



ZGLAW

ZAMBRANO GRUBA CAGANDA & ADVINCULA

FREQUENTLY ASKED QUESTIONS

Safety & Health Standards in Workplaces During the Ongoing Covid-19 Outbreak

WPG

/ a regional law network

Q: Are there safety and health standards that should be observed in workplaces while the Covid-19 pandemic is still ongoing?

A: Yes. The Department and Trade Industry (DTI) and the Department of Labor and Employment (DOLE) recently issued a set of Interim Guidelines to assist private institutions that are allowed to operate during the enhanced community quarantine (ECQ) and general community quarantine (GCQ) in developing the minimum health protocols and standards in light of the Covid-19 pandemic.

Q: What are the preliminary standards that employers need to observe?

A: The employers are expected to emphasize to all workers the everyday actions to stay healthy (i.e., eat nutritious and well-cooked food, drink plenty of fluids and avoid alcoholic beverages, increase the body's resistance by having adequate rest and at least eight hours of sleep, and exercise regularly).

The employers may likewise provide free medicines and vitamins, and a referral for workers needing counseling or presenting with mental health concerns.

Q: What are the types of medicines and vitamins that need to be provided by the employer?

A: The Interim Guidelines do not specify the type of medicines and vitamins that need to be provided. However, this may include Vitamin C or other health supplements to boost immunity and over-the-counter medication for cough, colds and fever.

Q: Is it mandatory for employees to undergo Covid-19 testing prior to return to work?

A: No, Covid-19 testing of employees is not mandatory prior to return to work. However, the Interim Guidelines provide that the employers may have their workers tested for Covid-19. In this regard, the testing kits used and procured shall be the responsibility of the employer and a company policy on Covid-19 testing shall be formulated and agreed upon by employers and workers in conformity with the DOH protocols.

Q: Are the employers required to shoulder the cost of Covid-19 prevention and control measures?

A: Yes. DOLE Labor Advisory No. 18-2020 provides that the employers shall shoulder the cost of Covid-19 prevention and control measures such as but not limited to: testing, disinfection, facilities, hand sanitizers, personal protective equipment (i.e., face mask), signages, and proper orientation and training of workers.

The Interim Guidelines further clarify that employers shall provide the appropriate face masks for workers (e.g., surgical masks or N95 face masks). Should cloth masks be used, the washable type shall be worn but additional filter material such as tissue papers inside the masks may be added.

No cost related or incidental to Covid-19 prevention and control measures shall be charged directly or indirectly to the workers.

Q: In the case of construction projects and contractors/subcontractors, who shoulders the cost?

A: In the case of contracts for construction projects and for security, janitorial and other services, the cost shall be borne by the principals or clients of the construction/service contractor. Provisions of existing contracts inconsistent with this directive shall be deemed amended accordingly.

Q: What needs to be observed prior to entrance in buildings or workplaces?

A: The following needs to be observed prior to entrance in buildings or workplaces:

- (a) Wear face masks at all times (remove the same only when eating/drinking);
- (b) Accomplish daily the health symptoms questionnaire and submit to the guard or designated safety officer prior to entry;
- (c) Have the temperature checked and recorded in the health symptoms questionnaire;
- (d) Spray alcohol or sanitizers to both hands;
- (e) Provide disinfectant foot baths at the entrance, if practicable;
- (f) Equipment or vehicles entering the hub operational area must go through a disinfection process; and
- (g) If there will be a long queue outside the office or store premises, roving officers should instill physical distancing of one (1) meter.

Q: Is there a suggested protocol for the screening of employees and visitors prior to entrance to the building or workplaces?

A: Yes. For any personnel with temperature that is above 37.5 degrees Celsius, even after a 5-minute rest, or if their response in the questionnaire needs further evaluation by the clinic staff, the person shall be isolated in an area identified by the company and not allowed to enter the premises. The isolation area should be well-ventilated and must be disinfected frequently.

Further, the clinic staff assigned to assess the workers held in the isolation area shall be provided the appropriate medical grade personal protective equipment (PPEs) by the establishment which shall include, but not limited to, face masks, goggles or face shields, and/or gloves.

Note that the employers may adapt this protocol, as applicable in their work environment. It does not prevent employers from developing their own screening protocols compliant to the latest local or international occupational safety and health guidelines.

Q: Are employers required to report to the DOLE?

A: Yes. The employers are required to report illnesses, injuries or diseases by accomplishing the *DOLE Work Accident/Illness Report Form (WAIR)* which must be submitted monthly to the appropriate DOLE Regional Office, with a copy furnished to the Department of Health (DOH).

Q: What needs to be observed inside the workplace?

A: The following needs to be observed inside the offices or workplaces:

- (a) All work areas and frequently handled objects, such as door knobs and handles, shall be cleaned and disinfected regularly, at least once every two (2) hours;
- (b) All washrooms and toilets shall have sufficient clean water and soap (workers are encouraged to wash their hands frequently and avoid touching their eyes, nose and mouth);
- (c) Workers, whether in office workstations or in operations area, shall always practice physical distancing at the minimum of one (1) meter radius space (side, back and front) between workers;
- (d) Eating in communal areas is discouraged (it is best to eat in individual work area and all wastes shall be disposed properly); and
- (e) Canteens and kitchens should be cleaned and disinfected regularly.

