


04 JUN 30 1977

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SENATE

S.B. No. 897

INTRODUCED BY SENATOR JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Social work is such that it requires a comprehensive framework which provides a work safeguards for all social workers. The government must address the living and working conditions of social workers primarily because most developmental projects and programs rely on their manpower and expertise. With this in mind, defining a Magna Carta of Social Workers is imperative in ensuring that the rights of these service-oriented individuals are protected.

The proposed Magna Carta contains specific measures on the social workers' proper compensation, qualifications, benefits and all other provisions deemed necessary in creating and preserving a working environment conducive to social work. The extent to which the state depends on effective social work is a very important fact to consider in reviewing this proposal. Over the years, social workers have undoubtedly played a significant role in ensuring that members of the community maintain and develop their social functions. It is high-time that their contributions to society be recognized through the creation of the Magna Carta for Social Workers.


Passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

04 JUN 30 10:47

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S.B. No. 897

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Introduced by SENATOR JINGGOY EJERCITO ESTRADA

AN ACT
PROVIDING FOR A MAGNA CARTA OF SOCIAL WORKERS"

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

SECTION 1. **Title.** - This Act shall be known as the "Magna Carta of Social Workers of 2004."

SECTION 2. **Declaration of Policy.**-The State shall promote and improve the social and economic well-being of social workers, their living and working conditions and terms of employment. It shall develop either skills and capabilities to make them more responsive to the needs and problems of their clients, and better equipped in delivering social services and programs. The State shall likewise encourage those with proper qualifications and excellent abilities to remain in social development work in both government and non-government service

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

- (a) "Social work" shall refer to the profession which enables individuals, families, groups and communities to develop, maintain or restore their social functions through the use of systematic methods and interventions and to create social conditions that promote change and development for their empowerment
- (b) "Social worker" shall refer to a duly registered professional and holder of a valid certificate of registration and a valid professional license issued by the Board of Social Work and the Professional Regulation Commission (PRC) pursuant to Republic Act No. 4373;

- (c) "Practitioner" shall refer to a registered and licensed social worker actively practicing the profession in a government or non-government/agency;
- (d) "NGO" shall refer to any non-government organization duly registered with the Securities and Exchange Commission and licensed to operate, accredited by the Department of Social Welfare and Development (DSWD); and
- (e) "NGA" shall refer to non-government agencies such as private corporations, hospitals, industries and associations employing social workers.

SECTION 4. Coverage.-This Act shall cover all social workers as defined in this Act.

SECTION 5. Recruitment and Qualifications. - The selection and appointment of social workers shall be in accordance with the merit and fitness principle. Social work positions in all social work agencies and institutions of the government shall be occupied by social workers. All government social work agencies and institutions shall be headed by social works except for cabinet and non-career positions. The Civil Service Commission (CSC), in consultation with the Department of Social Welfare and Development, shall determine social work positions in government service.

SECTION 6. Transfer or Geographical Reassignment of Social Workers.
-Except in emergency situations, no transfer or geographical reassignment shall be made or effected without written notice to the social worker concerned stating therein the reason/s for such **Provided**, That said written notice shall be made at least thirty (30) days prior to the date of transfer or re-assignment: **Provided, further**, That no transfer or reassignment shall be made three (3)months prior to any local or national elections: **Provided, finally**, That the necessary expenses of the transfer and/or reassignment of the social worker and his/her immediate family shall be paid for by the agency concerned.

SECTION 7. Discrimination Prohibited. - A social worker shall not be discriminated against by reason of sex, political and religious beliefs, civil status and ethnic grouping in the exercise of his/her profession.

SECTION 8. Understaffing/Work Overloading – There shall not be no understaffing or work overloading of social workers based on standards set by the government. The ratio of staff to clientele shall be such as to reasonably effect a sustained delivery of quality social service at all times.

SECTION 9. Safeguard in Administrative Proceedings. – In every administrative proceeding, a social worker shall have:

- (a) the right to be informed of the charges;
- (c) the right to full access on evidences against him/her;
- (d) the right to defend himself/herself or to be defended by a counsel of his/her choice;
- (e) the right to appeal to designated authorities;
- (f) the right to cross-examine witnesses and to compulsory process for production of witnesses; and
- (g) Such other rights as to ensure fairness and impartiality in the proceedings.

SECTION 10. Code of Conduct. – All social workers shall be guided by the Social Works Code of Ethics as adopted by the Board of Social Work and as approved by the PRC.

SECTION 11. Normal Hours of Work . - The normal hours of work of any full-time social worker shall not exceed eight (8) hours a day or forty (40) hours a week. Where the exigency of the service so requires, any social worker, whether in the government or non-government service, may be required to render service beyond the normal hours of work, inclusive of off-day – and scheduled rest day, regular days and special days. All social workers employed in the private sector shall be compensated in accordance with the benefits for health workers under the Labor Code.

SECTION 12. Married Social Workers. – Whenever possible, the proper authorities shall take steps to enable married couples, both of whom are public workers, to be employed or assigned in the same municipality.

