



Public Health Standards by Several Government Agencies

This briefing takes a deeper dive into the labor and employment aspect of COVID-19 issuances. Some of the guidelines here are covered in our The Return-to-Work-Checklist for Philippine Companies at <https://tinyurl.com/PHCompaniesRTWChecklist>.

A. Operating establishments have been directed to comply with public health standards prescribed by the Department of Health (DOH), Department of Trade and Industry (DTI) and the Department of Labor and Employment (DOLE)

1. The DTI issued *DTI Memorandum Circular No. 20-22* dated May 5, 2020,¹ which directs operating establishments to:
 - a. strictly implement the required public health standards prescribed for offices/workplaces under *DOH Administrative Order No. 2020-0015* dated April 27, 2020 and the *DTI-DOLE Joint Interim Guidelines on Workplace Prevention and Control of COVID-19* dated April 30, 2020;
 - b. notify public health authorities of employees and/or staff who show signs or symptoms of COVID-19; and
 - c. implement contact tracing in coordination with the DOH and the local government unit concerned in case their employees and/or staff have been exposed to COVID-19.
2. *DOH Administrative Order No. 2020-0015* dated April 27, 2020² specifies the DOH's prescribed interventions in various settings, such as offices/workplaces, depending on the risk severity grading of the Inter-Agency Task Force on Emerging Infectious Diseases (IATF-EID). For each prescribed intervention, concrete examples (e.g., engineering control, administrative control, and PPEs) are provided.

¹ Business Establishments or Activities Allowed to Operate in Areas Declared under Enhanced Community Quarantine (ECQ) and General Community Quarantine (GCQ) Pursuant to the Omnibus Guidelines on Community Quarantine as Confirmed and Adopted by the President under Executive Order No. 112 S. 2020; https://www.covid19.gov.ph/wp-content/uploads/2020/05/050520_MC2022.pdf; last visited 11 PM on May 8, 2020.

² Guidelines on the Risk-Based Public Health Standards for COVID-19 Mitigation; <https://www.covid19.gov.ph/wp-content/uploads/2020/04/ao2020-0015.pdf>; last visited at 11 PM on May 8, 2020.

3. The *DTI and DOLE Joint Interim Guidelines on Workplace Prevention and Control of COVID-19* dated April 30, 2020³ provides workplace health and safety guidelines that apply to all workplaces, employers and workers in the private sector. In addition to guidelines noted in our Return-To-Work Checklist:
 - a. Equipment or vehicle entering the hub operational area must go through a disinfection process.
 - b. If there will be a long queue outside the office, roving officers must instill physical distancing of one meter.
 - c. In order to minimize contact rate, alternative working arrangements, such as working-hour shifts, work from home (WFH), where feasible, and rotation may be implemented.

B. National Labor Relations Commission (NLRC) office operations during the Enhanced Community Quarantine (ECQ) and General Community Quarantine (GCQ)

The NLRC issued *NLRC Advisory No. 08* dated May 1, 2020,⁴ which describes the work arrangements in all NLRC offices which shall be implemented from May 4 up to May 15, 2020, or until such time that the ECQ/GCQ has been lifted.

1. The following are the work arrangements for NLRC offices under ECQ:
 - a. Work at the Commission Proper/Division Level and in all units and offices of Labor Arbiters (LA) shall be suspended.
 - b. The filing of Motions for Reconsiderations (MR), Petitions for Extraordinary Remedies (ER), and appeals is suspended and shall resume upon resumption of regular operations. It is recommended that the applicable law, jurisprudence, and rule of suspension of the running of the reglementary period is to be considered in resolving the timeliness of the filing.
2. The following are the work arrangements for NLRC offices under GCQ:
 - a. Only the Cashier Unit and Receiving and Docket Unit (RDU) will continue operations. A skeleton workforce will be maintained in the above-mentioned units and employees assigned thereto shall observe proper rotation schedules.
 - b. The SENA Unit, Complaint Unit, and offices of the LAs shall be closed temporarily during the quarantine period.

³ DTI and DOLE Joint Interim Guidelines on Workplace Prevention and Control of COVID-19 dated April 30, 2020; <https://www.covid19.gov.ph/wp-content/uploads/2020/05/DOLE-AND-DTI-GUIDELINES-ON-WORKPLACE-PREVENTION-AND-CONTROL.pdf>; last visited at 11 PM on May 8, 2020.

