

**REPUBLIC OF THE PHILIPPINES**

**DEPARTMENT OF EDUCATION**

**DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS**



**INFRASTRUCTURE FOR SAFER AND RESILIENT SCHOOLS (ISRS) PROJECT  
(P180936)**

**LABOR MANAGEMENT PROCEDURES  
(LMP)**

**FINAL**

**AS OF APRIL 16, 2024**

## TABLE OF CONTENTS

Section	Page
<b>1</b>	<b>INTRODUCTION .....1</b>
1.1	PROJECT DESCRIPTION ..... 1
1.2	PROJECT DEVELOPMENT OBJECTIVE (PDO) ..... 2
1.3	PROJECT COMPONENTS ..... 2
1.4	PROJECT COST ..... 4
1.5	OBJECTIVES OF THE LMP ..... 4
<b>2</b>	<b>OVERVIEW OF THE NATIONAL LABOR LAWS AND THE REQUIREMENTS OF THE ENVIRONMENTAL AND SOCIAL STANDARD 2 (ESS 2) .....4</b>
2.1	LABOR TERMS AND CONDITIONS ..... 5
2.1.1.	DIRECT WORKERS ..... 5
a.	Individual Contract of Service ..... 5
b.	Job Order (JO) ..... 5
c.	Government workers ..... 6
2.1.2	Contracted workers ..... 7
	Institutional Contract of Service/ Contractor/Sub-contractor ..... 7
2.1.3	Community workers ..... 10
2.2.	SAFETY AND HEALTH IN THE WORKPLACE ..... 10
<b>3.</b>	<b>DESCRIPTION OF THE PROJECT WORKERS .....13</b>
3.1.	NUMBER OF PROJECT WORKERS..... 13
3.2.	TYPES OF PROJECT WORKERS..... 15
3.3.	PROJECT ORGANIZATIONAL STRUCTURE AND IMPLEMENTATION ARRANGEMENTS.. 16
3.4.	TIMEFRAME OF LABOR NEEDS ..... 18
<b>4.</b>	<b>ASSESSMENT OF POSSIBLE MAIN LABOR RISKS.....29</b>
4.1.	DISCRIMINATION..... 29
4.2.	MISUSE OF LABOR CONTRACT..... 29
4.3.	FORCED LABOR ..... 29
4.4.	CHILD LABOR..... 29
4.5.	HARASSMENT IN THE WORKPLACE ..... 30
4.6.	SEXUAL EXPLOITATION AND ABUSE (SEA) AND SEXUAL HARASSMENT (SH) ..... 30
4.7.	GENDER-BASED VIOLENCE (GBV) ..... 31
4.8.	INEQUALITY OF OPPORTUNITIES ..... 31

4.9.	VIOLETION OF FREEDOM TO UNIONIZE .....	32
4.10.	NON-COMPLIANCE WITH NORMS OF SAFETY AND HEALTH IN THE WORKPLACE .....	32
4.11.	LABOR INFLUX .....	32
4.12.	SETTING-UP OF WORKERS' CAMPS .....	33
5.	RESPONSIBILITIES AND FUNCTIONS OF THOSE IN CHARGE OF THE LMP IMPLEMENTATION .....	33
6.	POLICIES AND PROCEDURES OF THE PROJECT .....	35
6.1.	POLICIES .....	35
6.2.	PROCEDURES .....	35
6.2.1.	Procedures for labor treatment .....	35
6.2.2.	Procedures for managing identified risks .....	38
7.	LABOR TERMS AND CONDITIONS OF THE PROJECT .....	41
7.1.	WORKER'S AGE .....	41
7.2.	WORKING HOURS .....	42
7.3.	SAFETY AND HEALTH IN THE WORKPLACE .....	42
7.4.	INCLUSIVE, RESPECTFUL AND EQUAL TREATMENT .....	43
7.5.	WORKERS COMPENSATION .....	44
7.6.	WORKER CONTRACTS .....	45
7.7.	BENEFITS OF CONTRACTS .....	45
8.	MANAGEMENT OF CONTRACTORS AND SUBCONTRACTORS .....	46
9.	COMPLAINTS AND LABOR GRIEVANCES MANAGEMENT SYSTEM .....	46

## **LIST OF TABLES**

TABLE 3.1A NUMBER OF WORKERS ACCORDING TO THE CONTRACT MODALITY (DEPED) .....	14
TABLE 3.1B NUMBER OF WORKERS ACCORDING TO THE CONTRACT MODALITY (DPWH) .....	15
TABLE 3.2A NUMBER OF SCHOOLS DISAGGREGATED BY TYPE OF INTERVENTION AND CIVIL WORKS COMPLEXITY GROUP UNDER COMPONENT 1.....	20
TABLE 3.2B IMPLEMENTATION SCHEDULE FOR COMPONENT 1 (REPAIR AND REHABILITATION) BY REGION ....	20
TABLE 3.2C IMPLEMENTATION SCHEDULE FOR COMPONENT 1 (PILOT RECONSTRUCTION) BY REGION .....	21
TABLE 3.2D NUMBER OF SCHOOLS DISAGGREGATED BY TYPE OF INTERVENTION AND CIVIL WORKS COMPLEXITY GROUP UNDER COMPONENT 2.....	22
TABLE 3.2E IMPLEMENTATION SCHEDULE FOR COMPONENT 2 BY REGION.....	22
TABLE 3.2F ESTIMATED NUMBER OF WORKERS ACCORDING TO THE PROJECT STAGES (DEPED).....	24
TABLE 3.2G ESTIMATED NUMBER OF WORKERS ACCORDING TO THE PROJECT STAGES (DPWH).....	25
TABLE 5.1 DESCRIPTION OF RESPONSIBILITIES AND FUNCTIONS IN THE PROJECT.....	34
TABLE 6.1 TABLE OF MEASURES FOR IDENTIFIED RISKS .....	39
TABLE 9.1 CONTACT DETAILS FOR COMPLAINTS, CLAIMS, LABOR INQUIRIES, OR SUGGESTIONS.....	49
TABLE 9.2 COMPETENT AUTHORITIES TO RECEIVE COMPLAINTS .....	51

## **ANNEX**

ANNEX 1 – SAMPLE GRIEVANCE REPORTING FORM FOR WORKERS .....	54
ANNEX 2 – REQUIREMENT OF THE ENVIRONMENTAL AND SOCIAL STANDARD 2 (ESS 2) AND THE PHILIPPINE LABOR REGULATIONS.....	55
ANNEX 3 – PHILIPPINE AND INTERNATIONAL RULES ON WORK CONDITIONS AND BENEFITS ...	69
ANNEX 4 – PHILIPPINE RULES ON SAFETY AND HEALTH AT WORK .....	72
ANNEX 5 – CONSTRUCTION SAFETY AND HEALTH PROGRAM (CSHP) CHECKLIST .....	82
ANNEX 6 -- LIST OF COMMON OCCUPATIONAL RISKS .....	85
ANNEX 7 -- NATIONAL REGULATIONS RELATED TO LABOR RISKS.....	85
ANNEX 8 -- RISK MANAGEMENT REPORTING MODEL .....	90
ANNEX 9 – CODE OF CONDUCT.....	90
ANNEX 10 - LABOR SECTION CLAUSE FOR CONTRACTS FOR THE EXECUTION AND SUPERVISION OF WORK .....	93

## ABBREVIATIONS AND ACRONYMS

BEFF	Basic Education Facilities Fund
BSPMC-UPMO	Buildings and Special Projects Management Cluster Unified Project Management Office
CERC	Contingency Emergency Response Component
CSC	Civil Service Commission
COC	Code of Conduct
COS	Contract of Service
COVID-19	Coronavirus Disease 2019
DEPED	Department of Education
DPWH	Department of Public Works and Highways
DEDs	Detailed Architectural and Engineering Designs
DOLE	Department of Labor and Employment
DRRMS	Disaster Risk Reduction and Management Service
EFD	Education Facilities Division
EHS	Environmental, Health and Safety
ESA	Environmental and Social Assessment
ESCOPs	Environmental and Social Codes of Practice
ESCP	Environmental and Social Commitment Plan
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESRS	Environmental and Social Risk Summary
ESSD	Education Support and Services Division
ESSs	Environmental and Social Standards

IBRD	International Bank for Reconstruction and Development
ICCs	Indigenous Cultural Communities
ILO	International Labor Organization
IP	Indigenous Peoples
IRR	Implementing Rules and Regulations
JO	Job Order
ISRS	Infrastructure for Safe and Resilient Schools
GBV	Gender- based violence
GIIP	Good International Industry Practice
LGUs	Local Government Units
LGBTI	Lesbian, gay, bisexual, transgender, intersex and other
LMP	Labor Management Procedures
MOA	Memorandum of Agreement
NCIP	National Commission on Indigenous People
OHS	Occupational Health and Safety
OSHC	Occupational Safety and Health Center
OUSIF	Undersecretary for School Infrastructure and Facilities
PMO	Project Management Office
PNP	Philippine National Police
PWDs	Persons with disabilities
SEA	Strategic Environmental Assessment
SEA/SH	Sexual Exploitation and Abuse/Sexual Harassment
SEP	Stakeholder Engagement Plan
SGOD	Schools Governance and Operations Division
SIF	School Infrastructure Facilities

SIMO	School Infrastructure Management Office
SSS	Social Security System
SUC	State Universities and Colleges
WASH	Water, Sanitation, and Hygiene
WB	World Bank
WHO	World Health Organization

## GLOSSARY

**Borrower:** is the recipient of financing and who assumes the commitments to comply with the environmental and social standards of the World Bank for an investment project.

**Central functions of a Project:** they constitute the production processes or essential services for a specific activity without which the Project cannot continue.

**Child labor:** it will be all that work carried out by a child who does not have the minimum age established in ESS2, so that he cannot be employed or contracted in connection with the project. The labor management procedures will specify the minimum age for employment or recruitment in the project, which will be 14 years unless national laws stipulate a higher age.

**Community Workers:** Projects may involve the use of community workers in various circumstances, such as when labor is provided by the community as a contribution to the Project or when projects are designed and carried out in order to foster development driven by the community, and provide a social safety net or specific assistance in fragile and conflict-affected situations.

**Contracted worker:** is the employee by a third party to perform a job or provide services related to the core functions of the Project; in this case, the third party exercises control over the work, working conditions and treatment of the Project worker.

**Contractor:** the company that enters into a contract with the borrowing entity.

**Direct worker:** one with whom the Executing Unit has a direct contractual employment relationship, in which the Executing Unit exercises specific control over the work, working conditions and treatment of the Project worker. The worker is employed or contracted by the Executing Unit, receives his payment directly from it and is subject to its control and daily instructions.

**Discrimination:** any distinction, exclusion, restriction or preference based on certain grounds - such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or any other social condition - and whose purpose or result is to nullify or impair the recognition, enjoyment or exercise, under conditions of equality, of the human rights and fundamental freedoms of the people<sup>1</sup> belonging to the Project.

**Forced labor:** the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt- bondage or deception including any work or service extracted from any person under the menace of penalty.<sup>2</sup>

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<sup>1</sup>According to the case of Gonzales Lluy et al. V. Ecuador before the Inter-American Court. Sentence of September 1, 2015. It should be noted that sexual orientation should also be considered a prohibited motive.

<sup>2</sup> RA 10364



**Gender:** refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;<sup>3</sup>.

**Gender Identity:** it is the internal and individual experience of gender as each person feels it, which may or may not correspond to the sex assigned at birth, including the personal experience of the body (which may or may not involve the modification appearance or bodily function through medical, surgical or other means, provided that it is freely chosen)<sup>4</sup>.

**Indirect employer** refers to any person, partnership, association or corporation which, not being an employer, contracts with an independent contractor for the performance of any work, task, job or project.

**Migrant workers** are workers who have migrated from one country to another or from one part of the country to another for purposes of employment.

**Primary purveyor:** those people who, on a continuous basis, directly provide goods or materials essential for the central functions of the Project.

**Public spaces** refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas.<sup>5</sup>

**Sex:** refers to the biological differences between men and women, their physiological characteristics, the sum of the biological characteristics that defines the spectrum of people as women and men or the biological construction that refers to genetic characteristics, hormonal, anatomical and physiological on the basis of which a person is classified as male or female at birth<sup>6</sup>.

**Sexual assault:** an act by any person by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person<sup>7</sup>

**Sexual harassment:** an act or a series of acts involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a government employee or official in a work-related, training or education-related environment.

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<sup>3</sup> Sec. 5 (d), RA 11313

<sup>4</sup> Inter-American Court of Human Rights. Advisory Opinion N ° 24 of November 24, 2017. Likewise, this definition is in accordance with the Good Practice Note. Non-Discrimination: Sexual Orientation and Gender Identity (SOGI) from the World Bank.

<sup>5</sup> Sec. 3 (g), RA 11313

<sup>6</sup> Inter-American Court of Human Rights. Advisory Opinion No. 24 of November 24, 2017.

<sup>7</sup> Sec. 2, RA 8353

**Support services** may include janitorial, security, driving, data encoding, equipment and grounds maintenance and other services that support the day to day operations of the agency.

**Survivor** a person who is a victim of Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH).

**Third Parties:** May include contractors, subcontractors, brokers, agents, or intermediaries.

## **1 INTRODUCTION**

This document, Labor Management Procedures (LMP), has been prepared within the framework of the Infrastructure for Safer and Resilient Schools (ISRS) Project, of Department of Education (DepEd), and the Department of Public Works and Highways (DPWH), Philippines.

### **1.1 Project Description**

The Infrastructure for Safe and Resilient Schools (ISRS) Project supported by the World Bank will be implemented by the Department of Education (DepEd) as the proponent and lead agency for the Project. DepEd will be the implementing agency for Project Component 1– Relatively Simple Works which will involve the major repair, rehabilitation and pilot reconstruction of single-storey buildings. The Department of Public Works and Highways (DPWH), a government agency mandated to undertake infrastructure planning, design and construction of public works, is DepEd’s partner implementing agency for Project Component 2- Relatively Complex Works which will involve the retrofitting and reconstruction. The DPWH will likewise provide support to the DepEd in implementing the pilot reconstruction works of simple structures. The project design strategically integrates efforts to address physical recovery and enhance the resilience of disaster-affected school infrastructure in selected regions. The project will answer the need to recover school infrastructure affected in the short term; that is, infrastructure impacted by tropical cyclones and earthquakes between 2019 and 2023. The project design considers that as part of the recovery strategy, vulnerability reduction measures will be integrated into the engineering designs. Therefore, intervened school facilities will have enhanced performance against future hazard events. To accomplish such, the project will support not only the damage assessment but also the multi-hazard vulnerability assessment of affected school buildings. Results from these assessments will be used to verify and confirm the required type of intervention. School buildings’ performance targets will be derived from the country’s regulatory provisions at national and sectoral levels as described below. Thus, school buildings recovered through the project will fully comply with the country’s up-to-date multi-hazard resilient design provisions. The project will also finance mitigation measures and opportunities to enhance the learning environment<sup>8</sup> of beneficiary school facilities.

The project has four main components. Components 1 and 2 will be the main components of the projects wherein actual school site assessment, preparation and finalization of detailed engineering designs, procurement, implementation and completion of school building repair, rehabilitation, retrofitting and reconstruction will be carried out. Further, functional improvements needed by the school will be included in the program based on the result of site validation and assessment. Functional improvements are interventions at the school level related to the improvement of gender inclusive water, sanitation, and hygiene (WASH) facilities reported in bad condition, the provision of solar panels for schools without power, the implementation of rooms in the buildings for counseling services and the improvements of canteens. The technical validation will define whether a school requires any or all of the interventions mentioned above based on the condition of the school facility. Furniture will also be provided for very classrooms and school buildings reconstructed by the project. Component 3 will support the management, monitoring and evaluation of the proposed project activities while Component 4 is the Contingent Emergency Response Component that will allow the Government of the Philippines to quickly access project funds to respond to an eligible crisis or emergency.

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<sup>8</sup> Functional components refer to non-structural components of the architectural and other engineering systems — electrical, plumbing, mechanical that enable the functioning of the physical learning environments.

## **1.2 Project Development Objective (PDO)**

The project development objective is to support resilient recovery of disaster-affected schools in selected regions. Resilient recovery means that the performance of the recovered infrastructure will be better in case future hazard events occur. It also refers to the functional continuity of the network of schools and the ability of the education system to reduce disruptions to service delivery.

## **1.3 Project Components**

### **Component 1: Relatively Simple Works for School Infrastructure Recovery to be implemented by DepEd**

This component will finance investments for repair and rehabilitation of selected school facilities for relatively Simple Works, pilot reconstruction as well as strengthening procedures and tools for O&M of recovered school facilities. For clarity, Relatively Simple Works shall be defined and described as infrastructure works at a school where at least 1 building needs Repair or Rehabilitation (see definition below) and no other buildings need Retrofitting or Reconstruction. For clarity, relatively simple works shall be defined and described as infrastructure works at a school where at least 1 building needs repair or rehabilitation (see definition below) and no other buildings need retrofitting or reconstruction.

- **Repair** refers to the simple, small-scale replacement of school building components that have been damaged that are either of architectural or engineering system, but not of main structural system that is subject to critical structural loads and stresses, and which is estimated to cost less than about 30% of new reconstruction cost per classroom on average. Repair is intended to maintain the expected useful life and the capacity of the building as originally designed and built.
- **Rehabilitation** refers to the relatively simple, medium-scale replacement of school building components, which have been damaged including structural and other engineering and/or architectural components, OR which is estimated to cost about 30% to 40% of new reconstruction cost per classroom on average. Rehabilitation is intended to maintain the expected useful life and the capacity of the building as originally designed and built.
- **Pilot reconstruction** refers to the reconstruction of one-story school buildings (including classroom furniture) to be implemented by DepEd with the technical advice and training from DPWH as part of a learning-by-doing strategy for DepEd's capacity building.

### **Component 2: Relatively Complex Works for School Infrastructure Recovery to be implemented by DPWH**

This component will finance investments for retrofitting and reconstruction of selected school facilities for relatively complex works. For clarity, relatively complex works shall be defined and described as infrastructure works at a school where at least 1 building needs Retrofitting or Reconstruction (see preceding definition), and some other buildings may need Repair or Rehabilitation. By its agency mandate, the DPWH shall be responsible for implementing and managing complex works. Design-Build modality may be explored to enhance the rollout of the project.

- **Retrofitting** refers to the relatively complex improvement of the main structural system of a school building which may have been damaged or undamaged that is of relatively older

vintage or exposed in a location of relatively higher hazard, and which is estimated to cost less than about 60% of new reconstruction cost per classroom on average. The improvement is intended to upgrade to recent structural standards and may also include other non-structural engineering or architectural components; it is not intended to increase the capacity of classrooms.

- **Reconstruction** refers to the reconstruction of a school building (including classroom furniture), which could have been indicated for either rehabilitation or retrofitting except that the estimated cost of such would exceed about 60% of new reconstruction cost per classroom on average. Reconstruction is intended to conform with recent standards. It may also involve relocation within the same school property.

### **Component 3: Project Management, Monitoring and Evaluation**

This component will support the management, monitoring and evaluation of the proposed project activities. The DepEd and DPWH will have their own Project Management Unit (PMU) for the implementation of the ISRS project. It will support the day-to-day implementation of project activities and will finance technical specialists and consultants and administrative support for the DepEd and DPWH Project Management Units (PMUs) to effectively carry out (i) planning, (ii) planning, coordination, financial management (FM), procurement, contract administration, environmental and social safeguards implementation and compliance, communications, design and implementation of Grievance Redress Mechanism (GRM), and M&E throughout the project implementation period, including ensuring that disaster and climate-resilient standards in DEDs. This component will also finance incremental operating costs (IOCs), PMU training, PMU equipment, and studies and evaluations associated with the project. Specific needs of DepEd and DPWH are as follows:

- **DepEd Project Management.** This subcomponent will support DepEd's (i) PMU operation and training costs, (ii) incremental operating costs; (iii) design and implementation of project communication campaigns; (iv) design and implementation of project GRM; (v) PMU equipment and training, and (vi) studies and evaluations associated with the project. This subcomponent will also support citizen engagement, social awareness, and participation at the school level for Components 1 and 2 all throughout the project implementation to ensure that (i) the physical investments are properly communicated to the direct beneficiaries of the school buildings and (ii) the concerns of school stakeholders are adequately addressed in the design and implementation. These are expected to enhance the support, commitment, and ownership of stakeholders of the project.
- **DPWH Project Management.** This subcomponent will support DPWH's (i) PMU operation and training costs, (ii) incremental operating costs; (iii) design and implementation of project communication campaigns; (iv) design and implementation of project GRM; (v) studies and evaluations associated with the project.

### **Component 4: Contingent Emergency Response Component – CERC**

The CERC will allow the Government of the Philippines to quickly access project funds to respond to an eligible crisis or emergency. It will allow for a rapid reallocation of uncommitted project funds to address urgent needs in the event of a natural or man-made disaster or crisis (including public health-related emergencies).

## **1.4 Project Cost**

The total project cost is Php 30,558.00 million (US\$555.60 million). The IBRD loan amounts to Php 27,502.20 million (US\$500.00 million). This represents 90 percent of the total project cost. The GOP counterpart is computed at Php3,055.80 million (10 percent of the total project cost).

