

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

*22 OCT 27 P 4 :05

SENATE

S. No. 1430

RECEIVED BY: _____

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
INSTITUTING POLICIES FOR THE PROTECTION AND WELFARE OF
CAREGIVERS IN THE PRACTICE OF THEIR PROFESSION**

EXPLANATORY NOTE

This bill seeks to institute effective and sensible policies for the protection and welfare of Filipino caregivers.

A "caregiver" refers to a paid or employed person who regularly attends to the physical and psychological needs of an infant, child or dependent adult who is disabled or whose health is impaired by old age, diseases, mental disorder, and other disabilities particularly with their activities of daily living whether outside or within their home.

The demand for caregiving services is rising due to the rapid increase in the number of children being born with medical issues and prevalent illnesses. Moreover, the results of the 2010 Census of Population and Housing (CPH) show that of the household population of 92.1 million, 1.57% Filipinos have a disability¹. Hence, there has been an imperative call for professional and responsible caregiving in the Philippines. On a global scale, Filipino culture has been known to provide remarkable hospitality and care. This is why citizens of the United States, Asia, the Middle East, and many other countries prefer Filipino caregivers.

The sudden increase in the popularity of caregivers in the Philippines and abroad has prompted the government to require all caregiving schools in the country to register caregiving programs to the Technical Education and Skills Development

¹ <https://www.doh.gov.ph/persons-with-disabilities>

Authority (TESDA), which is tasked to manage and supervise their education, training, and skills development. That being so, TESDA has been well-equipped with these various programs that provide caregivers with the knowledge and skills necessary to perform their duties with modesty and coherence.

In recognition of the vital role of caregivers in national development, policies in the practice of this profession must be instituted to protect their rights and promote their welfare towards decent employment. Furthermore, caregivers must be protected against abuse, harassment, and violence. These proposed policies must be enacted into law to maintain excellent and globally competitive standards for the professional services of Filipino caregivers.

In view of the foregoing, immediate passage of this bill is earnestly sought.



RAMON BONG REVILLA, JR.

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. *Short Title.* - This Act shall be known as the "Caregivers Welfare Act".

2 Sec. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to
3 recognize the role of caregivers in national development and to institute policies in the
4 practice of the profession with the end in view of developing competent caregivers
5 whose standards of professional service shall be excellent and globally competitive.

6 The State also recognizes the need to protect the rights of the caregivers
7 towards decent employment and income and adheres to a policy of protecting
8 caregivers against abuse, harassment, violence and economic exploitation.

9 Sec. 3. *Definition of Terms.* - As used in this Act:

10 a) *Caregiver* refers to a graduate of a caregiving course from an accredited
11 training institution that is recognized by the government or is certified competent by
12 that same institution, and renders caregiving services as stipulated in Section 6 of this
13 Act;

14 b) *Client* refers to an infant, child, or a dependent adult;

15 c) *Employer* refers to any person who engages and controls the services of a
16 caregiver and is a party to the employment contract; and

17

1 d) *Private Employment Agency (PEA)* refers to any individual, legitimate
2 partnership, association or organization accredited and licensed to engage in the
3 recruiting and placement of caregivers for local employment.

4 Sec. 4. *Employment Contract.* - An employment contract shall be executed by
5 and between the caregiver and the employer before the commencement of the service
6 in a language or dialect understood by both parties. A copy of the duly signed
7 employment contract shall be given to the caregiver, which shall include the following:

- 8 a) Duties and responsibilities of the caregiver;
- 9 b) Period of employment;
- 10 c) Compensation;
- 11 d) Authorized deductions;
- 12 e) Hours of work and proportionate additional payment or overtime pay;
- 13 f) Rest days and allowable leaves;
- 14 g) Board, lodging and medical attention;
- 15 h) Termination of employment; and
- 16 i) Any other lawful condition agreed upon by both parties.

17 The DOLE shall develop a model employment contract for caregivers, which
18 shall be made available at all times, free of charge to caregivers, employer and the
19 general public.

20 In cases where the employment of the caregiver is facilitated through a private
21 employment agency, the PEA shall keep a copy of all employment contracts of their
22 caregivers, which will be made available for verification and inspection by the DOLE.

