

TOPIC:

What happens if a company is in a NON high-risk area, (ie: Cebu) but some of its employees appear to be symptomatic? Can the company force its employees to be tested for Corona Virus?

The rapid spread of the novel Corona virus Disease (COVID 19) and the continuing growth of infected individuals has pushed the Philippine government to employ drastic measures to defeat or, at the very least, contain the virus' harmful effects. One of this drastic measure is the placing of the entire Luzon Archipelago under the Enhanced Community Quarantine (ECQ).

The ECQ has greatly affected work arrangements specially in the private sector. In Metro Manila for instance, private companies have been implementing a "skeletal force" arrangements just to continue its operation. For some other companies, they opted to totally cease its operation during the ECQ.

Nevertheless, whether the company totally ceased operation during the ECQ or has implemented a "skeletal force" arrangements, it is important that both private employers and private workers to know, understand and observe the issuances being implemented by the key departments of the government, particularly the Department of Health (DOH) and Department of Labor and Employment (DOLE), in relation to COVID-19.

Let us look at some of the important issuances of the government concerning the private businesses in the Country.

DOLE Advisory No. 04, Series of 2020

DOLE Advisory No. 04, Series of 2020 provides for the guidelines on COVID-19 prevention and control at the workplace. For the guidance of employers and for the care of workers who are sick or with fever, the said advisory provides that:

"A. In the event that a worker is suspected of having 2019-nCoV, the employer shall:

1. Provide the worker with a face mask to prevent the risk of spreading the infection;
2. Isolate the worker immediately in a separate well-ventilated room in the workplace, away from other workers;
3. Refer the worker to the company healthcare provider or to the nearest local health center or hospital for laboratory confirmation if the history, signs and symptoms are consistent with a suspected case of 2019-nCoV;

4. Report the worker to the Department of Health by calling the DOH at numbers: 8-711-1001 and 8-711-1002;
 5. Ensure the implementation of recommendations provided by the DOH on the management and transport of suspected case of 2019-nCoV;
 6. Observe respiratory precautions when taking care of patients with flu or flue-like illness; and
 7. Decontaminate the work pare with appropriate disinfectant (e.g. chlorine bleaching solution and 1:100 phenol based disinfectant).
- B. In the event that a worker is sick or has fever but is not suspected to have 2019-nCoV, the employer must advise the worker to take prudent measures to limit the spread of communicable diseases, as follows:
1. Stay at home and keep away from work or crowds;
 2. Take adequate rest and take plenty of fluids;
 3. Practice personal hygiene to prevent spread of disease; and
 4. Seek appropriate medical care if there is persistent fever, when difficulty of breathing has started, or when he/ she becomes weak.”

DOH issued Department Memorandum No. 2020-0056

DOH Department Memorandum No. 2020-0056 provides for the necessary steps to prevent, contain and mitigate the possible transmission of 2019-nCoV ARD in workplaces, such that for the management of symptomatics:

“In the event that a worker is suspected of having COVID-19, the employer shall:

1. Provide the worker with a face mask to prevent the risk of spreading the infection;
2. Immediately isolate the worker in a separate well-ventilated room in the workplace, away from other workers;
3. Refer the worker to the company healthcare provider if there is any or to the nearest hospital for evaluation and proper management if the history, signs and symptoms are consistent with 2019-nCoV ARD;
4. Decontaminate the work area with appropriate disinfectant (e.g. chlorine bleaching solution and 1:100 phenol based disinfectant).”

Furthermore, the same memorandum mandates that:

“C. Notification, Referral and Reporting

1. The Occupational Safety and Health Officer of the workplace/ organization/ company shall report (a) symptomatics (b) asymptomatics with history of travel to China and (c) asymptomatic with history of exposure to the Municipal Health

Officer (MHO) or the City Health Officer (CHO) for verification and initial investigation.

2. The MHO/ CHO should then report to the Regional Epidemiology Surveillance Unit (RESU) using the Event-Based Surveillance System (ESR) system of the Epidemiology Bureau of DOH.”

However, under DOH Circular No. 2020-0108, “Only those deemed to be close contacts or Patients Under Investigation (PUIs) by the health center or rural health units shall be referred to Level 2 and 3 hospitals for testing. All others who have visited places frequented by confirmed cases of COVID-19 are **not required** to seek medical consultation and subject themselves to COVID-19 laboratory testing. They are advised to self-monitor and if with symptoms, consult health center or rural health units for appropriate management and monitoring.”