⁴NLRC Advisory No. 08 dated May 1, 2020; <https://www.facebook.com/photo.php?fbid=665379664037708&set=pcb.665378764037798&type=3&theater>; last visited at 2 PM on May 14, 2020.

- c. The following services are available during the period:
 - (i) Receipt of MRs, Petitions for ER, Petitions for Injunctions, and other pleadings intended for the commission; and
 - (ii) Payment of filing fees for ER petitions and posting of injunction bond.
 - d. The RDU shall only receive appeals, pleadings intended for the office of the LAs, and documents relative to walk-in settlements. Appeals and pleadings shall be forwarded to the concerned offices upon resumption of regular operations. All documents relative to walk-in settlement shall be forwarded to the office of the ELA for raffling.
3. The following are the work arrangements for all NLRC offices, whether under ECQ or GCQ:
- a. For walk-in settlement, parties are advised to submit their notarized compromise agreement and/or quitclaims, release and waiver upon resumption of regular operations. For NLRC offices under ECQ, submission shall be made to the office of the executive labor arbiter. Meanwhile, for NLRC offices under GCQ, submission shall be made to the RDU.
 - b. All SENA conciliation and mediation conferences scheduled during the quarantine period are terminated. Referral for compulsory arbitration or to other offices which have jurisdiction over the issue/s raised in the Request for Assistance (RFA) will be issued by the handling SENA conciliator-mediator upon resumption of regular operations.
 - c. All mandatory conciliation and mediation conferences scheduled during the quarantine period are terminated. All parties are mandated to file their respective position papers 15 calendar days from the date of resumption of regular operations. This is without prejudice to settlement or the filing of joint motion to conduct mandatory conciliation and mediation conference.
 - d. All other hearings set during the quarantine period are reset on the date to be determined by the handling LA through the issuance of appropriate notice of hearing upon resumption of regular operation.
 - e. All auction sale scheduled during the period of quarantine period shall be reset 15 calendar days from the date of resumption of regular operations in accordance with the requirements of the law.
 - f. Work from home shall be implemented. Presiding/Commissioners, assigned by their respective Reviewers/Commission Attorneys shall continue working on the draft recommendation of decisions/resolutions in their respective residences during the quarantine period. Routing of the recommendation to the other Commissioners in their Division for their comment and/or observation will start upon resumption of regular operations.

Meanwhile, Labor Arbiters shall continue to resolve cases and prepare orders in their respective residences during the quarantine period. The said decisions and order shall be signed, promulgated, released, and served personally or mailed within seven (7) calendar days from resumption of work. The minimum level of performance shall still be applied with respect to decisions on the merits.

C. Non-inclusion of the community quarantine period in the six-month probationary period under the Labor Code

The DOLE issued *DOLE Labor Advisory No. 14-A, Series of 2020* dated May 9, 2020⁵ providing that for purposes of the six-month probationary period, the period during which the ECQ or GCQ is enforced where the establishment has temporarily ceased or closed operations and/or worker was temporarily not required to report to work on account thereof, is not included in the six-month probationary period as required under Article 296 of the Labor Code.

This supplements and clarifies *DOLE Labor Advisory No. 14, Series of 2020* dated March 30, 2020⁶ which merely stated that for purposes of the six-month probationary period, “the one-month ECQ period is not included thereof.”

For more information about the legal issuances discussed in this bulletin, please contact --

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⁵ Supplemental Guidelines on the Non-Inclusion of the Community Quarantine Period in the Six-Month Probationary Period; <https://www.facebook.com/BLEinfo/posts/2539941152989019>; last visited at 2 PM on May 14, 2020.

⁶ Clarification on the Non-Inclusion of the Community Quarantine Period in the Six-Month Probationary Period; https://www.dole.gov.ph/php_assets/uploads/2020/04/Labor-Advisory-No.-14-Series-of-2020.pdf; last visited at 2 PM on May 14, 2020.

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This bulletin contains a summary of the legal issuances discussed above. It was prepared by SyCip Salazar Hernandez & Gatmaitan (SyCipLaw) to update its clients about recent legal developments.

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