## **1.5 Objectives of the LMP**

The Project will address the environmental and social risks and impacts through the World Bank's Environmental and Social Framework (ESF) as well as the Philippine laws and regulations. In the ESF, Environmental and Social Standard 2 (ESS2) on Labor and Working Conditions (ESS2) prescribes the Borrower's development of Labor Management Procedures (LMP) to meet the following objectives:

The LMP has the following objectives:

- To promote safety and health of the project workers;
- To promote the fair treatment, non-discrimination, and equal opportunity of among the workforce of the Project;
- To protect the rights of project workers, especially vulnerable workers such as women, persons with disabilities (PWD), children (of working age, in accordance with this LMP), workers at risk due to their sexual orientation, gender identity and expression (SOGIE), among other vulnerabilities;
- To prevent the use of all forms of forced labor and child labor;
- To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national laws;
- To provide project workers with accessible means to raise workplace concerns.

The LMP, shall be reviewed periodically and enhanced accordingly based on additional information/ experiences during implementation and as deemed relevant.

## **2 OVERVIEW OF THE NATIONAL LABOR LAWS AND THE REQUIREMENTS OF THE ENVIRONMENTAL AND SOCIAL STANDARD 2 (ESS 2)**

The LMP has been prepared in accordance with the applicable Philippine laws and regulations, international agreements and conventions on labor matters ratified by the Philippines before international organizations such as the ILO, the General Guidelines on Environment, Health and Safety of the World Bank<sup>9</sup> Group and the ESS2 of ESF of the World Bank. It serves to provide for the minimum working conditions for the development of the Project, and aims to address the labor risks and issues that may arise during Project implementation. In cases of discrepancy between the Philippine regulations and ESS2, ESS2 prevails for the purposes of Project implementation.

It should be noted that Philippine labor legislations and their implementing rules and regulations (IRR) address the requirements of ESS2 as can be seen in ANNEX . Likewise, full protection to labor is enshrined and labor rights are guaranteed in the 1987 Philippine Constitution, which

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<sup>9</sup> The guides can be found in the following link <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/157871484635724258/environmental-health-and-safety-general-guidelines>

implies that the rights of the workers are given recognition in the highest hierarchy of laws under the Philippine legal system.

## **2.1 Labor Terms and Conditions**

This Project will hire workers under the following contracting modalities:

### **2.1.1. Direct workers**

Direct workers are the people employed or engaged directly to work specifically in relation to the project. This may be done through the following working arrangements:

#### **a. Individual Contract of Service<sup>10</sup>**

Individuals may be engaged by the government as consultants/contractors to undertake special project or job within a specific period under a Contract of Service (COS).<sup>11</sup> The term of contract between the agency and the individual contractor shall be for a maximum period of one (1) year, renewable at the option of the Head of the procuring entity, but in no case shall exceed the term of the latter. Individuals hired through COS shall be paid wages equivalent to the daily wages/salary of comparable positions in government and a premium of up to 20% of such wage/salary. The premium payment may be paid monthly, in lump sum or tranches (i.e. mid-year and year-end payments) as may be stated in the agreement or contract with the agency. However, payment of services of persons engaged through RA 9184 shall be subject to the provisions of the said law and its IRR.<sup>12</sup> Individuals hired through the COS have the option to enroll themselves in social benefit program thru the Social Security System (SSS), PhilHealth and Pag-IBIG Fund as self-employed members.<sup>13</sup>

Under the Omnibus Rules on Appointments issued by the CSC, contractual appointment is issued to a person whose employment in the government in accordance with a special contract to undertake local or foreign-assisted projects or a specific work or job requiring special or technical skills not available in the employing agency, to be accomplished within a specific period.

#### **b. Job Order (JO)<sup>14</sup>**

JO refers to piece work (pakyaw) or intermittent or emergency jobs such as clearing of debris on the roads, canals, waterways, etc. after natural/ man-made disasters/occurrences and other manual/trades and crafts services such as carpentry, plumbing, electrical and the like. These jobs are of short duration and

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<sup>10</sup> Par. 6.2, CSC-COA-DBM Joint Circular No. 1, Series of 2017

<sup>11</sup> Par. 5.1, CSC-COA-DBM Joint Circular No. 1, Series of 2017. COS also covers the hiring of private firm, other government agency, non-governmental agency or international organization as consultant, learning service provider or technical expert to undertake special project or job within a specific period.

<sup>12</sup> Par. 11.5 and 11.6, CSC-COA-DBM Joint Circular No. 1, Series of 2018

<sup>13</sup> Par. 8.0, CSC-COA-DBM Joint Circular No. 1, Series of 2017

<sup>14</sup> Par. 6.3, CSC-COA-DBM Joint Circular No. 1, Series of 2017

for a specific piece of work.<sup>15</sup> The services of a JO worker are either paid according to an agreed contract amount for the piece of work or on a daily wage basis. Individuals hired through JO shall be paid wages equivalent to the daily wages/salary of comparable positions in government and a premium of up to 20% of such wage/salary.<sup>16</sup>

Workers under contracts of service and JO are not considered as government workers<sup>17</sup>. CSC-COA-DBM Joint Circular No. 1, Series of 2017, as amended, governs JO and COS workers in the government.

Under Section 77 of the Local Government Code of 1991, the local chief executive may employ emergency or casual employees or laborers paid on a daily wage or piecework basis and hired through job orders for local projects authorized by the *Sanggunian* concerned, without need of approval or attestation by the CSC.<sup>18</sup>

#### Limitations under COS/JO arrangements<sup>19</sup>

- Hiring under COS shall be limited to consultants, learning service providers, and/or other technical experts to undertake special project or job within a specific period. The project or job is not part of the regular functions of the agency, or the expertise is not available in the agency, or it is impractical or more expensive for the government agency to directly undertake the service provided by the individual contractor;
- Hiring of JO workers shall be limited to emergency or intermittent work, such as clearing debris on the roads, canals, waterways, etc. after natural/man-made disasters/occurrences; other trades and crafts, and manual tasks which are not part of the regular functions of the agency;
- COS and JO workers should not, in any case, be made to perform functions which are part of the job description of the agency's existing regular employees; and,

The services of the COS and JO workers are not covered by the Civil Service law and rules thus, not creditable as government service. They do not enjoy the benefits enjoyed by government employees, such as leave, Personnel Economic Relief Allowance, Representation and Travel Allowance, and thirteenth month pay.

#### **c. Government workers**

Government employees may be assigned or detailed and be part of dedicated officials and staff of the Project. These personnel shall remain subject to the

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<sup>15</sup> Par. 5.4, CSC-COA-DBM Joint Circular No. 1, Series of 2017

<sup>16</sup> Par. 9.0, CSC-COA-DBM Joint Circular No. 1, Series of 2017

<sup>17</sup> Revised Omnibus Rules on Appointments and other Personnel Actions and Civil Service Commission (CSC) Memorandum Circular No. 15, Series of 1999

<sup>18</sup> Sec. 2, CSC RESOLUTION NO. 021480 re: Clarifications on Policy Guidelines for Contracts of Service

<sup>19</sup> Par. 7.0, CSC-COA-DBM Joint Circular No. 1, Series of 2017



existing terms and conditions and working arrangements of the government. They are subject to the relevant provisions of EO 292, s. 1987, and the CSC rules and regulations

### **2.1.2 Contracted workers**

This refers to people employed through third parties to perform work related to core functions of the project, regardless of location. Third parties may include contractors, subcontractors, or intermediaries.

#### **Institutional Contract of Service<sup>20</sup>/ Contractor/Sub-contractor**

Contractor or service providers may be engaged by the government agency through an institutional COS to provide services such as janitorial, security, consultancy, and other support services. It covers lump sum work or services to perform janitorial, security, consultancy, and other support functions for a maximum period of one (1) year subject to the provisions of RA 9184 and pertinent budgeting, accounting and auditing rules and regulations.<sup>21</sup>

The contractor or service provider should meet the following requirements:

1. Duly registered with the Department of Labor and Employment (DOLE);
2. Duly registered with the Bureau of Internal Revenue (BIR);
3. For sole proprietorship, duly registered with the Department of Trade and Industry (DTI). For corporations and partnerships, duly registered with the Securities and Exchange Commission (SEC); and
4. Must be an active employer registered with the following agencies:
  - a. Social Security System (SSS),
  - b. Home Development Mutual Fund (Pag-IBIG Fund), and
  - c. Philippine Health Insurance Corporation (PhilHealth).

Workers hired through institutional contract of service shall remain to be employees of the contractor or service provider.<sup>22</sup> The discipline of workers under institutional contract of service shall be the responsibility of the contractor or service provider. The head of the procuring entity may report to the contractor or service provider any misconduct or wrongdoing of the said worker/s.<sup>23</sup> The contractor or service provider shall be responsible for providing the workers with compensation and benefits compliant with existing labor law<sup>24</sup> including the necessary social security and other

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<sup>20</sup> Par. 5.3, CSC-COA-DBM Joint Circular No. 1, Series of 2017

<sup>21</sup> Par. 6.1.1, CSC-COA-DBM Joint Circular No. 1, Series of 2017

<sup>22</sup> Par. 6.1.2, CSC-COA-DBM Joint Circular No. 1, Series of 2017

<sup>23</sup> Par. 6.1.3, CSC-COA-DBM Joint Circular No. 1, Series of 2017

<sup>24</sup> Title II (Wages), Book 3 (Conditions of Employment) of the Labor Code, as amended

benefits mandated by law in addition to the direct compensation as payment for their services.<sup>25</sup>

Contracting and subcontracting arrangements are permitted under the Philippine labor laws and must follow the rules regarding observance of workers' rights to fair and humane work conditions, security of tenure, self-organization, and collective bargaining, and the other requirements of Presidential Decree No. 442 (1974), as amended, or the Labor Code of the Philippines, including compliance with OSH standards.<sup>26</sup> Labor-only contracting is illegal<sup>27</sup>.

Philippine laws and regulations recognize the following types of employment for the private sector<sup>28</sup>:

- a. Regular employment covers employees who performs activities that are usually necessary or desirable in the usual business or trade of the employer .
- b. Other employment arrangements include<sup>29</sup>:
  - i. Project worker - workers whose period of employment has been fixed for a specific undertaking, the completion of which has been determined at the time of the engagement. It is not sufficient that an employee is hired for a specific project or phase of work. There must also be a determination of, or a clear agreement on, the completion or termination of the project at the time the employee is engaged. The services of project employees are begins, subject to: (a) mutual agreement between the parties, free consent coterminous with the project.
  - ii. Seasonal worker - the work is to be performed only at a certain time of the year and the employment is for the duration of the that time of the year
  - iii. Casual worker - engagement is to perform work that is merely incidental to the business, and done for a definite period made known to the employee at the time of engagement
  - iv. Fixed period employment - the beginning and termination dates of employment have been set before employment relationship; or (b) the parties dealt with each other on equal terms.

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<sup>25</sup> Par. 6.1.4, CSC-COA-DBM Joint Circular No. 1, Series of 2017

<sup>26</sup> DOLE DO 198, s. 2018

<sup>27</sup> There is "labor-only" contracting where the person supplying workers to an employer does not have substantial capital or investment in the form of tools, equipment, machineries, work premises, among others, and the workers recruited and placed by such person are performing activities which are directly related to the principal business of such employer. In such cases, the person or intermediary shall be considered merely as an agent of the employer who shall be responsible to the workers in the same manner and extent as if the latter were directly employed by him. (Art. 106, Labor Code)

<sup>28</sup> To ascertain the existence of an employer-employee relationship, the four-fold test shall apply, to wit: (1) the selection and engagement of the employee; (2) the payment of wages; (3) the power of dismissal; and (4) the power to control the employee's conduct or the so called "control test". Under the control test, an employer-employee relationship exists where the person for whom the services are performed reserves the right to control not only the end achieved, but also the manner and means used to achieve that end. *David vs. Macasio*, G.R. No. 1954661, July 2, 2014

<sup>29</sup> The requisites for each must be met. If not, the arrangement is disregarded and the employee is deemed a regular employee.

Some relevant provisions of the Presidential Decree No. 442 (1974), as amended and renumbered, or the Labor Code of the Philippines, on terms and conditions of employment are provided below:

#### **Wage and Welfare**

- a. Employees shall receive their wages by means of legal tender, at least once every two weeks or twice a month at intervals not exceeding sixteen (16) days.
- b. In a contracted work, employees of the contractor and of the latter's subcontractor, shall also be paid in accordance with the Labor Code. In the event that the contractor or subcontractor fails to pay the wages of his employees, the employer or indirect employer shall be jointly and severally liable with his contractor or subcontractor to such employees to the extent of the work performed under the contract, in the same manner and extent that he is liable to employees directly employed by him.

The wage paid by the employers to the workers shall not be lower than the prescribed minimum wage set by the Regional Tripartite Wages and Productivity Boards.

#### **Working time, Rest Days and Holidays**

- a. The normal work hours for every employee shall not exceed eight (8) hours a day. Rest periods of short duration during working hours are counted as hours worked.
- b. If all or any part of the employee's working hours falls on 10:00 PM to 6:00 AM, he/she shall be entitled to a night shift differential in addition to the regular wage. If the worked performed exceeds the normal working hours, he/she shall be given overtime pay.
- c. It is the right of every employee for a rest period not less than twenty-four (24) consecutive hours after every six (6) consecutive normal workdays.
- d. Compensation shall be given for work performed during holidays and rest days.

#### **Equal Rights**

- a. Workers shall have the right to self-organization and to form, join, or assist labor organizations of their own choosing for purposes of collective bargaining.
- b. Minimum employable age is 18 years old. Persons of age 15 to 18 can be employed given that they work in non-hazardous environment.

Gender discrimination in employment and labor relations shall be prohibited. Male and female employees are entitled to equal compensation for work of equal value and access to promotion and training opportunities.

All workers to be employed by the contractor will comply with RA 6685 which states that all private contractors and subcontractors who have been awarded national and

local public works<sup>30</sup> projects, including foreign-assisted projects, by the National Government or any local government unit, must employ 50% of the unskilled and 30% of the skilled labor requirements from the unemployed bona fide and actual residents in the province, city and municipality who are ready, willing and able as determined by the governor, city mayor or municipal mayor concerned where the projects are to be undertaken.

Likewise, vulnerable workers such as women, persons with disabilities, children of working age, and Indigenous Peoples, who will be engaged by the Project will be protected under the applicable provisions of the Labor Code, RA 8173 or the Indigenous Peoples' Rights Act (IPRA) and other laws and guidelines.

ANNEX shows the list of Philippine and international regulations on labor conditions and benefits according to the contracting modality.

### **2.1.3 Community workers**

Community workers providing volunteer works are not covered under the Labor Code or the Civil Service regulations because of the voluntary nature of their engagement. Should it be found necessary in the future for the Project to engage community workers, this will be in a manner compliant with ESS2 requirements.

## **2.2. Safety and Health in the Workplace**

In order to guarantee safety and health at work, DepEd and DPWH will adopt the best labor and occupational practices for the Project, in accordance with RA 11058, CSC-DOH-DOLE Joint Memorandum Circular No. 1, s. 2020 and other applicable Philippine regulations, General Guidelines on the Environment, Health and Safety of the World Bank group and World Bank<sup>31</sup> ESS2. The list of Philippine standards on safety and health at work can be found in

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<sup>30</sup> Public works projects referred to include national, provincial, city, municipal, and barangay projects including but not limited to roads, schools, power and water systems, piers, airports and similar projects.

<sup>31</sup>. The guides can be found at the following link: <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/157871484635724258/environmental-health-and-safety-general-guideline>

## ANNEX .

Under RA 11058, or An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations Thereof, the State guarantees a safe and healthy working environment for employees by providing protection from all possible dangers in the workplace. It applies to all organization, projects, sites, or any place where work is being done, including Philippine Economic Zone Authority (PEZA) businesses, but not including the public sector.

According to Chapter III of the RA 11058, the following are the duties of every employer, contractor or subcontractor, and any person who manages, controls or supervises the work:

- a. Equip a place of employment for workers free from hazardous conditions that are causing or are likely to cause death, illness or physical harm to the workers;
- b. Provide complete job safety instructions and proper orientation to all workers including, but not limited to, those entering the job for the first time and to those relating to familiarization with their work environment;
- c. Inform the workers of the hazards associated with their work, health risks involved or to which they are exposed to, preventive measures to eliminate or minimize the risks, and steps to be taken in case of emergency;
- d. Use only approved specific industry set of standards of devices and equipment for the workplace as applicable;
- e. Comply with OSH standards including training, medical examination, and when necessary, provisions on protective and safety devices such as PPE and machine guards. Training for workers shall include health promotion, hazards associated with their work, health risks involved or to which they are exposed to, preventive measures to eliminate or minimize risks, steps to be taken in case of emergency, and safety instructions for the jobs, activities and tasks to be handled by workers;
- f. Make arrangements for workers and their representatives to have the time and resource to participate actively in the processes of organizing, planning and implementation, monitoring, evaluation and action for improvement of the OSH management system; and,
- g. Provide, when necessary, for measures identifying trainings and drills, evacuation plans, etc., or deal with emergencies, fires and accidents including first-aid arrangements.

To comply with the OSH standards, every employee/worker shall:

- a. Participate in the capacity building activities on safety and health and other OSH related topics and programs

- b. Proper use of all safeguards and safety devices furnished for workers' protection and that of others
- c. Comply with instructions to prevent accidents or imminent danger situations in the workplace
- d. Observe prescribed steps to be taken in cases of emergency including participation in the conduct of national or local disaster drills
- e. Report to their immediate supervisor or any other responsible safety and health personnel any work hazard that may be discovered in the workplace

Employees shall have the following common rights:

- a. To refuse to work without threat or reprisal from the employer if an imminent danger situation exists.
- b. To report accidents, dangerous occurrences, and hazards to the employer, to DOLE, and to other concerned competent government agencies.
- c. To receive personal protective equipment, to be provided by their employer, contractor or subcontractor, free of charge, for any part of the body that may be exposed to hazards, and other lifeline
- d. To receive information on workplace conditions, risks that can impose danger to health, industrial dangerous and poisonous factors

The IRR of RA 11058 requires all employers, contractors or subcontractors, if any, to submit to DOLE all safety and health reports, and notifications such as but not limited to annual medical report, OSH Committee Report, employer's work accident/injury report and annual work accident/injury exposure data report.

For the public sector, CSC-DOH-DOLE Joint Memorandum Circular No. 1, s. 2020 provides for the OSH Standards for the Public Sector, including JO and COS.<sup>32</sup> It provides for reasonable working conditions in the workplace; emergency preparedness; establishment of OSH Program (see Annex 4); provision of support facilities; strict enforcement of the rules on working hours, break and leave privileges; reporting requirements; monitoring and evaluation. It mandates the Head of the Agency to ensure comprehensive dissemination of OSH information through a Communication Plan which includes the publication of pertinent OSH information in the agency website and other communication materials and the establish of feedback mechanism. The agency, through its Human Resource Office, shall maintain and keep an accident or illness record which shall be open at all times for inspection by authorized personnel which shall contain the following information:

- a. date of accident or illness;
- b. name of injured/ill employee, age and sexual orientation;
- c. occupation/position of the employee;
- d. cause of accident/illness;

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<sup>32</sup> to be observed by National Government Agencies, LGUs, Government-owned and Controlled Corporations with Original Charters and State Universities and Colleges

- e. extent and nature of disability/injury;
- f. duration of disability/injury;
- g. extent of damage, including actual medical cost;
- h. corrective action/s on OSH related findings which caused illness/accidents to be undertaken or was undertaken.

Other applicable CSC issuances are as follows:

- a. Memorandum Circular No. 08, Series of 2011 (Reiteration of the Physical Fitness Program “Great Filipino Workout”) – It directs all agencies to adopt “The Great Filipino Workout” in order to develop a healthy and alert workforce.
- b. Memorandum Circular No. 04, Series of 2003 (Promotion of Good Nutrition in the Bureaucracy) – It mandates the promotion of good nutrition of workers as an effective strategy to achieve and sustain increased organizational productivity.

Moreover, both the public and the private sectors are mandated to implement policies and programs relative to the following:

- a. Prohibition of smoking at the workplace
- b. Workplace Policy and Program for a Drug-free Workplace
- c. Tuberculosis prevention and control in the workplace
- d. Workplace Policy and Education Program on HIV and AIDS
- e. Workplace Policy and Program on Hepatitis B
- f. Medical assistance and other benefits for employees

The Philippines abides by ILO Technical Convention C187 – Promotional Framework for Occupational Safety and Health Convention.<sup>33</sup>

Due to the global context caused by COVID-19, it is important to specify a list of temporary regulations on COVID-19 relevant to labor and employment. At the international level, the International Labor Organization (ILO) shared recommendations on practices and strategies in health and safety for the prevention of COVID-19 through the Guide for employers on the prevention of COVID-19<sup>34</sup>. Likewise, the World Health Organization (WHO) has issued guidelines on preventive measures to avoid the contagion and spread of the coronavirus in the work site<sup>35</sup>. In the Philippines, there are some labor-related issuances that must be taken into consideration for any ongoing project during the pandemic.

