



ADMINISTRATIVE ORDER NO. 356
Series of 2023

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GUIDELINES IN THE IMPLEMENTATION OF THE DOLE CHILD LABOR PREVENTION AND ELIMINATION PROGRAM

In the interest of the service and pursuant to the mandate of the Department of Labor and Employment (DOLE) under the Administrative Code of 1987 to serve as the primary policy-making, programming, coordinating, and administrative entity of the Executive Branch of the government in the field of labor and employment, and provide for safe, decent, humane and improved working conditions and environment for all workers, particularly young workers, this Guidelines is hereby issued to institutionalize the Child Labor Prevention and Elimination Program (CLPEP) as the Department's official program to address child labor.

I. BACKGROUND AND OBJECTIVES

Section 1. Background

The Philippine Program Against Child Labor (PPACL) is a convergence of the efforts of government, employers groups, workers organizations, civil society organizations, and international social development organizations towards the prevention and elimination of child labor in the country. It envisions a child labor-free Philippines which is manifested under the Philippine Development Plan as well as the Labor and Employment Plan 2023-2028. It also embodies the country's commitment towards the realization of Target 8.7 of the 2030 Agenda for Sustainable Development to end all forms of child labor by 2025.

Pursuant to Executive Order No. 92, Series of 2019 (*Institutionalizing the National Council Against Child Labor to Upscale the Implementation of the Philippine Program Against Child Labor*), the PPACL is being spearheaded by the National Council Against Child Labor (NCACL) chaired by the Department of Labor and Employment (DOLE).

The PPACL Strategic Framework 2023-2028, which is a product of consultation with NCACL members and social partners, lays out the program goal and end-of-program outcomes for the next six (6) years of implementation. This Strategic Framework has taken into consideration the six (6) key areas and recommendations under the *Durban Call to Action on the Elimination of Child Labour* adopted during the 5th Global Conference on the Elimination of Child Labour in 2022. Guided by the said Strategic Framework, the PPACL Action Plan 2023-2028 contains the outputs, activities, and indicators to achieve the program goal.

Anchored on international instruments, national laws, and programs related to child protection in the country, the DOLE has been implementing initiatives to prevent and eliminate child labor. These efforts have evolved as the CLPEP with the Bureau of

Workers with Special Concerns (BWSC) as program manager. The CLPEP employs a strategic and holistic approach in the delivery of interventions to child laborers and their families towards the progressive elimination of child labor.

Section 2. Objectives

This Guidelines seeks to align the strategies of the CLPEP with the PPACL and to provide DOLE Regional Offices guidance and procedures for its effective and efficient implementation.

II. STRATEGIES

The DOLE CLPEP aims to prevent children from engaging in child labor and remove children from child labor through the following strategies:

Section 3. Social and Behavioral Change Campaign Against Child Labor

The DOLE shall regularly conduct various advocacy activities using quad-media platforms to raise awareness and gather support in the campaign against child labor which include, but not limited to, the following:

- Orientation on anti-child labor laws and initiatives
- Development, production, and distribution/posting of information, education, and communication (IEC) materials and modules on child labor which shall be accessible to the public through all websites, portals, and social media accounts managed by the DOLE
- Promotion of the #BatangMalaya Campaign as well as the Batang Malaya Child Labor Knowledge Sharing System (CLKSS) website mentioned in Section 8 of this Guidelines
- Appearance in television/radio as well as in web/application-based programs
- Celebration of World Day Against Child Labor (WDAKL) in June
- Celebration of National Children's Month (NCM) in November

For the celebration of WDAKL, the BWSC in coordination with the NCAKL shall spearhead the conduct of activities at the national level. The DOLE Regional Offices in coordination with the Regional Council Against Child Labor (RCACL) mentioned in Section 7.1 of this Guidelines shall lead the celebration at the regional and local levels.

For the celebration of NCM being spearheaded by the Department of Social Welfare and Development (DSWD), National Youth Commission, and Council for the Welfare of Children, the BWSC shall coordinate with said agencies regarding the theme, poster, and activities, and disseminate this information to DOLE Regional Offices. The DOLE Regional Offices shall conduct activities for the NCM Celebration in coordination with the Regional Committee/Sub-Committee for the Welfare of Children.

