

1                                Republic of the Philippines  
2                                HOUSE OF REPRESENTATIVES  
3                                Quezon City

4  
5                                EIGHTEENTH CONGRESS  
6                                First Regular Session

7  
8                                House Bill No. 6720



9  
10  
11                                Introduced by  
12                                RAYMOND DEMOCRITO C. MENDOZA  
13                                Representative, Trade Union Congress Party  
14

15  
16                                AN ACT  
17                                MANDATING THE GRANT OF HAZARD PAY TO PRIVATE SECTOR  
18                                EMPLOYEES FOR PERFORMING HAZARDOUS DUTY UNDER ACTUAL OR  
19                                IMPENDING EMERGENCIES  
20  
21

22                                EXPLANATORY NOTE

23  
24                                This Bill seeks to grant hazard pay to workers in the private sector when  
25 they are made or required to work during actual or impending emergencies  
26 arising from war, epidemics, natural or manmade calamities or disasters such as  
27 typhoons, earthquakes, floods, volcanic activity or eruption, and other similar  
28 events.  
29

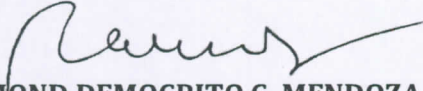
30                                Providing hazard pay is doubly made urgent by the fact that the country is  
31 prone to year-round calamities or disasters that exposes all workers, in the private  
32 and the public sector, to dangers and perils at work. But while the  
33 appropriateness of the grant of hazard pay is long settled and recognized for  
34 workers in the public sector, it has not been extended, except to certain profession,  
35 to private sector workers whose work exposes them to occupational risks and  
36 perils to life.  
37

38                                In the private sector, the grant of hazard pay is left entirely to the discretion  
39 of the employer or in collective bargaining agreements, if ever there is a union  
40 successfully formed. This policy of employer's discretion to grant hazard pay or  
41 not has brought untold hardships to private sector workers. This is underscored  
42 by our most recent experiences such as the eruption of Taal Volcano in January

1 2020 and the ongoing COVID-19 pandemic. During the Taal Volcano eruption,  
2 workers from different establishment in the CALABARZON risked "life and limb"  
3 for a minimum daily wage as they were required to continue to keep production  
4 running with no provision for sickness or death despite Phivolcs raising the status  
5 to Alert Level 4 (hazardous eruption imminent) and that ash and rock fragments  
6 column reached up to 10-15 kilometers due to continuous eruption. In the  
7 current COVID pandemic, frontline workers from the private sector – the  
8 healthcare workers, supermarkets' personnel, food deliveries, banks' personnel,  
9 pharmacies, security guards, janitors, garbage collectors and all other workers  
10 who despite the threat of starvation sacrificed to keep us all alive and save society  
11 from dropping into the darkness – again risk "life and limb" for all of us without  
12 any provision in case of infection and for medication.

13  
14 It is in this context that this representation and the Trade Union Congress  
15 of the Philippines (TUCP) earnestly seek the passage of this bill to extend the grant  
16 of hazard pay to the private sector workers whose work exposes them to  
17 occupational risks and perils to life.

18  
19 In view of the foregoing, the passage of this Bill is earnestly sought.  
20  
21

22  
23  
24   
25 **RAYMOND DEMOCRITO C. MENDOZA**  
26 **TUCP Partylist**  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43



**EIGHTEENTH CONGRESS**  
*First Regular Session*

*Introduced by*  
**RAYMOND DEMOCRITO C. MENDOZA**  
*Representative, Trade Union Congress Party*

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

**SECTION 2. *Declaration of Policy.*** – It is hereby declared a policy of the State to afford full protection to labor. The State shall safeguard every worker against injury, sickness, death or any hazards in their work environment and ensure that the hazards that confront workers in the performance of their work during actual or impending emergencies or extra-ordinary situations shall be afforded adequate and reasonable compensation.

**SECTION 3. *Hazard Pay.*** – Hazard pay refers to the additional compensation or take-home pay for performing hazardous duty or work under the circumstances provided in this Act.

**SECTION 4. *Coverage.*** – Employees who are made or required to work or remain on duty during actual or impending emergencies caused by serious accident, fire, flood, typhoon, earthquake, epidemic, pandemic or other disaster or calamity that places their life, health or limbs in danger or subject them to distress beyond that expected in the ordinary performance of their work or, where such emergencies result in precarious or threatening conditions and personal

1 protective equipment will not entirely mitigate the danger or risks involved, shall  
2 be paid an additional compensation of at least thirty percent (30%) of their  
3 regular wage for the duration of the emergency.

4  
5 Hazard pay shall likewise be granted to employees who are required to  
6 remain or report to work within areas in the country where armed hostilities are  
7 prevailing and the evacuation of communities and non-essential staff has taken  
8 place.

9  
10 Provided, that, the grant of hazard pay shall not apply to those who are  
11 already enjoying the benefit herein provided and those employed in  
12 establishments regularly employing less than ten employees or in establishments  
13 exempted from granting this benefit by the Secretary of Labor and Employment  
14 after considering the viability or financial condition of such establishment.  
15 Provided, that benefits under existing or future health maintenance organization,  
16 accident, health or other kinds of insurance shall not be considered a substitute to  
17 the 30% hazard pay.

18  
19 **SECTION 5. *Right to Refuse to Report to Work.*** – Except when the work  
20 to be performed is essential to prevent loss of life and property, or imminent  
21 danger to public safety, employees may refuse to work during such emergencies  
22 stated above. Such refusal to work shall not be a ground for discrimination,  
23 dismissal, discharge, reduction in hours, or any other penalty.

24  
25 Any act of retaliation discrimination, dismissal, discharge, reduction in  
26 hours, or any other penalty imposed against employees by reason of their refusal  
27 to report to work is hereby declared unlawful and is punishable under the Labor  
28 Code, as amended. Provided, that there shall be as many offenses committed under  
29 this Section as there are number of employees against which an unlawful act has  
30 been committed.

31  
32 **Section 6. *Implementing Rules and Regulations.*** – The Secretary of  
33 Labor and Employment, in consultation with pertinent agencies, shall formulate  
34 the rules and regulations within ninety (90) days from the effectivity of this Act.

35  
36 **Section 7. *Separability Clause.*** – If any part, section or provision of this  
37 Act shall be held invalid or unconstitutional, the other provisions not affected by  
38 such declaration shall remain in full force and effect.

39  
40 **Section 8. *Repealing Clause.*** – All laws, acts decrees, executive orders,  
41 rules and regulations or other issuances or parts thereof which are inconsistent  
42 with this Act are hereby modified or repealed.

1        **Section 9. Effectivity.** – This Act shall take effect after fifteen (15) days  
2 after its publication in the Official Gazette or at least two (2) newspapers of  
3 general circulation.  
4

5  
6        ***Approved,***