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<sup>33</sup> The convention entered into force for the Philippines on 17 June 2020.

<sup>34</sup> For further information: [https://www.ilo.org/actemp/publications/WCMS\\_744784/lang--es/index.htm](https://www.ilo.org/actemp/publications/WCMS_744784/lang--es/index.htm)

<sup>35</sup> For more information: <https://iris.paho.org/handle/10665.2/52057>

**ANNEX 5 – CONSTRUCTION SAFETY AND HEALTH PROGRAM (CSHP) CHECKLIST**

<b>Construction Safety and Health Program (CSHP) Checklist</b>			
	<b>YES</b>	<b>NO</b>	<b>Remarks</b>
<b>A. General Requirements</b>			
a. Two (2) copies of letter of intent			
b. Name of authorized contact person with telephone number/s			
c. Two (2) copies of the safety and Health Program. One copy must be original print.			
<b>B. CSH Program must contain the following:</b>			



Construction Safety and Health Program (CSHP) Checklist			
	YES	NO	Remarks
<b>1.Name of person who prepared the program (please indicate if accredited by DOLE as OSH Practitioner)</b>			
<b>2. Project Description:</b>			
a. Specific name of project			
b. Location of the project			
c. Project classification			
d. Project owner			
e. Name of main contractor			
f. Estimated number of workers to be deployed			
g. Estimated start of execution of project			
h. Estimated duration			
i. Scope of work to be undertaken			
<b>3. Company Safety Policy written on a company letterhead</b>			
Must be duly signed by the highest company official or the highest ranking company representative who has overall control of project execution.			
<b>4. Name/s of Site Safety and Health Personnel</b>			
Must specify the proposed structure and membership of the safety and health committee (Specify the name/s)			
<b>5. Specify duties and responsibilities of the Safety Officer</b>			
Specific provisions on the following (if applicable):			
<b>6. On-site safety and health promotion and continuing information dissemination</b>			
<b>7. Accident and incident investigation and reporting</b>			
<b>8. Protection of the general public within the vicinity of the construction site</b>			
<b>9. Environmental control</b>			
<b>10. Guarding of hazard machinery</b>			
<b>11. Personal Protective Equipment</b>			
<b>12. Handling of hazardous substances</b>			
<b>13. General materials handling and storage procedures</b>			
<b>14. Workers skills and transportation facilities for workers in case of emergency</b>			
<b>15. Provisions for transportation facilities for workers in case of emergency</b>			
<b>16. Temporary fire protection facilities and equipment</b>			
<b>17. First aid health care medicines, equipment and facilities</b>			
<b>18. Workers welfare facilities (</b>			
<b>19. Proposed hours of work and rest breaks</b>			
<b>20. Construction waste disposal</b>			

Construction Safety and Health Program (CSHP) Checklist			
	YES	NO	Remarks
<b>21. Testing and inspection of construction heavy equipment</b>			
<b>22. Disaster emergency preparedness contingency plan</b>			
<b>23. COVID-19 or communicable disease prevention health and safety protocols</b>			
<b>24. Standard operating procedure and job hazard analysis for the following activities and other hazardous work not outlined herein.</b>			
a. Site clearing			
b. Excavations			
c. Erection and dismantling of scaffolds and other temporary working platforms			
d. Temporary electrical connections/ installations			
e. Use of scaffolds and other temporary working platforms			
f. Working at unprotected elevated working platforms or surfaces			
g. Use of power tools and equipment			
h. Gas and electric welding and cutting operations			
i. Working confined spaces			
j. Use of internal combustion engines			
k. Handling hazardous and/ or toxic chemical substances			
l. Use of hand tools			
m. Use of mechanical lifting appliances for movement of materials			
n. Use of construction heavy equipment			
o. Demolition			
p. Installation, use and dismantling of hoist and elevators			
<b>25. Penalties/ sanctions for violation of the provisions of the CSH program</b>			
<b>26. Grievance redress mechanism to address workers complaints including GBV/SEA/SH case management and referral pathways</b>			
<b>C. Attachments</b>			
1. Photocopy of registration forms received and approved by the concerned DOLE Regional Office			
2. Photocopy of Invitation to BID/ Project Contract			
3. Photocopy of Certificate and Completion of required training of all designated OSH personnel			
- Safet Officer- Basic Occupational Safety and Health Training for Construction Site Safety Officer			
- OH Nurse- Basic Occupational Safety and Health Training for OH Nurse (if any)			
-OH Physician - Basic Course on Occupational Medicine (if any)			
-First Aider- Standard First Aid Training and valid PNRC ID as first aider			

Construction Safety and Health Program (CSHP) Checklist			
	YES	NO	Remarks
4. Certificate of inspection and testing of construction Heavy equipment			
5. Skills Certificate of construction heavy equipment operators issued by TESDA (if any)			

presents the list of Philippine regulations referring to the COVID-19 context applicable to the Project.

Philippine laws also recognize the protection of maternity and paternity rights. Under RA 11210 qualified<sup>36</sup> female worker, regardless of civil status, employment status, and legitimacy of her child, whether in the public sector or in the private sector, including those in the informal economy, is entitled to paid leave benefit. Under RA 8187, paternity leave benefit is given to all married male employees, regardless of employment status, in the private or public sector. Moreover, in addition to leave privileges under existing laws, parental leave of not more than 7 working days every year shall be granted to any solo parent employee who has rendered service of at least one year.<sup>37</sup>

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<sup>36</sup> Eligible female worker in the public sector is any pregnant female worker in the government service, regardless of employment status and length of service under Sec. 1, Rule V of the IRR of RA 11210. A qualified female worker in the private sector is a worker with at least 3 monthly contributions in the 12-month period immediately preceding the semester of childbirth, miscarriage, or emergency termination of pregnancy; and has notified her employer of her pregnancy and the probable date of her childbirth under Sec. 1, Rule VI of the IRR of RA 11210.

<sup>37</sup> Sec. 8, RA 8972 or the Solo Parents' Welfare Act of 2000

### 3. DESCRIPTION OF THE PROJECT WORKERS

Based on the information available at the time of preparation of this document by DepEd and DPWH, the number and characteristics of the workers foreseen for the Project are presented below:

#### 3.1. Number of Project workers

Tables 3.1a and 3.1b shows the total estimated number of workers that will be employed by the Project. The Project aims to hire at least 10% female project workers.

**Table 3.2a Number of workers according to the contract modality, Component 1, February 2024**

No.	Type of Project Workers	Component 1	
		Repair and Rehabilitation	Pilot Reconstruction
1	<b>Direct Workers</b>	<b>1,391</b>	<b>458</b>
	Individual Contract of Service:		
	Central Office	2	2
	Regional Office <sup>38</sup>	15	5
	Division Office <sup>39</sup>	91	27
	BARRM	2	
	Government worker:		
	Central Office <sup>40</sup>	5	5
	Regional Office	15	5
	Division Office <sup>41</sup>	182	54
	BARRM	3	
	School <sup>42</sup>	1,076	360
2	<b>Contract Workers</b>	<b>41,946</b>	<b>17,542</b>
	Contractors:		
	Technical Professional <sup>43</sup>	1,076	360
	Skilled <sup>44</sup>	13,608	5,712
	Unskilled <sup>45</sup>	27,216	11,424
	Institutional Contract of Service:		
	PMO	46	46
	<b>Total estimated number of project workers for Component 1 (excluding primary supply workers)</b>	<b>43,337</b>	<b>18,000</b>

<sup>38</sup> Assumption is one (1) COS Engineer per covered Region

<sup>39</sup> Assumption is one (1) COS Engineer per Division under the covered Region

<sup>40</sup> Assumption is one (1) EFD Chief, one (1) Area Manager, one (1) EFD staff, and two (2) from DRRMS

<sup>41</sup> Assumption is one (1) Division Engineer and one (1) from SGOD per Division

<sup>42</sup> Assumption is two (2) personnel (the School Principal and School custodian) per school

<sup>43</sup> Assumption is one (1) engineer and one (1) architect per school site

<sup>44</sup> Assumption is based on the number of skilled workers needed per building

<sup>45</sup> Assumption is based on the number of unskilled workers needed per building

Source: DepEd

**Table 3.3b Number of workers according to the contract modality, Component 2, February 2024**

No.	Type of Project Workers	Component 2	
		Retrofitting	Reconstruction
1	<b>Direct Workers</b>	<b>37</b>	<b>49</b>
	Individual Contract of Service:		
	Central Office	20	32
	Government worker:		
	Central Office	17	17
2	<b>Contracted Workers</b>	<b>16,060</b>	<b>29,106</b>
	Skilled	6,935	1,3671
	Unskilled	9,125	15,435
	<b>Total estimated number of project workers for Component 2 (excluding primary supply workers and community workers)</b>	<b>16,097</b>	<b>29,155</b>

Source: DPWH

### 3.2. Types of Project Workers

#### Direct workers

In this category are those workers who have a direct contractual relationship with DepEd and DPWH and will work directly in activities associated with the Project. In this Project, for DepEd, it is estimated that a total of 1,391 for Repair and Rehabilitation and 458 for Pilot Reconstruction will be direct workers. 1,281 for the Repair and Rehabilitation and 424 for Pilot Reconstruction will be the government workers. A total of 144 will be an individual Contract of Service. There will be set of government workers and individual Contract of Service in the DepEd Central Office, Regional Offices, Division Offices and Schools that will assist in the implementation of the projects Repair and Rehabilitation and for Pilot Reconstruction.

For the DPWH, it is estimated that a total of 37 for Retrofitting and 49 for Reconstruction will be the direct workers. There will be set of government workers and individual Contract of Service in the DPWH Central Office that will assist in the implementation of the projects Rerofitting and Reconstruction. There will be 17 government workers for Retrofitting and for Reconstruction and 52 will be under individual Contract of Service.

## Contracted workers

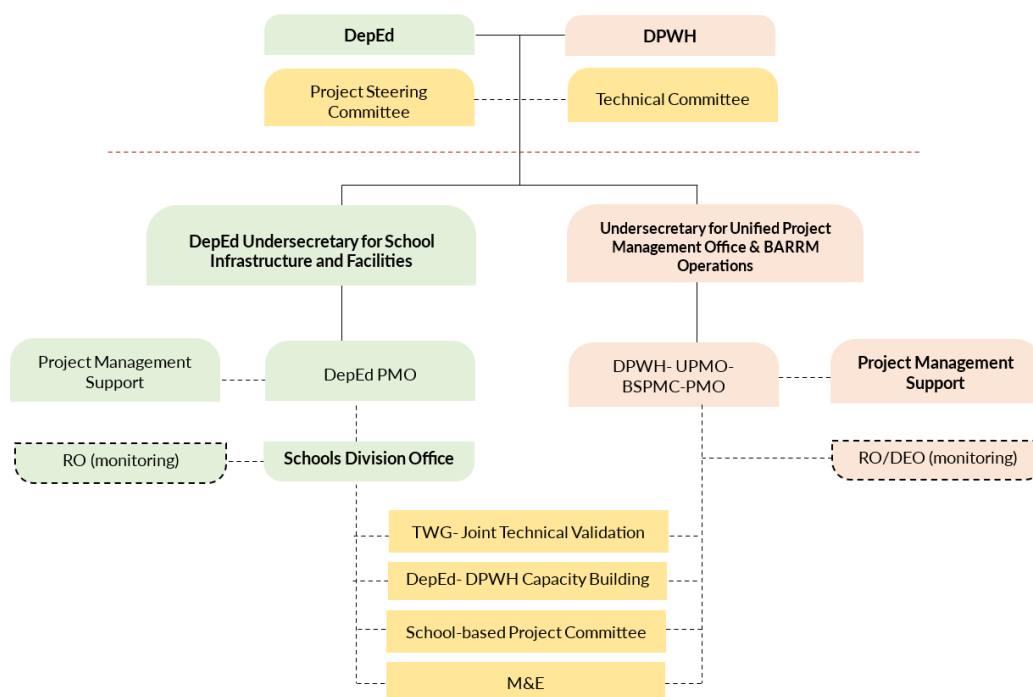
In this category are those workers who have a direct contractual relationship with DepEd and DPWH, DepEd and DPWH contractors. In this Project it is estimated that a total of 46 institutional Contract of Service will be employed by DepEd, and a total of 41,900 for Repair and Rehabilitation and 17,496 for Pilot Reconstruction will be employed by the contractors. The 46 Institutional Contract of Service will serve as the DepEd-Project Management Unit.

For the DPWH, it is estimated that a total of 16,060 for Retrofitting and 29,106 for Reconstruction will be employed by the contractors.

### 3.3. Project Organizational Structure and Implementation Arrangements

The DepEd is the proponent and lead agency for the ISRS project and will partner with the DPWH. DepEd will be the implementing agency for Component 1- Relatively Simple Works, and the DPWH for Component 2 - Relatively Complex Works. The institutional arrangements for the ISRS Project will build on the existing arrangement between DPWH and DepEd on similar undertakings. See figure below for the Project Implementation Arrangements between DepEd and DPWH

Figure 1: Project Implementation Arrangement between DepEd and DPWH



Source: ISRS Project Proposal as of January 2024

**Project Management Office (PMO).** A PMO will be established under each implementing agency for day-to-day implementation of project activities. In DPWH, the PMO will be under the UPMO-BSPMC; while in DepEd, the PMO will be under the School Infrastructure Facilities (SIF)- EFD. Each PMO will be staffed full-time by civil servants with designated function for the PMO. Assigned in the PMO, at the minimum, are a Project Manager and technical specialists (including designated Deputy Project Manager) to carry out key implementation elements: civil/structural

engineering, procurement, financial management, environmental and social safeguards, construction management and supervision, communications awareness, M&E, and capacity building. External specialists or contractual staff may be hired to augment capacity (i.e., geotechnical, electrical engineer/electrician, master plumber/sanitary engineer, etc.) as needed.

**DepEd-PMO.** A PMO will be created under the DepEd's SIF-EFD at the Central Office (CO) to oversee the implementation of Component 1 activities. PMO staff will carry out procurement of school furniture for reconstructed school buildings as well as reconstruction of one-storey school buildings through a hands-on/ learning-by-doing approach and with technical support from DPWH. The PMO will work closely with the concerned SDOs at the local level in implementing building repairs and rehabilitation. The SDO will be responsible for procurement and financial management. Staff from the PMO level will assist the SDOs in various aspects of project implementation as well as in O&M.

The PMO and SDO will work with DPWH in conducting technical validation of selected school buildings to be worked on under the project. Consultants to assist in the PMO and SDO will be procured, as needed. Funds for repair and rehabilitation activities and pilot reconstruction works will be downloaded from the PMO to the SDO. Environmental and social safeguards staff will be lodged at the PMO but will be deployed to the SDOs to train and cascade the safeguards requirements of the project.

**DPWH-PMO.** The PMO will be established under the UPMO-BSPMC, one of the implementing units of DPWH for official development assistance projects. It will be responsible for implementing the retrofitting and reconstruction activities under Component 2. Fiduciary and safeguards functions will be carried out by designated DPWH staff at the PMO level, through institutionalized procurement, finance, accounting, and safeguards units that perform these functions for World Bank (and other development partner) funded projects. Project Management Support consultants to assist in various aspects of project implementation will be hired as needed. The organization of the DPWH-PMO will be similar to the PSRRRP.

**Coordination between DepEd and DPWH.** For the DPWH component, DepEd will coordinate and conduct specified project activities jointly with DPWH as asset owner and project proponent. A Memorandum of Agreement will be signed between the two agencies to define the roles and responsibilities of each under the project. A Project Operations Manual (POM) will also be prepared to guide day-to-day implementation. The POM will detail the (i) sequencing of activities and implementation processes and procedures for each project stage, including technical validation/preparation, DED, procurement, construction, O&M, and M&E; (ii) responsibilities of each implementing entity at each stage of implementation; and (iii) responsibilities and processes involved in implementing the DepEd-DPWH capacity-building program.

**Support from the Regional Offices, District Engineering Offices, and School Division Offices.** The DPWH Regional and District Engineering Offices will assist in monitoring the project interventions implemented by the UPMO-BSPMC since they have presence in the field. They will report directly to the PMO under the UPMO-BSPMC. While in DepEd, the SDOs will implement the project activities (repair and rehabilitation of school buildings/facilities) and the regional office will assist in monitoring project activities. Both the regional office and SDO will report directly to the PMO at DepEd.

**School-based Project Committee.** A school-based project committee will also be established and will be composed of at least the school principal, barangay chairman or representative from

the barangay, representatives from the general parent-teacher association (parents and teachers), representatives from the student council, and the school DRM head or school facilities or custodian. This is to consult with and involve the main stakeholders/beneficiaries in planning, implementing, and monitoring the project interventions. The school-based project committee will closely coordinate with the DepEd PMO, SDOs, and the DPWH- PMO and district engineering offices.

### **3.4. Timeframe of labor needs**

The Project will be implemented over a five-year period starting in 2025 and ending in 2029. Each region under each component has its own implementation schedule as the nature of activities varies. In determining the sequencing of activities and interventions across regions, the following were the overall considerations:

- i. The implementation will start with the most affected regions recommended by the Technical Analysis Results.
  - o The Earthquake rank of the most affected region by earthquakes is based on RADAR data analysis about classrooms damaged during the period from 2021-2023. The regions which were most affected by earthquakes include CAR, Region 1, and Region IX.
  - o The Typhoon rank of the most affected region by typhoons is based on RADAR data analysis about classrooms damaged during the period from 2020-2023. The regions which were most affected by typhoons include Region V, Region VII, Region VIII, and CARAGA.
- ii. The size of a package/batch of schools to be intervened is based on the complexity of the civil works: simple works (around 40 schools per package/batch) and complex works (between 10-15 schools per package/batch).
- iii. The schools in a package/batch will be in their proximity within the same region or main island (Luzon, Visayas, Mindanao).
- iv. BARMM region will start preparation and procurement in Year 1 and construction (civil works) in Year 2 for both components.
- v. The procurement modality for Component 1 will be standard (design first and then construction) and for Component 2 will be design-build modality.

For Component 1 (Relatively Simple Works), the following are considered:

- i. Repair and Rehabilitation programs will be nationwide and will run during the first three years of the project.
- ii. Preparation activities (including joint technical validation, public consultations, environmental and social safeguards instruments preparation), and (ii) packaging for procurement will be initiated in Year 0 to start implementation of the interventions (construction phase) in Year 1 for Component 1 (Repair and Rehabilitation).



- iii. For Component 1B (Pilot Reconstruction), the preparation and procurement will start in Year 2. Preparation can start one year before the initiation of the construction phase and procurement can be launched simultaneously for scheduled batches of schools in the same year.
- iv. School facilities were disaggregated by complexity of civil works. Refer to Table 3.2a.

**Table 3.2a. Number of Schools Disaggregated by Type of Intervention and Civil Works Complexity Group under Component 1**

Intervention Combinations	Schools	Civil works complexity groups
<b>Component 1 - Repair and Rehabilitation</b>		
Repair	290	Simple works
Rehabilitation	116	Simple works
Repair/ Rehabilitation	132	Simple works
<b>Total</b>	<b>538</b>	
<b>Component 1 – Pilot Reconstruction</b>		
Reconstruction	79	Complex works
Repair/ Reconstruction	76	Complex works
Rehabilitation/ Reconstruction	15	Complex works
Repair/ Rehabilitation/ Reconstruction	10	Complex works
<b>Total</b>	<b>180</b>	

Following the earthquake and typhoon ranks of regions, the implementation schedule for Component 1 Repair and Rehabilitation and Component 1 Pilot Reconstruction by region is presented in Table 3.2b and Table 3.2c below.

**Table 3.2b. Implementation Schedule for Component 1 (Repair and Rehabilitation) by Region**

Multi-year	Year 1	Year 2	Year 3	Year 4	Year 5
Preparation and Procurement (Standard)	For all regions in Y2	For all regions in Y3			
Construction (Civil Works)	-	BARMM	BARMM	-	-
	CAR	CAR	-	-	-
	-	CARAGA	CARAGA	-	-
	Region I	Region I	-	-	-
	-	Region II	Region II	-	-
	-	Region III	Region III	-	-
	-	Region IV-A	Region IV-A	-	-
	-	Region IV-B	Region IV-B	-	-
	-	Region IX	Region IX	-	-
	Region V	Region V	-	-	-
	-	Region VI	Region VI	-	-
	Region VII	Region VII	-	-	-
	Region VIII	-	Region VIII	-	-
	-	Region X	Region X	-	-
	Region XI	-	Region XI	-	-
	-	Region XII	Region XII	-	-
Schools	147	268	123	-	-

Buildings	348	752	412	-	-
Classrooms	957	1,939	1,190	-	-
Students	53,540	107,942	50,600	-	-

**Table 3.2c. Implementation Schedule for Component 1 (Pilot Reconstruction) by Region**

<b>Component 1B. Pilot Reconstruction for School Infrastructure Recovery - DepEd DPWH</b>					
Multi-year	Year 1	Year 2	Year 3	Year 4	Year 5
Preparation and Procurement (Standard)		For regions in Y3	For regions in Y4	For regions in Y5	
Construction (Civil Works)	-	-	-	-	-
	-	-	CAR	CAR	-
	-	-	-	CARAGA	CARAGA
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	Region V	Region V	Region V
	-	-	-	-	-
	-	-	-	Region VII	Region VII
	-	-	-	Region VIII	Region VIII
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
Schools	-	-	71	68	41
Buildings	-	-	162	194	120
Classrooms	-	-	419	476	310
Students	-	-	14,662	15,856	7,909

The implementation schedule for Component 2 (Relatively Complex Works) takes into account the following:

- i. A combination of interventions per school facility will start in Year 1 with the less complex interventions. The complexity of the civil works was grouped into 3 based on the combinations of interventions for gradual implementation in one school.
  - o Group 1 (G1) refers to a combination of repair, rehabilitation, and reconstruction intervention (15 schools per batch).
  - o Group 2 (G2) refers to a combination of repair, rehabilitation, and retrofitting interventions (10 schools per batch).

