DEPARTMENT OF LABOR AND EMPLOYMENT
OCCUPATIONAL SAFETY AND HEALTH CENTER

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Series of 2009

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

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

Section 1. Objective

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

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

Section 2. Coverage

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

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

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

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

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

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

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

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

Section 4. Duties and Responsibilities

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

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

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

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

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

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

(2) Every worker shall:

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

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

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

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

**Section 5. OSH Policy and Program**

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

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

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

b) Safety and Health Officers;

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

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

e) Workers’ representatives including union members if organized.

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

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

Section 7. Cost for Implementing OSH Program and other Activities

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

Section 8. Safety Personnel

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

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

c. one additional Safety and Health Officer must be assigned for every additional ten (10) units of heavy equipment assigned to the workplace.

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

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

Section 9. Emergency Occupational Health Personnel and Facilities

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

a. a certified first-aider for fifty (50) workers or less

b. a full-time registered nurse for more than fifty (50) but less than two hundred (200) workers;

c. a full-time registered nurse, a part-time physician and a dentist, and an emergency clinic for more than hundred (200) but less than three hundred (300) workers; and

d. a full-time registered nurse, a full-time physician, a dentist and an infirmary or emergency hospital with one (1) bed capacity for more than three hundred (300) workers. In addition, there should be one (1) bed capacity for every one hundred (100) workers in excess of three hundred (300) workers.

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

Section 10. Communicating Safety and Health Policies and Programs.

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

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

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

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

Specialized instruction and training should be given to:

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

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

c) workers working at heights;

d) workers handling explosives or engaged in blasting operations;

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

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

g) workers handling hazardous substances and materials;

h) workers as riggers and signalers;

i) workers working in confined space;

j) workers engaged in hot works; and

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

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

Section 13. Reporting on Safety and Health

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

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

Section 14. Compliance with Applicable OSH Standards

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

Section 15. Violations and Penalties

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

Section 16. Enforcement

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

Section 17. Effect on Existing Issuances and Agreements:

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

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

Section 18. Effectivity

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

MARIANITO D. ROQUE
Secretary

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GUIDELINES ON MARITIME OCCUPATIONAL SAFETY AND HEALTH
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GUIDELINES ON MARITIME OCCUPATIONAL SAFETY AND HEALTH

Pursuant to Articles 5 and 128 of the Labor Code of the Philippines, as amended, and in compliance with Department Order Nos. 129 and 130, Series of 2013, and Maritime Labour Convention, 2006, the following guidelines are hereby issued to ensure the safety and welfare of seafarers onboard Philippine Registered Ships:

RULE I
GENERAL PROVISIONS

SECTION 1. Coverage.

This Guidelines shall apply to all Philippine Registered Ships plying both domestic and international voyages where employer-employee relationship or other forms of engagement exist.

Excluded from the coverage are the following categories of ship:

a) Warships and naval auxiliaries;

b) Government ships not engaged in commercial operation; and

c) Fishing vessels.

SECTION 2. Objective.

This Guidelines aims to promote health and safety protection and prevention of accidents, injuries, diseases or deaths occurring in the course of employment of seafarers onboard ships through compliance with mandatory rules and regulations and standards for the maritime sector.

SECTION 3. Definition of Terms.

As used herein, the following terms shall mean:

a) “BOSH” refers to the DOLE prescribed 40-hour Basic Occupational Safety and Health training or the on-line e-BOSH training, on the prevention of accidents and illnesses arising from work;
b) “Crew Accommodation” includes sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation and recreation accommodation as are provided for the use of the crew;

c) “DOH” refers to the Department of Health;

d) “DOLE” refers to the Department of Labor and Employment;

e) “Disabling Injury/Illness” refers to work injury or an occupational disease which results in death, permanent total disability, permanent partial disability or temporary total disability;

f) “Ergonomics” refers to the science of fitting workplace conditions and job demands to the capabilities of the working population;

g) “Gross Tonnage” refers to the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention. For ships covered by the tonnage measurement interim scheme adopted by the International Maritime Organization, the gross tonnage is that which is included in the remarks column of the International Tonnage Certificate (1969);

h) “Hazardous materials or substances” refers to substances in solid, liquid or gaseous forms known to constitute poison, fire, explosion or health hazards;

i) “Hot work” refers to any work where flame is used or a source of ignition may be produced;

j) “Medicine chest” refers a container in which an assortment of medicines is stored;

