



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

DEPARTMENT ORDER NO. 182
Series of 2017



**GUIDELINES GOVERNING THE EMPLOYMENT AND WORKING CONDITIONS
OF HEALTH PERSONNEL IN THE PRIVATE HEALTHCARE INDUSTRY**

Pursuant to the rule-making power of the Secretary of Labor and Employment under Article 5 of the Labor Code of the Philippines, as renumbered, and to ensure the protection and welfare of health personnel employed in the private healthcare industry, the following guidelines are hereby issued for compliance of all concerned:

SECTION 1. Coverage. – This Guidelines shall apply to health personnel and establishments, workplaces, operations and undertakings in the private healthcare industry.

This Guidelines shall likewise apply to other workers in the private health care industry who are exposed to airborne contaminants, human carcinogens, substances, or chemicals that exceed threshold limit values or tolerance levels for an eight-hour workday as prescribed under the Occupational Safety and Health Standards (OSHS) and other relevant regulations.

The employment and working conditions of workers who will provide emergency medical and dental services in establishments as required under Article 163 of the Labor Code, as renumbered, shall be governed by the general provisions of the said Code and its implementing rules and regulations.

SECTION 2. Definition of Terms. – As used herein, the following terms shall mean:

- a. **“Healthcare Industry”** refers to an aggregation and integration of sectors within the economic system that provides health goods and services such as, but not limited to, health promotion, disease prevention, treatment, curative, rehabilitative, palliative and hospice care.
- b. **“Health Personnel”** refers to employees who are engaged in health and health-related work, which shall include, but not limited to, physicians, nurses, nutritionists, dietitians, pharmacists, social workers, laboratory technicians, paramedical technicians, psychologists, midwives, attendants and all other allied health personnel.

- c. **“Student-Trainee”** or **“Intern”** refers to a student enrolled in a Philippine higher education or technical-vocational institution undergoing training in a hospital and other healthcare institutions for purposes of fulfilling academic requirements towards the attainment of a health-related baccalaureate and post graduate degree or vocational courses as prescribed under existing laws and regulations.
- d. **“Apprentice”** refers to a person undergoing training for an approved apprenticeable occupation during an established period assured by an apprenticeship agreement pursuant to the Technical Education and Skills Development Authority (TESDA) regulations.
- e. **“Resident Physicians”** refers to licensed physicians with training agreements with training hospitals accredited by the DOH whose training program is also accredited by the PRC

SECTION 3. Minimum Benefits. – Health personnel are entitled to not less than the following benefits:

- a. Wages for all actual work hours and days shall not be lower than the applicable minimum wage rates. Wages shall be paid at least once every two weeks or twice a month at intervals not exceeding sixteen (16) days.
- b. Holiday pay for the twelve (12) Regular Holidays pursuant to Republic Act No. 9849 (An Act Declaring The Tenth Day Of Zhul Hijja, The Twelfth Month Of The Islamic Calendar, A National Holiday For The Observance Of Eidul Adha, Further Amending For The Purpose Section 26, Chapter 7, Book I Of Executive Order No. 292, Otherwise Known As The Administrative Code Of 1987, As Amended). Health personnel shall be paid holiday pay of hundred percent (100%) of the minimum wage even if he/she did not report for work.

If the health personnel is required to work on said holiday, he/she shall be paid two hundred percent (200%) of the minimum wage.

- c. Premium pay for work on Special Days of thirty percent (30%) of their basic wage.
- d. Night shift pay of an additional ten percent (10%) of the basic wage for work between 10:00 pm and 6:00 am of the following day.
- e. Paid service incentive leave of five (5) days for every year of service.
- f. 13th month pay pursuant to Presidential Decree No. 851, as amended, which entitles the employee to receive, not later than 24 December, equivalent to one-twelfth (1/12) of the total basic salary earned within the calendar year.