23 Sec. 5. *Pre-employment Requirements.* - Prior to the execution of the
24 employment contract, the employer may require the following:

- 25 a) Caregiver's training certificate issued by the school or institution accredited
26 by the Technical Education and Skills Development Authority (TESDA);
- 27 b) Medical certificate or health certificate issued by a local government health
28 officer; and
- 29 c) National Bureau of Investigation (NBI) or police clearance.

30 Sec. 6. *Duties of the Caregivers.* - The caregivers may provide any of the
31 following services:

1 a) Provide personal care support and assistance to clients with physical
2 impairment or disabilities in private homes, nursing or geriatric care facilities, and
3 other residential settings;

4 b) Help clients with their daily activities and mobility restrictions;

5 c) Provide some basic health-related services, such as checking the clients'
6 pulse rate, temperature and respiration rate;

7 d) Help clients with simple prescribed exercises, and assist them with home
8 medications as prescribed by the physician, *Provided*, That assistance in the
9 administration of intravenous medications shall be upon written consent of the
10 physician;

11 e) Advise clients and their families on cleanliness, sanitation and household
12 tasks;

13 f) Accompany clients to appointments with doctors or on other errands;

14 g) Assist in housekeeping tasks within the clients' room;

15 h) Prepare meals for clients; and

16 i) Other tasks directly related to the needs of the clients.

17 *Sec. 7. Hours of Work.* - The caregiver's working hours shall be based on the
18 employment contract signed by the parties and in accordance with labor laws, rules
19 and regulations. A caregiver shall have an eight (8) hour work shift, beyond which the
20 mandatory overtime pay shall be applied.

21 *Sec. 8. Minimum Wage.* - The minimum wage of a caregiver shall not be less
22 than the applicable minimum wage in the region.

23 *Sec. 9. Payment of Wages.* - Wages shall be paid on time directly to the
24 caregiver to whom they are due once every two (2) weeks or twice a month at intervals
25 not exceeding sixteen (16) days. The employer, unless allowed by the caregiver
26 through a written consent, shall make no deductions from the wages other than what
27 is mandated by the law. No employer shall pay the wages of the caregiver by means
28 of promissory notes, vouchers, coupons, tokens, tickets, chits or any object other than
29 the cash wage as provided for by law.

30 Caregivers are also entitled to a thirteenth (13th) month pay as provided for by
31 law.

1 Sec. 10. *Pay Slip.* - The employer shall, at all times, provide the caregiver with
2 a copy of the pay slip containing the amount paid in cash every pay day, and indicating
3 all deductions made, if there be any. A copy of the pay slip shall be kept by the
4 employer for a period of three (3) years.

5 Sec. 11. *Leave Benefits.* - A caregiver who has rendered at least one (1) year
6 of service shall be entitled to an annual service incentive leave of at least five (5) days
7 with pay. Any unused portion of the annual leave shall be cumulative or carried over
8 to the succeeding years. Unused leaves shall be convertible to cash.

9 Sec. 12. *Other Benefits.* - A caregiver shall be covered by the Social Security
10 System, the Philippine Health Insurance Corporation (Philhealth), and the Home
11 Development Mutual Fund (Pag-IBIG), and shall be entitled to all the benefits in
12 accordance with the pertinent provisions of the law. The effective date of coverage
13 shall be on the first day of employment.

14 Sec. 13. *Non-Diminution of Benefits.* - All existing arrangements between a
15 caregiver and the employer shall be adjusted to conform to the minimum standards
16 set by this Act. Nothing in this Act shall be construed to cause the diminution or
17 substitution of any benefits and privileges currently enjoyed by the caregiver hired
18 directly or through a PEA.

19 Sec. 14. *Basic Necessities.* - For the household-based caregiver, the employer
20 shall provide for the basic necessities of the caregiver to include at least three (3)
21 adequate meals a day and humane sleeping arrangement. They shall also provide
22 appropriate rest and assistance in case of illness and injuries sustained in the
23 performance of the caregiver's duties and responsibilities without loss of benefits.

24 Sec. 15. *Privileged Information.* - All information and communication pertaining
25 to the patient or employer or members of the household shall be treated as privileged
26 and confidential, and shall not be publicly disclosed by the caregiver during and after
27 employment.