k) “Minor Injury” means an injury/illness for which first aid or medical treatment is provided in the ship which is not disabling;

l) “OSHS” refers to the Occupational Safety and Health Standards of the DOLE;

m) “Permanent Total Disability” shall mean any injury or sickness other than death which permanently and totally incapacitates a seafarer from engaging in any gainful occupation;
n) “PMMRR” refers to Philippine Merchant Marine Rules and Regulations;

o) “Seafarer” refers to any person employed or engaged or works in any capacity on board Philippine registered ships;

p) “Safety and Health Officer” refers to a seafarer designated by the shipowner to implement the ship’s safety and health policies and programs;

q) “Ship” refers to any kind, class or type of craft or artificial contrivance capable of floating in water, designed to be used, or capable of being used, as a means of floating in water transport for the carriage of passengers or cargo, or both, utilizing its own motive power or that of another;

r) “Shipowner” refers to the owner of the ship/shipping enterprise or another organization or person, such as the manager, agent or bareboat charter, who has assumed responsibility for the operation of the ship from the owner who, on assuming such responsibility has agreed to take over the duties and responsibilities imposed on shipowners in accordance with the Maritime Labour Convention, 2006 (MLC, 2006) regardless of whether any other organizations or persons fulfill certain duties or responsibilities on behalf of the shipowner;

s) “SOLAS” refers to the International Convention for the Safety of Life at Sea;

t) “Threshold Limit Value” refers to the airborne concentration of substances and represent conditions under which it is believed that nearly all seafarers may be repeatedly exposed daily without adverse effects;

u) “Work Environment” refers to the conditions of the place of employment maintained for comfort and health of the seafarers;

v) “WHO” refers to the World Health Organization; and

w) “Workplace Violence” refers to any action, conduct, threat or gesture of a person towards an employee in their workplace that can reasonably be expected to cause harm, injury or illness to the seafarer.
SECTION 4. Duties of Shipowner.

Every shipowner shall:

a) Arrange that work in a ship is carried out in a manner that does not endanger the health and safety of any seafarer who is engaged or working in that ship;

b) Adopt and carry out reasonable procedures and techniques designed or intended to prevent or reduce the risk in the operation or carrying out of the work using acceptable industry standards;

c) Provide each seafarer health and safety education including awareness campaign and information written in the language which all the seafarers can understand; and

d) Ensure that the designated Safety and Health Officer had undergone the appropriate training.

SECTION 5. Duties of Seafarer.

Every seafarer shall:

a) Work in accordance with the safety standards and practices established by the shipowner in compliance with the provisions of this Guidelines and generally accepted shipping practices; and

b) Report unsafe conditions and practices to the designated Safety and Health Officer or to the Safety and Health Committee.

RULE II
OSH POLICY AND PROGRAM

SECTION 1. Occupational Safety and Health Policy and Program.

The shipowner shall adopt, implement and promote occupational safety and health policies and programs on ships, consistent with this Guidelines and 1996 ILO Code of Practice on Accident Prevention on Board Ship, at Sea and in Port and subsequent versions thereof, to promote the welfare of the seafarers.

The shipowner shall establish a Safety and Health Committee, whether onboard or onshore, to develop and implement the safety and health policy
and programs to promote the welfare of the seafarers. Such a committee shall be established onboard a ship on which there is five (5) or more seafarers. A Safety and Health Officer shall be designated by the shipowner to take responsibility for the implementation and compliance with the ship’s occupational safety and health policies and programs.

Onboard Safety and Health Committee shall be composed of the Chairman (Master), Secretary (Safety and Health Officer), and Member (Seafarers’ Representative).

The Safety and Health Officer shall be a holder of the following certificates:

1. BOSH Certificate issued by DOLE or DOLE Accredited Safety Training Organization; and

2. Approved training in first aid and medical care as required by STCW.

SECTION 2. Safety Protection and Accident Prevention.

The shipowner shall ensure that the following shall be observed onboard for safety, protection and accident prevention:

2.1 Confined Space

a) A seafarer must not enter a confined space without having been issued a work permit.

b) If a hazardous substance maybe produced in a confined space by the work to be performed, the confined space must be ventilated and each seafarer granted access to the confined space must use a respiratory protective device or breathing apparatus.

