



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **269**

HOUSE OF REPRESENTATIVES

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Introduced by Representative **GERALDINE B. ROMAN**

EXPLANATORY NOTE

This bill seeks to institute policies for the protection and welfare of caregivers in the Philippines.

A “caregiver” refers to a paid or employed person who takes care or attends to the physical and psychological needs of an infant, child or dependent adult who is disabled or whose health is impaired by sickness or old age particularly with their activities of daily living whether outside or within their home.

Professional and responsive care giving is very vital to medically and physically challenged individuals. The country’s aging population, the increase in the number of children born with medical issues and prevalent illnesses are the reasons why the demand for caregiving service continues to rise in the Philippines.

Many countries such as the United States, Canada and those in the Middle East and Europe and even in Asian countries like Japan and Korea prefer Filipino caregivers because of their unconditional and genuine care for their clients.

The sudden increase in the popularity of professional caregivers in the Philippines and abroad has prompted the government to require all caregiving schools in the country to register their caregiving program with the Technical Education and Skills Development Authority (TESDA), which is tasked to manage and supervise technical education and skills development, so that each caregiver who will be working here and abroad will be equipped with all the skills needed to perform the job properly and efficiently.

In recognition of the very important role of caregivers in national development, policies in the practice of the caregiving profession must be instituted to protect the rights of caregivers and to promote their welfare towards a decent employment. Caregivers must also be protected against abuse, harassment, violence and economic exploitation. These proposed policies must also be enacted into law to maintain excellent and globally competitive standards for the caregiver professional service.

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


GERALDINE B. ROMAN



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Introduced by Representative **GERALDINE B. ROMAN**

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

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

4 **SECTION 1. *Short Title.*** – This Act shall be known as the “Caregivers
5 **Welfare Act”.**

6 **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State
7 to recognize the role of caregivers in national development and to institute
8 policies in the practice of the profession with the end in view of developing
9 competent caregivers whose standards of professional service shall be excellent
10 and globally competitive.

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

14 **SEC. 3. *Definition of Terms.*** – As used in this Act:

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

1 (b) *Client* refers to an infant, child or dependent adult;

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

4 (d) *Private employment agency (PEA)* refers to any individual, legitimate
5 partnership, corporation or entity licensed to engage in the recruitment and
6 placement of caregivers for local employment.

7 SEC. 4. *Employment Contract.* – An employment contract shall be executed
8 by and between the caregiver and the employer before the commencement of the
9 service in a language or dialect understood by both parties. A copy of the duly
10 signed employment contract shall be given to the caregiver which shall include
11 the following:

12 (a) Duties and responsibilities of the caregiver;

13 (b) Period of employment;

14 (c) Compensation;

15 (d) Authorized deductions;

16 (e) Hours of work and proportionate additional payment;

17 (f) Rest days and allowable leaves;

18 (g) Board, lodging and medical attention;

19 (h) Termination of employment; and

20 (i) Any other lawful condition agreed upon by both parties.

21 The Department of Labor and Employment (DOLE) shall develop a model
22 employment contract for caregivers which shall be made available at all times,
23 free of charge to caregivers, employers and the general public.

24 In case where the employment of the caregiver is facilitated through a private
25 employment agency, the PEA shall keep a copy of all employment contracts of
26 their caregivers which shall be made available for verification and inspection by
27 the DOLE.

28 SEC. 5. *Preemployment Requirements.* – Prior to the execution of the
29 employment contract, the employer may require the following:

1 (a) Caregivers training certificate issued by the school or institution
2 accredited by the Technical Education and Skills Development Authority
3 (TESDA);

4 (b) Medical certificate or health certificate issued by a local government
5 health officer; and

6 (c) Barangay and police clearance.

7 SEC. 6. *Duties of the Caregivers.* – The caregiver may provide any of the
8 following services:

9 (a) Provide personal care support and assistance to clients with physical
10 impairment or disabilities in private homes, nursing or geriatric care facilities, and
11 other residential setting;

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

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

15 (d) Help clients with simple prescribed exercises and assist them with home
16 medications as prescribed by the physician;

17 (e) Advise families and patients on cleanliness and household tasks;

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

19 (g) Assist in housekeeping tasks for the clients; and

20 (h) Some other tasks depending on the needs of the clients.