- Group 3 (G3) refers to a combination of repair, rehabilitation, retrofitting, and reconstruction interventions (10 schools per batch).
- ii. Table 3.2d presents the distribution of schools by type of interventions and disaggregated by civil works complexity.
- iii. Table 3.2e shows the implementation schedule for Component 2 by region.

**Table 3.2d. Number of Schools Disaggregated by Type of Intervention and Civil Works Complexity Group under Component 2**

<b>Component 2 - Complex works</b>		
<b>Intervention combinations</b>	<b>Schools</b>	<b>Civil works complexity groups</b>
Reconstruction	99	G1 - Complex works 1
Repair/ Reconstruction	14	G1 – Complex works 1
Rehabilitation/ Reconstruction	26	G1 - Complex works 1
Repair/ Rehabilitation/ Reconstruction	18	G1 - Complex works 1
Retrofit	66	G2 - Complex works 2
Repair/ Retrofit	20	G2 - Complex works 2
Rehabilitation/ Retrofit	18	G2 - Complex works 2
Repair/Rehabilitation/Retrofit	19	G2 - Complex works 2
Retrofit/ Reconstruction	39	G3 - Complex works 3
Repair/ Retrofit/ Reconstruction	85	G3 - Complex works 3
Rehabilitation/Retrofit/ Reconstruction	48	G3 - Complex works 3
Repair/ Rehabilitation/ Retrofit/ Reconstruction	112	G3 - Complex works 3
<b>Total</b>	<b>564</b>	

**Table 3.2e. Implementation Schedule for Component 2 by Region**

<b>Component 2. Relatively Complex Works for School Infrastructure Recovery - DPWH</b>					
Multi-year	Year 1	Year 2	Year 3	Year 4	Year 5
Preparation and Procurement (Design-Build)	For regions in Y1	For regions in Y2	For regions in Y3	For regions in Y4	For regions in Y5
Construction (Civil Works)	-	BARMM	-	-	-
	CAR	-	-	-	-
	-	-	CARAGA	-	-
	Region I	Region I			-
	-	-	Region II	-	-
	-	-	Region III	-	-
	-	Region IV-A	-	Region IV-A	-
	-	Region IV-B	-	Region IV-B	-
	-	-	-	-	Region IX
	Region V	-	-	-	-
	-	-	-	Region VI	-
	Region VII	Region VII	-	-	-
	-	Region VIII	Region VIII	Region VIII	-
	-	-	-	-	Region X
	Region XI	-	Region XI	-	-
	-	-	-	Region XII	Region XII
Schools	155	162	114	93	40
Buildings	733	785	569	467	214
Classrooms	1,997	2,569	1,582	1,101	561
Students	115,078	177,824	91,695	63,335	42,597



The workers who will be involved according to the stages of the Project will be the following:

**Table 3.4f Estimated Number of Workers According to the Project Stages, Component 1**

Component 1	Stage	Year 1			Year 2			Year 3			Year 4			Year 5		
		Number of Workers			Number of Workers			Number of Workers			Number of Workers			Number of Workers		
		Direc t	Contra cted	Com mun ity	Dire ct	Contra cted	Com mun ity	Dire ct	Contra cted	Comm unity	Dire ct	Contr acted	Comm unity	Direc t	Contra cted	Comm unity
Repair and Rehabilitation (Simple Works)	Preparation and Procurement (Standard)	135	46		96	46										
	Construction (Civil Works)	390	9,736	294	699	20,886	536	364	11,416	246						
Pilot Reconstruction (Complex Works)	Preparation and Procurement (Standard)				34	46		40	46		28	46				
	Construction (Civil Works)							180	6,020	142	186	7,166	136	118	4,448	82

Source: DepEd

**Table 3.5g Estimated Number of Workers According to the Project Stages, Component 2**

Component 2		Stage	Year 1			Year 2			Year 3			Year 4			Year 5		
			Number of Workers			Number of Workers			Number of Workers			Number of Workers			Number of Workers		
			Direct	Contracted	Community	Direct	Contracted	Community	Direct	Contracted	Community	Direct	Contracted	Community	Direct	Contracted	Community
G1 - Complex Works 1	Reconstruction	Preparation and Procurement (Standard)	86			86			86			86			86		
	Repair/Reconstruction																
	Rehabilitation/Reconstruction	Construction (Civil Works)		6,138			3,432			1,716			792			1,056	
	Repair/Rehabilitation/Reconstruction																
G2 - Complex Works 2	Retrofit	Preparation and Procurement (Standard)	86			86			86			86			86		

Component 2		Stage	Year 1			Year 2			Year 3			Year 4			Year 5		
			Number of Workers			Number of Workers			Number of Workers			Number of Workers			Number of Workers		
			Direct	Contracted	Community	Direct	Contracted	Community	Direct	Contracted	Community	Direct	Contracted	Community	Direct	Contracted	Community
	Repair/Retrofit																
	Rehabilitation/Retrofit	Construction (Civil Works)															
	Repair/Rehabilitation/Retrofit			1,650			3,168			2,244			1,122			462	
G3 - Complex Works 3	Retrofit / Reconstruction																
	Repair/Retrofit / Reconstruction	Preparation and Procurement (Standard)	86			86			86			86			86		



Component 2		Stage	Year 1			Year 2			Year 3			Year 4			Year 5		
			Number of Workers			Number of Workers			Number of Workers			Number of Workers			Number of Workers		
			Direct	Contracted	Community	Direct	Contracted	Community	Direct	Contracted	Community	Direct	Contracted	Community	Direct	Contracted	Community
	Rehabilitation/ Retrofit / Reconstruction	Construction (Civil Works)															
	Repair/ Rehabilitation/ Retrofit / Reconstruction			2,242			4,092			3,564			4,224			1,122	

Source: DPWH

## **4. ASSESSMENT OF POSSIBLE MAIN LABOR RISKS**

In order to implement prevention and mitigation measures, DepEd and DPWH has identified the following risks that could violate the rights of Project workers, whether JO, COS, or workers of Institutional COS/contractor/sub-contractor:

### **4.1. Discrimination**

The risk of discrimination is relevant for all project workers under all components of the project. Any distinction or preference based on any reason such as race, color, sex, language, religion, political opinion, national or social origin, sexual orientation, gender identity, and others, will be considered as discrimination. For this reason, the Project will not allow any act that are discriminatory based on the provisions of the Labor Code and other applicable laws. In the specific context of the Project, discrimination may be encountered in the workplace as well as in the various subproject areas where construction activities will be undertaken. Possible situations of discrimination could arise in the selection of unskilled workers, for example.

### **4.2. Misuse of labor contract**

The Project will ensure that all workers have an employment contract with terms and conditions consistent with national labor laws. For this reason, DepEd will make unannounced visits to verify compliance with the conditions and benefits according to the corresponding Contracting Modality. If there is any case of misuse of labor contract, the contractor must guarantee that the corresponding rights of the worker are recognized, and that the labor contract is not contrary to law, morals, good customs, public order, or public policy.<sup>46</sup> In the specific context of the Project, possible situations of misuse of the labor contract could arise in a service location worker being hired and required to fulfill actions that are typical for a payroll worker.

### **4.3. Forced labor**

All work required of an individual under threat of any penalty and that is not done voluntarily, that is, there is no consent, will be considered forced labor. The Project will not allow this type of act pursuant to the provisions of RA 10364, or the Expanded Anti-Trafficking in Persons Act of 2012 and ESS2 of the World Bank. In the specific context of the Project, possible situations of forced labor could arise in workers being requested to work longer than in their established contracts.

### **4.4. Child labor**

Child labor is understood to be any physical, mental, social or moral activity that harms children, because it interferes with their education, prevents them from carrying out activities appropriate to their age, and limits their full development. The minimum age to work will be 14 years according to the ESS2 of the World Bank, although Art. 139 of the Labor Code establishes 15 years as a minimum age for non-hazardous work<sup>47</sup>. For purposes of this Project, children

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<sup>46</sup> Art. 1306, Civil Code of the Philippines

<sup>47</sup> Art. 139, Labor Code indicates:

- employees may not be less than 15 years of age unless they are working directly under their parents or guardian and their work does not hinder their education

Persons between 15 and 18 years old may work for a certain number of hours and periods of the day. Regardless, no person below 18 years old may be employed in occupations that are considered dangerous. In addition, RA 9231 indicates that Children below 15

under 15 years of age or any other form of child labor will not be employed. Likewise, minors under 18 years of age will not be employed in jobs that are dangerous to their health or to their physical, mental, moral or social development, in accordance with the World Bank's ESS2.<sup>48</sup> In the specific context of the Project, child labor is not identified as a significant risk however possible child labor situations could arise where children under the defined age are recruited to deliver unskilled labor in excavations.

#### **4.5. Harassment in the workplace**

Harassment in the workplace refers to any conduct that constitutes aggression or harassment against any worker and that results in mistreatment or humiliation, or threat to their employment situation. The Project is required to have an administrative policy and procedure for the prevention and punishment of harassment in the workplace. In the specific context of the Project, possible situations of workplace harassment could arise when a worker experienced verbal, visual or physical harassment. Visual harassment is a situation where the individual exposes themselves to another person without the victim's consent and thus the act affects their work performance or attitude. Examples of visual harassment sending sexual images or videos to a co-worker. Verbal harassment may come in the form of name-calling, insulting language and threats at the workplace. Physical harassment can come in the form of an act where someone inappropriately touches you against your will.

#### **4.6. Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)**

Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another (UN Glossary on Sexual Exploitation and Abuse 2017). Sexual abuse is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (UN Glossary on Sexual Exploitation and Abuse 2017) Sexual harassment (SH) is any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.

The Project will consider sexual exploitation and abuse (SEA) and sexual harassment (SH) in work-related environment<sup>49</sup> as a serious offense under RA 7877, which vests upon the employer or head of office in a work-related environment the duty to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or

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years old may be employed if: (1) the child works directly under his/her parents or guardian and the other employees are his/her family members as well; (2) the employer must guarantee the protection, safety, health, normal development, and morals of the child; (3) the employer must establish initiatives to safeguard against the exploitation and discrimination of the child, particularly in terms of system and level of remuneration, and length and arrangement of working hours; (4) the employer shall devise and execute a program for the child's training and skills acquisition; (5) acquire a work permit from DOLE

<sup>48</sup>See reference to EAS 2 paragraph 18 of the World Bank Environmental and Social Framework: Work considered dangerous for children are those that, due to their nature or the circumstances in which they are carried out, may endanger the health, safety or morals of children. Examples of hazardous work activities prohibited for children include the following: a) work exposed to physical, psychological or sexual abuse; b) work in underground areas, under water, or in heights or enclosed spaces; c) work with machinery, tools or equipment that is dangerous or that involves handling or transporting heavy loads; d) work in unhealthy environments in which the child is exposed to dangerous substances, agents or processes, or to temperatures, noise or vibrations that damage health, or e) work in difficult conditions, such as long hours, work at night or confinement in employer premises.

<sup>49</sup> In a work-related environment sexual harassment is committed when: (a) the sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee; (b) the above acts would impair the employee's rights or privileges under existing labor laws; or (c) the above acts would result in an intimidating, hostile, or offensive environment for the employee. (Sec.3, RA 7877)

prosecution of acts of sexual harassment. In addition, the crime of gender-based sexual harassment in the workplace is also prohibited under Sec. 16, RA 11313 or the Safe Spaces Act.<sup>50</sup>

Employers or other persons of authority, influence or moral ascendancy in a workplace have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace. Employees and co-workers shall have the duty to: (a) refrain from committing acts of gender-based sexual harassment; (b) discourage the conduct of gender-based sexual harassment in the workplace; (c) provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based sexual harassment; and (d) report acts of gender-based sexual harassment witnessed in the workplace.<sup>51</sup> In the specific context of the Project, possible situations of sexual harassment could occur in the workplace and construction sites. Women, girls and boys and gender minorities will be particularly vulnerable to SEA/SH considering that construction sites are within school grounds. For example when workers start to wolf whistle at female teachers and learners who pass the construction site or lewd comments are uttered. Another situation are when jobs are given in exchange for sexual favors or women are penalized for so-called “provocative” outfits in context of the workplace.

#### **4.7. Gender-based Violence (GBV)**

Gender-based violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (i.e., gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private. The Project will not tolerate any act of physical or psychological violence exercised against any person based on their sexual orientation or gender identity that negatively impacts their emotional, physical, social or economic well-being. The Project will promote respect for its workers by providing information on gender diversity.

In the specific context of the Project, possible situations of gender-based violence could occur in the workplace and construction sites in the form of physical violence, verbal violence (including hate speech), and sexual violence.

#### **4.8. Inequality of opportunities**

In the Project, any differentiated treatment based on factors such as gender, sexual orientation, disability status, among others, will not be tolerated. Therefore, the Project must verify the salary scales, which should not have gender or any of the other factors as a differentiating reason, in accordance with the provisions of the Labor Code for private employment. On the other hand, EO 292, s. 1987 provides that appointments in the Civil Service shall be made only according to merit and fitness. Also, compensation of government employees is fixed by law. Moreover, RA 10524 states person with disability shall not be denied access to opportunities for suitable employment. In the specific context of the Project, possible situations of unequal

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<sup>50</sup> It includes (a) acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual’s employment or education, job performance or opportunities; (b) a conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems; (c) a conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient. It may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee.

<sup>51</sup> Secs. 17 & 18, RA 11313

opportunities could arise when some positions are only filled with men without giving women any opportunity. The Project shall ensure equal employment opportunities regardless of gender, age, disability and ethnicity.

#### **4.9. Violation of freedom to unionize**

Freedom of association is the right of workers, whether in the private or public sector, to freely establish the organizations they deem appropriate in order to defend their labor interests. The Project will promote the free association of its workers and being part of any union activity may not be considered as a reason for dismissal as long as it is legitimate in accordance with the provisions of current legislation and ESS2. This freedom to unionize or organize is fully supported by the Philippine constitution, the Labor Code, and EO 292, s. 1987. In the specific context of the Project, possible situations of violation of freedom of association could occur where workers' contracts are prematurely ended because they have joined a union, or holders of a JO or COS do not have a voice as they are not employees.

#### **4.10. Non-compliance with norms of safety and health in the workplace**

The Project will comply with all national regulations regarding safety and health at work in accordance with RA11058, CSC-DOH-DOLE Joint Memorandum Circular No. 1, s. 2020 and other regulations indicated in

ANNEX . Among the most common risks of non-compliance with this regulation are accidents in work, occupational diseases, among other possible risks mentioned in ANNEX .

In the specific context of the Project, possible situations of non-compliance with occupational health and safety regulations could occur mostly in Project Components 1 and 2 which involve construction activities. The proposed repair and rehabilitation of about 538 schools and pilot

reconstruction of around 175 schools by DepEd and the major relatively complex works (Repair, Rehabilitation, Retrofitting, Reconstruction) of 690 schools by DPWH with a total of 1,403 schools across the country would broadly involve: (a) demolition and disposal of building debris (e.g., mortar, bricks, reinforced cement, scrap iron, wood); (b) site cleaning (jungle clearance, sewage system clearing, damaged fixture disposal); and (c) civil works, within existing schools of varying sizes (from primary to higher secondary).

During construction occupational health and safety risks and hazards to workers may arise from the use of materials such as paints and solvents as well as from working conditions that require working at heights or in confined spaces, working in trenches and excavations, poor lighting, and working with electrical and mechanical systems. There is also the risk of accidents and injuries in the construction sites and use of construction equipment. Infections due to exposure to virus and spread of communicable diseases, including Covid-19, the HIV/AIDS and other communicable diseases also pose risks to workers. Project workers may also be exposed to operational accidents or natural hazards (e.g., chemical spills, release of gases and odors, earthquake, fire, or other health and safety related incidents).

#### **4.11. Labor Influx**

Labor influx is the rapid migration to, and settlement of workers and followers in the project area. Labor influx will not likely impose significant risks in construction sites where local labor is normally sufficient for the Project's construction requirements. RA 6685<sup>52</sup> (Preference for Local Workers) requires private contractors who have been awarded with government projects, at least 50 percent of unskilled and 30 percent of skilled labor requirements will be actual residents in the municipality or barangay. This law is applicable to the project and hence will strictly comply with the required percentages. In this regard, for the remaining percentage if there are no qualified local contracted workers, contractors may bring contracted workers from different regions who may have a different dialect and cultural background and may be considered as local migrant workers. From the experience of DepEd and DPWH, it is highly possible that Project Engineers, Architects and Supervisors hired may come from other Regions such as the NCR. Such cases may have potential impacts on vulnerable communities including Indigenous Peoples and could potentially exacerbate existing conflict in some sensitive areas in the country.

#### **4.12. Setting-up of workers' camps**

Setting up of workers' camps may pose specific risks for the school community where the construction site is located. Setting-up of workers' camps may also pose risks to the neighboring communities where the school is located and its environment. The project may require the setting up of workers' camps inside school grounds. Living in camps may lead to social conflict among workers, theft, criminal behavior, risk of communicable diseases, risk of GBV and SEA/SH, inadequate waste disposal and creation of illegal waste sites, wastewater discharges, increased demand on freshwater sources, camp-related land-use, use of wood for fire, increased demand on natural resources. DepEd and DPWH will only allow a maximum of 20 workers to stay within the school sites with at least one (1) workers' camp per school site. If needing more workers, for example for the Component 1 pilot reconstruction and Component 2 reconstruction works,

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<sup>52</sup> AN ACT REQUIRING PRIVATE CONTRACTORS TO WHOM NATIONAL, PROVINCIAL, CITY AND MUNICIPAL PUBLIC WORKS PROJECTS HAVE BEEN AWARDED UNDER CONTRACT TO HIRE AT LEAST FIFTY PERCENT OF THE UNSKILLED AND AT LEAST THIRTY PERCENT OF THE SKILLED LABOR REQUIREMENTS TO BE TAKEN FROM THE AVAILABLE *BONA FIDE* RESIDENTS IN THE PROVINCE, CITY OR MUNICIPALITY IN WHICH THE PROJECTS ARE TO BE UNDERTAKEN, AND PENALIZING THOSE WHO FAIL TO DO SO, Approved December 12, 1988.

contractors will be required to set-up workers' camp outside the school site. Contractors will be required to submit copy of their workers' Identification Cards (IDs), list of names submitted to the School principal and at least implement a curfew hours from 7pm to 5am.

## 5. RESPONSIBILITIES AND FUNCTIONS OF THOSE IN CHARGE OF THE LMP IMPLEMENTATION

All obligations on labor matters assumed by DepEd and DPWH will be transmitted, through contractual clauses, to contractors or third parties in order to guarantee compliance with the LMP. However, the responsibility to supervise and guarantee compliance will fall on the respective ISRS Project Management Offices (PMO) within DepEd and DPWH.

Regarding the Project, the institutions involved will assume the following responsibilities:

- DepEd and DPWH as implementing agencies will be responsible for compliance with the LMP.
- Contractors or any other third-party implementers, e.g. those providing Technical Assistance (TA), will be responsible for the implementation of the LMP for the interest of project workers.
- Contractors will further be responsible to cascade and ensure equivalent implementation of the LMP to their respective sub-contractors.

The responsibilities of the Implementing Agencies and of the main stakeholders in key functions for the Project are shown below:

**Table 5.1 Description of responsibilities and functions in the Project**

N°	Institutions involved	Key functions within the Project	Responsible for area
1	DepEd and DPWH	Responsible for complying with current labor regulations and the Labor Management Procedure (LMP).	<b>Implementation of entire projects (Component 1 and 2)</b>
		Responsible for the hiring and administration of Project workers.	
		Responsible for safety and health in the workplace.	
		Manage complaints or grievances of workers.	
		Disseminate the LMP among workers and carry out trainings.	
2	<b>Third-Party Providers / Institutional Contract of</b>	Responsible for complying with current labor regulations and the Labor Management Procedure (LMP).	