2.2 Electrical Safety

a) All testing or work performed on electrical equipment must be in accordance with the Philippine Electrical Standards or its equivalent international standards and must be performed only by a seafarer with required training and skill in electrical work. The seafarer must use insulated protection and tools that will protect him from injury.

b) If a seafarer is working on or near electrical equipment that is live or may become live, the electrical equipment must be guarded.
2.3 Hot Work Operations

a) A sufficient number of fire extinguishers shall be provided in the working and adjoining areas.

b) Hot work must not be performed in a working area where flammable gas, vapour or dust may be present in the atmosphere.

c) Gas cylinders must be properly placed and securely stored in an upright position.

2.4 Fall Protection System

The shipowner must provide a fall-protection system to every seafarer who is granted access to an unguarded work area that is:

a) More than two (2) meters above the nearest permanent safe level;

b) Above any moving parts of machinery or any other surface or thing that could cause injury to a seafarer on contact; or

c) Above an open hole.

2.5 Materials Handling and Storage

a) Use of Mechanical Equipment. - Where mechanical handling equipment is used, sufficient safe clearance shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear with no obstruction across or in aisles that could create a hazard. Permanent aisles and passageways shall be appropriately marked.

b) Carriage Lifting. - Every seafarer who is required to handle loads manually should be properly trained. Before lifting and carrying weights, seafarers should first inspect the load as regards its weight, size and shape. The use of Lifting Aids should be encouraged. Attention should be given to sharp edges, protruding nails or splinters, greasy surfaces or any other features which might lead to an accident.
Secure Storage. - Storage of material shall not create a hazard. Bag containers, bundle, etc., stored in tiers shall be stacked, blocked, interlocked and limited in height so that they are stable and secured against sliding or collapse.

Housekeeping. - Storage areas shall be kept free from accumulation of materials that constitute hazards of tripping, fire, explosion, or pest harborage. Controls for perishable items shall be exercised accordingly and in compliance with existing regulations. As far as practicable, the working surface used by a seafarer must be kept free of grease, oil or any other slippery substance and of any material or object that may create a hazard to a seafarer.

2.6 Fire Prevention, Fire Fighting and Emergency Response

a) Fire protection equipment must be installed, inspected and maintained on board every vessel in accordance with the Fire Detection and Extinguishing Equipment Regulations of PMMRR and relevant Maritime International Conventions.

b) Every shipowner must prepare emergency procedures, including evacuation or abandon ship procedures in accordance with the Emergency Drills of relevant conventions and Means of Escape or Regulations VIII/3 of PMMRR and relevant Maritime International Conventions.

c) Notices that set out the details of the emergency procedures must be posted in conspicuous places that are accessible to every seafarer in the ship.

d) Every seafarer must be trained and instructed on the procedures to be followed by a seafarer in the event of an emergency, and the location, use and operation of fire protection equipment and emergency equipment provided by the shipowner.

e) Each ship and manned barge shall carry life jackets accessible to every person on board. In addition, they shall carry a sufficient number of life jackets for persons on watch.

f) Each ship and manned barge provided with survival crafts without enclosures shall carry at least two thermal protective aids in every craft.
2.7 Personal Protective Equipment

a) As provided in the Occupational Safety and Health Standards (OSHS), the ship owner shall, at his/her own expense furnish the seafarer with protective equipment for the eyes, face, hands and feet, protective shields and barriers whenever necessary by reason of the hazardous nature of the process or environment, chemical, physical, radiological or other safety hazards capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

b) All personal protective equipment shall be of the approved design and construction appropriate to the exposure and the work to be performed.

c) The ship owner shall be responsible for the adequacy and proper maintenance of personal protective equipment used in his workplace.

d) No person shall be subjected or exposed to a hazardous environmental condition without proper protection.

SECTION 3. Hazard Prevention Program.

The shipowner shall:

a) In consultation with the Safety and Health Committee, develop, implement and monitor a program for the prevention of hazards, including ergonomic-related hazards in the workplace that is appropriate to the size of the ship and the nature of the hazards;

b) Conduct hazard risk evaluation and control including measures to reduce and prevent risk of exposure to harmful chemicals and physical hazards, such as heat, noise and vibration, as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships; and

c) Institute measures to monitor work environment, safe work procedures, machine or equipment safety, maintenance, materials handling and the use of appropriate personal protective equipment (PPE).

The shipowner shall exert effort to maintain and control the working and living environment in comfortable and healthy conditions for the purpose of promoting and maintaining the health of the seafarers.

