International Labour Organisation (ILO)

Country Office for the Philippines
Building a Generation of Safe and Healthy Workers – SafeYouth@Work Project

Terms of Reference

Analysis of the Notification and Recording System for Work-Related Injuries and Illnesses

1. BACKGROUND AND RATIONALE

The International Labour Organization (ILO) is implementing a global project on occupational safety and health (OSH) called ‘Building a Generation of Safe and Healthy Workers – SafeYouth@work Project’ funded by the United States Department of Labor (USDOL). The project aims to improve the working conditions of workers aged 15-24 years and develop a culture of prevention. It has four components: 1) comprehensive, relevant and quality data and information on occupational safety and health of young workers are available for effective use in selected countries; 2) national legislation, regulations, policies and programmes are improved in order to better address the safety and health of young workers; 3) national capacities to monitor and enforce OSH laws and regulations, particularly those relevant to young workers, are enhanced; and 4) global knowledge and awareness of the particular hazards and risks faced by young workers is increased.

Under Component 1, the project seeks to improve the notification and recording system for occupational injuries and illnesses, particularly regarding young workers. This aligns with the provision of the Occupational Safety and Health Convention, 1981 (No. 155) under Article 11 specifying the need to establish and apply procedures for the notification of occupational accidents and diseases by employers, and the Protocol of the said Convention, which provides more guidance on the system to be established.¹ The collection, recording and notification of data concerning occupational accidents and diseases is instrumental in prevention. This provides basis to identify and study the causes of such accidents and diseases to enable member states further develop preventive measures.²

In the Philippines, various agencies collect information on occupational injuries and illnesses. The Philippine Statistics Authority (PSA) gathers information on occupational

¹ Occupational Safety and Health and the Working Environment (Convention No. 155)
Protocol of 2002 to the Occupational Safety and Health Convention (Protocol 155)

accidents and illnesses through the Integrated Survey on Labor and Employment or ISLE. This survey is conducted every two years covering a sample of establishments in the country. The results of the survey are utilized by the Occupational Safety and Health Center (OSHC) as input to studies on industry trends and practices relative to conditions of work, and the development and implementation of capacity-building programs.

The Department of Health – National Epidemiology Center and its regional units, on the other hand, maintains data on workplace accidents and injuries reported by hospitals that are not related to those reports gathered by the Social Security System (SSS) and the Employees Compensation Commission (ECC) as part of the processing of claims for work-related injuries or illnesses.

Meanwhile, the DOLE-Bureau of Working Conditions (BWC) manually consolidates reports from its Regional Offices on notifications of occupational injuries and illnesses submitted by employers in compliance with Occupational Safety and Health Standards (OSHS) Rule 1050. BWC and its regional office counterparts perform this task as part of its regulatory function to enforce establishment compliance with general labor standards and occupational safety and health standards. As an implementing strategy in the delivery of this function, the DOLE on 07 August 1996 issued Department Order 23 establishing a composite reaction team called Work Accidents and related Labor Exigencies Response Team (Work-ALERT) which was intended to immediately respond to major accidents or industrial disasters, particularly those which result in serious injuries or even deaths of workers, and coordinate inter-agency and sector-specific action, intervention and delivery of services in relation to major industrial accidents.4 While Work-ALERT has been in effect for two decades already, its full implementation has yet to be realized.

The BWC data from CY2013 to CY2015 reflected declining numbers of work-related accidents in all regions and by type of industry. Notably, these consolidated reports are limited only to cases of accidents and injuries; these reports do not capture cases of diseases or illnesses acquired on account of one’s occupation. From the CY 2013 to CY 2015 report, CY2013 recorded the highest number of cases of accidents at 65, while CY2014 recorded a slight decrease with 52 cases of accidents, and CY2015 registered only 46 accident cases. From 2013 to 2015, the preliminary data of the BWC recorded a total of 262 fatalities with CY2015 accounting for the highest number at 125. Two hundred twenty eight (228) non-fatal injuries were recorded during the same period. By industry, the construction sector consistently reported the highest number of accident cases, and affected people (fatal and non-fatal) from CY2013 to CY2015. Accidents in agriculture, forestry and fishing were only reflected in the report for 2013 with Work-Alert data showing that no cases of accidents in the agricultural sector were reported in 2014 and 2015.

