

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2374

Introduced by Representative Florida P. Robes

EXPLANATORY NOTE

Street sweeping and garbage collecting may be considered as demeaning jobs as they involve the filth people produce. Menial as it is to many, without cleaning workers, our community can become a den of poison, death, of physical and moral barbarity. *However, most cleaning workers are employed on a contractual or seasonal basis. Those hired by local government units receive salaries or wages drawn from the Maintenance and Other Operating Expenses of the hiring offices. They cannot be hired on regular basis or be considered government employees because many local government units hiring them have reached the ceiling for personnel services as prescribed by the Department of Budget and Management.*

Sadly, many stories have been told about the plight of the country's cleaning workers. Aside from a very low income, they do not have income stability or benefits. Since their income does not suffice to provide and sustain the basic needs of their families, *they depend on the little assistance that some establishments where they are assigned give, such as left-over foods, used clothing, etc. Inasmuch as their lives are impoverished, they usually contract diseases because of the rubbish they have to clean. They could ignore the foul odor, but the possible illness which they may acquire will not ignore them.*

The main objective of this proposal is to give these people the dignity that they deserve. The public owes a lot to them. We hate to wake up with garbage and dirt in our surrounding, but we are too lazy to clean them. It would be unfair to say that they are paid to sweep the streets to collect our trash, so there is no big fuss about it. In the name of equality and justice, our government should heed to their plight by protecting and promoting their welfare. In view of this, the approval of this Bill is highly recommended.


FLORIDA P. ROBES

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**AN ACT INSTITUTING POLICIES FOR THE PROTECTION AND
WELFARE OF CLEANING WORKERS SUCH AS STREET
SWEEPERS AND GARBAGE COLLECTORS**

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

SECTION 1. Title. - This Act shall be known as the "Cleaning Workers Act".

SEC. 2. Declaration of Policies. - It is hereby declared a policy of the State to respect and promote the fundamental principles and rights of cleaning workers, to protect them against abuse, harassment, violence, economic exploitation and *performance of work that is hazardous to their physical and mental health*; and to ensure safe and healthful working conditions through the formulation and implementation of policies and programs affecting them.

SEC. 3. Scope. - This Act applies to all cleaning workers such as street sweepers and garbage collectors employed and working within the country.

SEC. 4. Who are Cleaning Workers. - A *cleaning worker* refers to any person engaged in cleaning public places and surroundings as well as office premises and other establishments such as street sweepers and garbage collectors.

SEC. 5. Employment of Cleaning Workers. - To maintain the cleanliness of streets public places and infrastructures, and to ensure proper waste collection and management; local government units shall include in their plantilla positions street sweepers and garbage collectors.

The concerned LGU shall assign at least one street sweeper in every barangay. The number of garbage collectors shall depend on the population of the LGU or the class of city or municipality.

Other national government agencies as well as private institutions may hire

cleaning workers on special events and occasions through job orders. Agencies, whose main business is to offer cleaning services, may provide cleaning workers to any individual or institution subject to existing and applicable laws.

SEC. 6. Standard of Treatment. - All those contracting the services of cleaning workers shall not subject them to any kind of abuse nor inflict any form of physical violence or harassment or any act tending to degrade their dignity. To carry out their work assignments, they shall be provided with the necessary instruments, tools or gadgets needed in order that they could perform their job efficiently and effectively including masks and gloves that will protect them from contracting diseases in connection with the performance of their cleaning jobs.

Those employed on a regular basis shall be entitled to a periodic medical and physical examination to monitor their health conditions.

SEC. 7. Pre-Employment Requirement. - Those cleaning workers to be employed on a regular basis shall comply with the basic requirements on employment to ascertain their fitness for the work such as medical or health certificate, barangay or police clearance, birth certificate and other appropriate identification documents. The cost of securing a medical certificate and clearances shall be borne by the employer, subject to applicable rules and procedures.

SEC. 8. Terms and Conditions of Employment. - The employers shall safeguard the health and safety of the cleaning workers in accordance with laws, rules and regulations, with due consideration to the peculiar nature of their work. A cleaning worker shall be obliged to render service eight (8) hours a day on weekdays. A schedule of "cleaning" or "collecting" hours shall be provided by the employer to complete the 8 hours of service. Work on weekends shall be considered overtime, upon the discretion of the employer. However, cleaning workers may opt to avail of the weekends as rest period.

SEC 9. Salary. - The salary of cleaning workers to be employed on a regular or permanent status in national government agencies and local government units shall be equivalent to the salary being received by a government utility worker based on the Salary Standardization Law, which is SG 1.

Those cleaning workers hired on a contractual basis shall be paid in accordance with the agreement entered between them and their employers or their agents.

SEC. 10. Entitlement. - Regularly employed cleaning workers shall be entitled to 13th month pay, Government Service Insurance System (GSIS) or Social Security Systems (SSS) benefits as members, Philhealth and Pag-ibig. Premium payments or contributions shall be shouldered by the employer. They shall also be entitled to all other benefits and incentives under existing laws.

SEC. 11. Termination of Employment. - The services of regularly employed cleaning workers shall be terminated on lawful grounds such habitual absenteeism, *unsatisfactory performance of job assignments, willful disobedience,* and neglect of duties or upon a complaint filed by the residents based on legal grounds such as commission of a crime, etc.

SEC. 12. Mechanism for Settlement of Disputes. - All labor-related disputes shall be elevated to the Department of Labor and Employment (DOLE) *Regional Offices having jurisdiction over the workplace without prejudice to the* filing of a civil or criminal action in appropriate cases. The DOLE Regional Office shall exhaust all conciliation and mediation efforts before a decision shall be rendered.

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

SEC. 13. Information Program. - The DOLE shall, in coordination with the DILG, the SSS, the PhilHealth and Pag-IBIG develop and implement a continuous information dissemination program on the provisions of this Act, both at the national and local level, immediately after the enactment of this law.

SEC. 14. Penalty. - Any violation of the provisions of this Act declared unlawful shall be punishable with a fine of not less than Ten thousand pesos (P10,000.00) but not more than Forty thousand pesos (P40,000.00) without prejudice to the filing of appropriate civil or criminal action by the aggrieved party.

SEC. 15. Implementing Rules and Regulations. - Within ninety (90) days from the effectivity of this Act, the Secretary of Labor and Employment, Civil Service Commission and the Secretary of the Interior and Local Government, in coordination with other concerned government agencies and accredited nongovernment organizations (NGOs) assisting cleaning workers, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 16. Appropriation. - The Department of Budget and Management shall increase the budget allocations or ceiling for personnel services of local government units to enable them to hire street sweepers and garbage collectors as plantilla workers.

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

SEC. 18. Repealing Clause. - All laws, decrees, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are *hereby repealed or modified accordingly.*

SEC. 19. Effectivity Clause. - This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,