Close contacts as provided in the aforementioned circular is defined as a person:

“a. Providing direct care without proper personal protective equipment (PPE) 2 for COVID-19 patients;

b. Staying in the same close environment of a COVID-19 patient (including workplace, classroom, household, gathering) within the past 14-day period;

c. Traveling together in close proximity (1 meter or less) with a COVID-19 patient in any kind of conveyance within a 14-day period after the onset of symptoms in the case under consideration.”

While a Patient under Investigation (PUI) is defined under DOH Administrative Order No. 2020-0012 as one:

“i. who has fever and/or respiratory illness (e.g. cough or shortness of breath) and/ or diarrhea, with any of the following:

1. Travel history in the past 14 days to countries with local transmission of COVID-19; or
2. Has exposure from a known confirmed COVID-19 case; OR

ii. With severe acute respiratory infection or atypical pneumonia AND requiring hospitalization AND with no other etiology to fully explain the clinical presentation, regardless of exposure history; OR

iii. With severe acute respiratory infection or atypical pneumonia AND residing or working where there is clustering of influenza-like illness (ILI) cases.”

Nonetheless, should a PUI or a Confirmed COVID-19 case is detected at the workplace, DOH Circular No. 2020-0131 provides that:

“If the workplace had a PUI, the Management of Institutions shall:

- 1) Remind all employees and personnel to:
 - a) Practice good personal hygiene
 - b) Practice social distancing
 - c) Monitor their health including temperature checks at least twice daily
 - d) If unwell, do not go to work and/ or go on sick leave. In addition, visit a healthcare professional immediately and inform their supervisors or the HR department/ administrators immediately, if unwell
- 2) Explore alternative work arrangements.
- 3) Perform enhanced disinfection of workplace premises.

If a confirmed case is detected in the workplace:

- 1) The DOH shall reach out to the employer first and it is the joint DOH and LGU’s contact tracing team which shall assess who among such persons should be placed on quarantine and advise which area to vacate & cordon-off.
- 2) Employers should cooperate and provide the necessary assistance and support to the joint DOH and LGU’s contact tracing team by helping identify any persons at the workplace who may have had close contacts with the confirmed case. For those who are not placed under quarantine, follow the instructions above.
- 3) Employers should immediately vacate and cordon-off the prescribed section of the workplace premises where the confirmed case worked. There is no need to vacate the building or the whole floor if there had been no sustained and close contact with the confirmed case; and
- 4) Carry out a thorough cleaning and disinfecting of that section of the workplace premises particularly those that come in frequent contact, using 0.1% bleach.
- 5) For employees who may not be able to remain physically at their workplaces if they have been asked to vacate their work stations are pending assessment by the joint DOH and LGU’s contact tracing officers, employers are urged to enable flexible work arrangements or treat such absences in accordance with Department of Labor and Employment/ Civil Service Commission guidelines.
- 6) Employers shall provide timely information to employees on latest developments and reassure employees and other relevant person, e.g. customers, of the measures being taken to ensure their well-being at the workplace.
- 7) Employers should regularly keep in touch with an employee who is a suspect or confirmed case or was placed on quarantine.”

DOH issued Administrative Order No. 2020-0012

Notwithstanding the foregoing issuances, the DOH issued Administrative Order No. 2020-0012 which serves as a means to institute and ensure efficient and effective disease

surveillance measures to the national response considering that COVID-19 was included in the list of notifiable diseases in the country. It provides that for the detection of Person under Monitoring (PUM), PUI and confirmed COVID-19 cases, “All health Offices shall ensure proper coordination with the public and private facilities including civil society organizations, professional societies, and academic institutions in the community on raising awareness on COVID-19. The officials of these offices and institutions shall implement the following activities:

- i. To heighten awareness among facilities and areas under their jurisdiction and the community in the identification and appropriate referral of residents, employees, students, and other individuals who may be classified as PUM and PUI;
- ii. To activate and supervise the Barangay Health Emergency Response Teams (BHERTS) in monitoring of PUMs on home quarantine; and
- iii. To coordinate International Organizations and Partners involved in disease surveillance.”

No less than the Constitution itself affirms labor as a primary social economic force and that the State shall protect the rights of the workers and promote their welfare. Consequently, Republic Act No. 11058 entitled An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violation Thereof and its Implementing Rules and Regulations were enacted to ensure a safe and healthful workplace for all working people by affording them full protection against all hazards in their work environment and against injury, sickness or death through safe and healthful working conditions. In pursuance of such policies, relevant rules and regulations for the guidance of employers in response to COVID-19 shall be observed for the protection and safety of their employees.

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