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## **HIGHLIGHTS: Labor Advisory Numbers 17 and 18, series of 2020**

The Department of Labor and Employment (“DOLE”) issued Labor Advisory Nos. 17 and 18 dated 16 May 2020 containing guidelines on employment preservation upon the resumption of business operations as well as guidelines on the cost of COVID-19 prevention and control measures, respectively.



# Department of Labor and Employment

The DOLE and other government agencies charged with the administration and enforcement of the Labor Code or any of its parts shall promulgate the necessary implementing rules and regulations. (Article 5 of the Labor Code of the Philippines)





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**Labor Advisory No.  
17:  
Guidelines on  
Employment  
Preservation upon the  
Resumption of  
Business Operation**



# Coverage

Applies to all employers and their employees regardless of employment status in the private sector operating or allowed to resume business operations under the enhanced community quarantine (“**ECQ**”), general community quarantine (“**GCQ**”) or other quarantine arrangements.

All employers whose business operations are allowed to continue or resume must observe the minimum health standards pursuant to the following regulations:

*Department of Trade and Industry and Department of Labor and Employment (“**DOLE**”) Interim Guidelines on Workplace Prevention and Control of COVID-19 dated 30 April 2020:*

Guidelines for workplace safety and health which includes provisions on encouraging the increase of employees’ physical and mental resilience, guidelines to reduce the transmission of COVID-19, steps to minimize the contact rate and reduction of risk of infection. It also contains duties of employers and workers during the public health emergency.

*Department of Public Works and Highways (“**DPWH**”) Department Order No. 35 Series of 2020 dated 04 May 2020 on Construction Safety Guidelines for the Implementation of all DPWH Infrastructure Projects during COVID-19 Public Health Crisis:*

Guidelines regarding the types of construction projects allowed under the ECQ and General Community Quarantine, penalties for violation, and guidelines to construction companies and workers regarding deployment of personnel.

*Department of Health (“**DOH**”) Department Memorandum No. 2020-0220 dated 11 May 2020 on Interim Guidelines on the Return-To-Work:*

Guidelines to be observed when employees return to work, including instructions to formulate a work arrangement that will reduce the number of people in the workplace and the need to travel, adoption of work-from-home arrangements and rules for employees at high risk of infection.