4.1 Ventilation

a) The shipowner shall ensure that suitable atmospheric conditions shall be maintained in workrooms with machineries and other accommodation spaces by either natural or artificial means to avoid insufficient air supply and accumulation of contaminated air.

b) Excessive heat or cold, sudden variations in temperature, excessive humidity or dryness or objectionable odors shall be controlled for the protection of seafarers from the adverse effects of these hazards.

4.2 Lighting

a) Lighting standard does not apply to: 1) a vessel of less than 200 gross tonnage; 2) the bridge of a vessel; and 3) the exterior deck of a vessel where lighting levels may create a hazard to navigation.

b) All areas shall be illuminated by natural light or provided with adequate artificial light.

c) Every ship shall be equipped with an emergency lighting system that operates automatically in the event of a failure of the lighting system or if the regular power supply is interrupted. This is to provide sufficient illumination to allow the seafarers to safely exit from confined spaces and proceed through passageways and stairways to the open deck.

d) The average level of lighting on vessels must not be less than the recommended average level in lux as follows:

1. A minimum of 100 lux shall be provided where slight discrimination of details is essential for areas such as storage area, sanitary facilities, dining area and recreational facilities.
2. A minimum of 200 lux shall be provided where moderate discrimination of details is essential for areas such as crew accommodation, boiler room, engine rooms, generator rooms, office, and service space at the head of the stairway, ladder, and hatchway.

3. A minimum of 300 lux shall be provided where close discrimination of details is essential for areas such as galleys and workshops where machine work, repair and medium inspection are conducted.

The lighting level measurements must be carried out by a qualified person.

4.3 Prevention of Noise and Vibration

a) The level of sound in the workplace must be less than 85 decibels (dB). If it is not reasonably practicable for the shipowner to maintain the level of sound at less than 85 dB, feasible engineering or administrative controls shall be utilized. If such controls fail to reduce a sound within this level, ear protective devices capable of bringing the sound level to permissible noise exposure shall be provided by the ship owner and used by the seafarer.

b) In a workplace where the level of sound is 85 dB or more, the employer must put signage and warnings to persons entering the workplace.

c) Accommodation and recreational and catering facilities must be as far as practicable insulated from the engines, steering gear rooms, deckwinches, ventilation, heating and air conditioning equipment and other noisy machinery and apparatus.

d) Working spaces such as the machine shop must be, as far as practicable, insulated from the general engine-room noise and measures must be taken to reduce noise in the operation of machinery.

e) Accommodation or recreational or catering facilities must not be exposed to excessive vibration.

f) A seafarer must not be exposed to a continuous level of sound more than 75 decibels in crew.
4.4 Hazardous Substances

a) All containers with hazardous substances shall be properly labeled in accordance with Globally Harmonized System. No shipowner within the scope of this Rule shall accept any container of hazardous substances for use, handling, storage or disposal on a vessel unless such container is labeled with the following:

1. the trade and chemical name of the substance
2. the hazardous properties of the substance
3. hazard statements
4. precautionary statements
5. manufacturers identity

b) All hazardous substances for use, handling and storage on a vessel should have Safety Data Sheet (SDS) from the supplier and shall keep a copy of SDS readily available in the ship for information of the seafarers.

c) Seafarers shall be given careful instructions if special precautions need to be taken when operations would produce fumes and depleted oxygen.

d) A seafarer must not be exposed to a concentration of an airborne chemical agent in excess of the threshold limit value for that chemical agent prescribed by the Occupational Safety and Health Standards.

SECTION 5. Occupational Health.

5.1 Occupational Health Program

a) Occupational Health Program (OHP) aims to prevent accidents, illnesses or deaths and to promote the health of seafarers.

b) The OHP shall comply with:

1. The required medical examinations of the Department of Health for Seafarers and provide other preventive health services such as immunizations, health awareness campaigns, health programs addressing physical and mental fatigue and the like.

5.2 Medical Care Onboard Ship and Ashore

a) The shipowner shall provide adequate medical services onboard and shall ensure that seafarers have access, when in port, to out-patient treatment for sickness or injury, hospitalization when necessary, and dental treatment especially in cases of emergency;

b) The shipowner shall ensure that there is available means of communication for medical advice either by radio or satellite communication;

c) The shipowner shall instruct the Safety and Health Officer with responsibility for medical care or first aid in the use of the ship's medical guide and shall establish written instructions that provide for the prompt rendering of first aid for any injury, disabling injury, or illness;

