

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

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S E N A T E

S. No. 437

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Social work is the profession which helps individuals, families, groups, and communities to develop, improve, maintain or restore their capability for coping with the demands of their environment, through the use of social work methods and interventions.

The neglected, the abandoned, the abused, exploited street children, drug dependents, alcoholics and out of school youth, squatters, homeless families, unwed single parents, disadvantaged women, elderly senior citizens the disabled and those with special needs, the underprivileged and the marginalized constitute the constituents and clientele of social workers.

This bill seeks to institutionalize social work as a distinct profession and to formalize the rights and privileges of social workers employed by the government. In order to promote the welfare of social workers, this bill also proposes the creation of a Social Work Management Consultative Council consisting of representatives from the Department of Social Welfare and Development, the Civil Service Commission, the Department of Interior and Local Government, the Department of Labor and Employment, the Philippine Association of Social Workers Inc and the National Association of Social Work Educators, to prepare a career and personnel development plan for social workers.

As individuals who are dedicated to a career of helping others, social workers have a distinct role in the task of nation-building. This bill is but a modest gesture to acknowledge their invaluable contribution to national development.

In view of the foregoing, early passage of this bill is earnestly requested.

S. Osmeña III

SERGIO OSMEÑA III
Senator

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AN ACT
PROVIDING FOR A MAGNA CARTA OF SOCIAL WORKERS

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

1 **SECTION 1. Title.** – This Act shall be known as the “**Magna Carta of**
2 **Social Workers.**”

3 **SEC. 2. Definition of Terms.** -- As used in this Act, the following terms
4 shall mean as follows:

5 a) **Social Work** – refers to the profession which helps individuals,
6 families, groups, and communities develop, improve, maintain or
7 restore their capability for coping with the demands of their
8 environment, through the use of social work methods and
9 interventions;

10 b) **Registered Social Worker** – refers to a graduate of Bachelor of
11 Science in Social Work or Master’s Degree in Social Work and who
12 has passed the social work licensure examination;

13 c) **Practitioner** – a registered social worker actively practicing his/her
14 profession in a government or non-government organization/agency;

15 d) **CSC** – refers to the Civil Service Commission;

16 e) **DSWD** – refers to Department of Social Welfare and Development;

17 f) **DOLE** – refers to the Department of Labor and Employment;

1 SEC. 6. **Merit Promotion and Career System.** – A Social Work
2 Management and Consultative Council shall be created to prepare a uniform
3 career and personnel development plan applicable to all social workers. Such
4 career and personnel development plan shall include provisions on merit
5 promotion, performance evaluation, in-service training grants, job rotation,
6 incentive awards system and other policies that govern the social security of the
7 social workers.

8 SEC. 7. **Composition.** -- The composition of the Social Work
9 Management and Consultative Council shall consist of representatives of the
10 DSWD, CSC, DILG, DOLE, Philippine Association of Social Workers, Inc., and
11 National Association of Social Work Educators, Inc.

12 SEC. 8. **Classification of Social Work Personnel.** – The Social Work
13 Management and Consultative Council shall develop a career ladder and
14 classification system for all social work positions in both government and non-
15 government service: *Provided*, That all position classification shall carry Social
16 Worker title.

17 SEC. 9. **Transfer or Geographical Reassignment of Social Workers.** –
18 No transfer or geographical reassignment shall be made or effected without
19 written notice to the social worker concerned stating therein the reason/s for
20 such: *Provided*, That said written notice shall be made at least thirty (30) days
21 prior to the date of transfer or reassignment; *Provided, further*, That, pending
22 appeal, such transfer or reassignment shall be held in abeyance; *Provided, still*
23 *further*, That no transfer or reassignment shall be made three (3) months prior to
24 any local or national elections; *Provided, finally*, That the necessary expenses of
25 the transfer and/or reassignment of the social worker and his/her immediate
26 family shall be paid for by the government.

27 SEC. 10. **Security of Tenure.** – All social workers who have rendered six
28 months continuous meritorious service in a social work agency shall be
29 appointed to a permanent status. No social worker holding a permanent position

1 shall be terminated except for cause: *Provided*, That, in the event the social
2 worker is found to be unjustly dismissed by the CSC of the NLRC; as the case
3 may be, he/she shall be entitled to reinstatement without loss of seniority rights
4 and backwages with (20%) per centum interest to be computed from the time
5 his/her compensation was withheld from him/her up to the time of reinstatement.
6 However, if the social worker does not desire to be reinstated, he/she shall be
7 entitled to backwages and separation pay with twenty per centum (20%)
8 interest.

9 In the case of separation and retirement of social workers employed by
10 NGOs and private social work agencies, their governing board shall develop and
11 implement a comprehensive separation and retirement pension plan starting
12 from a minimum of five (5) years continuous meritorious service until compulsory
13 retirement of its personnel. Such personnel service component shall be a basic
14 requirement in the licensing and accreditation of social work agencies by the
15 Department of Social Welfare and Development.