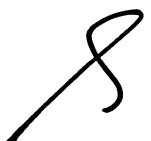
- g. Paid maternity leave of sixty (60) days for normal delivery or seventy eight (78) days for caesarian section delivery, pursuant to Republic Act No. 8282, otherwise known as the Social Security Act of 1997.
- h. Paid paternity leave of seven (7) days, pursuant to Republic Act No. 8187, otherwise known as the Paternity Leave Act of 1996.
- i. Paid parental leave of seven (7) days for solo parents pursuant to Republic Act No. 8972, otherwise known as the Solo Parents' Welfare Act of 2000.
- j. Paid leave of ten (10) days for victims of violence against women and their children, pursuant to Republic Act No. 9262 otherwise known as the Anti-Violence Against Women and Their Children Act of 2004.
- k. Paid special leave of up to sixty (60) days for women for surgery caused by gynecological disorders, pursuant to Republic Act No. 9710, otherwise known as the Magna Carta of Women.
- l. Separation pay if the termination is due to any of the authorized causes under Articles 298-299 of the Labor Code, as renumbered.
- m. Retirement pay upon reaching the age of sixty (60) or more but not beyond sixty-five (65) years old, pursuant to the Labor Code, as amended by Republic No. 7641.
- n. All other benefits as provided under existing labor laws and regulations.

The foregoing minimum benefits shall be without prejudice to any company policy, contract, or Collective Bargaining Agreement providing for better terms and conditions of employment.

SECTION 4. Hours of Work. – The normal hours of work of health personnel shall not exceed eight (8) hours a day.

Health personnel in cities and municipalities with a population of at least one million (1,000,000) or in hospitals and clinics with a bed capacity of at least one hundred (100) shall hold regular workhours for eight (8) hours a day, for five (5) days a week, exclusive of time for meals, except where the exigencies of the service require that such personnel work for six (6) days or forty-eight (48) hours, in which case, they shall be entitled to an additional compensation of at least thirty percent (30%) of their regular wage for work on the sixth day.

SECTION 5. Meal and Rest Periods. – The employer shall provide his employees not less than one (1) hour non-compensable time-off for regular



meals. Meal period of not less than twenty (20) minutes may be given by the employer provided that such shorter meal period is credited as compensable hours worked

Rest periods or coffee breaks running from five (5) to twenty (20) minutes shall be considered as compensable working time.

SECTION. 6. Night Work Schedules. – The employer shall, at his own initiative, consult the recognized workers' representatives or union in the establishment on the details of the night work schedules.

In establishments employing night workers, consultation shall take place regularly and appropriate changes of work schedule shall be agreed upon before it is implemented taking into consideration the provisions of Republic Act No. 10151 and its Implementing Rules and Regulations.

SECTION 7. Waiting Time. – Waiting time such as endorsement period, spent by health personnel shall be considered as working time if he or she is required or engaged by the employer to wait.

A health personnel who is required to remain on call in the employer's premises or so close thereto that he cannot use the time effectively and gainfully for his own purpose shall be considered as working while on call.

An employee who is not required to leave word at his home or with company officials where he may be reached is not working while on call.

SECTION 8. Deductions from Salary. – No deduction shall be made from the salary of health personnel, except for:

- a. SSS contribution;
- b. Pag-IBIG contribution;
- c. PhilHealth contribution;
- d. Withholding tax from income, provided a proper withholding tax receipt is issued to the employee before the filing of income tax return every year;
- e. Union dues, if authorized in writing; and
- f. Other deduction as may be authorized in writing by the health personnel for payment to a third person and the employer agrees to do so, provided that the latter does not receive any pecuniary benefit, directly or indirectly, from the transaction.

SECTION 9. Compressed Workweek Schemes. – Compressed workweek schemes shall not be utilized in health services or in occupations or workplaces in which employees are exposed to airborne contaminants, human carcinogens, substances, chemicals or noise that exceed threshold limit values or tolerance levels for an eight-hour workday as prescribed under the Occupational



Safety and Health Standards (OSHS) pursuant to DOLE Department Advisory No. 02, Series of 2004.

SECTION 10. Occupational Safety and Health. – The employer shall adopt, implement and promote occupational safety and health programs consistent with the provisions of the OSHS and other related laws and issuances, to include prevention and control of Tuberculosis, HIV AIDS, Hepatitis B, workplace bullying and drug use in the workplace. The employer shall likewise promote and implement policies and programs on anti-smoking, anti-sexual harassment and disaster and climate risk management. These Occupational Safety and Health (OSH) Programs shall cover all health personnel regardless of the status of employment, including apprentices, and student-trainees or interns.

The employer shall organize a safety and health committee in accordance with the OSHS.