d) The ship Safety and Health Officer shall keep a copy of the instructions readily available for examination by seafarers. In case the ship carries cargoes classified as dangerous, necessary information from the safety data sheets on the nature of the substance, the risks involved, the necessary personal protection equipment required, the relevant medical procedures and specific antidotes shall be made available to seafarers;

e) Seafarers shall, if possible, report immediately for first aid to a person who holds a first aid certificate if they sustain an injury or become aware that he/she has a disabling injury or illness; and

f) The Safety and Health Officer shall undergo refresher courses to update on knowledge and applications at approximately five-year intervals and to keep the said Officer abreast of new developments.
5.3 Medicine Chest, Medical Equipment and Medical Guide

a) The shipowner shall ensure that all ships carry a medicine chest, medical equipment and medical guide which shall be properly maintained and inspected at regular intervals by the Safety and Health Officer. Medicines shall be properly stored and labeled with directions for use and expiry dates;

b) Medicine chests shall be accessible to seafarers on board ship and shall be clearly identified by a conspicuous sign. The shipowner shall provide and maintain medicines, medical supplies and equipment listed in the Occupational Safety and Health Standards or Maritime First-aid Guide which, as much as possible, shall not be limited to the number of seafarers on board; and

c) If substance hazardous to skin or eye exists in the ship, shower facilities to wash the skin and/or eye wash facilities to irrigate the eyes shall be provided for immediate use by seafarers, or if it is not practicable to do so, portable equipment shall be provided such as wash basins.

5.4 Medical Records

a) The shipowner shall keep and maintain records, reports or other documents in a manner that ensures that they are readily available for examination by the ship’s health and safety officer;

b) The seafarer shall have access to medical records at no cost as may be needed; and

c) The seafarer’s medical records are considered confidential and shall be treated by the shipowner as such, and that only upon the expressed approval of the seafarer can the shipowner furnish any copy of the seafarer’s medical records to any third party.
5.5 Prevention and Control of HIV/AIDS, Drugs and Alcohol in Ships

Policy and programs on the prevention and control of HIV/AIDS, drugs and alcohol shall be developed and implemented. The policy and program must conform with DOLE Department Order 53-03 (Guidelines for the Implementation of a Drug-Free Workplace Policies and Programs for Private Sector) and Department Order 102-10 (Guidelines for the Implementation of HIV/AIDS Prevention and Control in the Workplace).

5.6 Violence Prevention in the Workplace

a) The ship owner shall develop a workplace violence prevention policy and carry out its obligations in consultation with the seafarers.

b) The policy shall be posted at a place accessible to all seafarers and shall set out the following shipowners’ obligations:

1. To provide a safe, healthy and violence-free workplace;

2. To dedicate sufficient attention, resources and time to address factors that contribute to workplace violence including, but not limited to, bullying, teasing, and abusive and other aggressive behavior and to prevent and protect against it;

3. To communicate to its seafarers information about factors contributing to workplace violence; and

4. To assist seafarers who have been exposed to workplace violence.

c) The shipowner shall conduct in-house seminar on this program to give awareness to seafarers.
5.7 Prevention of Sexual Harassment in the Workplace

Policy and programs on the prevention of sexual harassment in the workplace shall be developed and implemented in conformance with Republic Act 7877, known as the Anti-Sexual Harassment Act of 1995. It is an Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment and For Other Purposes.

It shall be the duty of the shipowner to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment.

RULE III
CREW ACCOMMODATION

SECTION 1. General Accommodation.

The requirements of this Guidelines on accommodation and recreational facilities shall apply to ships constructed on or after the date when MLC, 2006 comes into force.

For ships constructed before said date, the requirements on the Accommodation of Crews Convention No. 92 and its supplementary provision No. 133, the existing standards on safety and health from the Maritime International Conventions, PMMRR, SOLAS, and ISM Code shall continue to apply to the extent that they are applicable.

The shipowner must ensure that there is adequate headroom in all crew accommodation and the minimum headroom in all crew accommodation where full and free movement is necessary must be at least two hundred three (203) centimeters. Those vessels where the peculiar nature of operations of a ship render impractical the herein regulations on accommodation such as tugboats, tanker-barges, propelled and non-propelled dry cargo barges, or those passing low bridges are exempted provided that full and free movement of seafarers working therein is ensured.

The deck covering in all crew accommodation must:

1. Be kept free of grease, oil or any other slippery substance and any material or object that may create a hazard to an employee; and

2. Have sufficient drainage.
The system of ventilation for sleeping quarters, mess rooms, sanitary spaces, food preparation or canteen, and personal service rooms shall also be controlled so as to maintain the air in a satisfactory condition and to ensure sufficient air circulation at all times.