N°	Institutions involved	Key functions within the Project	Responsible for area
	<b>Service / DepEd-PMO</b>	Oversee the implementation of Component 1 activities	<b>Implementation of entire projects (Component 1)</b>
		Carry-out procurement of school furniture for reconstructed school buildings as well as reconstruction of one-storey school buildings	
		Work closely with the concerned SDOs at the local level in implementing building repairs and rehabilitation	
		Will assist the SDOs in various aspects of project implementation as well as in O&M	
3	<b>DPWH-PMO</b>	Responsible for complying with current labor regulations and the Labor Management Procedure (LMP).	<b>Implementation of entire projects (Component 2)</b>
		Responsible for implementing the retrofitting and reconstruction activities under Component 2	
4	<b>Contractors</b>	Responsible for complying with current labor regulations and the Labor Management Procedure (LMP).	<b>Implementation of entire projects</b>
		Responsible for the hiring and administering of Project workers.	
		In charge of safety and health in the workplace, including provision of PPE, toolbox trainings etc.	
		Manage complaints or grievances of workers.	
		Disseminate the LMP among workers and carry out trainings.	
		Roll out LMP requirements to sub-contractors	

Source: DepEd

## 6. POLICIES AND PROCEDURES OF THE PROJECT

### 6.1. Policies

DepEd and DPWH as well as the contractor and subcontractor and other third-party providers will be governed by the agency's regulatory instruments to manage health, safety and working conditions issues, in addition to national laws and regulations.



- ✓ Code of Conduct, DepEd and DPWH (
- ✓
- ✓

- ✓ ANNEX ).
- ✓ Policy and administrative procedure for the prevention and punishment of sexual harassment, DepEd and DPWH
- ✓ Company Rules and Regulations/Human Resources Manual, DepEd and DPWH
- ✓ Internal Policy for Safety and Health at Work, DepEd and DPWH

## **6.2. Procedures**

### **6.2.1. Procedures for labor treatment**

The hiring and termination procedures that will be taken into consideration for the Project are explained below:

#### **Labor hiring procedures (recruitment and evaluation):**

DepEd and DPWH will not hire people under the Job Order (JO) or Contract of Service (COS) arrangement who are disqualified from contracting with the Government. This can be verified through the submission of relevant government clearances from competent authorities such as the National Bureau of Investigation, Philippine National Police, Office of the Ombudsman, the courts. Compliance to CSC-COA-DBM Joint Circular No. 1, s. 2017 and RA 9184 and its IRR shall be strictly enforced.

During the personnel selection process and the validity of the contractual relationship, DepEd and DPWH must comply, at least, with the following guidelines:

1. Use inclusive language in job advertisements, so that the application of people is not excluded due to their gender (male / female), origin (race, ethnicity), origin (nationality), age, physical condition (disability), and other similar circumstances.
2. Establish remuneration policies free of discriminatory components of all kinds and subject to the provisions of national laws and regulations. Determine the salary offer for the execution of the same job or the same function under the principles of equality, without discriminating between men, women or any other criteria of discrimination.
3. Do not limit or restrict work opportunities or permanence in work for women for reasons of maternity, breastfeeding or family responsibilities.
4. Do not associate jobs or work activities with social stereotypes related to gender, race, origin, or other similar ones.
5. Ensure the prohibition of child labor and forced labor.

During the job call process, DepEd and DPWH will prepare notices in accordance with applicable laws and regulations.

During the selection process, applicants must submit the following documents:

1. Curriculum Vitae
2. Copy of any government-issued identification card or Alien Certificate of Registration Identify Card (ACR I-CARD), if applicable
3. Title, Diploma or Certificate of studies as appropriate
4. Work certificates
5. Police Clearance/National Bureau of Investigation Clearance
6. Declaration of having no impediment to contract with the state

In the case of contractors and subcontractors, DepEd and DPWH will monitor and supervise compliance with labor obligations in favor of workers, independently, and without prejudice, to the individual obligations that correspond to them in accordance with the Labor Code, labor regulations, and ESS2. The mandatory benefits for regular workers under Philippine laws include, among others, prescribed hours of work, holiday pay, overtime pay, premium pay, night shift differential and service incentive leave, employees, when applicable, are entitled to maternity leave, paternity leave, parental leave for solo parents, adoption leave, leave for victims of violence against women and their children, special leave for women who undergo gynecological surgery, 13th month pay, retirement pay and benefits, separation pay, benefits under the Employees' Compensation Program, health insurance benefits, social security benefits and housing benefits.

DepEd and DPWH has two essential obligations: i) guarantee compliance with current government regulations and the LMP document within its organization, and ii) supervise compliance with current labor regulations and the LMP of the organizations involved in the Project. To do this, it will carry out the verification on the following aspects:

1. JO and COS workers of the Project must be required to submit monthly accomplishment reports;

2. The workers will be evaluated according to the internal policy on performance monitoring/evaluation, in order to measure their performance, productivity and / or work behavior in the job assigned at the institution.
3. When the workers are foreigners, the employment contracts is submitted with The Bureau of Immigration or DOLE as part of their work permit application;
4. The workers will be given the normative and management instruments such as Company Rules and Regulations (CRR) or Human Resources Manual, Policy on the prevention on Sexual Harassment in the Workplace, the Internal OSH Program, the LMP and its Annex. The workers will sign a receipt for these documents.
5. Orientation and training of personnel: DepEd and DPWH will be in charge of organizing and providing the corresponding instruction to hired personnel at the time of entry. Regarding training, DepEd and DWPH assumes the responsibility of continuously promoting the training of personnel.
6. In the case of contracted personnel (contractor and subcontractors), it will be subject to the provisions of the Internal OSH Program and the provisions for RA 11058 and the OSH Standards.
7. Probationary employment of contractors or subcontractors shall not exceed six months from the date the employee started working unless it is covered by an apprenticeship agreement stipulating a longer period. However, the probationary employee may voluntarily agree to an extension if it would afford the employee another chance to pass the standards for regularisation after having initially failed the probationary period;
8. The disciplinary regime complies with the procedure established in their internal policy procedure, if any, and the provisions of the Labor Code and other applicable laws.

#### **Procedure for termination of the employment relationship**

For this procedure, the provisions of the Labor Code and the individual contracts for the JO and COS workers, and the following aspects will be taken into consideration:

1. In cases of resignation, or voluntary withdrawal, the worker must notify it in writing thirty days in advance; the term can be waived at the will of the company/executing unit. In case of mutual agreement, it must be in writing.
2. The dismissal will proceed only for just causes related to the capacity and conduct of the worker indicated in the applicable labor regulations.
3. **DepEd** and DPWH are obliged to comply with the legal dismissal procedure under applicable provisions of labor laws.

This procedure will also be required of contractors and subcontractors in relation to their workers.

#### **6.2.2. Procedures for managing identified risks**

The preventive and mitigation measures to address the risks identified in the Project will be:

**Table 6.1 Table of measures for identified risks**

No.	Identified risks	Preventive and mitigation measures
1	Discrimination	<ul style="list-style-type: none"> <li>- Implement policy against discrimination</li> <li>- Induction / training on LMP</li> <li>- Adopt and Implement worker's GRM</li> </ul>
2	Forced labor	<ul style="list-style-type: none"> <li>- Comply with minimum age set for all types of work (in compliance with national laws and ESS2) and document age of workers upon hiring</li> <li>- Verify age of workers with communities where required</li> <li>- Conduct a track record search of the contractors at the bidding process (record of health and safety violations, fines, consult public documents related to worker's rights violations, GBV/ SEA/ SH issues etc.)</li> <li>- Raise awareness of communities/ suppliers to not engage in child labor</li> </ul>
3	Child labor	<ul style="list-style-type: none"> <li>- Comply with minimum age set for all types of work (in compliance with national laws and ESS2) and document age of workers upon hiring</li> <li>- Verify age of workers with communities where required</li> <li>- Conduct a track record search of the contractors at the bidding process (record of health and safety violations, fines, consult public documents related to workers' rights violations, GBV/ SEA/ SH issues etc.)</li> <li>- Raise awareness of communities/ suppliers to not engage in child labor</li> </ul>
4	Sexual Abuse and Exploitation (SEA) and Sexual harassment (SH)	<ul style="list-style-type: none"> <li>- Require that all Project workers sign a Code of Conduct ((CoC) listing sexual harassment as a violation</li> <li>- Monitor the signing of CoC by all workers</li> <li>- Provide induction/ training on CoC to all workers</li> <li>- Adopt and implement worker's GRM and project GRM, both allowing for a secure, confidential, emphatic and survivor-centered filling of grievances related to SEA/SH</li> </ul>
5	Inequality of opportunities	<ul style="list-style-type: none"> <li>- Require that all Vacancy Announcements call for vulnerable groups to apply or request application of specific identity groups</li> <li>- Adopt and Implement worker's GRM and Project GRM (for individuals that have not been included in the workforce due to inequality of opportunities)</li> </ul>
6	Violation of freedom to unionize	<ul style="list-style-type: none"> <li>- Implement policy against violation of freedom to unionize</li> <li>- Ensure all contractual agreements include provision on freedom to unionize</li> <li>- Adopt and Implement worker's GRM and Project GRM and ensure that worker's GRM include channels that allow aggrieved worker to report directly to the Project and circumvent employer where necessary</li> </ul>

No.	Identified risks	Preventive and mitigation measures
7	Gender-based violence (GBV)	<ul style="list-style-type: none"> <li>- Require that all project worker's sign a Code of Conduct (CoC) listing sexual harassment as a violation</li> <li>- Monitor the signing of CoCs by all workers</li> <li>- Adopt and Implement worker's GRM and project GRM, both allowing for a secure, confidential, emphatic and survivor-centered filling of grievances related to GBV</li> </ul>
8	Misuse of contract	<ul style="list-style-type: none"> <li>- Adopt relevant regulations and include in all contractual agreements</li> <li>- Provide training/ induction to project workers spelling out their specific duties and rights</li> <li>- Adopt and Implement worker's GRM and Project GRM an ensure that worker's GRM include channels that allow aggrieved worker to report directly to the Project and circumvent employer where necessary</li> </ul>
9	Non-compliance with safety and health measures at work (General OSH risks)	<ul style="list-style-type: none"> <li>- Achor all OSH requirements in all contractual agreements</li> <li>- Ensure OSH requirements are included in BoQs and are costed in bidding processes</li> <li>- Implement monitoring and supervision to assess compliance with OSH requirements</li> <li>- Adopt and implement workers' GRM</li> </ul>
10	OSH risks: operating in confined spaces	<ul style="list-style-type: none"> <li>- Implement engineering measures to eliminate, to degree feasible, the existence and adverse character of confined spaces</li> </ul>
11	OSH risks: Working in heights	<ul style="list-style-type: none"> <li>- Train workers and use temporary fall prevention devices, such as rails or other barriers able to support weight of 200 pounds</li> <li>- Train workers and use personal fall arrest system, such as full body harnesses and energy absorbing lanyards able to support 5000 pounds</li> <li>- Use control zones and safety monitoring systems to warn workers of their proximity to fall hazard zones</li> <li>- Install guardrails with mid-rails and toe boards at the edge of any fall hazard area</li> <li>- Proper use of scaffolds and ladders by trained workers</li> <li>- Include rescue and/ or recovery plans and equipment to respond to workers after an arrested fall</li> </ul>
12	OSH risks: handling construction equipment	<ul style="list-style-type: none"> <li>- Provide safety and health program for approval and submission to DOLE</li> <li>- The Safety and Health Program should include the risks assessments used as basis for the recommended safety and health programs</li> <li>- Train workers appropriately on OSH risks, hazards and safety handling of equipment and procedures, based on EHS Guidelines on OSH</li> </ul>

No.	Identified risks	Preventive and mitigation measures
		<ul style="list-style-type: none"> <li>- Provide appropriate PPE, continuous reminders to use PPE, use of signage and continuous supervision, based on EHS Guidelines on OSH</li> </ul>
13	OSH risks: exposure to existing utilities, such as high voltage electrical transmission lines	<ul style="list-style-type: none"> <li>- Mark all energized electrical devices and lines with warning signs</li> <li>- Double insulating/ grounding all electrical equipment used in environments that are, or may become wet</li> <li>- Use equipment with ground fault interrupter (GFI) protected circuits</li> <li>- Protect power cords and extension cords against damage from traffic by shielding or suspending above traffic areas</li> <li>- Appropriate labeling of service rooms housing high voltage equipment (electrical hazard) and where entry is controlled or prohibited</li> <li>- Establish "No approach" zones around or under voltage power lines</li> <li>- Conduct detailed identification and marking of all buried electrical wiring prior to any excavation work</li> </ul>
14	OSH risks through noise and vibration linked to machinery	<ul style="list-style-type: none"> <li>- Select equipment with lower sound power levels</li> <li>- Provide fit to work PPEs (ear plug/ earmuffs) for all workers involved in the areas with elevated noise levels</li> <li>- Coordinate with the office users/ staff as to determining timing and more importantly what specific noise controls and mitigations may be needed at the site</li> <li>- Install acoustic enclosures and/ or use vegetation as sound buffer for equipment casing radiating noise i.e. generator</li> <li>- Use equipment that is/ are good working condition and are periodically maintained</li> </ul>
15	OSH risks through lack of understanding of EHS risks and impacts	<ul style="list-style-type: none"> <li>- Assess capacity of construction company on EHS/ OHS</li> <li>- Train workers on EHS/OHS through toolbox talks</li> </ul>
16	Labor influx	<ul style="list-style-type: none"> <li>- Set up local workforce minimum content for the contractors</li> <li>- Disclose to communities local workforce content requirement</li> <li>- Investigate possibility of providing training to local communities on general jobs during the planning phase</li> <li>- Maximize the use of local suppliers (for food, water, services etc.)</li> </ul>
17	Setting up of Workers' Camps	<ul style="list-style-type: none"> <li>- Only a maximum of 20 workers can stay within the school sites and at least 1 workers' camp per site only</li> <li>- If needing more workers, for example for the Component 1 pilot reconstruction and Component 2</li> </ul>

No.	Identified risks	Preventive and mitigation measures
		<p>reconstruction works, contractors will be required to set-up workers' camp outside the school site.</p> <ul style="list-style-type: none"> <li>- Submit copy of Identification Cards and list of names of workers to school principal</li> <li>- Implement curfew hours from 7pm to 5am</li> <li>- Impose access restrictions of workers to school grounds to ensure minimal or no interface with teachers and students</li> <li>- Sanctions for workers involved in criminal activities</li> <li>- Identification of authorized water source and prohibition of other forms of use</li> <li>- Sound practices for waste disposal</li> <li>- Ensure workers' camp and associated facilities are connected to septic tank or other wastewater systems</li> <li>- Assess local water capacity and mitigation, as appropriate</li> <li>- Consideration of use of rainwater where feasible</li> <li>- Avoiding contamination of fresh water sources.</li> <li>- Only wood from legal commercial sources to be used on the project</li> <li>- Use of wood for fuel prohibited</li> <li>- Provide properly safe hygienic services, in good condition of use, that do not threaten the health or dignity of the workers, providing the necessary facilities for the safe access of personnel who have limitations in their movement.</li> </ul>

Source: DepEd

## 7. LABOR TERMS AND CONDITIONS OF THE PROJECT

The DepEd and DPWH, contractors, sub-contractors and third party providers, if any, undertake to comply with the following labor provisions regarding:

### 7.1. Worker's age

Under Article 137 of the Labor Code of the Philippines, person below eighteen (18) years of age shall not be allowed to be employed in an undertaking which is hazardous or deleterious in nature as determined by the Secretary of DOLE. Moreover, persons between 15 and 18 years old may work for a certain number of hours and periods of the day only. Regardless, no person below 18 years old may be employed in occupations that are considered dangerous or pose significant risks and hazards to the child's wellbeing and development.<sup>53</sup> The Project will comply with the Labor Code of the Philippines.

<sup>53</sup> Article 139, Labor Code

The Project will undertake necessary measures to avoid the hiring of workers under 14 years old. For this, DepEd and DPWH will cascade this requirement to all contractors and sub-contractors including in the bidding and procurement documents.

## **7.2. Working hours**

Under the Labor Code and other applicable regulations, the normal hours of work of project workers shall not exceed 8 hours a day, exclusive of time for meals. If the worked performed exceeds the normal working hours, overtime pay shall be given. The schedule proposed work as follows:

- Entry time: 8:00 hours
- Lunch break: 12:00 to 01:00 hours
- Departure time: 05:00 hours

The schedule may be modified due to the need for service. Overtime work, referring to work done outside of working hours will be paid or compensated according to the corresponding work regime, as stipulated by the Labor Code of the Philippines, specifically, Article 87 of the Labor Code mandates that overtime work should be compensated at a rate not less than 125% of the regular wage rate for ordinary days and 130% for work done on rest days or special non-working days (Article 91). In compliance with the Single Parent Act, flexible working hours will be provided to single parents with a fulltime contract.

## **7.3. Safety and health in the workplace**

The DepEd and DPWH, contractors, subcontractors and third party providers, if any, comply with safety and health requirements at work established in RA 11058 and the OSH standards mentioned in



ANNEX , subject to the provisions of the General Guidelines On Environment, Health And Safety of the World Bank Group<sup>54</sup>. In this sense, as a minimum and without being limiting, it will comply with the following:

- a. Provide adequate facilities with a safe infrastructure that does not endanger the life or physical integrity of workers and visitors, eliminating all roads and access that represent a danger or risk to life;
- b. Provide the necessary and appropriate work material, as well as communications networks for the performance of functions, such as connection and access to the Internet, fixed and / or cellular telephone networks, equipment and / or machines, office supplies, and safety equipment to carry out their tasks, such as personal protective equipment;
- c. Schedule medical examinations at the beginning, during and at the end of the employment relationship, being DepEd and DPWH, that will supervise compliance;
- d. Guarantee the confidentiality of the information and documents provided by the worker, be they personal, family, health, economic, sexual, religious, or of any kind subject to the provisions of RA 10173 or the Data Privacy Act of 2012;
- e. Provide properly safe hygienic services, in good condition of use, that do not threaten the health or dignity of the workers, providing the necessary facilities for the safe access of personnel who have limitations in their movement; and,
- f. Provide a suitable area for people eat their food in the places where the Project is being executed .

#### **7.4. Inclusive, respectful and equal treatment**

In labor relations, ethical, honest and fair behavior between workers and employers is necessary to achieve a harmonious coexistence in the workplace. In this sense, DepEd and DPWH, contractor or subcontractor, if any, assume the social responsibility of recognizing, respecting and ensuring the protection of the inherent rights of all workers as individuals. Mechanisms will be implemented to prevent, in any of its forms, any discriminatory act, violence, sexual harassment, and / or any other workplace harassment, whether verbal, physical and / or psychological that occurs as a consequence of labor relations within the Project, including those acts that may occur as a result of the interaction among the workers, contractors, subcontractors and with the community (general population).

To achieve these objectives, DepEd and DPWH consistent with the objectives of the National Government in preventing violence against women, the gender approach policy and respect for individual freedoms, will consider the following actions:

- a. Promotion of cooperative relations with the authorities (Philippine National Police, Civil Service Commission, Department of Labor and Employment, LGUs, among others) to

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<sup>54</sup> These can be found at the following link: <https://www.ifc.org/wps/wcm/connect/eb6fddc1-a3e3-4be5-a3da-bc3e0e919b6e/General%2BEHS%2B-%2BSpanish%2B-%2BFinal%2Brev%20%2Bcc.pdf?MOD=AJPERES&CVID=iqeI7M5>

ensure timely and diligent responses when filing complaints of harassment or gender violence. These measures seek to protect the vulnerable population;

- b. Training of workers by informing them about current legislation and internal procedures regarding workplace sexual harassment, providing the necessary guidelines to prevent and punish harassment in the public and private sectors;
- c. Awareness of workers through the development of workshops and awareness-raising talks on the Gender Approach;
- d. DepEd and DPWH will supervise the respect and observance of the current regulations on gender equality, hiring of foreign personnel, and people with disability<sup>55</sup>;
- e. Guarantee the right to confidentiality of the information obtained from the workers and medical examinations, and not to use said information to the detriment of the workers, subject to the provisions of RA 10173 or the Data Privacy Act of 2012;
- f. Rejection and sanction of the discriminatory treatment that stigmatizes workers with HIV / AIDS, implementing prevention and protection measures that protect them against situations of unjustified dismissal due to their physical condition in accordance with Republic Act No. 11166 or the Philippine HIV and AIDS Policy Act; and,
- g. Rejection and sanction of acts of sexual harassment in the workplace, including respect of the right of those who identify themselves as a victim to go to the police, fiscal and / or judicial authorities in defense of their rights.

All the aforementioned actions will be included in the Code of Conduct of the DepEd and DPWH which will comply with the minimum requirements established in

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<sup>55</sup> Under RA 10524, "At least one percent (1%) of all positions in all government agencies, offices or corporations shall be reserved for persons with disability: *Provided*, That private corporations with more than one hundred (100) employees are encouraged to reserve at least one percent (1%) of all positions for persons with disability."

ANNEX 8. The said Code of Conduct will be complied by contractors and subcontractors through its incorporation in their contracts under the Project.

#### **7.5. Workers compensation**

Individuals hired through COS shall be paid by the prevailing market rates, subject to the provisions of Republic Act No. 9184 and its Implementing Rules and Regulations. On the other hand, individuals hired through job order shall be paid wages equivalent to the daily wages/salary of comparable positions in government and a premium of up to 20% of such wage/salary.

Workers employed by the third parties shall be paid in accordance with the Labor Code. Minimum wage rates to be applied shall be those prescribed by the Regional Tripartite Wages and Productivity Boards.