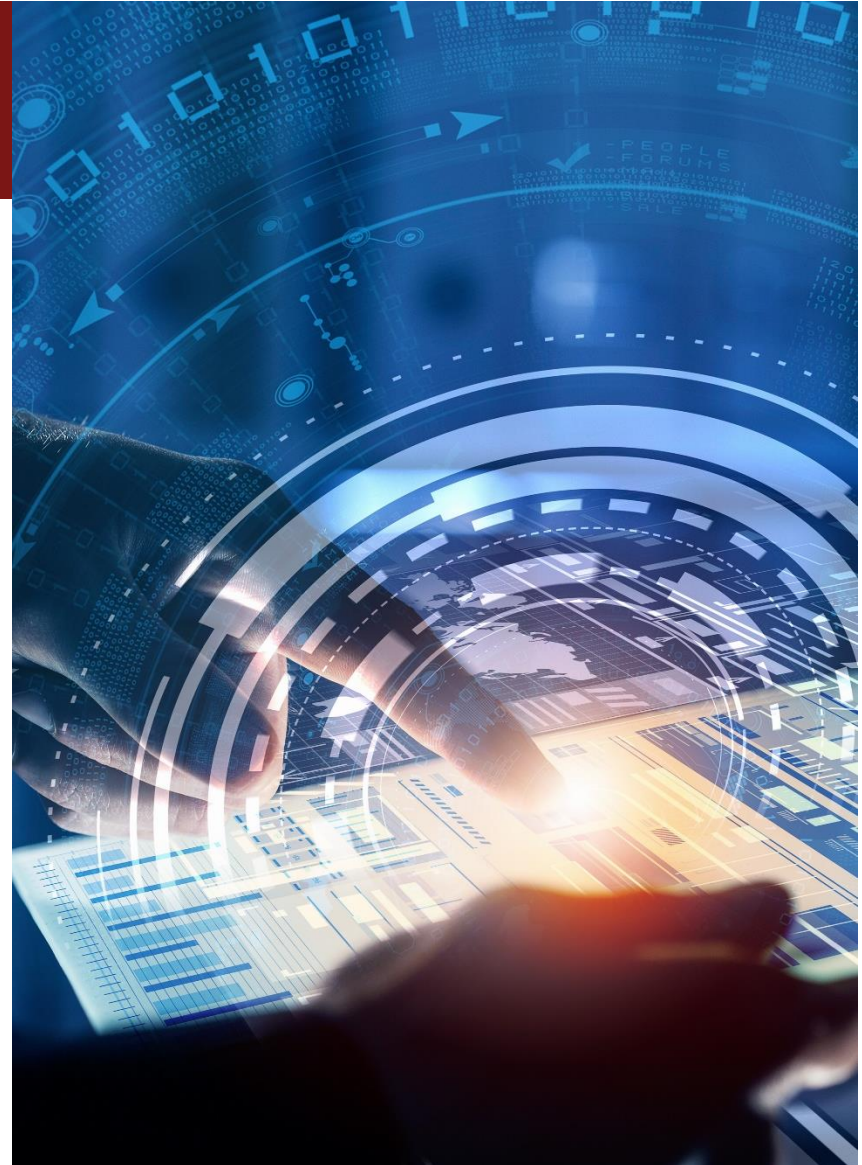


# Alternative Work Arrangements

Despite the easing of restrictions on business operations, establishments are still highly encouraged to adopt a work-from-home arrangement. Employees must be provided with adequate equipment for the performance of their tasks.

As an alternative to termination of employment or closure of business, the employer may adopt any or a combination of the following work schemes:

1. Transfer of employees to another branch or outlet of the same employer;
2. Assignment of employees to another function or position in the same or other branch or outlet of the same employer;
3. Reduction of normal workdays per day or week;
4. Job rotation alternatively providing workers with work within the workweek or within the month;

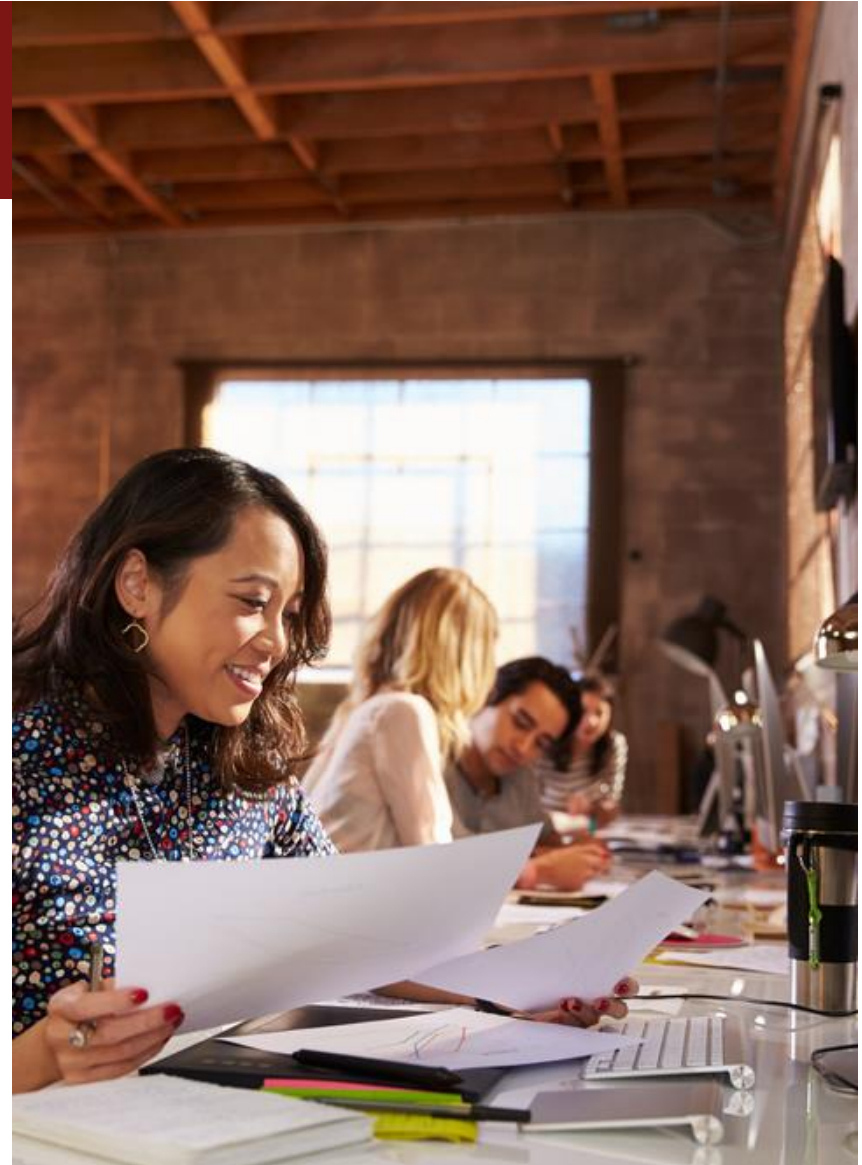


# Alternative Work Arrangements

5. Partial closure of establishment where some units or departments of the establishment are continued while other units or departments are closed; and
6. Other feasible work arrangements considering specific peculiarities of different business requirements.