SECTION 2. Sleeping Quarters.

The following provisions shall apply:

a) Sleeping quarters must not open directly into cargo and machinery spaces, galleys, storerooms, drying rooms or communal sanitary areas. In passenger vessels and in special purpose vessels where arrangements are made for lighting and ventilation, sleeping quarters may be located below the load line, but in no case are they to be located beneath working passageways.

b) If the size, type or intended service of the vessel renders any other location impractical, sleeping quarters may be located in the fore part of the vessel, but in no case are they to be located forward of the collision bulkhead.

c) In ships of less than 3,000 gross tonnage other than passenger ships and special purpose ships, sleeping rooms may be occupied by a maximum of two seafarers; the floor area of such sleeping rooms shall not be less than seven (7) square meters.

d) On passenger ships and special purpose ships, the floor area of sleeping rooms for seafarers shall not be less than:

   1. 7.5 square meters in rooms accommodating two persons;
   2. 11.5 square meters in rooms accommodating three persons;
      and
   3. 14.5 square meters in rooms accommodating four persons.

e) For each occupant, the furniture shall include a clothes locker of ample space (minimum of 475 liters) and a drawer that can be locked by the occupant so as to ensure privacy.

f) Each personal service room and galley must be adequately ventilated to provide at least two changes of air per hour to have adequate supply of air provided for seafarers who normally use the room at any one time.
g) In sleeping quarters and galleys, the temperature measured one meter above the deck in the center of the room or galley, must be maintained at a level of not less than 18°C and, if practicable, not more than twenty-nine degrees celsius (29°C).

h) A seafarer must not be exposed to a continuous level of sound more than 75 dB in crew accommodation.

i) Separate sleeping rooms shall be provided for men and women.

SECTION 3. Mess Rooms.

The following shall apply:

a) Where a seafarer is required to eat on board a vessel there must be, as far as practicable, a galley or dining area equipped with, at a minimum, the dishes and utensils in sufficient number to accommodate the greatest number of seafarers likely to use them at any one time.

b) Mess room facilities should consider the size of the ship and the distinctive cultural, religious, and social needs of the seafarers.

SECTION 4. Sanitation Facilities.

The following shall apply:

a) Every ship owner must maintain each personal service room, galley and pantry used by seafarers in a clean and sanitary condition. It must be cleaned at least once every day that it is used.

b) If a vessel is in operation, an inspection must be made once a week on:

1) the supplies of food and water on the vessel;
2) all spaces and equipment used for the storage and handling of food; and
3) the galley and equipment used for the preparation and service of food.
c) Each container that is used for solid or liquid waste in a work place must:

1) be equipped with a tight-fitting cover; and

2) be constructed so that it can be easily cleaned and maintained in a sanitary condition.

d) The seafarer must not use a personal service room for the purpose of storing equipment or supplies unless a closet fitted with a door is provided in that room for that purpose.

e) Sanitary facilities for vessels engaged in voyages of more than four (4) hours must be equipped with:

1) A minimum of one toilet, one wash basin and shower, provided at a convenient location for every group of not more than six persons who do not have a personal toilet, wash basin or shower.

2) Fresh water running from taps that are clearly marked to indicate whether the water supply is hot or cold.

f) In passenger ships normally engaged on voyage of not more than four-hour duration, consideration may be given to special arrangements or to a reduction in the number of facilities required.

SECTION 5. Hospital Accommodation.

The following shall apply:

a) The hospital accommodation should be designed so as to facilitate consultation and the giving of medical first aid and to help prevent the spread of infectious diseases.

b) Sanitary facilities for the exclusive use of the patient should comprise a minimum of one toilet, one washbasin and a shower.

c) With respect to requirements for hospital accommodation, ships carrying fifteen (15) or more seafarers and engaged in a voyage of more than three days’ duration, the separate hospital accommodation is to be used exclusively for medical purposes.
SECTION 6. Recreational Facilities.

The shipowner shall provide at no cost to the seafarers:

a) Recreational facilities, which as a minimum, shall include a book case and facilities for reading, writing and, where practicable, a canteen or other equivalent arrangements;

b) Sports and equipment such as exercise equipment, table games and deck games, electronic equipment such as radio, television, and video recorder; and

c) Reasonable access to ship-to-shore telephone communication, e-mail and internet facilities, where available, with any charges for the use of these services being reasonable in amount.