The remunerations will be made:

- a. Respecting the amounts established in the employment contracts and/or the law;
- b. Complying with the policies and legal provisions on non-discrimination in wages between men and women;
- c. Without applying adjustments or deductions not authorized by the worker or applicable law;
- d. On a monthly basis by means of an account payment, on the date established in the contract; and,
- e. With the delivery of the respective payment slip.

Any claim regarding the payment of salaries of direct workers may be made administratively to the responsible area court, in accordance with their contracts. For workers of the contractors or sub-contractors, any claim for payment of salaries shall be made before the DOLE in accordance with the Labor Code and other applicable laws.

DepEd and DPWH, the contractor or sub-contractor, if any, will assume the timely payment of the social benefits generated (bonuses, unemployment, vacation, among others), in full and when appropriate.

Likewise, the expenses generated by the provision of the services in connection with the Project will be assumed by their corresponding employers, which may include the following items: mobility, representation expenses, per diem, etc.

## **7.6. Worker contracts**

DepEd and DPWH will ensure that all contracts of JO and COS for the Project, including possible cases in which the hiring of a worker is financed directly with a budget from the World Bank, must be consistent with the LMP procedures and national regulations. Each worker must be hired according to the corresponding legal regime. Contracts must not be used to avoid the obligations under existing and applicable laws.

The contract, written in a language known to the parties, shall be executed between the Executing Unit of the Project and the direct worker that specifies the following:

- a. Parties to the contract, including the name of worker, age, citizenship, civil status, gender, and address;
- b. Premises with regard to the needed services, acceptance of the parties, qualifications of the worker, and attestation that the worker is not related within the fourth degree of consanguinity or affinity to the hiring authority and/or its representative, and that the worker has not been previously dismissed from government service by reason of administrative offense; and,
- c. Terms and conditions of the contract, including the hours and place of work, remuneration payable to the worker, job description, summary of deliverables, duration of contract, procedure for suspension or termination of contract, statement that there is no employer-employee relationship between the contracting parties.

In addition to the written contract, an oral explanation of the provision stated therein shall be provided to the contracting worker who may have difficulty in understanding the provisions.

DepEd and DPWH, shall ensure that the employment contract of workers of contractor and subcontractor shall include the following stipulations pursuant to DOLE DO 174, s. 2017:

- a. The specific description of the job or work to be performed by the employee; and
- b. The place of work and terms and conditions of employment, including a statement of the wage rate applicable to the individual employee.

The contractor and subcontractor shall inform the employee of the foregoing stipulations in writing on or before the first day of his/her employment.

## **7.7. Benefits of contracts**

For direct workers under JO or COS arrangements, the provisions of their contract executed pursuant to CSC-COA-DBM No. 1, s. 2017 shall be strictly complied with.

Regarding the contracted workers (contractor and subcontractors): DepEd and DPWH will assume continuous supervision over compliance with the socio-labor regulations, based on this it will schedule unexpected visits and / or periodically request information on the contracts subscribed, contributions made and taxes paid to the Government. The workers are entitled to all the benefits under the Labor Code, as amended, and other applicable laws.

All Project workers will have protection against arbitrary dismissal, discrimination, sexual harassment, workplace harassment, and acts of violence, according to the corresponding laws indicated in ANNEX of this document.

## **8. MANAGEMENT OF CONTRACTORS AND SUBCONTRACTORS**

Responsibility for compliance with the LMP will be cascading. In other words, this will fall not only on the DepEd and DPWH, but also on the contractor, subcontractors, and the primary suppliers or third parties in charge, which will be incorporated in the respective contracts.

For the hiring of the workers of the contractors, subcontractors, and the primary suppliers or third parties that they hire, the same obligation applies with respect to compliance with the LMP and its Annexes, the ESF of the World Bank, and national and international regulations applicable to the Project workers.

The scope and procedures of the LMP are not only exclusively for the DepEd and DPWH, and the workers that it hires, but is also extended to the contractor companies (works executor), the work supervisor, subcontractors, primary suppliers, third parties, and all personnel related to the execution of the Project; therefore, it must be disseminated and enforced.

## **9. COMPLAINTS AND LABOR GRIEVANCES MANAGEMENT SYSTEM**

Workplace concerns are usually different from issues raised by project-affected parties and other stakeholders, and therefore call for a separate mechanism to address them. The design of the workplace grievance mechanism includes elements of a grievance mechanism as identified in the Project's Stakeholder Engagement Plan (SEP) but will also include features specifically designed to address workplace concerns. Consistent with applicable national laws and the specific requirements under ESS 2 of the ESF, the Project shall install a separate grievance resolution process to address labor or workplace-related concerns from project workers. The GRM shall be transparent and accessible for project workers to raise complaints, claims, labor inquiries, or suggestions in a non-threatening manner. At the time of recruitment and prior to actual work engagement, all project workers shall be given full orientation about the GRM as included in this document.

DepEd and DPWH undertakes to implement and disseminate the mechanism for handling complaints and grievances for Project workers, which will be a transparent and timely procedure and will allow workers to raise complaints, claims, labor inquiries, or suggestions even anonymously. The grievance mechanism shall be made easily accessible to all Project workers. Regular meetings with the project workers to discuss any work-related issues and concerns will be conducted. Every grievance raised by a worker will be documented including the actions undertaken by the office to address such grievance. This mechanism will be replicated in contractor and subcontractor companies.

Complaints about sexual harassment in the workplace shall be subject to the procedure outlined in RA 7877. Administrative cases on sexual harassment cases in the public sector is covered by CSC Resolution 01-0940. Government workers' complaints shall observe the grievance redress mechanism of the concerned agency pursuant to CSC No. 2, s. 2001. For other labor issues or complaints emanating from the implementation of the Project, this grievance mechanism will apply. Availing of the grievance mechanism process provided herein is without prejudice to the

filing of appropriate complaint before the DOLE, CSC, or the proper courts and other competent authority.

### Elements of the workers' GRM

**Submission of grievance:** The means (face-to-face, virtual, telephone call) to make complaints, claims, work inquiries, or suggestions are as follows:

**Table 9.1 Contact details for complaints, claims, labor inquiries, or suggestions**

Means	Contact Details
TELEPHONE:	[Numbers]
	[Hours of attention]
EMAIL:	[EMAIL]
WEB:	[Web page]
IN PERSON:	[Office address]
	[Hours of attention]
	[Direct contact (person responsible)]

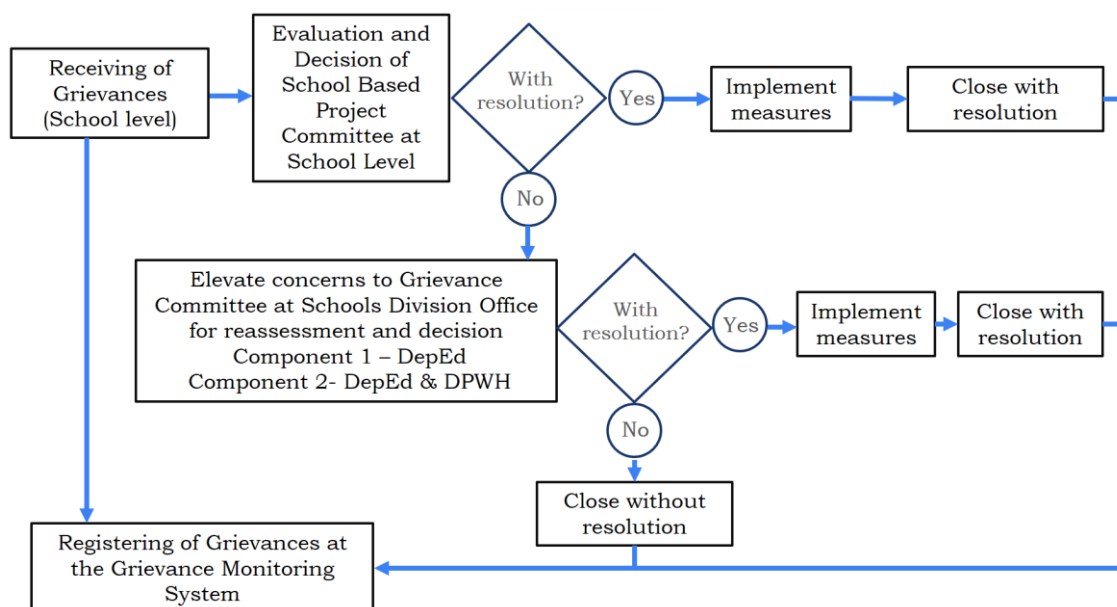
The procedure for the complaints and grievance mechanism will be as follows:

1. The person will formulate the complaint, claim, labor consultation, or suggestion through the established means, which will be received by the School Based Project Committee at the school level and submitted to be registered in the Grievance Monitoring System by the Schools Division Office. As a default, the evaluation and decision shall be made by the School Based Project Committee.
2. School Based Project Committee, after the corresponding evaluation, it will give its answer or appropriate action. The procedure to file a labor-related grievance will be disseminated to all levels of DepEd and DPWH that will be involved in the Project and to contractors and its sub-contractors. The information on the GRM shall be well disseminated through: flyers with infographics; orientation-meeting for Project workers; during regular toolbox meetings for laborers about the GRM procedures, information on the various channels to file grievances, the GRM structure and the indicative period in which the aggrieved person will receive a response or can expect a resolution.
3. In case the person who made the complaint or claim does not agree with the response of the School Based Project Committee, the concerns shall be escalated to the Grievance Committee at the Schools Division Office for re-assessment and decision, for component 1 by DepEd and for component 2 jointly by DepEd and DPWH. The person may, at anytime, file other mechanism, such as the formal judiciary.
4. The DepEd and DPWH, through the Grievance Committee, will issue a resolution.
5. In case the person who made the complaint or claim does not agree with the resolution, the procedure will be closed without any agreement. This person may follow the administrative procedure according to the nature of the complaint or claim.

6. In case the person who made the complaint or claim agrees with the decision, the agreement will be implemented after the corresponding negotiation in order to close the procedure.

The following is the flow chart for the labor complaints and grievances mechanism:

**Graph 9.1 Work Complaints and Grievances Attention Flow Chart**



Source: DepEd

Every worker can file a complaint with the competent authorities. The following Table presents the authorities according to their functions to receive specialized complaints:

**Table 9.2 Competent authorities to receive complaints**

No.	Institutions	Functions
1	Civil Service Commission	CSC shall hear and decide administrative cases instituted by or brought before it, directly or on appeal. <sup>56</sup>
2	Head of Agency /LGU	They take cognizance of complaints involving their respective personnel. <sup>57</sup> All agencies must establish grievance machinery. <sup>58</sup>
3	Private Arbitration	The parties may agree to private arbitration, but this will not deprive Philippine labor courts or agencies of jurisdiction over certain labor disputes as provided by law
4	Grievance Machinery under the CBA	The Labor Code requires parties to a CBA to establish a machinery for the adjustment and resolution of grievances arising from the interpretation or implementation of their CBA.

<sup>56</sup> Revised Rules on Administrative Cases in the Civil Service

<sup>57</sup> Revised Rules on Administrative Cases in the Civil Service

<sup>58</sup> CSC Memorandum Circular 2, s. 2001

No.	Institutions	Functions
5	DOLE/SeNA Desk Officers	The DOLE through its regional offices and attached agencies shall provide a speedy, impartial, inexpensive and accessible settlement of labor issues arising from employer-employee relations, including issues on OSH Standards, to prevent them from ripening into full blown labor dispute or actual labor case, of the Single Entry Approach (SeNA) <sup>59</sup>
6	Committee on Decorum and Investigation (CODI) in Sexual Harassment Cases	Receive complaints of sexual harassment; Investigate sexual harassment complaints in accordance with the prescribed procedure; Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision; and Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment.
7	Labor Arbiters/ National Labor Relations Commission (NLRC)	Labor Arbiters have original and exclusive jurisdiction to hear and decide the following cases involving all workers, whether agricultural or non-agricultural: unfair labor practice cases; termination disputes; claim for reinstatement; claims damages; cases arising from strikes and lockouts; and all other claims arising from employer-employee relations. Cases decided by Labor Arbiters are appealable to the NLRC <sup>60</sup> .
8	Philippine National Police (PNP)	Through the police stations, they intervene in the reception and processing of complaints, as well as in the investigation of crimes

### SEA/SH-related Grievances

DepEd and DPWH shall issue rules and regulations, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions thereof. Also, an issuance on proper decorum in the workplace.

DepEd and DPWH will create a committee on decorum and investigation (CoDI) of cases on sexual harassment as required by the Anti-Sexual Harassment Act as amended, the DepEd and DPWH shall hold the CoDI in high esteem for their probity, integrity, and most importantly, commitment. The committee shall conduct meetings, as the case may be, with employees and workers to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment. The committee shall be composed of at least one (1) from the DepEd, DPWH, contractor, the contractors' employees from the supervisory rank, and from the rank and file employees or workers.

DepEd, DPWH and contractor shall disseminate or post copy of RA No. 7877 also known as "Anti-Sexual Harassment Act of 1995" for the information of all concerned.

The grievance recipient will be responsible for the recording and registration of the complaint.

<sup>59</sup> RA 10396 and DOLE Department Order No. 151-16, s. 2016

<sup>60</sup> Art. 217, Labor Cod



**Confidentiality:** All grievance recipients and anyone handling the SEA/SH-related grievances must maintain absolute confidentiality in regard to the case and in a survivor-centered manner. Maintaining confidentiality means not disclosing any information at any time to any party without the informed consent of the person concerned.

**Informed Consent:** The survivor can only give approval to the processing of a case when he or she has been fully informed about all relevant facts. The survivor must fully understand the consequences of actions when providing informed consent for a case to be taken up. Asking for consent means asking the permission of the survivor to share information about him/her with others (for instance, with referral services and/or PMO), and/or to undertake any action (for instance investigation of the case). Under no circumstances should the survivor be pressured to consent to any conversation, assessment, investigation or other intervention with which she does not feel comfortable. A survivor can also at any time decide to stop consent. If a survivor does not consent to sharing information, then only non-identifying information can be released or reported on.

**Awareness Raising:** General awareness raising among staff in regards to SEA/SH will be conducted and all staff is expected to sign Codes of Conducts (CoCs) with reference to SEA/SH.

### ANNEX 1: Sample Grievance Reporting Form for Workers

RECEIPT FORM N ° ____			
Indicate Name of the Executing Unit:			
Indicate Project Name:			
Name of School:			
School Address:			
<b>REGISTRATION OF THE GRIEVANCE</b>			
Date and time received			
Place received			
Party receiving it	Name		
	Position		
Means of reception	a) Verbal		
	b) Telephone		
	c) Written	Letter (Registration N°. assigned)	
		E-mail:	
	d) Office providing Permanent Attention		
	e) [Indicate other means]		
<b>I. PERSONAL DATA</b>			
Does the person want to identify itself? Otherwise		Yes	No
Name and surnames			
Address		District	
Telephone		E-mail	
[Add other information]			
<b>II. INFORMATION ABOUT THE CASE</b>			
2.1 Type of case			
a. Grievance		c. Query	
b. Claim		d. Other	
<b>2.2 Subject of the case</b>		<b>2.3 Details of the grievance</b>	
a. [Indicate topic.]			
b. [Indicate topic]			
<b>2.4. Request concerning the grievance (indicate)</b>		(indicate)	
<b>2.5 Documentation provided by the complainant (reports, photographs, among others) (indicate)</b>		(indicate)	
<b>III. ADDITIONAL REMARKS</b>			
Name of the person responsible for case		Name of the party presenting grievance	
Position	Signature	Position	Signature
<p>The information contained in this form has been provided voluntarily and authorized by the above signer. The institution guarantees the confidentiality of the information registered and its use for the corresponding purposes.</p>			

Note: A copy of this form is given to the person who filed the complaint.

**ANNEX 2 - REQUIREMENT OF THE ENVIRONMENTAL AND SOCIAL STANDARD 2 (ESS 2) AND  
THE PHILIPPINE LABOR REGULATIONS**

The Environmental and Social Standard 2 (ESS2) of the World Bank on labor and working conditions applies to all projects financed by the World Bank and aims to promote and protect safety and health, fair treatment, and non-discrimination and equal opportunities for Project workers, especially the most vulnerable.

This ESS recognizes the importance of job creation and income generation in order to reduce poverty and foster inclusive economic growth. It also seeks to prevent the use of all forms of forced labor and child labor. On the other hand, it supports the principles of freedom of association and collective negotiation of the Project's workers in accordance with national laws. And finally, it provides Project workers with accessible means to raise concerns about labor and working conditions.

In general terms, current Philippine regulations address most of the requirements considered in this standard.

The requirements of ESS2 and Philippine labor regulations are detailed below:

# NATIONAL REGULATIONS CORRESPONDING TO ESS2

ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
Labor Terms and Conditions	Workers will receive information and documentation, establishing their rights under national labor laws, including rights related to hours of work, wages, overtime, pay and benefits (para. 10).	Labor Code of the Philippines, as amended, and its IRRs	Prescribes the terms and conditions of employment and other requirements, including rights of workers	X	DOLE CSC Heads of Agency	National law reflects the requirements of conditions of employment and rights of workers. National law also required OSH measures and the terms and conditions of employment of contractor and sub-contractor's employees to be reflected in the terms and conditions of employment.
		EO 292, s. 1987 and its IRRs	The terms and conditions of employment of all government employees, shall be fixed by law. Those that are not fixed by law may be the subject of negotiation between duly recognized employees' organizations and appropriate government authorities.			
		RA 11058 and DO 198, s. 2018	Information dissemination of OSH for both private and public sector is mandated.			
	Workers will receive their payment in regular form (para 11).	Labor Code of the Philippines, as amended, and its IRRs	Provides for the rules on wages for the private sector, including setting the minimum wage, forms, time and place of payment	Convention N° 100 on equal remuneration of the ILO	DOLE DBM COA	National regulations address aspects of ESS2 remuneration

ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
		RA 11466	Modifies the salary schedule for civilian government personnel and authorities			
		EO 292, s. 1987	Congress shall provide for the standardization of compensation of government officials and employees			
		CSC-COA-DBM Joint Circular No. 1, s. 2017	Individual COS shall be paid the prevailing market rates; individual hired as JO shall be paid wages equivalent to the daily wage/salary of comparable positions in government and a premium of up to 20% of such wage/salary			
	<b>Workers will have adequate weekly rest periods, annual vacation, and sick, maternity or family leave, as required by national law and labor management procedures (para 11).</b>	Labor Code of the Philippines, as amended, and its IRRs	Provides for rules on working conditions and rest periods, holidays and service incentive leaves	Convention N° 183 on the protection of maternity	DOLE CSC	National regulations address working conditions on ESS2 breaks, except for some provisions that are not applicable to JO and COS workers because of the nature of their contract and employee – employer
		RA 11210	Provides for 105 expanded maternity leave			
		RA 8187	Provides for paternity leave benefit			

ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
		RA 8972	Grants parental leave of not more than 7 days, and additional 15 day maternity leave for solo parent female worker			relationship with the government.
		EO 292, s. 1987 and Omnibus Rules Implementing Book V of EO 292	Provides for rules on leaves for the government personnel			
		CSC-COA-DBM Joint Circular No. 1, s. 2017	Services of COS and JO workers are not covered by Civil Service law; hence, they do not enjoy the benefits such as leave and 13 <sup>th</sup> month pay			
	<b>When required by national laws and labor management procedures, workers in the project will receive timely notification of termination of employment and details of severance payments (para 12).</b>	Labor Code of the Philippines, as amended, and its IRR	There is no dismissal without just cause for regular employees. Notice of termination is required and details of benefits to be received are prescribed.		DOLE	National regulations address aspects of ESS2 termination of employment.
		EO 292, s. 1987 and Omnibus Rules	No officer or employee of the civil service shall be removed or suspended except for cause			

ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
		Implementing Book V of EO 292	as provided by law and after due process.			
Non-discrimination and equal opportunities	The hiring of workers will be based on the principle of equal opportunities and fair treatment, and there will be no discrimination in any of the aspects of the employment relationship, such as search and hiring, remuneration (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices (para 13).	1987 Philippine Constitution	The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.	Convention N° 111 on discrimination, employment and occupation.	DOLE CSC	National regulations address aspects of equality and non-discrimination of the ESS2.
		Labor Code of the Philippines, as amended	It is a State Policy to encourage hiring of workers based on their qualifications, abilities, skills, and knowledge instead of their age; forbid the placement of unreasonable age restrictions on employment; and support equal rights and treatments for all with regards to compensation, benefits, and other employment opportunities, age notwithstanding.			

ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
			Discrimination against women employees with respect to terms and conditions of employment solely on account of her sex is prohibited.			
		EO 292, s. 1987 and Omnibus Rules Implementing Book V of EO 292	appointments in the Civil Service shall be made only according to merit and fitness; government employees shall not be discriminated against in respect of their employment by reason of their membership in employees' organizations or participation in the normal activities of their organizations.			
		CSC Memorandum Circular No. 3, s. 2001	provides for the revised policies on the merit promotion plan, which mandates that appointment in the government service is open to all qualified men and women according to the principle of merit and fitness			



ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
		R 9710	The State condemns discrimination against women in all its forms. Public and private entities and individuals found to have committed discrimination against women shall be subject to sanctions.			
		RA 8371	the State is mandated to extend to ICC/IPs the same employment rights, opportunities, basic services, educational and other rights and privileges available to every member of the society, and the employment of any form of force or coercion against ICCs/IPs is dealt with by law.			
Union	In countries where national laws recognize the rights of workers to form organizations, join organizations of their choice	1987 Philippine Constitution	guarantees the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including	ILO Conventions N°s 87, 98 and 151	DOLE CSC	National regulations address aspects of ESS2 on unions.

ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
	and to negotiate collectively without interference, the project will be carried out in accordance with those national laws (para 16).		the right to strike in accordance with law.			
		Labor Code of the Philippines, as amended	It is unlawful to restrain, coerce, discriminate against or unduly interfere with employees and workers in their exercise of the right to self-organization. All employees have the right to self-organization and to form, join or assist labor organization of their own choosing for collective bargaining, including government employees.			
		EO 292, s. 1987	all government employees, including those in government-owned or controlled corporations with original charters, can form, join or assist employees' organizations of their own choosing for the furtherance and protection of their interests.			

ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
Forced Labor	Forced labor will not be used (para 20).	RA 10364	Prohibits any act that introduce match for money, profit, or material, economic or other consideration any person for purposes of forced labor, slavery, involuntary servitude or debt bondage	ILO Forced Labor Convention	DOLE Head of Agency	National regulations address aspects of forced labor of the ESS2.
Occupational Health and Safety (OSH)	All parties hiring workers will develop and implement procedures to maintain a safe work environment, including verifying that workplaces, machinery, equipment, and processes under their control are safe and do not present health risks, with inclusion of the use of appropriate measures related to chemical, physical and biological agents and substances (para 26).  Project workers will be offered facilities appropriate to the circumstances of their	RA 11058	State guarantees a safe and healthy working environment for employees by providing protection from all possible dangers in the workplace. It applies to all organization, projects, sites, or any place where work is being done.		DOLE CSC Head of Agency	National regulations address occupational health and safety aspects of ESS2.
		DOLE DO 198, s. 2018	Implements the provisions of RA 11058 and requires covered places to have OSH Program to ensure safe environment, including the provision of workers' welfare facilities			
		CSC-DOH-DOLE Joint Memorandum	provides for the OSH standards for the public sector			

ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
	work, including access to dining rooms, hygiene facilities, and appropriate rest areas (para 28).	Circular No. 1, s. 2020				
Complaints and grievances management system	Processes will be established in the workplace for workers to report work situations that they consider unsafe or unhealthy, and so that they can withdraw from a work situation that they consider, with reasonable justification, to present an imminent or serious danger to their life or their health (para 27).	Labor Code of the Philippines, as amended	all issues arising from labor and employment shall be subject to mandatory conciliation-mediation; allows voluntary arbitration between parties for unresolved issues; parties to a collective bargaining agreement shall establish a machinery to resolve grievances arising from the interpretation or implementation of their collective bargaining agreement and from the interpretation or enforcement of company personnel policies; provides for labor arbiters to hear cases involving workers		DOLE CSC Head of Agency	National regulations address aspects of mechanisms for handling complaints and grievances of the ESS2.
		RA 10396 and DOLE DO 151-16	provide a speedy, impartial, inexpensive and accessible settlement of labor issues			

ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
			arising from employer-employee relations, including issues on OSH Standards, to prevent them from ripening into full blown labor dispute or actual labor case, or the Single Entry Approach (SeNA			
		EO 292, s. 1987	Each department or agency shall promulgate rules and regulations governing expeditious, fair and equitable adjustment of employees' complaints or grievances.			
		CSC MC 2, s. 2001	All agencies must establish grievance machinery. The CSC issued policies on grievance in the public sector.			
Community workers	Projects may involve the use of community workers in various circumstances, such as when labor is provided by the community as a contribution to the project or when projects are designed and	x	If community workers are hired as contractual workers by the community or the political entity, Labor laws will apply.			There is need for further clarity as regards volunteer workers from the community insofar as the applicability of labor and working condition laws, rules and regulations. In the

ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
	carried out in order to foster community-driven development, and provide a social safety net or specific assistance in fragile and conflict-affected situations (para 34).		Contracting local government unit shall be responsible to enforce and commit to all requirements of the law and for this ESS2 for the staff assigned to the project e.g. community traffic police etc.			absence of which, local labor, civil service laws and Department of Interior and Local Government Memorandum on appointed officials will apply in so far as LGU staff/officers are committed to support the project.
Child labor	The Borrower will assess whether there are risks of child or forced labor (para 37).	DOLE DO 65-04	Children below 15 years old who works must secure work permit; employers, workers and their organizations, professional organizations or business federations are encouraged to establish or adopt mechanisms to monitor their ranks and take corrective action against erring members.	ILO Conventions N°s 29, 138 and 182.	DOLE	The work of minors under 14 years of age will not be allowed for World Bank projects, as ESS2 prevails
		Omnibus Rules Implementing Book V of EO 292	Only 18 years and above is eligible for appointment, and submission of certificates and clearances is a must.			
		RA 9231	Penalizes any person who employs a child below 15 years			

ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
			old, except in work allowed by law.			
	<b>The minimum age for employment or recruitment will be specified, which will be 14, unless national laws stipulate a higher age (para 17).</b>	Labor Code of the Philippines, as amended	Employees may not be less than 15 years of age unless they are working directly under their parents or guardian and their work does not hinder their education; Persons between 15 and 18 years old may work for a certain number of hours and periods of the day. Regardless, no person below 18 years old may be employed in occupations that are considered dangerous	ILO Convention N° 138 National	DOLE	

### ANNEX 3 – PHILIPPINE AND INTERNATIONAL RULES ON WORK CONDITIONS AND BENEFITS

N°	Theme	Norm/Regulation	Observations
1	<b>Contracting modalities</b>	Labor Code of the Philippines, as amended	Recognize the following types of employment (Private): regular and alternative employment arrangements: project, seasonal, casual, fixed period employment and probationary employment; Art. 106 on contractor or subcontractor; Art. 107 on indirect employer
		CSC-COA-DBM Joint Circular 1, s. 2017, as amended	Governs contract of service and job order workers in the government
2	<b>Work Day, Schedule, Overtime</b>	Book Three, Title I, Chapter I, Labor Code	Art. 83 on normal hours of work; Art. 87 on overtime work; Art. 88 on undertime; Art. 89 on emergency overtime work
		Omnibus Rules Implementing Book V of EO 292, s. 1987	Offices and employees of all department and agencies, except those covered by special laws, shall render not less than 8 hours of work a day for 5 days a week or a total of 40 hours a week. it shall be from 8 o'clock in the morning to 12 o'clock noon and from 1 o'clock to 5 o'clock in the afternoon on all days except Saturdays, Sundays and Holidays
		Administrative Code of the Philippines of 1987 (EO 292)	Rule XVII provides for government office hours
3	<b>Breaks</b>	Book Three, Title I, Chapter I, Labor Code	Art. 84 on hours worked; Art. 85 on meal periods
		Book Three, Title I, Chapter II, Labor Code	Art. 91 /Art. 92 / Art. 93 on rest day, Sunday and Holiday Work;
4	<b>Minimum salary</b>	Book Three, Title II, Chapter II, Labor Code	Art. 99 on regional minimum wages; Art. 100 on prohibition against elimination or diminution of benefits; Art. 101 on payment by results
		Book Three, Title II, Chapter III, Labor Code	Art. 102 on forms of payment; Art. 103 on time of payment; Art. 104 on place of payment; Art. 105 on direct payment of wages



N°	Theme	Norm/Regulation	Observations
5	<b>Holidays, Service Incentive Leaves and other Leave Privileges</b>	Book Three, Title I, Chapter II, Labor Code	Art. 94 on right to holiday pay; Art. 95 on service incentive leave
		Omnibus Rules Implementing Book V of EO 292, s. 1987	Rule XVI on leave of absence; monetization of leave credits; vacation and sick leave; terminal leave
6	<b>Compensation for length of service</b>	Book Six, Title II, Labor Code	Art. 302 on retirement benefits
7	<b>Bonuses</b>	Revised Guidelines on the Implementation of the 13th Month Pay Law	All “rank-and-file” employees of employers are entitled to a bonus called “13th month pay,” regardless of the amount of their monthly basic salary, their designation or employment status, and the method by which their salary is paid, provided they have worked for at least one month during a calendar year. The 13th month pay of a rank-and-file employee should be equivalent to at least 1/12 of the total basic salary that the employee earned within a calendar year
8	<b>Maternity and Paternity Benefits</b>	RA 11210 or the 105-Day Expanded Maternity Leave Law	recognizes the protection of maternity and paternity rights for the public and private sector
		IRR of RA 11210	female worker, regardless of civil status, employment status, and legitimacy of her child, in the public sector or in the private sector is entitled to paid leave benefit for 105 days for live childbirth, and an additional 15 days paid leave if a solo parent; sixty (60) days paid leave for miscarriage and emergency termination of pregnancy
		RA 8187 or the Paternity Leave Act of 1996	Paternity leave benefit is given to all married male employees, regardless of employment status, in the private or public sector
		RA 8972 or the Solo Parents’ Welfare Act of 2000	Parental leave of not more than 7 working days every year shall be granted to any solo parent employee who has rendered service of at least one year

N°	Theme	Norm/Regulation	Observations
9	Internal regulations	x	
10	HIV	Ministerial Resolution 376-2008-TR	National measures against HIV and AIDS in the workplace
11	Labor inspection	Labor Code of the Philippines, as amended	Art. 128 grants the Secretary of Labor or his duly authorized representative to access employer's records and premises at any time of the day or night whenever work is being undertaken therein
		RA 11058	Reiterates the inspection and enforcement power of the DOLE under Art. 128 of the Labor Code;
12	International Regulations - ILO	C029 - Forced Labor Convention, 1930.	01 February 1960, effective
		C087 - Freedom of Association and Protection of the Right to Organize Convention, 1948	02 March 1960, effective
		C098 - Right to Organize and Collective Negotiation Convention, 1949	
		C100 - Equal Remuneration Convention, 1951	March 13, 1964, effective
		C105 - Abolition of Forced Labor Convention, 1957	01 February 1960, effective
		C111 - Discrimination (Employment and Occupation) Convention, 1958	06 December 1960, effective
		C138 - Minimum Age Convention,	August 10, 1970, effective

N°	Theme	Norm/Regulation	Observations
		1973 (N° 138), Specified Minimum Age: 14	
		C182 - Worst Forms of Child Labor Convention, 1999	November 13, 2002, effective
13	World Bank	MAS and its Environmental and Social Standards (EAS)	08 November 1945, effective
		EAS 2	Environmental and Social Framework
		General Guidelines on Environment, Health and Safety	Labor and Labor Conditions

#### ANNEX 4 - PHILIPPINE RULES ON SAFETY AND HEALTH AT WORK

ESS2 REQUIREMENTS IN OCCUPATIONAL SAFETY AND HEALTH	Legal system	
	PH Regulations	Contents
Identification of possible risks for project workers, in particular life threatening ones.	RA 11058	Every employer, contractor or subcontractor, if any, and any person who manages control or supervises the work being undertaken shall xxx allow workers and their safety and health representatives to participate actively in the process of organizing, planning, implementing and evaluating the program to improve the safety and health in the workplace;
	DOLE Department Order No. 198, s. 2018	Every employer, contractor or subcontractor, if any, shall provide the workers adequate and suitable information on the workplace hazards and the risk posed on the safety and health of the workers.  Employee organization representative shall gather OSH related concerns/issues and elevate the same to the OSH Committee for discussion and appropriate action.
	CSC-DOH-DOLE JMC 1, s. 2020	For the public sector, establishment of a feedback mechanism which shall be utilized to enhance the OSH program
	RA 11058	Every employer, contractor or subcontractor, if any, and any person who manages control or supervises the work being undertaken shall xxx furnish the workers a place of employment free from hazardous conditions that are causing or are likely to cause death, illness or physical harm to the workers; inform the workers of the hazards associated with their work health risks involved or to which they are exposed to, preventive measures to eliminate or minimize the risks and steps to be taken in cases of emergency; use only approved devices and equipment for the workplace; comply with OSH Standards including training medical examination and where necessary provision of protective and

ESS2 REQUIREMENTS IN OCCUPATIONAL SAFETY AND HEALTH	Legal system	
	PH Regulations	Contents
Implementation of preventive and protective measures, including the modification, substitution or elimination of dangerous conditions or substances.		<p>safety devices such as PPE and machine guards.</p> <p>Every worker shall participate in ensuring compliance with OSH Standards in the workplace. The worker shall make proper use of all safeguards and safety devices furnished for the workers protection and that of others, and shall observe instructions to prevent accidents or imminent danger situation in workplace.</p> <p>Every employer, contractor or subcontractor, if any, shall provide his workers, free of charge, protective equipment for their eyes, face, hands and feet, and lifeline, safety belt or harness, gas or dust respirators or masks, and protective shields whenever necessary by reason of the hazardous work process or environment, chemical, radiological, mechanical and other irritants or hazards capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.</p> <p>All PPE shall be of the appropriate type as tested and approved by the DOLE based on its standards. The usage of PPE in all establishments, projects sites and all other places where work is being undertaken shall be based on the evaluation and recommendation of the safety officer.</p>
	DOLE Department Order No. 198, s. 2018	<p>All PPE must be of appropriate size, weight and type to specific workers exposed to hazards from which PPE are meant to ensure effective protection. Issuance of PPE shall be supplemented by training on the application, use, handling, cleaning and maintenance of said PPE.</p>
		All workers shall be provided access to training and education on chemical

ESS2 REQUIREMENTS IN OCCUPATIONAL SAFETY AND HEALTH	Legal system	
	PH Regulations	Contents
Training of project workers and preparation of training records.	RA 11058	<p>safety, electrical safety, mechanical safety, and ergonomical safety.</p> <p>Covered workplaces shall have a safety and health program including the following guidelines or information: safety and health promotion, training and education; conduct of toolbox meetings; among others.</p> <p>All workers shall undergo the mandatory 8 hours safety and health seminar as required by the DOLE which shall include a portion on joint employer-employee orientation.</p> <p>All personnel engaged in the operation, erection and dismantling of equipment and scaffolds, structural erections, excavations, blasting operations, demolition, confined spaces, hazardous chemicals, welding and flame cutting shall undergo specialized instructions and training on the said activities.</p>
	DOLE Department Order No. 198, s. 2018	<p>All workers, including new hires, shall be provided training and information for all types of hazards in the workplace in a language and dialect that workers can understand. Training and information materials used shall be made readily available and accessible to workers.</p> <p>A re-orientation on safety and health for workers in high risk establishments must be conducted regularly, not less than once a quarter, and to be conducted immediately following any changes in the operations and production process.</p> <p>Appropriate training and certification by the TESDA, PRC or other government agency shall be a requirement for operators before use of equipment, if applicable.</p>

ESS2 REQUIREMENTS IN OCCUPATIONAL SAFETY AND HEALTH	Legal system	
	PH Regulations	Contents
	CSC-DOH-DOLE JMC 1, s. 2020	Employees shall participate in the OSH information and education program, trainings and other related initiatives of the agency to contribute to the improvement and sustainability of the same.
<b>documentation of occupational accidents, illnesses and incidents, and the preparation of the corresponding reports.</b>	RA 11058	<p>The worker shall report to the supervisor any work hazard that may be discovered in the workplace.</p> <p>Covered workplaces shall have a safety and health program including the following guidelines or information: accident/incident/illness investigation, recording and reporting; among others.</p> <p>All employers, contractors or subcontractors, if any, shall submit all safety and health reports and notifications prescribed by the DOLE.</p>
	Department Order No. 198, s. 2018	All employers, contractors or subcontractors, in any, shall submit to DOLE all safety and health records, and notifications such as but not limited to annual medical report (AMR), OSH committee report, employer's work accident/injury report (WAIR), and annual work accident/injury exposure data report (AEDR)
	CSC-DOH-DOLE JMC 1, s. 2020	<p>All work related accidents, injuries or illnesses in the workplace, resulting to a disabling condition and/or dangerous occurrence must be periodically reported by the Human Resource Office of the respective government agency to the Safety and Health Committee copy furnished the Head of Agency.</p> <p>Where the accident/illness results in death or permanent total disability, a report must be submitted within 24 hours after its occurrence to the Safety and Health Committee and Head of Agency for appropriate action.</p>

ESS2 REQUIREMENTS IN OCCUPATIONAL SAFETY AND HEALTH	Legal system	
	PH Regulations	Contents
		<p>The agency, through its Human Resource Office, shall maintain and keep an accident or illness record which shall be open at all times for inspection by authorized personnel which shall contain the following information: a) date of accident or illness; b) name of injured/ill employee, age and sexual orientation; c) occupation/position of the employee; d) cause of accident/illness; e) extent and nature of disability/injury; f) duration of disability/injury; g) extent of damage, including actual medical cost; h) corrective action/s on OSH related findings which caused illness/accidents to be undertaken or was undertaken.</p> <p>The agency through the Human Resource Office shall assist the employee for Employee Compensation claims with the GSIS.</p>
<b>Emergency prevention and emergency preparedness and response.</b>	RA 11058	<p>Every employer, contractor or subcontractor, if any, and any person who manages control or supervises the work being undertaken shall xxx provide, where necessary, for measures to deal with emergencies and accidents including first aid arrangements.</p> <p>The worker shall observe the prescribed steps to be taken in cases of emergency.</p> <p>Covered workplaces shall have a safety and health program including the following guidelines or information: emergency preparedness and response plan; among others.</p>
	CSC-DOH-DOLE JMC 1, s. 2020	<p>For the public sector, it provides for emergency preparedness, including the establishment of a risk reduction management system, training on disaster risk reduction management, provision of emergency supplies, use of duly certified first-aiders, and a MOA with the nearest government health facility.</p>



ESS2 REQUIREMENTS IN OCCUPATIONAL SAFETY AND HEALTH	Legal system	
	PH Regulations	Contents
		Heads of government agencies where the JO or COS employees are deployed shall only provide medical assistance in case of emergency.
Repair of adverse impacts such as occupational injuries, deaths, disability or illness.	RA 11058	<p>A worker may file claims for compensation benefit arising out of work-related disability or death. Such claims shall be processed independently of the finding of fault, gross negligence or bad faith of the employer in a proceeding instituted for the purpose.</p> <p>If stoppage of work due to imminent danger occurs as a result of the employer's violation or fault, the employer shall pay the workers concerned their wages during the period of such stoppage of work or suspension of operations.</p>
	CSC-DOH-DOLE JMC 1, s. 2020	<p>Any employee or representative of employees or any concerned person who believes that a violation of any of the provision of the standards threatens physical well being, harm or poses imminent danger to life, may submit a request to address the issue/concern along with a narrative report regarding the violations to the agency Grievance Committee.</p> <p>If the Grievance Committee finds a reasonable ground that a violation has been committed or a danger exists, an immediate inspection or investigation shall be conducted.</p>
All parties hiring project workers will develop and implement procedures to establish and maintain a safe work environment, including verifying that workplaces, machinery, equipment, and	RA 11058	Covered workplaces shall have a safety and health program including the following guidelines or information: statement of commitment to comply with OSH standards; general safety and health, including a drug-free workplace; HIV and AIDS/tuberculosis/hepatitis prevention and control; OSH personnel and facilities; provision and use of PPE; provision of safety signage; dust control and

ESS2 REQUIREMENTS IN OCCUPATIONAL SAFETY AND HEALTH	Legal system	
	PH Regulations	Contents
processes under their control are safe and do not pose hazards to health, including the use of appropriate measures relating to chemical, physical and biological agents and substances.		management and regulations on activities such as building of temporary structures, and lifting and operation of electrical, mechanical, communication systems and other equipment; provision of workers' welfare facilities; among others.
	DOLE Department Order No. 198, s. 2018 DOLE Department Order No. 198, s. 2018	<p>Covered workplaces shall develop and implement a suitable OSH program in a format prescribed by the DOLE which shall be posted in prominent places.</p> <p>The DOLE shall prescribe a format that should be accomplished by the employer, contractor or subcontractor, if any, in consultation with the workers and their representatives.</p> <p>The OSH Program shall be communicated and be made readily available to all persons in the workplace.</p> <p>The establishment shall ensure that the core elements of OSH program are integrated in the company OSH program such as management commitment and employee involvement, workplace risk assessment, hazard prevention and control, safety and health training and education and Osh program evaluation.</p>
	CSC-DOH-DOLE JMC 1, s. 2020	<p>For the public sector, it requires the establishment of minimum OSH Program.</p> <p>Agency heads shall ensure comprehensive dissemination of OSH information through a communication plan which includes the publication of pertinent OSH information in the agency website and other communication materials and the establishment of a feedback mechanism which shall be utilized to enhance the OSH program.</p>
	RA 11058	The worker shall report to the supervisor any work hazard that may be discovered in the workplace.