21 SEC. 7. *Hours of Work.* – The caregiver's working hours shall be based on
22 the employment contract signed by the parties and in accordance with the labor
23 laws, rules and regulations. The caregiver shall be entitled to an aggregate daily
24 rest period of eight (8) hours per day and at least twenty-four (24) hours of rest in
25 a week. The employer shall respect the preference of the caregiver as to the
26 weekly rest day when such preference is based on religious grounds.

27 SEC. 8. *Minimum Wage.* – The minimum wage of a caregiver shall not be
28 less than the following:

1 (a) Seven thousand pesos (P7,000.00) a month for those employed in the
2 National Capital Region (NCR);

3 (b) Five thousand five hundred pesos (P5,500.00) a month for those
4 employed in chartered cities and first class municipalities; and

5 (c) Four thousand pesos (P4,000.00) a month for those employed in other
6 municipalities.

7 One (1) year after the effectivity of this Act and, periodically thereafter, the
8 Regional Tripartite Wages and Productivity Board (RTWPB) shall review and
9 adjust the minimum wage rates for caregivers.

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

17 They are also entitled to a Thirteenth-month pay as provided for by law.

18 SEC. 10. *Pay Slip.* – The employer shall at all times provide the
19 caregiver with a copy of the pay slip containing the amount paid in cash every pay
20 day and indicating all deductions made, if any. A copy of the pay slip shall be
21 kept by the employer for a period of three (3) years.

22 SEC. 11. *Leave Benefits.* – A caregiver who has rendered at least one (1)
23 year of service shall be entitled to an annual service incentive leave of five (5)
24 days with pay. Any unused portion of the annual leave shall not be cumulative or
25 carried over to the succeeding years. Unused leaves shall not be convertible to
26 cash.

27 SEC. 12. *Other Benefits.* – A caregiver who has rendered at least one (1)
28 month of service shall be covered by the Social Security System (SSS), the
29 Philippine Health Insurance Corporation (PhilHealth), and the Home

1 Development Mutual Fund or Pag-IBIG, and shall be entitled to all the benefits in
2 accordance with the pertinent provisions provided by law.

3 Premium payments or contributions shall be shouldered by the employer.
4 However, if the caregiver is receiving a wage of five thousand pesos (P5,000.00)
5 and above per month, the caregiver shall pay the proportionate share in the
6 premium payments or contributions, as provided by law.

7 SEC. 13. *Non-diminution of Benefits.* – All existing arrangements
8 between a caregiver and the employer shall be adjusted to conform to the
9 minimum standards set by this Act. The adjustment pertaining to wages shall take
10 effect immediately after the determination and issuance of the appropriate wage
11 order by the RTWPB. Nothing in this Act shall be construed to cause the
12 diminution or substitution of any benefits and privileges currently enjoyed by the
13 caregiver hired directly or through a PEA.

14 SEC. 14. *Basic Necessities.* – The employer shall provide for the basic
15 necessities of the caregiver to include at least three (3) adequate meals a day and
16 humane sleeping arrangement. They shall also provide appropriate rest and
17 assistance in case of illnesses and injuries sustained during service without loss of
18 benefits.

19 SEC. 15. *Privileged Information.* – All information and communication
20 pertaining to the patient or employer or members of the household shall be treated
21 as privileged and confidential, and shall not be publicly disclosed by the caregiver
22 during and after employment.

23 SEC. 16. *Termination of Service.* – Neither the caregiver nor the
24 employer may terminate the contract before the expiration of the term except for
25 grounds provided for in Sections 17 and 18 of this Act. If the caregiver is
26 unjustly dismissed, the caregiver shall be paid the compensation already earned
27 plus the equivalent of fifteen (15) days work by way of indemnity. If the caregiver
28 leaves without justifiable cause, any unpaid salary due not exceeding the
29 equivalent of fifteen (15) days work shall be forfeited. In addition, the employer

1 may recover from the caregiver costs incurred related to the deployment expenses,
2 if any: *Provided*, That the service has been terminated within six (6) months from
3 the caregiver's employment.