In addition to the employer notifications submitted to DOLE, BWC also gathers information on occupational injuries and illnesses through the results of OSHS investigation.

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4 The Undersecretary for Worker’s Protection and Welfare was designated as the head of the team who is assisted by the Assistant Secretary for Regional Operations. The team is composed of the BWC, Employees’ Compensation Commission (ECC), Occupational Safety and Health Center (OSHC), Information and Publication Service (IPS), and DOLE Regional Offices. The BWC was designated as secretariat and coordinator of the team.
under the Labor Law Compliance System. From 2014 to 2015, results from the LLCS show that a total of 157 OSH Investigations were conducted by the regional offices.

The Employees’ Compensation Commission (ECC) is mandated to provide meaningful and appropriate compensation to workers and their dependents in the event of work-related contingencies such as sickness, injury, disability or death. Information on occupational accidents and illnesses is valuable to the agency since this allows them to interface with affected workers or their families to ensure that they are appropriately compensated. The ECC has Quick Response Teams (QRT) in different regions to address workers’ concerns in the event of a major work accident or outbreak of occupational disease at the workplace through psycho-social counselling services, medical help and assistance in the filing of the necessary claims. ECC data from CY2013 to CY2015 reported a total of 768,957 claimants from the private sector with EC claims amounting to Php3,152,540 or USD69,287. Notably, the number of EC claimants greatly exceeds the data consolidated by the BWC from the employer notifications.

The aforementioned depicts only some of the issues confronting the reporting and notification of occupational accidents and diseases in the country, apart from challenges on employers’ willingness to report such cases. An integrated system of reporting on workplace injury and disease across the Government would help ensure that information from the establishment level reaches the concerned government agencies to facilitate the provision of services and programs, and to strengthen regulatory mandates to improve OSH compliance.

Improving the timeliness and accuracy of information on occupational accidents and diseases will also help facilitate: (a) provision of workers’ compensation benefits, (b) provision of information to regulatory authorities to monitor the compliance of enterprises or establishments in ensuring the safety and health of workers, (c) establish a basis for further studies of trends of accidents, illnesses or diseases, and (d) timely review of national policies and government programs related to OSH, among others. Hence, this review of the national system for notification and recording of occupational injuries and illnesses is proposed to determine gaps and identify strategies to further improve service delivery, policy making and resource allocation.

2. PURPOSE OF THE ANALYSIS

This TOR seeks to engage a national consultant that will review and analyze the present notification and reporting system of occupational accidents and diseases in the Philippines. Specifically, this analysis will:

a. Describe the existing procedures/systems on reporting and notification of occupational accidents and diseases within the BWC, OSHC, ECC and DOLE Field Offices (with reference to existing policies and regulations);

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5 Rule VII of Department Order No. 131-B, 2016 or the Revised Rules on Labor Laws Compliance System

7 Presidential Decree 626, as amended, 01 January 1975

8 Exchange rate of USD1 equals to Php45.50 (15 June 2016)
b. Describe the timeliness, accuracy and completeness of reports being submitted/collected on occupational accidents and injuries across all national agencies;

c. Identify the sectors covered by the existing procedures/systems on reporting and notification of occupational accidents and diseases, including any gaps in sectoral coverage;

d. Determine the programs and services of the DOLE to ensure establishment compliance with requirements on reporting and notification of occupational accidents and diseases;

e. Review and assess the workflow and systems on reporting and notification of occupational accidents and illnesses including a graphic assessment of the wide disparity in reported workplace injuries and illnesses, based on various sources of data.

f. Compare the existing national procedures/systems with the recommendations of the Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (P.155), ILO Code of Practice on Recording and notification of occupational accidents and diseases, and good practices recognized by the ILO;

g. Identify weaknesses and challenges of existing procedures/systems on reporting and notification of occupational accidents and diseases; and

h. Propose prioritized recommendations to address key weaknesses and challenges of existing procedures/systems on reporting and notification of occupational accidents and diseases.