ESS2 REQUIREMENTS IN OCCUPATIONAL SAFETY AND HEALTH	Legal system	
	PH Regulations	Contents
<p>Processes will be established in the workplace for project workers to report work situations that they consider unsafe or unhealthy, and for them to withdraw from a work situation that they consider, with reasonable justification, to present an imminent or serious danger to them, their life or their health.</p>		<p>Workers and their representatives shall have the right to report accidents, dangerous occurrences, and hazards to the employer, to the DOLE and other concerned government agencies.</p> <p>The worker has the right of refusal to work without threat or reprisal from the employer if as determined by the DOLE, and imminent danger situation exists in the workplace that may result in illness, injury or death, and corrective actions to eliminate the danger have not been undertaken by the employer.</p>
	DOLE Department Order No. 198, s. 2018 DOLE Department Order No. 198, s. 2018	Reporting of accidents to DOLE may be made through any means of communication, including the DOLE hotline, whichever is most convenient to the worker. The same may be reported to the nearest DOLE Regional, Field, Provincial or Satellite Office having jurisdiction over the place of the incident.
	CSC-DOH-DOLE JMC 1, s. 2020	<p>Employees shall report OSH related illness and accidents to the Management in order for the latter to act and provide the necessary intervention.</p> <p>Government employees must report to the Safety and Health Committee any work hazard that may be observed in the workplace.</p>
<p>Project workers will be offered facilities appropriate to the circumstances of their work, including access to canteens, hygiene facilities, and appropriate rest areas.</p>	RA 11058	<p>All establishments, projects, sites and all other places where work is being undertaken shall have the following welfare facilities in order to ensure humane working conditions: adequate supply of safe drinking water; adequate sanitary and washing facilities; suitable living accommodation for workers, as may be applicable; and separate sanitary, washing and sleeping facilities for men and women workers as may be applicable.</p>

ESS2 REQUIREMENTS IN OCCUPATIONAL SAFETY AND HEALTH	Legal system	
	PH Regulations	Contents
		In relation to the use of equipment, the employer, contractor or subcontractor, if any, must comply with the DOLE requirements in the different phases of the company or project operation including the transport to and from the establishment, project, site or place where work is being undertaken.
	DOLE Department Order No. 198, s. 2018 DOLE Department Order No. 198, s. 2018	<p>Covered workplaces shall have qualified occupational health personnel such as certified first-aiders, nurses, dentists, and physicians duly complemented with the required medical supplies, equipment and facilities.</p> <p>The employer may not establish and hospital or dental clinic in the workplace where there is a hospital or dental clinic which is located not more than 5 kms away from the workplace, accessible in not more than 25 minutes travel time, and the employer has facilities readily available for transporting workers to the hospital or dental clinics in case of emergency.</p> <p>All establishments, projects, sites and all other places where work is being undertaken shall have the following free welfare facilities: adequate supply of safe drinking water; adequate sanitary and washing facilities; suitable living accommodation for workers, as may be applicable; and separate sanitary, washing and sleeping facilities for all gender as may be applicable; lactation station except those establishments as provided for under DOLE DO NO. 143-15; ramps, railings and the like; and other workers' welfare facilities as may be prescribed by the OSH standards and other issuances.</p>
	CSC-DOH-DOLE JMC 1, s. 2020	For public sector, support facilities shall be provided including, facilities to promote health and wellness; work assignments and good working atmosphere for pregnant women, older

ESS2 REQUIREMENTS IN OCCUPATIONAL SAFETY AND HEALTH	Legal system	
	PH Regulations	Contents
		<p>employees, differently abled and those with limited working abilities; and provision for lactation stations.</p> <p>The institutional contractors must ensure that their employees deployed in government agencies are provided with medical coverage.</p>

## ANNEX 5 – CONSTRUCTION SAFETY AND HEALTH PROGRAM (CSHP) CHECKLIST

Construction Safety and Health Program (CSHP) Checklist			
	YES	NO	Remarks
<b>A. General Requirements</b>			
a. Two (2) copies of letter of intent			
b. Name of authorized contact person with telephone number/s			
c. Two (2) copies of the safety and Health Program. One copy must be original print.			
<b>B. CSH Program must contain the following:</b>			
<b>1. Name of person who prepared the program (please indicate if accredited by DOLE as OSH Practitioner)</b>			
<b>2. Project Description:</b>			
a. Specific name of project			
b. Location of the project			
c. Project classification			
d. Project owner			
e. Name of main contractor			
f. Estimated number of workers to be deployed			
g. Estimated start of execution of project			
h. Estimated duration			
i. Scope of work to be undertaken			
<b>3. Company Safety Policy written on a company letterhead</b>			
Must be duly signed by the highest company official or the highest ranking company representative who has overall control of project execution.			
<b>4. Name/s of Site Safety and Health Personnel</b>			
Must specify the proposed structure and membership of the safety and health committee (Specify the name/s)			
<b>5. Specify duties and responsibilities of the Safety Officer</b>			
Specific provisions on the following (if applicable):			
<b>6. On-site safety and health promotion and continuing information dissemination</b>			
<b>7. Accident and incident investigation and reporting</b>			
<b>8. Protection of the general public within the vicinity of the construction site</b>			
<b>9. Environmental control</b>			
<b>10. Guarding of hazard machinery</b>			

Construction Safety and Health Program (CSHP) Checklist			
	YES	NO	Remarks
<b>11. Personal Protective Equipment</b>			
<b>12. Handling of hazardous substances</b>			
<b>13. General materials handling and storage procedures</b>			
<b>14. Workers skills and transportation facilities for workers in case of emergency</b>			
<b>15. Provisions for transportation facilities for workers in case of emergency</b>			
<b>16. Temporary fire protection facilities and equipment</b>			
<b>17. First aid health care medicines, equipment and facilities</b>			
<b>18. Workers welfare facilities (</b>			
<b>19. Proposed hours of work and rest breaks</b>			
<b>20. Construction waste disposal</b>			
<b>21. Testing and inspection of construction heavy equipment</b>			
<b>22. Disaster emergency preparedness contingency plan</b>			
<b>23. COVID-19 or communicable disease prevention health and safety protocols</b>			
<b>24. Standard operating procedure and job hazard analysis for the following activities and other hazardous work not outlined herein.</b>			
a. Site clearing			
b. Excavations			
c. Erection and dismantling of scaffolds and other temporary working platforms			
d. Temporary electrical connections/ installations			
e. Use of scaffolds and other temporary working platforms			
f. Working at unprotected elevated working platforms or surfaces			
g. Use of power tools and equipment			
h. Gas and electric welding and cutting operations			
i. Working confined spaces			
j. Use of internal combustion engines			
k. Handling hazardous and/ or toxic chemical substances			
l. Use of hand tools			
m. Use of mechanical lifting appliances for movement of materials			
n. Use of construction heavy equipment			
o. Demolition			
p. Installation, use and dismantling of hoist and elevators			
<b>25. Penalties/ sanctions for violation of the provisions of the CSH program</b>			
<b>26. Grievance redress mechanism to address workers complaints including GBV/SEA/SH case management and referral pathways</b>			
<b>C. Attachments</b>			

<b>Construction Safety and Health Program (CSHP) Checklist</b>			
	<b>YES</b>	<b>NO</b>	<b>Remarks</b>
1. Photocopy of registration forms received and approved by the concerned DOLE Regional Office			
2. Photocopy of Invitation to BID/ Project Contract			
3. Photocopy of Certificate and Completion of required training of all designated OSH personnel			
- Safet Officer- Basic Occupational Safety and Health Training for Construction Site Safety Officer			
- OH Nurse- Basic Occupational Safety and Health Training for OH Nurse (if any)			
-OH Physician - Basic Course on Occupational Medicine (if any)			
-First Aider- Standard First Aid Training and valid PNRC ID as first aider			
4. Certificate of inspection and testing of construction Heavy equipment			
5. Skills Certificate of construction heavy equipment operators issued by TESDA (if any)			



**ANNEX 6 - LIST OF COMMON OCCUPATIONAL RISKS**

N°	POSITION	Falls different level	Falls same level	Fall of objects or landslid es	Blows	Tread on objects	Electric al hazard	Fire hazard
1	[Operations Manager]		x	x	x	x		x
2	[Resident Engineer]		x	x	x	x		x
3	[Project Chief]		x	x	x	x		x
4	[Site Administrato r]		x	x	x	x		x
5	[Constructor]	x	x	x	x	x	x	x
6	[Architect]		x	x	x	x		x
7	[Site Manager]		x	x	x	x		x
8	[Skilled, laborer working on site]	x	x	x	x	x		x

## ANNEX 7 - NATIONAL REGULATIONS RELATED TO LABOR RISKS

N °	Risks of the Project	PH Regulations	Detail
1	[Discrimination]	1	1987 Philippine Constitution
		<p>The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.</p> <p>The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.</p>	
		2	Labor Code of the Philippines, as amended
		<p>Declares it as State Policy to encourage hiring of workers based on their qualifications, abilities, skills, and knowledge instead of their age; forbid the placement of unreasonable age restrictions on employment; and support equal rights and treatments for all with regards to compensation, benefits, and other employment opportunities, age notwithstanding.</p> <p>Discrimination against women employees with respect to terms and conditions of employment solely on account of her sex is prohibited.</p>	
3		3	EO 292, s. 1987
		<p>provides that appointments in the Civil Service shall be made only according to merit and fitness</p> <p>Government employees shall not be discriminated against in respect of their employment by reason of their membership in employees' organizations or participation in the normal activities of their organizations.</p>	
4		4	Omnibus Rules Implementing Book V of EO 292, s. 1987
		<p>No discrimination shall be exercised, threatened or promised against, or in favor of any person examined or to be examined or employed, by reason of his political or religious opinions or affiliations or sex or civil status.</p>	

N°	Risks of the Project	PH Regulations		Detail
		5	CSC Memorandum Circular No. 3, s. 2001	provides for the revised policies on the merit promotion plan, which mandates that appointment in the government service is open to all qualified men and women according to the principle of merit and fitness
		5	RA 8371	the State is mandated to extend to ICC/IPs the same employment rights, opportunities, basic services, educational and other rights and privileges available to every member of the society, and the employment of any form of force or coercion against ICCs/IPs is dealt with by law.
		7	R 9710	The State condemns discrimination against women in all its forms.  Public and private entities and individuals found to have committed discrimination against women shall be subject to sanctions.
2	[Sexual Harassment]	8	RA 7877	prohibits any form of sexual harassment in employment, education or training environment is unlawful for both the private and public sector
		9	RA 11313	prohibits gender-based sexual harassment in the workplace
3	[Misuse of Contract] [Desnaturalización del contrato]	10	RA 386, as amended	Article 1306 provides that the contracting parties may establish such stipulations, clauses, terms and conditions as they may deem convenient, provided they are not contrary to law, morals, good customs, public order, or public policy.
		11	DOLE DO 174,s 2017	Notwithstanding any oral or written stipulations to the contract, the contract between the contractor/subcontractor and its employees shall be governed by the provisions of Arts. 294 and 295 of the Labor Code, as amended, including the provisions on general labor standards.

N°	Risks of the Project	PH Regulations		Detail
4	<b>[Gender Violence]</b>	12	RA 9262	Recognizes the need to protect the family and its members, particularly women and children, from violence and threats to their personal safety and security
		13	R 9710	The State shall ensure that all women shall be protected from all forms of violence as provided for in existing laws. Agencies of government shall give priority to the defense and protection of women against gender-based offenses and help women attain justice and healing.
5	<b>[Forced labor]</b>	14	RA 10364	any act that introduce or match for money, profit, or material, economic or other consideration any person for purposes of forced labor, slavery, involuntary servitude, or debt bondage is prohibited
		15	Revised Penal Code of the Philippines	Art. 274 – Services rendered under compulsion in payment of debt
6	<b>[Child labor]</b>	16	Labor Code of the Philippines, as amended	Employees may not be less than 15 years of age unless they are working directly under their parents or guardian and their work does not hinder their education .  Persons between 15 and 18 years old may work for a certain number of hours and periods of the day. Regardless, no person below 18 years old may be employed in occupations that are considered dangerous.
		17	Convention N° 138	ILO
		18	RA 9231	defines the “worst forms of child labor”
		19	DOLE DO No. 65-04	Specifies the work hours for children who are allowed to work
		20	DOLE DO No. 149, s. 2016, as amended by DOLE DO No. 149-A, s. 2017	Guidelines in Assessing and Determining Hazardous Work in the Employment of Persons Below 18 Years of Age
		21	Revised Penal Code of the Philippines	Art. 273 – Exploitation of child labor

N °	Risks of the Project		PH Regulations	Detail
7	[Freedom to Unionize]	22	1987 Philippine Constitution	guarantees the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law.
		23	Conventions 87, 98 and 151	ILO
		24	Labor Code of the Philippines, as amended	<p>provides the State's policies that highlight the great importance of free collective bargaining and negotiations in settling labor disputes; boost free trade unionism; encourage the voluntary assembly of a unified labor movement; advise workers of their rights and obligations as employees and union members</p> <p>All employees have the right to self-organization and to form, join or assist labor organization of their own choosing for collective bargaining, including government employees.</p>
8		25	EO 292, s. 1987	<p>all government employees, including those in government-owned or controlled corporations with original charters, can form, join or assist employees' organizations of their own choosing for the furtherance and protection of their interests.</p> <p>Government authorities shall not interfere in the establishment, functioning or administration of government employees' organizations</p>

# ANNEX 8 - RISK MANAGEMENT REPORTING MODEL

N°	Risk	Offense Committed – Detail	Offending company or institution	Date of infraction	Sanction	Corrective measures	Follow-up
1	[Sexual Harassment]						
2	[Discrimination]						
3	[Denaturalization of Contract]						
4	<i>[Others: (Place as identified in the Project)]</i>						

## **ANNEX 9- SAMPLE GENERIC CODE OF CONDUCT**

This Code of Conduct identifies the behavior required from all personnel of (enter name of contractor's Firm or the Implementing agencies such as DepEd and DPWH) working at the (Indicate the location of the subproject site and subproject name).

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. It applies to all our staff, laborers and other employees at the Works Site or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as "Contractor's Personnel" and are subject to this Code of Conduct.

This Code of Conduct identifies the behavior that we require from all Contractor's Personnel.

Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

### **REQUIRED CONDUCT**

All (name of contractor's firm or the implementing agencies) personnel shall:

- a. Carry out his/her duties competently and diligently;
- b. Comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other contractor's personnel and any other person;
- c. Show respect on the cultural traditions and practices in the community;
- d. Maintain a safe working environment by:
  - a) ensuring that workplaces, machinery, equipment and processes under each person's control are safe and without risk to health;
  - b) wearing required personal protective equipment (PPE);
  - c) using appropriate measures relating to chemical, physical and biological substances and agents; and
  - d) following applicable emergency operating procedures.
- e. Report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and danger to his/her life or health;
- f. Treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers, indigenous peoples, children or based on their Sexual Orientation, Gender Identity and Expression (SOGIE);
- g. Not engage in any form of sexual harassment, such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature;
- h. Not engage in sexual exploitation, or any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to profiting monetarily, socially or politically from the sexual exploitation of another;
- i. Not engage in sexual abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
- j. Not engage in Sexual Assault, which means any form of non-consensual sexual contact that does not result in or include penetration. Examples include: attempted rape, as well as

- unwanted kissing, fondling, or touching of genitalia and buttocks not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
- k. Not engage in any other form of harassment, mental or physical coercion, or verbal abuse;
  - l. Not use prohibited drugs;
  - m. Observe appropriate areas for smoking;
  - n. Not be under the influence of alcohol in the working premises;
  - o. Undergo relevant training or orientation that shall be provided related to the environmental and social aspects of the Contract, including on health and safety matters and Sexual Exploitation, and Sexual Abuse (SEA);
  - p. Report violations of this Code of Conduct; and
  - q. Not retaliate against any person who reports violations of this Code of Conduct whether to us, the Contractor or who makes use of the Project's Grievance Redress Mechanism.

## **RAISING OF CONCERNS**

If any person observes a behavior that he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns him/her, he/she should raise the issue promptly to: (Name, address and contact number of persons designated by contractor to handle social issues/concerns) This can be done either in writing, by telephone, or in person.

The concern may also be raised through the Project's Grievance Redress Mechanism using any channel – website, social media, cellphone, letter or in person.

The person's identity shall be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and shall be given all due and appropriate consideration. We take all reports of possible misconduct seriously and shall investigate and take appropriate action. We shall provide warm referrals to service providers that may help support the person who experienced the alleged incident, as appropriate.

## **SANCTIONS**

Any employee who has breached this Individual Code of Conduct shall be subject to any of the following actions:

- Informal warning
- Formal warning
- Loss of up to one week's salary
- Suspension of employment (without payment of salary), for a minimum period of \_\_\_\_ up to a maximum of \_\_\_\_.
- Termination of employment
- Reporting to the police if warranted

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Name and Signature of Project-in-Charge

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(Name of Contractor's Firm)



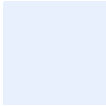
## **ANNEX 10 - LABOR SECTION CLAUSE FOR CONTRACTS FOR THE EXECUTION AND SUPERVISION OF WORK**

### **CLAUSE [ ] .- LABOR SECTION: COMPLIANCE WITH LABOR MANAGEMENT PROCEDURES AND LABOR PARTNER OBLIGATIONS:**

This contract is executed under the standards, conditions, guidelines and normative policies of the WORLD BANK, in accordance with the provisions of the “Loan Agreement” signed with **Republic of the Philippines** for the financing of the Project.

According to these parameters, THE CONTRACTOR carries out its **activities** subject to compliance with the obligations of a social-labor nature that will be demanded by **DepEd** and the Philippine Government, according to the following specifications:

1. The Labor Management Procedures - LMP and its Annexes is applicable to THE CONTRACTOR, which is an integral part of this contract:
  - a. THE CONTRACTOR shall comply with the provisions, conditions, rights and duties, according to the terms, manner, form and opportunity established under applicable Philippine laws. It must have an approved OSH Program, otherwise the OSH Program will apply and that the CONTRACTOR shall i) carry out occupational medical evaluations to personnel at the beginning, during, and at the end of the employment relationship; ii) equip the personnel on site with the respective materials, tools, supplies and uniforms, as well as the clothing and personal protective and safety equipment necessary for the provision of the service, where applicable; and iii) prepare an occupational health and safety plan consistent with the LMP and the regulations applicable to the Project, the World Bank Group General Guidelines On Environment, Health And Safety and the World Bank standards.
  - b. THE CONTRACTOR shall carry out its actions on labor matters in a manner consistent with the provisions of ESS 2, referring to labor and working conditions and the General Guidelines on Environment, Health and Safety of the World Bank Group. To do this, the contractor must prepare his own LMP document, consistent with this LMP document. The child labor and any form of forced labor are prohibited. The contractor will adopt a gender perspective to promote the employment of women, and will keep records disaggregated by sex and disability status of its workers.
  - c. THE CONTRACTOR will comply with the formalities, contracting procedures, conditions, recognition and payment of labor benefits in a timely manner, according to the corresponding labor regime regarding the activity. This includes, but not limited to: registration with the Social Security System, PhilHealth, and making payments for withholdings and contributions by law, which includes Annual Income Tax Return. It will assume the payment of any sanction or fine that could be applied to **DepEd** for the economic breach of the labor, social insurance, and / or tax obligations of the personnel it hires.



- d. THE CONTRACTOR shall comply with minimum quotas for hiring unskilled labor, which include hiring at least [ ] % of local labor which it should include the hiring of women.
  - e. THE CONTRACTOR shall submit a statement on sexual exploitation and assault, as part of its bidding documents, following the defined World Bank formats, included as part of the bidding documents.
2. THE CONTRACTOR shall designate a responsible Coordinator who will be in charge of managing and coordinating with **DepEd** all matters concerning the labor requirements developed in this clause.
3. THE CONTRACTOR is obliged to apply, inform and enforce the Code of Conduct that is an integral part of this contract. This is applicable to the personnel who are hired, whether they are employees or not, for the immediate adoption of respectful behaviors inside or outside the work execution area, avoiding, rejecting and sanctioning all discriminatory acts, violence, harassment hostility / or intimidation, whether verbal, physical and / or psychological, against citizens and the general population, demanding respectful, tolerant, inclusive and equal treatment towards society, especially towards women, immigrant foreigners, people with disabilities, the LGBTI population, and sex workers, among others.
4. THE CONTRACTOR shall comply with the visitorial or inspection requirements of **DepEd or DPWH** providing: i) information requirements, ii) document review, iii) ocular inspection, iv) record of the occurrence of the visit, v) training and awareness campaigns. The CONTRACTOR must sign the documents (minutes and / or records) that record the actions carried out in order to verify compliance with the obligations assumed in this contract, in accordance with the "Labor Management Procedures and its Annexes".
5. THE CONTRACTOR must have the manual of internal mechanism that establishes the procedure for handling requests, complaints and grievances from its workers. This manual will include a specific mechanism to receive complaints about labor issues, according to the structure of the Complaints and Grievances Redress Mechanism established in the LMP, and they must inform workers, whether they are employees or not, by delivering and receiving the said document. The responsible coordinator must be designated and formally communicated to DepEd or DPWH.
6. THE CONTRACTOR shall incorporate in the contracts that it signs with the subcontractors and / or third parties that it hires for the purposes of executing this contract, as well as with the subcontractor and primary purveyors, the clause of subjection to the guidelines of the "Labor Management Procedures and its Annexes", and in a manner consistent with the World Bank Group General Guidelines on Environment, Health and Safety.