Q: What should be done if eating in individual work areas is not possible?

A: If eating in individual work areas is not possible, the employer shall ensure that physical distancing is maintained in dining areas with one (1) worker per table and one (1) meter distance per worker. Further, it is discouraged that workers engage in conversation with masks off during meal times. Tables and chairs shall also be cleaned or disinfected after every use of the area and at the end of the work day.

Q: Are the standards the same for the workplaces in health-care and other frontline services?

A: No. In workplaces where workers are evidently at risk of infection (or “imminent danger situations”) as in health-care and other frontline services, the employer shall comply with the DOH Department Memorandum No. 2020-0178. Further, the employees must take extra-precautionary measures that include strict hygiene and the use of PPEs (e.g., respirators such as N95, gowns, gloves) which must be disposed of after use.

Q: What can the employers implement to minimize contact between workers and clients?

A: The following may be implemented by the employers:

- (a) Alternative work arrangements, such as working-hour shifts, work from home (WFH), where feasible and on rotation basis;
- (b) Prolonged face-to-face interaction between workers and with clients are discouraged and masks shall be worn at all times and not removed;
- (c) Office tables should be arranged in order to maintain proper physical distancing. Barriers may be provided between tables;
- (d) Workstation layout should be designed to allow for unidirectional movement in aisles, corridors or walkways;
- (e) To maintain physical distancing, the number of people inside an enclosed space such as a room, store or hall shall be limited. Elevator use should consider physical distancing and limit the number of persons in order to observe the one (1) meter physical distancing;
- (f) Use of stairs should be encouraged subject to physical distancing requirements. If more than two stairways are accessible, one stairway may be used exclusively for going up and another for going down;
- (g) Online system shall be highly encouraged to be utilized for clients needing assistance from offices, including the use of videoconferencing; and
- (h) Roving officers shall always ensure physical distancing and observance of minimum health protocols.

Q: We have clients who prefer to conduct meetings in person. What should be done if face-to-face meetings cannot be avoided?

A: Meetings that require physical presence shall be kept to a minimum number of participants and with short duration. For lengthy discussions among workers, videoconferencing must be utilized.

Q: We have employees who are in their senior years and some with pre-existing illness. Are employers allowed to require them to work at the office?

A: Yes. However, in view of their vulnerabilities and the ongoing pandemic, the Interim Guidelines highly encourage work from home arrangements in their case. In this regard, work agreements should be developed to detail the deliverables from these employees without fear that their wages or benefits will be affected.

The “most at risk” workers and vulnerable groups include those who are above sixty (60) years old or of any age with co-morbidities or pre-existing illness such as hypertension, diabetes, cancer or with immunocompromised health status, or with high-risk pregnancy.

Q: What protocol needs to be followed in the event that a worker is suspected as having Covid-19?

A: In the event that a worker is suspected as having Covid-19:

- (a) The worker shall immediately proceed to the isolation area designated in the workplace and never remove his/her mask;
- (b) The clinic personnel attending to the workers should wear appropriate PPEs and if needed should require the transport of the affected worker to the nearest hospital; and
- (c) The workplace of the Covid-19 suspect shall be decontaminated with the appropriate disinfectant.

Q: When can work resume after decontamination of the Covid-19 suspect's work area?

A: Work may resume after twenty-four (24) hours upon decontamination of the work area.

With regard to the workers who were present in the area with the suspect Covid-19 worker, they shall go on fourteen (14) days home quarantine and must be monitored by the clinic staff. If the suspect Covid-19 worker has a negative result, the co-workers may be allowed to report back to work but should be given appropriate advice and instructions once they develop any health complaints or symptoms.

Q: What protocol needs to be followed in the event that a worker is sick or has fever but is not suspected to have Covid-19?

A: The employer must advise the worker to take prudent measures to limit the spread of communicable diseases, as follows:

- (a) Stay at home and keep away from work or crowds;
- (b) Take adequate rest and take plenty of fluids;
- (c) Practice personal hygiene to prevent spread of disease; and
- (d) Seek appropriate medical care if there is persistent fever, when difficulty of breathing has started, or when he/she becomes weak.

Q: In view of these guidelines, what are the duties of employers?

A: The employers shall:

- (a) Provide the necessary company policies for the prevention and control of Covid-19, in consultation with the workers;
- (b) Provide resources and materials needed to keep the workers healthy and the workplace safe (masks, soap, sanitizer, disinfectant, PPEs), including Covid-19 testing kits;
- (c) Designate a safety officer to monitor Covid-19 prevention and control measures;
- (d) Enhance health insurance provision for workers;
- (e) Where feasible, provide shuttle services and/or decent accommodation on near-site location to lessen travel and people movement;
- (f) Enjoin the hiring from the local community; and
- (g) Put up a Covid-19 Hotline and Call Center for employees to report to if symptomatic and for daily monitoring scheme of "suspect" employee condition.

In turn, the workers must comply with all workplace measures; observe proper respiratory etiquette (cough and sneeze into tissue or into shirt sleeve, if tissue is not available); dispose used tissues properly; and, disinfect hands immediately after a cough or sneeze.

Employers may contact the DOLE through the following:

- **DOLE 24/7 Hotline:** 1349
- **DOLE Website:** <http://www.dole.gov.ph>

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