Section 4. Enforcement of Child Labor Laws

4.1 Administration and Enforcement of Labor Standards

Consistent with Department Order No. 65, Series of 2004 (*Rules and Regulations Implementing Republic Act No. 9231, Amending R.A. 7610*), Department Order No. 198, Series of 2018 (*Implementing Rules and Regulations of Republic Act No. 11058 "An Act Strengthening Compliance with Occupational Safety and*

Health Standards and Providing Penalties for Violations Thereof), and Department Order No. 238, Series of 2023 (*Rules on the Administration and Enforcement of Labor Standards Pursuant to Article 128 of the Labor Code of the Philippines, as renumbered and Republic Act No. 11058*), the DOLE shall prioritize the inspection of establishments employing children and shall ensure the compliance of establishments with labor standards, including laws, rules and regulations, and other related policies against child labor through the following approaches:

- a. Technical and Advisory Visit (TAV);
- b. Labor Inspection; and
- c. Occupational Safety and Health Investigation

For TAV, if a micro establishment is found to be employing a worker who is below 18 years of age, the Labor Inspector or Assistant Labor Inspector shall initially determine if the worker is engaged in child labor. He/she shall submit a Narrative Report to the Regional Director within five (5) working days from receipt of the TAV checklist including his/her recommendation on the appropriate course of action.

For Labor Inspection or Occupational Safety and Health Investigation, if an establishment is found to be employing a worker who is below 18 years of age, the Labor Inspector shall determine whether the worker is engaged in child labor using the child labor checklist for labor inspection. If the establishment is found to be employing a worker engaged in child labor, the Labor Inspector shall indicate the same in the Notice of Inspection Results or in the Notice of Investigation Results. Pursuant to Department Order No. 238, Series of 2023, the Labor Inspector shall submit a Narrative Report to the Regional Director within five (5) working days from the issuance of the Notice of Inspection Results or Notice of Investigation Results including his/her recommendation on the appropriate course of action.

Based on the above report from the Labor Inspector or Assistant Labor Inspector, as the case may be, the Regional Director shall undertake the necessary actions and proceedings depending on the nature of the violation of the establishment pursuant to Chapter 8 (Enforcement and Administration) of Department Order No. 65, Series of 2004.

4.2 Rescue of Child Laborers

The DOLE, through the *Sagip Batang Manggagawa* (SBM) inter-agency quick action mechanism, shall respond to worst forms of child labor, especially in cases requiring the immediate removal of child laborers from establishments. The inter-agency quick action team composed of the DOLE as the lead convenor together with the DSWD, and law enforcement agencies shall detect, monitor, and rescue child laborers in establishments with violations on child labor.

Pursuant to Department Order No. 65, Series of 2004, the Regional Director and his/her authorized representative shall initiate administrative proceedings/sanctions against the establishments where the child laborers have been rescued. The DOLE Regional Offices shall also coordinate with the DSWD and law enforcement agencies for the filing of appropriate criminal charges against the violating employers.

The DOLE Regional Offices shall refer to DOLE Department Circular No. 2, Series of 2010 (*Manual on the Conduct of Inspection, Rescue and Enforcement Proceedings in Child Labor Cases*) for the operational guidelines in the conduct of rescue operations, closure of establishment, and other enforcement proceedings.

4.3 Issuance of Working Child Permit

Pursuant to Department Order No. 65, Series of 2004, the employer must secure from DOLE a Working Child Permit (WCP) for the employment of a child below 15 years of age as provided under Republic Act No. 9231.

In addition to the provisions of Department Order No. 65, Series of 2004, the DOLE Regional Offices shall be guided by Department Circular No. 2, Series of 2017 and Department Circular No. 2, Series of 2018 (*Guidelines on the Issuance of Work Permit for Children Below 15 years of Age Engage in Public Entertainment or Information*) on the issuance of WCP for children below 15 years of age engaged in public entertainment or information.

To ensure compliance with Republic Act No. 9231 and protection of working children from child labor, the DOLE Regional or Provincial/Field Offices shall likewise conduct the following activities, either via face-to-face or video teleconference: (1) orientation on the salient features of Republic Act No. 9231 to the child's parents or guardian and employer, or the child himself or herself as may be appropriate prior to the issuance of WCP; and (2) monitoring of shootings, tapings or performances to validate the information indicated in the WCP application.

Section 5. Access to Social Protection

5.1 Profiling of Child Laborers

The DOLE shall continue the profiling of child laborers to locate and identify children engaged in child labor. In the implementation of this strategy, the DOLE Regional Offices shall be guided by DOLE Administrative Order No. 579, Series of 2019 (*Revised Guidelines on the Profiling of Child Laborers and Provision of Services to Remove them from Child Labor*).

