessel.

4. Principal - refers to the owner or CEO/COO/Manager with overall responsibility for the management of establishment and their workplaces, projects, operations and/or activities in the shipbuilding, ship repair and shipbreaking industry.

5. Contractor or sub-contractor - refers to any person or entity engaged in a legitimat contracting or sub-contracting arrangement for the execution of work under the general supervision of the principal in shipbuilding, ship repair and shipbreaking industry.

6. Standards - refers to the Occupational Safety and Health Standards or OSHS which is a set of Rules issued by the Department of Labor and Employment (DOLE) which mandates the adoption and use of appropriate practices, means, methods, operations or processes, and working conditions reasonably necessary to ensure safe and healthful environment.

7. Worker - refers to a person, carrying out activities under the supervision of a principal, contractor and/or sub-contractor.

**Section 4. Duties and Responsibilities**

(1) Each Principal and Contractor/Sub-Contractor covered by the provisions of these guidelines shall:

   a. furnish his workers a place of employment free from hazardouse conditions that are likely to cause death, illness or physical harm to his workers;

   b. give complete job safety instructions to all his workers;

   c. use only approved devices tested by the Occupational Safety and Health Center (OSHC) and equipment tested by TESDA or accredited testing organizations in his workplace;
d. shall at his own expense, furnish his workers with personal protective equipment by reason of the hazardous work process or environment, chemical or radiological or any other hazards capable of causing injury, or impairment in the function of any part of the body;

e. register with the DOLE Regional Office where he is located pursuant to the Rule 1020 of the OSH Standards and D.O. 18-02 (Contracting and Sub-Contrating Arrangements); and

f. the principal shall have overall responsibilities in all OSH matters, the contractor shall actively support the OSH policies and programs of the former by implementing applicable OSH programs in their respective workplaces.

(2) Every worker shall:

a. cooperate with the Principal and Contractor/Sub-Contractor in carrying out the provisions of these Guidelines and the Standards.

b. report to his supervisor any work hazard that may be discovered in his workplace.

c. shall make proper use of all safeguards and safety devices furnished in accordance with the provisions of the Standards for his protection and that of others, and shall follow all instructions given by the Principal and Contractor/Sub-Contractor in compliance with the provisions of the Standards.

(3) It shall be the duty of any person, including any builder or contractor or others who conduct business in any establishment or workplace, to comply with the provisions of these Guidelines and the Standards and all regulations of the employer as well as with subsequent issuances of the Secretary.

**Section 5. OSH Policy and Program**

It shall be mandatory for every shipbuilding, ship repair and shipbreaking principal to formulate and implement an OSH policy and program in accordance with the relevant provisions of the Labor Code of the Philippines (LCP) and the Rules of the Occupational Safety and Health Standards (OSHS). Such policy and program shall cover the workplaces, projects and operations under the direct responsibility of the principal as well as related activities of contractors/sub-contactors.
Section 6. OSH Committees

To ensure that the OSH policy and program are being formulated and implemented in line with established regulations and with the requirements of the shipbuilding, ship repair and shipbreaking operations, an OSH Committee shall be established according to Rule 1040 of the OSH Standards with the following membership:

a) CEO or Project Manager as the chairperson ex officio;

b) Safety and Health Officers;

c) Safety and health representatives from each sub-contractor;

d) Occupational Health Physicians, Nurses and First Aiders; and

e) Workers’ representatives including union members if organized

Members of the Safety and Health Committee shall, as far as practicable, be present at the workplaces whenever work is being undertaken.

Each contractor/ sub-contractor is required to have his/her own safety and health committee.

Section 7. Cost for Implementing OSH Program and other Activities

The cost of implementing OSH Management System and OSH Program for the shipbuilding, ship repair or shipbreaking workplaces shall be provided by the employer’s principal and/or contractor/sub-contractor provided that said costs shall be a separate pay item duly quantified in the project’s contract documents.

Section 8. Safety Personnel

Principals and contractors/sub-contractors shall employ Safety and Health Personnel as follows:

a. a full time safety officer, with overall responsibility for the management of the OSH Program who shall monitor and inspect health and safety aspects of workplaces and assist government inspectors in the conduct of inspection and accident investigations;
b. depending on the size of the workforce at a given workplace, additional Safety and Health Officer/s shall be designated under the direct supervision of the Safety and Health Officer of the principal; and
c. one additional Safety and Health Officer must be assigned for every additional ten (10) units of heavy equipment assigned to the workplace.