Given the objectives set forth by this TOR, the key questions to be answered by this analysis are as follows:

1. What are the strengths and weaknesses of the reporting and notification system on occupational accidents and diseases of the country?

2. What policies, regulations, programmes and services need to be improved or put in place to strengthen the timeliness and accuracy of reporting and to drive employers’ compliance with legal requirements to report cases of occupational accidents and diseases?

3. How can the current reporting and notification system on occupational accidents and diseases better comply with international standards and ILO good practices, and serve as a tool to drive sound evidence-based OSH policies?

4. What legal, policy and/or structural changes could lead to the establishment of an integrated system that will produce timely, accurate and relevant reports on occupational accidents and diseases?

The national consultant to be engaged will:

a. Review and analyze the existing procedures/systems on reporting and notification of occupational accidents and diseases;

b. Review the systematic workflow and systems on reporting and notification of occupational accidents and diseases;
c. Conduct interviews with the DOLE (BWC, Regional and Field Offices, ECC, and OSHC) and other government agencies handling related data and with inspection authority:

1. Philippine Statistics Authority (PSA)
2. Department of Health (DOH) - National Epidemiology Center / Regional Epidemiology Service Unit
3. Local Government Units (LGU) - Cities and Municipalities Surveillance Officers
4. Department of Transportation (DOT) - Land Transportation Franchising and Regulatory Board
5. Department of Agriculture (DA) - Fertilizers and Pesticides Authority (FPA)
6. DENR - Mining and Geosciences Bureau (MGB)
7. Department of Energy (DOE)

d. Draft report and develop a visual presentation of overall analysis, findings, and recommendations;

e. Present findings of the analysis to the DOLE and Project Steering Committee; and

f. Submit a final report containing findings of the analysis.

3. METHODOLOGY

The external collaborator shall propose the most appropriate methodology for the analysis which may include desk review, key informant interviews, focus group discussions and workshops. The methodology will be detailed in the inception report.

4. EXPECTED OUTPUTS FROM THE CONSULTANT

a. An inception report which includes the work plan detailing the activities of the national consultant, the methodology to gather information and the proposed outline of the final report. The work plan shall include the presentation of findings and recommendations to the DOLE and Project Steering Committee by end of March 2016.

b. A visual presentation of overall analysis, findings and recommendations; and

c. Comprehensive report on reporting and notification of occupational accidents and diseases in the Philippines that provides the following sections:

Background (4/5 pages)
- a general description of the current OSH system or OSH organizational structure in the country, with particular attention to policy and enforcement setting, guidance and information dissemination on OSH at all levels of society, mechanisms in protecting workers from situations presenting imminent and serious danger, systems for the recording and notification of occupational accidents and diseases, and procedures on the periodic review requirements and procedures for the recording and the notification of occupational accidents,
occupational diseases, dangerous occurrences, commuting accidents and suspected cases of occupational diseases.\textsuperscript{10}

- a brief description of the existing national legislation and formulation on OSH related issues.
- Commitments made under international standards, if any

**Statement of objectives & Methodology (1/2 pages)**
- Derived from the purpose of the analysis and approved methodology

**Standards and Good Practices on Reporting and Notification of Occupational Accidents and Diseases**
- Description of the ILO Conventions and Code of Practice
- Description of good practices (initiatives of developed countries and developing countries)

**Findings (15/20 pages)**
- a thorough analysis of the existing reporting and notification system of occupational accidents and diseases;
- special attention placed on legal and regulatory provisions directed to enhance reporting and notification of occupational accidents and diseases;
- special consideration must be given to the problems of the existing reporting and notification procedures/system looking at inter-agency collaboration, capacities of concerned government institutions/agencies/bodies, existing technologies, awareness of workers and employers;

**Conclusion and Recommendations**
- conclusion and recommendations on areas to improve the reporting and notification of occupational accidents and diseases

**Annexes**
- inventory of sources used and key informants consulted
- Lists of documents consulted
- Lists of persons met
- Matrix of information

The language used in the final report must be clear and unambiguous. The report shall not exceed 30 pages (excluding annexes).