16 SEC. 11. ***Discrimination Prohibited.*** – A social worker shall not be
17 discriminated against by reason of creed, sex, political beliefs, civil status, and
18 ethnic grouping in the exercise of his/her profession.

19 SEC. 12. ***No Understaffing/Overloading of Social Workers.*** – There
20 shall be no understaffing or overloading of social workers. The ratio of staff to
21 clientele shall be such as to reasonably effect a sustained delivery of quality
22 social service at all times without overworking the social workers and over-
23 extending their services.

24 SEC. 13. ***Code of Conduct.*** -- All social workers shall be guided by the
25 Social Workers Code of Ethics.

26 SEC. 14. ***Overtime Work.*** – Where the exigencies of the service so
27 require, any social worker, whether in the government or non-government
28 service, may be required to render service beyond the normal eight (8) hours a
29 day, inclusive of Saturday, Sundays or non-working holidays. In such a case,

1 the social worker shall be paid an additional compensation in accordance with
2 existing laws in this regard.

3 SEC. 15. **On-Call Pay.** – In case of “on-call” status, the social worker
4 shall be entitled to an “on-call” pay equivalent of fifty (50%) per centum of
5 his/her regular wage. “On-call” status refers to a condition when social workers
6 are called upon to respond to urgent or immediate needs or relief work during
7 emergencies such that the social worker cannot utilize the time for personal
8 needs; *Provided*, That no social worker shall be placed in “on-call” status
9 beyond seven (7) days per month.

10 SEC. 16. **Married Social Workers.** – Whenever possible, the proper
11 authorities shall take steps to enable married couples, both of whom are public
12 workers, to be employed or assigned in the same municipality, but not in the
13 same office.

14 SEC. 17. **Freedom From Interference or Coercion.** – It shall be
15 unlawful for any person to commit any of the following acts of interference or
16 coercion:

17 a) To intimidate or force a social worker to submit valuable documents
18 that will violate the principles of confidentiality of records agreed upon
19 between him/her and the clientele groups; *Provided*, That the release
20 of such documents shall be approved by the clients concerned and
21 shall redound to their social well-being, and upon court order;

22 b) To prevent a social worker from upholding and applying the basic
23 social work principles in carrying out the programs and services for
24 the target client groups of the social work agency;

25 c) To put as a condition of employment that a social worker shall not
26 require the social work agency to adhere to or enforce the provisions
27 of the Magna Carat for Social Workers;

28 d) To intimidate in order to encourage or discourage membership in any
29 social work organization or union;

- 1 e) To prevent a social worker from carrying out his/her duties and
2 functions in the social work organization or union or to penalize the
3 social worker for any lawful action performed in that capacity;
- 4 f) To make calculated harassment and interference with the intention of
5 intimidating or preventing the social worker from performing his duties
6 and functions;
- 7 g) To make calculated harassment against, or, to transfer penalize or
8 terminate the services of a social worker who is carrying out his/her
9 advocacy function role for and in behalf of his/her advocacy function
10 role for and in behalf of his/her clientele groups who are victims of
11 social injustice.

12 SEC. 18. **Compensation.** – The existing law on the salary scale of
13 government employees shall apply in determining the salaries of registered
14 social work practitioners in government, including the local government units.
15 Social workers in non-government service shall receive salaries not below the
16 salary scale of similar position levels in government.

17 *Provided,* That in case of violations of this provision, the social worker
18 concerned shall file the necessary complaint to CSC or NLRC through the
19 Social Work Management and Consultative Council; *Provided, further,* That after
20 effectivity of this Act, the salaries of social workers in both government and non-
21 government service shall be upgraded to one (1) salary range higher than their
22 present salary grade; and *Provided, finally,* That the salary and privileges of
23 Social Workers from 4th to 6th provinces, cities, municipalities shall be equivalent
24 to their counterpart in the First, Second and Third class classification levels
25 through augmentation from the national government.

26 SEC. 19. **Other Benefits.** – Aside from the benefits received as required
27 under existing laws and Executive Orders, the registered social workers shall
28 receive the following:

1 a) *Hazard Allowance* – Social workers assigned in remote and
2 depressed areas, strife-torn or embattled areas, distressed or isolated
3 stations, mental hospitals, leprosaria, areas declared under a state of
4 calamity or emergency which expose them to great danger, volcanic
5 activity/eruption, occupational risks or threats to life shall be
6 compensated with hazard allowance equivalent to at least twenty per
7 centum (20%) of the monthly basic salary.