Also, the DOLE Regional Offices shall profile the child laborers who have been identified through the following:

- reports including those from various media platforms such as television, radio, newspaper, internet, or social media
- rescue operations conducted by law enforcement agencies or under the SBM mechanism or other similar structures
- TAV, Labor Inspection, and OSH Investigation

The DOLE Regional Offices shall likewise validate those identified by local government units (LGUs) as working children to determine if they are engaged in child labor. To ensure the accurate identification of child laborers, the DOLE Regional Offices shall thoroughly review and verify the information gathered during profiling activities.

5.2 Provision of Services to Child Laborers and their Families

The DOLE shall provide assistance to profiled child laborers, subject to the result of the needs assessment, to facilitate the removal of children from child labor. The DOLE may assist the profiled child laborers and their families through the following interventions, among others, subject to the provisions of relevant existing guidelines:

5.2.1 Livelihood and Emergency Employment

The DOLE shall provide livelihood or emergency employment assistance through the following programs under the DOLE Integrated Livelihood and Emergency Employment Program (DILEEP):

5.2.1.1 DOLE Integrated Livelihood Program (DILP or Kabuhayan Program) for parents/guardians of child laborers

The DOLE Regional Offices shall allocate at least 20% of the annual physical target for DILP for the provision of livelihood assistance to parents/guardians of child laborers. However, DOLE Regional Offices are encouraged to allocate a higher percentage of the annual target for this undertaking without prejudice to other qualified beneficiaries of the DILP.

The DOLE Regional Offices should also ensure that beneficiaries of DILP will not allow their children to be engaged in child labor.

5.2.1.2 Tulong Panghanapbuhay sa Ating Disadvantaged Workers (TUPAD) for qualified family members of profiled child laborers

The DOLE Regional Offices shall make TUPAD funds available for the provision of assistance to qualified family members of at least 20% of the profiled child laborers.

5.2.2 Youth Employability Programs / Employment Facilitation Services / Labor Market Information Services

The DOLE Regional Offices, in coordination with the Public Employment Service Office (PESO), may assist qualified profiled child laborers and/or identified family members through the following programs:

5.2.2.1 Special Program for the Employment of Students (SPES) for profiled child laborers who are 15 to 17 years of age and/or family members who are 15 to 30 years of age

5.2.2.2 Government Internship Program (GIP) for family members of profiled child laborers who are 18 years of age and above

5.2.2.3 JobStart Philippines Program for family members of profiled child laborers who are 18 to 24 years of age

5.2.2.4 Public Employment Services (job search assistance, matching, and placement) for family members of profiled child laborers who are 18 years of age and above

5.2.2.5 Assistance to First Time Jobseeker for family members of profiled child laborers who are 15 years of age and above

5.2.2.6 Labor Market Information Services (National Skills Registration Program) for family members of profiled child laborers who are 18 years of age and above

5.2.2.7 Labor Market Information Publications for family members of profiled child laborers who are 18 years of age and above

5.2.3 Other Social Services

The DOLE may provide other social services such as distribution of educational supplies, food, clothing, or hygiene kits, among others, to profiled child laborers through Project Angel Tree either by direct provision of assistance and/or in partnership with benefactors. The DOLE may tap the following as benefactors: private individuals, establishments, other agencies, organizations, or structures which include, but not limited to, RCACLs, Regional Tripartite Industrial Peace Councils (RTIPCs), and Federation of Family Welfare Committees.

The DOLE may also spearhead social services caravans as a form of a convergence of programs among different stakeholders.

The DOLE shall likewise facilitate access of the identified child laborers and his/her immediate family members to the following programs, provided that they are qualified:

5.2.3.1 Isabelo delos Reyes Scholarship under the *Workers' Organization Development Program* pursuant to DOLE Department Order No. 203, Series of 2019 (*Amending the Guidelines for Accessing the Funds of the Workers Organization Development Program*)

5.2.3.2 Educational Assistance Program under the *Social Amelioration Program (SAP) for Workers in the Sugar Industry*, pursuant to Republic Act No. 6982 (*An Act Strengthening the Social Amelioration Program in the Sugar Industry, Providing the Mechanics for its Implementation, and for Other Purposes*) and its Implementing Rules and Regulations, and corresponding DOLE issuances

5.2.3.3 College and Technical-Vocational Educational Assistance Program under the *Social Amelioration and Welfare Program (SAWP) for Workers in the Biofuels Industry* pursuant to Republic Act No. 9367 (*An Act to Direct the Use of Biofuels, Establishing for this Purpose the Biofuel Program, Appropriating Funds Therefor, and for Other Purposes*) and its Implementing Rules and Regulations, and corresponding DOLE issuances

The DOLE shall discuss during the meetings of the Sugar Tripartite Council, Tripartite Consultative Councils in the Biofuel Industry, and respective District Tripartite Councils the possible provision of services other than the above programs to the identified child laborers in the sugar and biofuels industries, including their immediate family members.