**5. TIMEFRAME**

<table>
<thead>
<tr>
<th>Key Activities</th>
<th>Outputs</th>
<th>Time-frame</th>
<th>Task Reference</th>
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<tbody>
<tr>
<td>The consultant will draft an inception report</td>
<td>Inception report submitted to ILO for review and approval by 09 December 2016</td>
<td>Week 1</td>
<td>Preparatory</td>
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</table>

\textsuperscript{10} Application of latest primary and secondary data on sections where this is available
<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Weeks</th>
<th>Phase</th>
</tr>
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<tbody>
<tr>
<td>Undertake review</td>
<td>Gap analysis matrix (Annex 1) submitted to ILO for technical comments by 13 January 2017</td>
<td>2 and 3</td>
<td>A, B, C</td>
</tr>
<tr>
<td>Draft report with reference to information</td>
<td>Draft document for stakeholders’ comments and Powerpoint presentation submitted to ILO for comments by 27 January 2017</td>
<td>4 and 5</td>
<td>D</td>
</tr>
<tr>
<td>Revise draft document as per ILO technical comments</td>
<td>Revised draft document and workshop materials given to ILO for comments by 24 February 2017</td>
<td>6 and 7</td>
<td>D</td>
</tr>
<tr>
<td>Act as main resource person at a meeting</td>
<td>List of comments from stakeholders during the meeting submitted to ILO for review by 17 March 2017; meeting to be held 14 March 2017</td>
<td>8 and 9</td>
<td>E</td>
</tr>
<tr>
<td>Revise report following consultation meeting</td>
<td>Finalised document ready for review by ILO 31 March 2017</td>
<td>Week 10 &amp; 11</td>
<td>F</td>
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**6. CONTRACTING PARTY AND RESPONSIBILITIES**

The Contracting Party will be the International Labour Organization (ILO), which will provide the funds needed for the conduct of the consultancy. The ILO through the SafeYouth@Work Project will provide technical backstopping to the consultant in coordination with the OSH Specialists in ILO ROAP/Geneva.

The SafeYouth@Work Project Coordinator will facilitate the consultant’s introduction to stakeholders.

The presentation of findings to the DOLE and PSC meeting will be organized and funded by the ILO in coordination with the DOLE and consultant.

**7. SCHEDULE OF PAYMENT AND PAYMENT TERMS**

A total contract price of Four Hundred Eighty-three Thousand One Hundred Twenty Pesos (USD 10,000) will be paid to the contractor for the work described above. The contract
price includes the DSA and transportation expenses for anticipated field work (i.e. airfare, sea fare, board and lodging).

Payment terms will be as follows:

<table>
<thead>
<tr>
<th>Deliverables</th>
<th>Time Schedule</th>
<th>Payment Tranches</th>
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<tbody>
<tr>
<td>Inception Report with work plan</td>
<td>3,000</td>
<td>30%</td>
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<tr>
<td>Draft report</td>
<td>2,000</td>
<td>20%</td>
</tr>
<tr>
<td>Presentation of findings and recommendations; draft report</td>
<td>3,000</td>
<td>30%</td>
</tr>
<tr>
<td>Final report</td>
<td>2,000</td>
<td>20%</td>
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8. QUALIFICATIONS

The national consultant collaborator needed for this consultancy should possess the following:

- At least five years’ experience in public policy research work
- Experience in conducting systems analysis or review, an asset
- Experience in conducting statistical analysis, an asset
- Familiarity with labour laws and occupational safety and health standards, an advantage

9. REFERENCES

- Occupational Safety and Health Convention, 1981 (No. 155)
- Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (P.155)
- Recording and notification of occupational accidents and diseases, An ILO Code of Practice, 1996
- Department of Labor and Employment Department Order 23, 07 August 1996
- Occupational Safety and Health Standards of the Philippines, as amended
- Improvement of national reporting, data collection and analysis of occupational accidents and diseases, 2012
Annex 1: Recorded Accidents, by type of industry, CY 2013-2015

Source: Preliminary data of the Bureau of Working Conditions