8 b) *Subsistence/Transportation Allowance* – Social workers who are
9 required to render services in communities, institutions, hospitals and
10 other social work establishments in order to make their services
11 available at all times, shall be entitled to daily full subsistence
12 allowance for three (3) meals which shall be computed according to
13 prevailing circumstances. Those assigned out of their regular work
14 stations shall be entitled to per diem in place of this allowance. Actual
15 transportation allowance shall also be provided to social workers on
16 field work.

17 c) *Housing and Living Quarters Allowance.* – all social workers who are
18 transferred to another assignment due to the exigency of the service
19 shall be entitled to free housing within the agency concerned;
20 *Provided,* That if living quarters are not available exigency of the
21 service shall be entitled to free housing within the agency concerned;
22 *Provided,* That if living quarters are not available within the agency
23 and the personnel has his/her residence outside of fifty (50)
24 kilometers radius from such government or non-government facility,
25 he/she shall receive a housing allowance, and *Provided, further,* That
26 the rate of such housing allowance shall be periodically adjusted for
27 inflation.

28 d) *Longevity Pay.* – A monthly longevity pay equivalent to five per
29 centum (5%) of his/her latest monthly basic pay shall be paid to a

1 social worker for every five (5) years of continuous, efficient and
2 meritorious service rendered.

3 e) *Clothing Allowance.* – All social workers shall be entitled to a minimum
4 of two thousand pesos (P2,000.00) clothing allowance annually, which
5 amount shall be adjusted as needed.

6 f) *Medical/Health Maintenance Insurance.* – All Social Workers
7 employed in non-government service shall, during the tenure of their
8 employment, be provided with a comprehensive medical and health
9 maintenance insurance from duly licensed and accredited health
10 maintenance companies renewable every year.

11 **SEC. 20. *Compensation From Injuries.*** –All social workers shall be
12 protected against work-related injuries in accordance with the Labor Code and
13 Civil Service Law, as the case may be. Furthermore, in the case of registered
14 social workers employed in non-government service, their respective agencies
15 shall secure individual/group accident insurance not less than P200,000.00
16 renewable every year.

17 **SEC. 21. *Exemption from Attrition Law.*** – The appointment of social
18 workers to any position level shall not be covered by the attrition law in
19 consideration of the very nature of their work with the marginalized and
20 disadvantaged client groups and victims of disasters, and of the highly technical
21 nature of their work and positions within the social work agency.

22 **SEC. 22. *Human Resource Development.*** – Government and non-
23 government agencies/organizations shall conduct human resource development
24 and management study in the following areas.

- 25 a) Adequate facilities and resource to render quality social service to the
26 clientele;
- 27 b) Opportunities for social workers to grow professionally and to develop
28 their potentials and experience a sense of worth and dignity in their
29 work;

- 1 c) Mechanism for democratic consultations;
- 2 d) Staffing patterns and standards of social work to ensure that the
- 3 clients receive quality care;
- 4 e) Upgrading of working conditions, reclassification of positions and
- 5 salaries of social workers to correct the disparity vis-à-vis other
- 6 professions.
- 7 f) Allocation of funds for the participation of social workers in seminars,
- 8 conferences, conventions and similar activities as part of their
- 9 continuing professional regulation.
- 10 g) Access of NGO social workers to scholarship benefits and grants
- 11 within the Philippines and abroad which are usually made available
- 12 only to government personnel.

13 **SEC. 23. *Highest Basic Salary Upon Retirement.*** – Upon retirement,

14 the social worker concerned shall automatically be granted one (1) year salary

15 grade higher than his/her basic salary and his/her retirement benefits shall be

16 computed on the basis of his/her highest salary received.

17 **SEC. 24. *Rules and Regulations.*** – The Social Work Management and

18 Consultative Council shall formulate the necessary rules and regulations for the

19 implementation of the provision of the Magna Carta of Social Worker.

20 **SEC. 25. *Penal Provision.*** –Any person who shall willfully interfere with,

21 restrain or coerce any social worker in the exercise of his/her rights or shall in

22 any manner commit any act in violation of any of the provisions of this Act, upon

23 conviction, shall be punished by a fine of not less than Twenty Thousand Pesos

24 (P20,000.00) but not more than Forty Thousand Pesos (P40,000.00) or

25 imprisonment of not more than one (1) year, or both, at the discretion of the

26 court. If the offender is a public official, the court, in addition to the

27 abovementioned penalties, may impose the additional penalty of disqualification

28 from office.

1 SEC. 26. **Separability Clause.** – If any provision of this Act is declared
2 unconstitutional or invalid, the remainder thereof not affected thereby shall
3 continue to be in full force and effect.

4 SEC. 27. **Repealing Clause.** – All laws, ordinances, rules and
5 regulations, other issuances or parts thereof which are inconsistent with this law
6 are hereby repealed or modified accordingly.

7 SEC. 28. **Effectivity.** – This Act shall take effect fifteen (15) days after its
8 publication in at least two (2) newspaper of general circulation.

9 Approved,