5.2.4 Referral to Appropriate Agencies/Organizations

The DOLE shall refer profiled child laborers and their family members to appropriate agencies/organizations for other types of assistance depending on the results of the needs assessment as provided under Administrative Order No. 579, Series of 2019.

Section 6. Monitoring of Child Laborers

The DOLE Regional Offices shall conduct continuous monitoring of all child laborers profiled by the DOLE to track their progress, facilitate the provision of assistance and their removal from child labor, and ensure that they will not engage again in child labor.

The CLPEP Focal Persons and/or Community Facilitators (CFs) mentioned in Section 11 of this Guidelines shall conduct field visits to monitor the profiled child laborers, including those who have already been removed from child labor. Prior to the conduct of field visit, the CLPEP Focal Persons or CFs should review the Profiling Tool and the information of the profiled child laborer in the database to determine the background of the child, the referrals that have been made and their status, the services that have been provided to the child and his/her family, and whether the child is still engaged in child labor or not.

Before or during the field visit, the CLPEP Focal Persons or CFs shall request an interview with the child laborer and his/her parent/guardian using the Monitoring Tool found in Annex A. The interview shall inquire regarding the present status of the following: (1) education of the child; (2) health and work status/economic activity of the child and his/her family; and (3) services provided to the child and his/her family.

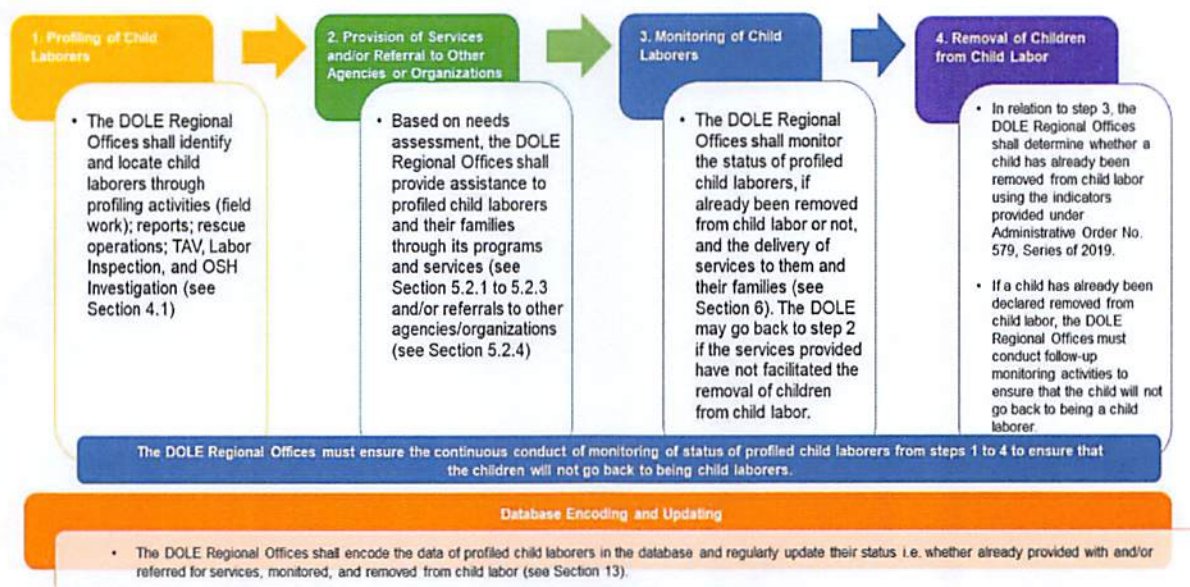
Based on the results of the monitoring, the CLPEP Focal Persons or the CFs shall determine if the child has already been removed from child labor or if necessary assistance should still be provided to the child laborer and his/her family. Also, to further fast-track the removal of children from child labor, the CLPEP Focal Persons or CFs shall gather and consolidate the issues and concerns related to the delivery of services. These shall then be relayed and endorsed to the concerned agency/organization.