28 Sec. 16. *Termination of Service.* - Neither the caregiver nor the employer may
29 terminate the contract before the expiration of the term except for grounds provided
30 for in Sections 17 and 18 of this Act. If the caregiver is unjustly dismissed, payment
31 of the compensation already earned shall be made plus the equivalent of fifteen (15)
32 days work by way of indemnity. The caregiver and the employer may mutually agree

1 upon written notice to pre-terminate the contract of employment to end the
2 employment relationship.

3 *Sec. 17. Termination of Contract by the Caregiver.* - A caregiver may terminate
4 the employment relationship at any time before the expiration of the contract for any
5 of the following causes:

6 a) Verbal or emotional abuse by the employer, client or any member of the
7 household;

8 b) Inhuman treatment including physical abuse by the employer, client or any
9 member of the household;

10 c) Commission of a crime or offense against the caregiver by the employer,
11 client or any member of the household;

12 d) Violation of the terms and conditions of the employment contract by the
13 employer; and

14 e) Other causes analogous to the foregoing.

15 *Sec. 18. Termination of Contract by the Employer.* - The employer may
16 terminate the services of the caregiver at any time before the expiration of the contract
17 for any of the following causes:

18 a) Misconduct or willful disobedience by the caregiver of the lawful order of the
19 employer in connection with the former's work;

20 b) Gross or habitual neglect or insufficiency in the performance of duties;

21 c) Fraud or willful breach of the trust reposed by the employer;

22 d) Commission of crime or offense by the caregiver against the person of the
23 employer, client or any immediate member of the employer's family;

24 e) Violation of the terms and conditions of the employment contract by the
25 caregiver; and

26 f) Other causes analogous to the foregoing.

27 *Sec. 19. Settlement of Disputes.* - All labor-related disputes shall be elevated
28 to the DOLE Regional Office and/or the National Labor Relations Commission (NLRC)
29 having jurisdiction over the workplace without prejudice to the filing of the civil or
30 criminal action in appropriate cases. The DOLE Regional Office shall exhaust all
31 conciliation and mediation efforts before a decision shall be rendered.

1 Sec. 20. *Protection of Caregivers Hired through PEAs.* - The Secretary of Labor
2 and Employment shall, through a system of licensing and regulation, ensure the
3 protection of the caregivers hired through PEAs.

4 The PEAs shall be jointly and severally liable with the employer for all wages,
5 wage-related benefits, and other benefits due to the caregiver.

6 The provisions of the Labor Code of the Philippines on the qualifications of the
7 PEAs with regard to nationality, net worth, owners and officers, office space and other
8 requirements, as well as non-transferability of license and commission of prohibited
9 practices, shall apply.

10 Sec. 21. *Responsibilities of the PEAs.* - In addition, the PEAs shall have the
11 following responsibilities:

12 a) Ensure that the caregivers are not charged or levied any recruitment or
13 placement fees whatsoever;

14 b) Ensure that the employment contract between the caregiver and the
15 employer stipulates the terms and conditions of employment and all the benefits
16 prescribed by this Act;

17 c) Provide a pre-employment orientation briefing to the caregiver and the
18 employer about their rights and responsibilities in accordance with this Act;

19 d) Keep copies of employment contracts pertaining to recruited caregivers
20 which shall be made available during inspections or whenever required by DOLE;

21 e) Assist caregivers with respect to complaints or grievances against their
22 employers; and

23 f) Cooperate with the government in rescue operations involving abused or
24 exploited caregivers.

25 Sec. 22. *Implementing Rules and Regulations (IRR).* - Within sixty (60) days
26 from the effectivity of this Act, the Secretary of Labor and Employment shall, in
27 coordination with the Director General of the TESDA, promulgate the necessary rules
28 and regulations for the effective implementation of this Act.

29 Sec. 23. *Separability Clause.* - If any provision or part of this Act is declared
30 invalid or unconstitutional, the remaining parts or provisions not affected shall remain
31 in full force and effect.

1 Sec. 24. *Repealing Clause.* - All laws, decrees, orders, rules and regulations and
2 other issuances or parts thereof which are inconsistent with the provisions of this Act
3 are hereby repealed or amended accordingly.

4 Sec. 25. *Effectivity.* - This Act shall take effect fifteen (15) days after its
5 complete publication in the Official Gazette or in two (2) national newspapers of
6 general circulation in the Philippines.

Approved,