SECTION 7. Food and Catering.

The following shall apply:

a) Every shipowner must ensure that seafarers are provided with potable water for drinking, personal washing and food preparation.

b) All seafarers tasked with the responsibility of food handling and preparation shall be trained, qualified and found competent for the position in accordance with the requirements set out by Technical Education and Skills Development Authority (TESDA) training regulations.

RULE IV
REPORTORIAL REQUIREMENTS


Every shipowner shall:

a) Submit to the DOLE through its Regional Office the Report on Safety and Health Organization and the Shipowners Work Accident and Illness Report that records the number of accidents, instances of occupational disease and other hazardous occurrences of which the shipowner is aware that have affected any seafarer in the course of employment as the accident occurs. The template for the reports is downloadable at www.dole.gov.ph.
For fatal accidents or permanent total disability cases, the report should be faxed or submitted online to the Bureau of Working Conditions within 24 hours after occurrence of the contingency; otherwise, all other accidents should be reported before the 20th day of the month following the date of occurrence.

b) Ensure that comprehensive statistics of such accidents and diseases are kept, analyzed and published and that occupational accidents are investigated.

c) Have a copy of the report of the ship safety and health officer regarding any accident, occupational disease or other hazardous occurrence that may result in the following:

1) Death of a person;
2) Missing seafarer/person;
3) Disabling injury/illness;
4) Loss of consciousness of a seafarer as a result of an electric shock, a toxic atmosphere or an oxygen-deficient atmosphere;
5) Loss of a body member or a part of one or the complete loss of the usefulness of a body member or a part of one;
6) Permanent impairment of a seafarer’s body function;
7) Fire or an explosion;
8) Damage to a boiler or pressure vessel that results in fire or the rupture of the boiler or pressure vessel; or
9) Workplace violence.

Every shipowner shall keep a record of each minor injury that affects a seafarer in the course of employment. Such record shall contain:

a) Date, time and location of the occurrence that resulted in the minor injury;

b) Name of the affected seafarer;

c) Brief description of the minor injury;

d) Cause/s of the minor injury; and

e) Description of the first aid or medical treatment given to the seafarer, if applicable.

COMPLIANCE AND ENFORCEMENT

SECTION 1. Compliance and Enforcement.

All shipowners engaged in domestic and international shipping must comply with the provisions of this Maritime Occupational Safety and Health Guidelines. The enforcement of this Guidelines shall be governed by the applicable provisionsof Department Order Nos. 129 and 130.

RULE VI
MISCELLENOUS PROVISIONS

SECTION 1. Regular Review.

The provisions in this Guidelines shall be regularly reviewed in consultation with the representatives of the shipowners’ and seafarers' organizations, and if necessary, revised, to take into account of changes in technology and research in order to facilitate continuous improvement in the occupational safety and health policies and programs and to provide a safe occupational environment for seafarers on ships.

SECTION 2. Penal Provision.

All violations of the provisions of this Guidelines shall be subject to the applicable penalties provided for in the Labor Code, PD 442 as amended.
SECTION 3. Transitory Provision.

All seafarers designated as Safety and Health Officers, currently onboard ships engaged in international voyages or in domestic shipping, without BOSH Certificate and necessary training on first aid and medical care shall be required to secure the necessary training and certifications within one (1) year after the effectivity of this Guidelines.

SECTION 4. Effectivity.

This Guidelines shall be effective immediately after its publication in a newspaper of general circulation.

Manila, Philippines, 09 August 2013.

[Signature]

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DEPARTMENT ADVISORY NO. 17
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REQUIREMENTS ON THE MARITIME OCCUPATIONAL SAFETY AND HEALTH (MOSH) TRAINING FOR THE DESIGNATED SAFETY AND HEALTH OFFICER PURSUANT TO DEPARTMENT ORDER NO. 132-13 AND MARITIME LABOUR CONVENTION, 2006
LABOR ADVISORY NO. 17
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REQUIREMENTS ON THE MARITIME OCCUPATIONAL SAFETY AND HEALTH (MOSH) TRAINING FOR THE DESIGNATED SAFETY AND HEALTH OFFICER PURSUANT TO DEPARTMENT ORDER NO. 132-13 AND MARITIME LABOUR CONVENTION, 2006

For purposes of complying with the BOSH certificate under Section 1, Rule II (OSH Policy and Program) of Department Order No. 132-13 or the Guidelines on Maritime Occupational Safety and Health, the following shall be observed:

I. Equivalency for the Designated Safety and Health Officer

A designated Safety and Health Officer onboard a Philippine Registered Ship (PRS) plying both domestic and international voyages shall be considered as having complied with the 40-hour Occupational Safety and Health (OSH) Training upon compliance with the following:

a. Holder of the following certificates from the MARINA accredited training centers, for the equivalency modules in the training courses required by the STCW Convention, as amended:

1. Basic Safety Training in:
   • Personal Survival Techniques
   • Fire Protection and Fire Fighting
   • Elementary First Aid
   • Personal Safety and Social Responsibilities

2. Seafarers with Designated Security Duties with Ship Security Awareness Training (SDSD with SSAT) (not applicable anymore to seafarers with SSO Certificates); or

3. Ship Security Officer (SSO) - (required only for Management & Operational Level Officers)

b. Attendance to one-day MOSH Training Course to be conducted by DOLE or its accredited Safety Training Organization (STO) upon submission of the abovementioned certificates.

The shipowners and/or manning agencies shall shoulder the cost of the one-day MOSH Training referred herein.
II. Accreditation as Safety Training Organization (STO)

Any entity or organization may apply accreditation with the DOLE as Safety Training Organization (STO) to provide the required one-day MOSH training, in accordance with Department Order No. 16 for accreditation of Safety Training Organization.

The following are the requirements for accreditation as STO for the purpose of this issuance:

a. Articles of Incorporation of the entity (shipowners, ship managers and/or manning agents, Maritime Training Centers) duly registered with the Securities & Exchange Commission (SEC).

b. A valid Manning License issued by the Philippine Overseas Employment Administration (POEA).

c. Certificate of Accreditation as a maritime entity from the Maritime Industry Authority (MARINA).

d. List of authorized trainors (at least 2) of the one (1) day MOSH training, who must be practitioner in the maritime industry (preferably a Management or Operational Level Officer (Deck or Engineer)), who must possess the following certificates:

   1. Certificate of Attendance to the Trainor’s Training Course conducted by the DOLE; or

   2. Holder of a Certificate of Completion of IMO Model Course 6.09 (Training Course).

e. Must have one (1) Consultant duly accredited by the OSHC. The Consultant must submit to the OSHC the following documentary requirements for accreditation:

   1. Certificate of Sea Service showing at least five (5) years of sea experience as a Management Level officer onboard a ship.


   3. Holder of a Certificate of Completion of IMO Model Course 6.09 (Training Course).

   4. Must have at least an accumulated 60 days (or 480 hours) of attended trainings/seminars and lecturing and/or teaching experience related to maritime safety policies/procedures onboard domestic or ocean going vessels.
f. Syllabus and course materials of the one (1) day MOSH Training that will cover the following matters:

1. Maritime OSH including
   a. Hours of Work and Hours of Rest (MLC 2006, Regulation 2.3);

2. Industrial Hygiene

3. Occupational Health

g. Must have basic instructional materials and facilities, e.g. multi-media equipment, dedicated training room, course materials and the like.

III. Responsibility of the Accredited STO and Corresponding Sanctions

An accredited and recognized Safety Training Organization (STO) shall be responsible on the authenticity of the certificates, as provided for in Section 1(a) hereof, of the candidate for MOSH Safety & Health Officer. Any misrepresentation and/or submission of fraudulent certificates or other documents to obtain the required MOSH Certificate for the designated MOSH Safety & Health Officer will cause the suspension and withdrawal of accreditation and recognition of the said STO.

IV. Issuance of the MOSH Training Certificate for Designated Safety & Health Officer by the Occupational Safety and Health Center of the Department of Labor and Employment

The following procedure shall be followed for the issuance of the MOSH Training Certificate:

1. The accredited STO shall submit to the OSHC the copies of the documents enumerated under section 1 (a) and certificate of attendance of the one (1) day MOSH Training Course conducted by the DOLE or by an accredited STO.

2. Upon receipt of OSHC of the abovementioned requirements, the OSHC shall issue the MOSH Health & Safety Training Certificate, bearing the official logo of the DOLE, to the candidate Safety & Health Officer.
For those designated MOSH Safety & Health Officer who have taken the five (5)-day BOSH Training Course conducted by an accredited STO shall be re-issued with the MOSH Certificate by the OSHC.

V. Applicability

This supersedes any issuance inconsistent with this Advisory.

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