Contractors and sub-contractors shall provide for Safety Officer/s at the workplaces under their direct responsibility.

All full-time Safety and Health Officers must be accredited by the DOLE Regional Office concerned.

Section 9. Emergency Occupational Health Personnel and Facilities

The following emergency health personnel shall be present at individual workplaces, supported by adequate medical supplies, equipment and facilities:

a. a certified first-aider for fifty (50) workers or less
b. a full-time registered nurse for more than fifty (50) but less than two hundred (200) workers;
c. a full-time registered nurse, a part-time physician and a dentist, and an emergency clinic for more than hundred (200) but less than three hundred (300) workers; and
d. a full-time registered nurse, a full-time physician, a dentist and an infirmary or emergency hospital with one (1) bed capacity for more than three hundred (300) workers. In addition, there should be one (1) bed capacity for every one hundred (100) workers in excess of three hundred (300) workers.

Where only a treatment room is available, in case of emergency, workers shall have access to the nearest medical/dental clinic or a medical/dental clinic located within five (5) kilometer-radius from the workplace.

Section 10. Communicating Safety and Health Policies and Programs.

The principal and contractor/sub-contractor shall implement a communication plan for hazard and risk prevention at the workplace.
Section 11. Building Skills on OSH through Training Programs

Principals and contractors/sub-contractors shall be required to undergo appreciation/awareness courses on OSH.

All workers, supervisors and members of the safety and health committees shall be adequately instructed and trained on the measures available for the prevention, control and protection against hazards and risks.

Every worker before employment in shipbuilding, ship repair and shipbreaking shall undergo a safety and health awareness seminar conducted by the OSHC, and/or safety training organizations (STOs) accredited by the DOLE Regional Office in the language or dialect understood by the workers.

Specialized instruction and training should be given to:

   a) drivers and operators of lifting appliances, transport, earth-moving and materials - handling equipment and machinery or any equipment of specialized or dangerous nature;

   b) workers engaged in the erection or dismantling of scaffolds;

   c) workers working at heights;

   d) workers handling explosives or engaged in blasting operations;

   e) workers working in compressed air, cofferdams, and caissons;

   f) workers engaged in the erection of prefabricated parts of steel structural frames and tall chimneys, and in concrete work, form work and other such work;

   g) workers handling hazardous substances and materials;

   h) workers as riggers and signalers;

   i) workers working in confined space;

   j) workers engaged in hot works; and

   k) other workers in critical operations and occupations
Section 12. Safety Concerns of Heavy Equipment

All heavy equipment and operators assigned at the shipbuilding, ship repair and shipbreaking workplaces must be tested and certified in accordance with a standard trade test prescribed by the Technical Education and Skills Development Authority (TESDA) in coordination with its accredited testing organization/s.

Section 13. Reporting on Safety and Health

Principals shall be required to submit a monthly shipbuilding, ship repair and shipbreaking safety and health report to the nearest DOLE Office. There port shall include a monthly summary of all safety and health committee meeting agreements, a summary of all accident investigations/reports and periodic hazards assessment with the corresponding remedial measures/ action for each hazard, using prescribed administrative forms.

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

Section 14. Compliance with Applicable OSH Standards

All principals and contractors/sub-contractors shall comply with applicable rules of the OSH Standards and its implementing guidelines including the Technical guidelines on OSH in the shipbuilding, ship repair and shipbreaking industry.

Section 15. Violations and Penalties

As circumstances may warrant, and according to its findings, following due process, any act or omission committed by shipbuilding, ship repair and shipbreaking principals and contractors/sub-contractors in violation of labor standards, safety rules and regulations and other pertinent policies shall be subject to the applicable penalties provided for in the Labor Code of the Philippines.
In cases of imminent danger situations, the DOLE Regional Director shall issue a cease and desist order pursuant to the guidelines specified under Rule 1012.02 of the OSHS and other pertinent issuances for stoppage of operation or for other appropriate action to abate the danger.

Section 16. Enforcement

The Labor Inspectorate of the DOLE Regional Offices shall be responsible for the enforcement and monitoring of the provisions of this Circular.

Section 17. Effect on Existing Issuances and Agreements:

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

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

Section 18. Effectivity

This circular shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

MARIANITO D. ROQUE
Secretary

Signed: 24 March 2009
Published: Manila Bulletin (June 1, 2009)
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