Employers who adopt work-from-home or other alternative work schemes shall report the plans implemented and submit duly certified copies of all the agreements related to the arrangements, to the DOLE Regional Office.

These arrangements are temporary in nature and shall be adopted for as long as the Public Health Crisis exists.



# Wages and Entitlement of Separated Employees

## *Wage and Wage-Related Benefits*

Employers and employees may agree voluntarily and in writing to temporarily adjust employees' wage and wage-related benefits.

The adjustment shall not exceed six (6) months or the period agreed upon under the collective bargaining agreement, if any. The agreement may be reviewed after such period and renewed.

## *Entitlement of Separated Employees*

Employees who are separated from employment due to authorized causes shall be entitled to final pay without prejudice to other benefits as provided by law, company policy and/or a collective bargaining agreement. The final pay must be released within thirty (30) days from date of termination of employment, unless there is a more favorable company policy, individual or collective agreement.

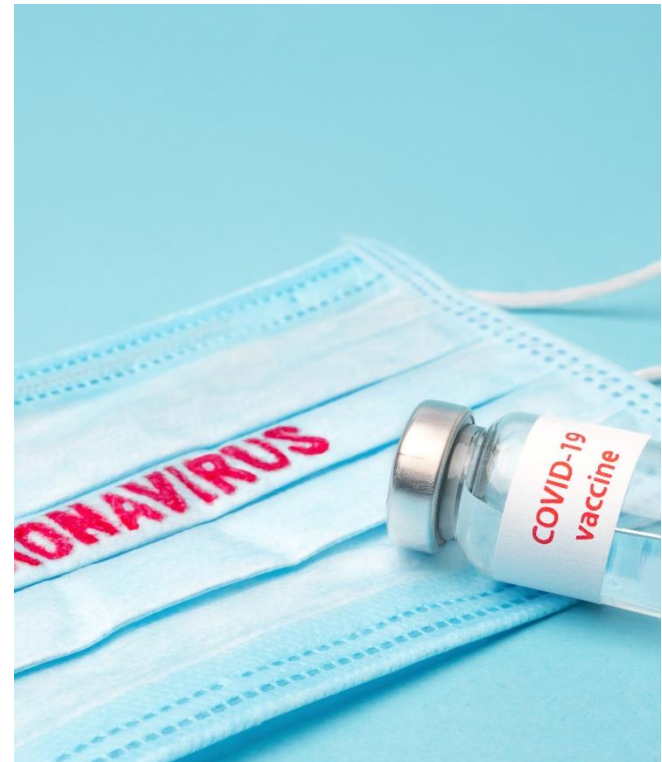






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# Labor Advisory No. 18: Guidelines on the Cost of COVID-19 Prevention and Control Measures





# General Guidelines

This advisory applies to all employers, including contractors and subcontractors in the private sector.

Generally, the cost of COVID-19 prevention and control measures shall be shouldered by the employer. In case of contracts for construction projects for security, janitorial and other services, the cost shall be borne by the principals or clients of the construction/service contractor. No cost related or incidental to COVID-19 prevention and control measures shall be charged directly or indirectly to the workers.

Further, the DOLE Regional Offices shall aid all employers and contractors or subcontractors to ensure compliance to issued COVID-19 workplace prevention and control regulations.



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**Ocampo & Suralvo Law Offices (OS Law)** is a Philippine corporate, commercial and tax law firm with a team of 5 partners, 6 counsels and 4 special counsels.

OS Law assists its clients with their corporate, commercial and tax needs across a spectrum of business concerns including general corporate and commercial matters, company establishment and registration, contract negotiation and drafting, mergers and acquisitions, joint ventures, corporate restructuring and foreign direct investments.

OS Law is also driven to provide Philippine businesses with solutions that will enable them to thrive in the global economy. Through its collaboration with **DFDL**, an international law firm focused on Asia's emerging economies, and **Kinstellar**, an international law firm focused in Europe and Central Asia, OS Law provides its clients with access to legal expertise of more than 22 offices in 18 countries.