SECTION 13. Freedom from Interference or Coercion. – It shall be unlawful for any person to commit any of the following acts;

- (a) To intimidate or force a social worker to submit valuable documents that will violate the principle of confidentiality of records agreed upon between him/her and the clientele groups. The release of such document shall be approved by the clients concerned shall redound to their social well-being, and upon court order;
- (b) To prevent a social worker from upholding and applying the basic social work principles in carrying out programs and services for his/her agency's target client group(s);
- (c) To prevent social workers from joining or assisting organizations or unions for purposes not contrary to law, in order to defend and protect their mutual interest and to obtain redress of grievances through peaceful concerted efforts;
- (d) To prevent a social worker from carrying out his/her duties and functions in the social work organization or union, or to penalize the social worker for any unlawful action performed in that capacity;
- (e) To make a calculated harassment and interference with the intention of intimidating or preventing the social workers from performing his duties and functions;
- (f) To make a calculated harassment against, or to transfer, penalize or terminate the services of a social worker who is carrying out his/her advocacy function or role for and in behalf of his/her clientele groups who are victims of social injustice; and
- (g) To perform acts calculated to diminish the independence and freedom of a social worker's union or organization to direct its own affairs.

SECTION 14. Compensation. The existing law on the salary scale of government employees shall apply in determining the salaries of practitioners in government, including those in the local government units. Social workers in non-government service shall receive salaries not below the salary scale of similar position levels in government.

SECTION 15. Other Benefits. All social workers, both government and non-government service shall receive the following:

- (a) Hazard allowance – Social workers assigned in remote and depressed areas, strife-torn or embattled areas, distressed, or isolated stations, mental hospitals, leprosaria, areas declared under as state of calamity or

emergency which expose them to great danger such as volcanic activity/eruption and other areas that involve occupational risks or threats to life shall be compensated with hazard allowance equivalent to at least twenty percentum (20%) of the monthly basic salary.

- (b) Subsistence/transportation allowance. – Social workers who are required to render services in communities, institutions, hospitals and other social work establishments in order to make their services available at all times, shall be entitled to daily subsistence allowance for three (3) meals which shall be computed according to prevailing circumstances. Those assigned outside their regular work stations shall be entitled to per diem in place of this allowance. Actual transportation allowance shall also be provided to social worker on field work.
- (c) Housing and living quarters allowance. – All social workers who are temporarily detailed to another assignment due to the exigency of the service shall be entitled to free housing within the agency or if his/her residence is outside the fifty (50)-kilometer radius from such government or on-government facility or if such living quarters are not available, he/she shall receive a housing allowance unless he/she receives per diem: **Provided**, That, the rate of such housing allowance shall be periodically reviewed and adjusted for inflation.
- (d) Longevity pay. – A monthly longevity pay equivalent to five percentum (5%) of his/her latest monthly basic pay shall be paid to a social worker for every five (5) years or continuous and satisfactory service rendered.
- (e) Clothing allowance – All social workers shall be entitled to a minimum of two thousand pesos (P2,000.00) clothing allowance annually, which amount shall be adjusted as needed.
- (f) Medical/health maintenance insurance. – All social workers shall, during the tenure of their employment, be provided with a comprehensive medical and health maintenance insurance from duly licensed and accredited health maintenance companies renewable every year.

SECTION 16. Human Resource Development - Government and non-government agencies/organizations shall conduct human resource development program and management study in the following areas:

- (a) Adequate facilities and resources to render quality social service to the clientele;
- (b) Opportunities for social workers to grow professionally and to develop their potentials and experience a sense of worth and dignity in their work;
- (c) Mechanisms for democratic consultations;
- (d) Staffing patterns and standards of social work to ensure that the clients receive quality care;
- (e) Upgrading of working conditions, reclassification of positions and salaries of social workers to correct the disparity vis-à-vis other profession;
- (f) Allocation of funds for the participation of social workers in seminars, conferences, conventions and similar activities as part of their continuing professional regulations; and
- (g) Access of NGO social workers to scholarship benefits and grants within the Philippines and abroad which are usually made available only to government personnel.

SECTION 17. Rules and Regulations. The DSWD, in consultation with the CSC, Department of the Interior and Local Government (DILG), Department of Labor and Employment (DOLE), PRC and representatives from the Philippine Association of Social Workers, Inc. (PASWI) National Association for Social Work Education, Inc. (NASWEI) and National Council fo Social Development Foundation, Inc. (NCSDFI) shall formulate the necessary rules and regulations for the implementation of the provisions of this Act.

SECTION 18. Penal Provision. – Any person who shall willfully interfere with, restrain or coerce any social worker in the exercise of his/her rights or shall in any manner commit any act in violation of any of the provisions, this Act shall, upon conviction, be punished by a fine of not less than Twenty thousand pesos (P20,000.00) but not more than Forty thousand pesos (P40,000.00) or imprisonment of one (1) year to six (6) years or both fine and imprisonment at the discretion of the court.

If the offender is a public official, the court in addition to the penalties provided in the preceding paragraph, may impose the additional penalty or disqualification from office.

In the case of a private institution/company found to be violating any provision of this Act, it shall be subject to a penalty ranging from suspension of license to revocation of such, at the discretion of the court.

SECTION 19. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, the provisions not affected shall continue to be in full force and effect.

SECTION 20. Repealing Clause. – All laws, decrees, orders, rules, and regulations or other issuances inconsistent with the provisions of this act are hereby repealed, amended or modified accordingly.

SECTION 21. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation or the Official Gazette, whichever comes first.

Approved,