4 If the duration of the caregiving service is not determined either in stipulation
5 or by the nature of the service, the employer or the caregiver may give notice to
6 end the working relationship five (5) days before the intended termination of the
7 service.

8 The caregiver and the employer may mutually agree upon written notice to
9 preterminate the contract of employment to end the employment relationship.

10 SEC. 17. *Termination of Contract by the Caregiver.* – The caregiver
11 may terminate the employment relationship at any time before the expiration of
12 the contract for any of the following reasons:

13 (a) Verbal or emotional abuse by the employer, client or any member of the
14 household;

15 (b) Inhuman treatment including physical abuse by the employer, client or
16 any member of the household;

17 (c) Commission of a crime or offense against the caregiver by the employer,
18 client or any member of the household;

19 (d) Violation of the terms and conditions of the employment contract by the
20 employer; and

21 (e) Other causes analogous to the foregoing.

22 SEC. 18. *Termination of Contract by the Employer.* – The employer
23 may terminate the services of the caregiver at any time before the expiration of
24 the contract for any of the following causes:

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

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

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

1 (d) Commission of a crime or offense by the caregiver against the person of
2 the employer, client or any immediate member of the employer's family;

3 (e) Violation of the terms and conditions of the employment contract by the
4 caregiver;

5 (f) Any disease prejudicial to the health of the caregiver, the employer, or
6 members of the household; and

7 (g) Other causes analogous to the foregoing.

8 SEC. 19. *Settlement of Disputes.* – All labor-related disputes shall be
9 elevated to the DOLE Regional Office having jurisdiction over the workplace
10 without prejudice to the filing of civil or criminal action in appropriate cases. The
11 DOLE Regional Office shall exhaust all conciliation and mediation efforts before
12 a decision shall be rendered.

13 Ordinary crimes or offenses committed under the Revised Penal Code and
14 other special penal laws by either party shall be filed with the regular courts.

15 SEC. 20. *Protection of Caregiver Hired Through PEAs.* – The Secretary
16 of Labor and Employment shall, through a system of licensing and regulation,
17 ensure the protection of the caregivers hired through PEAs.

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

20 The provisions of the Labor Code of the Philippines on the qualifications of
21 the PEAs with regards to nationality, net worth, owners and officers, office space
22 and other requirements, as well as the non-transferability of license and the
23 commission of prohibited practices, shall apply.

24 SEC. 21. *Responsibilities of the PEAs.* – In addition, the PEAs shall
25 have the following responsibilities:

26 (a) Ensure that the caregivers are not charged or levied any recruitment or
27 placement fees;

1 (b) Ensure that the employment agreement between the caregiver and the
2 employer stipulates the terms and conditions of employment and all the benefits
3 prescribed by this Act;

4 (c) Provide a preemployment orientation briefing to the caregiver and the
5 employer about their rights and responsibilities in accordance with this Act;

6 (d) Keep copies of employment contracts and agreements pertaining to
7 recruited caregivers which shall be made available during inspections or
8 whenever required by the DOLE;

9 (e) Assist caregivers with respect to complaints or grievances against their
10 employers; and

11 (f) Cooperate with government agencies in rescue operations involving
12 abused or exploited caregivers.

13 SEC. 22. *Implementing Rules and Regulations.* – Within sixty (60) days
14 from the effectivity of this Act, the Secretary of Labor and Employment shall, in
15 coordination with the Director General of the TESDA, promulgate the necessary
16 rules and regulations for the effective implementation of this Act.

17 SEC. 23. *Separability Clause.* – If any provision or part of this Act is
18 declared invalid or unconstitutional, the remaining parts or provisions not affected
19 shall remain in full force and effect.

20 SEC. 24. *Repealing Clause.* – All laws, decrees, orders, rules and
21 regulations and other issuances or parts thereof which are inconsistent with the
22 provisions of this Act are hereby repealed or amended accordingly.

23 SEC. 25. *Effectivity.* – This Act shall take effect fifteen (15) days after
24 its publication in the *Official Gazette* or in two (2) national newspapers of general
25 circulation.

26
27 Approved,