

Question : Do you have any specific information on whether health & safety procedures were violated? At the moment there are many unconfirmed reports about the lack of fire escapes, the fact that doors were locked, that there were no fire drills etc... Do you know any further detail?

Reply:

Following the incident, the government, through an Inter-Agency Anti-Arson Task Force, is conducting investigation. To date, however, labor rights advocates are still waiting for a definitive report on the actual events. What is clear at this point, from SALIGAN's perspective, is the fact that there would not have been a tragedy of this scale had proper Occupational Safety and Health Standards (OSHS) been observed.

The Philippine Department of Labor and Employment (DOLE), under the 1989 Occupational Safety and Health Hazards, has provided for rules and regulations in order to protect the right of workers to safe and healthful working conditions. A closer examination of said regulation and other relevant laws, however, will show several ambiguities. In the enforcement of said regulations, DOLE Regional Offices shall conduct annual inspection of establishments or place of employment. This refers to both technical safety inspection and general safety inspection.¹ The Labor Enforcement Office shall then determine compliance to OSHS and in such cases of non-compliance, a reasonable period will be given to establishment to comply with recommendations based on the gravity of the hazards needing corrections. The DOLE Secretary may also authorize local government units to enforce OSHS in their respective jurisdictions.

In the absence of such authority, under the OSHS, local government's jurisdiction is only with regard providing zoning ordinances that would regulate locations of buildings and business establishments. Under the Philippine Local Government Code, the regulation of business establishments is primarily done through the issuance of annual business permits, which requires, among others, sanitary and fire inspection clearances. Several laws also govern different aspects of facilities used in the conduct of business: (1) Building Code which governs the design and construction, occupation and use of buildings and facilities, (2) Fire Code which provides for fire tests and fire protection equipment, and (3) Philippine Society of

¹ Technical safety inspection shall refer to inspection for the purpose of safety determination while general safety inspection shall refer to inspection of the work environment, including the location and operation of machinery other than those covered by technical safety inspections, adequacy of work space, ventilation, lighting, conditions of work environment, handling, storage or work procedures, protection facilities and other safety and health hazards in the workplace.

Mechanical Engineers Code on the installation of indoor, outdoor general storage, sprinkler system and fire protection system. The lack of an Omnibus Regulation that would harmonize all rules and roles regarding OSHS is therefore apparent.

The Committee on Labor and Employment of the House of Representatives has assured the public that it would fast-track the passage of the Occupational Safety and Health bills proposing the criminalizing of OSHS violations. The DOLE Secretary has called on all mandated State actors to a joint administrative hearings with the end of drafting a Joint Administrative Order with the primary objective of efficient cooperation and coordination mechanism among government agencies and streamlining the issuance of business permits for employer's buildings and establishments to address the criticism that it takes 19 steps to procure building permits in the Philippines which encourages corruption in order to procure it with ease.

SALIGAN is further recommending the Philippine government's ratification of ILO Convention No. 187 on Promotional Framework for Occupational Safety and Health Convention (2006), which aims to establish and implement coherent national policies on occupational health and safety through dialogue between government, workers, and employers' organizations to promote a national preventive safety and health culture, and ILO Convention No. 155 on Occupational Safety and Health Convention (1981) and its Protocol of 2012, which calls for the establishment and the periodic review of requirements and procedures for the recording and notification of occupational accidents and diseases and for the publication of related statistics.

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