SECTION 11. Provision of Personal Protective Equipment – All healthcare institutions are required to provide their employees the appropriate personal protective equipment at no cost to employees, student-trainees or interns, and apprentices pursuant to the OSHS and other related laws and issuances.

SECTION 12. Social Welfare Benefits. – Without prejudice to established company policy, collective bargaining agreement or other applicable employment agreement, all health personnel shall be entitled to coverage for social welfare benefits such as Pag-IBIG Fund (Republic Act No. 7742), PhilHealth (Republic Act No. 7875, as amended by Republic Act No. 9241) Employees' Compensation Law (Presidential Decree No. 626), and the Social Security Law (Republic Act No 1161, as amended by Republic Act No. 8282), and other applicable laws.

SECTION 13. Health Personnel Requirement for Hospitals and other Healthcare Facilities. – Every healthcare facility shall have an adequate number of qualified, trained and competent staff to ensure efficient and effective delivery of quality services as prescribed by DOH¹.

SECTION 14. Right to Security of Tenure. – Health personnel shall enjoy security of tenure in their employment as provided by law. Their services can only be terminated for just or authorized causes pursuant to the provisions of the Labor Code, as renumbered, and subject to the requirements of due process.

SECTION 15. Right to Self-Organization and Collective Bargaining. – Health personnel shall have the right to form, join or assist in the formation of a

¹ DOH Administrative Order No. 2012-0012 (Rules and Regulations Governing the New Classification of Hospitals and other Health Facilities in the Philippines)



labor organization of their own choosing for purposes of collective bargaining and to engage in concerted activities which are not contrary to law.

SECTION 16. Allowable Trainings. – The following shall be observed with respect to trainings in healthcare establishments:

- a. **Trainings for Employees.** – All service trainings of health personnel required and conducted by the healthcare establishments shall be at no cost to the health personnel.
- b. **Trainings for Student-Trainees or Interns.** – All healthcare establishments shall only be allowed trainings for student-trainees or interns in accordance with the applicable guidelines on internship or on-the-job trainings as issued by appropriate government agencies.
- c. **Apprenticeship.** – Any training or apprenticeship in healthcare establishments shall be valid if it is in accordance with the requirements under the Labor Code, as renumbered, and other related laws and issuances.
- d. **Resident Physicians in Training.** – A resident physician shall not be considered an employee of the healthcare establishment if the following elements are present:
 1. There is a training agreement between them; and
 2. The training program is duly accredited or approved by the appropriate government agency.

The foregoing is without prejudice to the findings of the appropriate DOLE Regional Office based on the result of inspection conducted pursuant to the provisions of Article 128 of the Labor Code, as renumbered, and its implementing rules and regulations.

SECTION 17. Volunteer Programs. – All health related volunteer programs shall only be undertaken by Department of Health (DOH) accredited non-profit hospitals or government hospitals in accordance with the provisions of Republic Act No. 9418 and its implementing rules and regulations. Volunteer programs carried-out by profit-oriented hospitals or health care institutions shall be subject to the requirements of the Labor Code, as renumbered, based on employer-employee relationship between the so-called volunteer and the healthcare institution.

The practice of profit-oriented healthcare establishments in accepting volunteers is prohibited.

SECTION 18. Compliance and Enforcement. – Compliance with labor standards shall be enforced by the DOLE Regional Office which has jurisdiction over the workplace in accordance with the provisions of Article 128 of the Labor Code, as renumbered, and its implementing rules and regulations.



SECTION 19. Conciliation-Mediation through the Single Entry Approach (SEnA). – All issues on employment involving health personnel, such as disciplinary measures, suspension and termination, shall be subject to the 30-day mandatory conciliation-mediation or the Single Entry Approach (SEnA) of the DOLE pursuant to Department Order No. 151-16 or the Implementing Rules and Regulations of Republic Act No. 10396.

SECTION 20. Non-diminution of Benefits. – Nothing herein shall be construed to authorize diminution of benefits being enjoyed by health personnel at the time of issuance hereof.

SECTION 21. Repealing Clause. – All policies, issuances, rules and regulations and agreements inconsistent with this Guidelines, are hereby repealed or modified accordingly.

SECTION 22. Effectivity. – This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Manila, Philippines, ~~September~~ 22, 2017.


SILVESTRE H. BELLO III
Secretary

Dept. of Labor & Employment
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