If the profiled child laborer and his/her family cannot be located in their barangay of residence, the CLPEP Focal Persons or CFs shall coordinate with the municipal/city LGU to determine if they have relocated to other barangays within the municipality/city.

For the children who have been previously considered as removed from child labor, the DOLE Regional Offices shall conduct follow-up monitoring activities to ensure that they have not returned to child labor.

GIP beneficiaries may assist the CLPEP Focal Persons or the CFs in this undertaking especially in updating the database of profiled child laborers, mentioned in Section 13 of this Guidelines, regarding the results of the monitoring activities and in the preparation of reports, as needed. DOLE Regional Offices are likewise encouraged to partner with LGUs in the conduct of monitoring activities.

The DOLE Regional Offices may refer to this chart regarding the summary of process of removing children from child labor:



Section 7. Strengthening of Partnerships and Inter-Agency Collaboration

7.1 National Council Against Child Labor, and Regional and Local Structures Against Child Labor

Pursuant to Executive Order No. 92, Series of 2019, the DOLE Secretary shall be the Chairperson of the NCACL and may designate an Undersecretary and/or Assistant Secretary to serve as his/her permanent and/or alternate representatives to the NCACL. The Undersecretary or the Assistant Secretary designated by the Secretary shall act as Alternate Chairperson of the NCACL and shall be assisted by the BWSC and Bureau of Working Conditions (BWC) as Council Secretariat.

In order to ensure implementation of the PPACL in all the geographic regions of the country where DOLE has jurisdiction, the DOLE Regional Offices shall establish their respective RCACL to be chaired by the Regional Director or his/her authorized representative and shall be assisted by a secretariat. The RCACL shall be composed of the regional counterparts of the members of the NCACL, if any. Aside from the government, the DOLE Regional Offices shall ensure that the employers' sector, workers' sector, and non-government organizations are represented in the RCACL.

For the representatives from the employers' and workers' sectors, the DOLE Regional Offices shall invite organizations from the RTIPCs or other Industry Tripartite Councils in the region. For non-government organizations, the DOLE Regional Offices shall invite duly-registered NGOs with programs or projects on child labor in the region. Moreover, the DOLE Regional Offices may also invite as members other government agencies whose mandates are relevant to the child labor issue in the region.

The DOLE Regional Offices may forge a Memorandum of Agreement between and among the regional counterparts of the NCACL establishing the RCACL citing

Section 6 of Executive Order No. 92 as basis. The DOLE may also invite other agencies/organizations to become members of the RCACL.

The RCACL shall conduct regular quarterly meetings which shall serve as a venue for members and partners to (1) strengthen inter-agency collaboration and cooperation particularly in the delivery of services to profiled child laborers and their families; (2) report incidence of child labor; and (3) share updates, information, and resources on anti-child labor initiatives, among others. Special meetings of the RCACL may be convened whenever necessary.

The DOLE Regional Offices shall also enjoin the members and partners of the RCACL to assist in the continuous monitoring of all child laborers profiled in line with Section 6 of this Guidelines. Members and partners of the RCACL may conduct monitoring of profiled child laborers to track their progress. They may also provide assistance and facilitate referral for provision of necessary services to aid in the removal of children from child labor. Once the child has already been removed from child labor, the members and partners of the RCACL shall conduct follow-up monitoring activities to ensure that they have not returned to child labor.

Likewise, the DOLE Regional Offices are encouraged to coordinate with existing structures on the protection of children such as but not limited to the local councils for the protection of children and the regional sub-committees on the welfare of children on matters pertaining to child labor prevention and elimination.

7.2 Convergence with Partners

The DOLE Regional Offices may forge Memoranda of Agreement and similar instruments between and among social partners, other than the members of local structures on child protection, to support the Program, especially in the provision of necessary services to child laborers and their families.

7.3 Capacity-Building

The DOLE shall strengthen the capacity of its regional implementers, social partners, and other national and local stakeholders on the prevention as well as the elimination of child labor, including handling and assisting profiled child laborers and their families. The DOLE may organize or partner with other agencies and organizations in the conduct of capacity-building activities. The DOLE shall also continue to include a topic on CLPEP in the training for its personnel such as Labor Inspectors, Assistant Labor Inspectors, CLPEP Focal Persons and Community Facilitators, as well as focal persons of other relevant DOLE programs such as the DILEEP, GIP, and SPES.

Section 8. Knowledge Management

The DOLE shall promote and utilize the Batang Malaya CLKSS website accessible through the link: <https://batangmalaya.ph> as the primary virtual knowledge sharing platform for information on child labor including the concerted efforts and initiatives of the NCACL and its partners against child labor. The website also features a reporting tool which can serve as venue for the general public to submit a report on child labor incidents.

The BWSC shall update and maintain the website. The BWSC shall regularly gather materials to be uploaded in the website from DOLE Regional Offices as well as members and partners of the NCACL. It shall also review and refer to the appropriate DOLE Regional Office the reports on child labor incidents received through the website's reporting portal.

Likewise, the DOLE Regional Offices shall utilize and help popularize the website for awareness-raising and knowledge exchange on child labor, and reporting of child labor incidents.

III. DATA PRIVACY AND CHILD PROTECTION

Section 9. Data Privacy Protocols

DOLE offices and personnel shall always ensure compliance with Republic Act No. 10173 (*Data Privacy Act of 2012*) and its implementing rules and regulations in the implementation of this Program.

Section 10. Child Protection Policy

DOLE offices and personnel shall continue to observe DOLE Administrative Order No. 439, Series of 2016 (*Child Protection Policy of the Department of Labor and Employment*) in their interaction with children in the implementation of this Program.

IV. ADMINISTRATIVE ARRANGEMENTS

Section 11. Program Management, Implementation, and Monitoring

The BWSC shall serve as the program manager of the CLPEP. It shall be in charge of the formulation of policies and issuance of advisories or supplemental guidelines relevant to the implementation of the Program. It shall provide technical support and capacity-building to the DOLE Regional Offices in the implementation of the strategies identified in this Guidelines as well as conduct monitoring activities including field visits.

The DOLE Regional Offices and its Provincial/Field Offices shall serve as the implementing arm of the Program. All DOLE Regional Offices as well as their Provincial/Field Offices shall assign one (1) CLPEP Focal Person in charge of implementing the Program and coordinating with the BWSC. The DOLE Regional and Provincial/Field Offices may also designate one (1) alternate CLPEP Focal Person, if necessary.

Subject to the availability of funds, the DOLE Regional Offices may hire CFs as well as GIP beneficiaries to assist in the implementation of the Program.

To ensure proper implementation and continuous enhancement of the Program, the BWSC shall conduct regular monitoring and assessment activities in coordination with DOLE Regional and Provincial/Field Offices.

Section 12. Budget

The DOLE shall fund the implementation of the CLPEP from the General Appropriations Act as well as from external sources, if any. The DOLE Central Office shall determine the fund allocation of each DOLE Regional Office every year.

The DOLE shall also allocate funds for the performance of functions as Chairperson and Secretariat to the NCACL as well as the operations of the RCACL.

Section 13. Reporting and Database

The DOLE Regional Offices shall submit to the BWSC quarterly monitoring reports on the different strategies not later than seven (7) working days after the reference quarter and using the template to be provided by the BWSC.

The BWSC shall review and consolidate the reports from DOLE Regional Offices for the preparation of a national report. Moreover, the BWSC shall submit to the Secretary, through its Cluster Head, a year-end report on the implementation of CLPEP not later than 30 working days after the reference year and upon receipt of complete regional reports.

As NCACL Secretariat, the BWSC shall also review and consolidate the reports from Council Members for the preparation of semestral or annual reports of the NCACL, which shall include the CLPEP accomplishments. The BWSC shall submit the NCACL report to the Office of the Secretary not later than 90 working days after the reference semester or year for eventual submission to the Office of the President.

Updates on child labor situation in the country and implementation of anti-child labor initiatives shall be provided to the National Tripartite Industrial Peace Council as needed or requested.

The BWSC shall ensure the availability and functionality of information systems relevant to the implementation of the Program. The DOLE Regional and Provincial/Field Offices shall ensure the encoding of data of all profiled child laborers, including the results of the monitoring activities, in the database rolled out by the BWSC.

To properly monitor the issuance of WCPs, the DOLE Regional Offices shall utilize the existing Online Working Child Permit Issuance System (WCPIIS).

V. MISCELLANEOUS PROVISIONS

Section 14. Repealing Clause

All issuances inconsistent with this Guidelines are hereby amended or superseded.

Section 15. Effectivity

This Administrative Order shall take effect immediately.


BIENVENIDO E. LAGUESMA
Secretary

3 October 2023