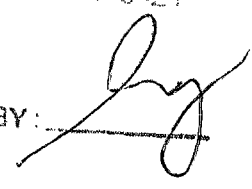


THIRTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
First Regular Session }

'04 JUN 30 10:21

SENATE
S. No. 1086

RECEIVED BY: 

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

Social Work has been described as "the profession, which helps individuals, families, groups and communities to develop, improve, maintain or restore their capability for coping with demands of their environment, through the use of the Social work Methods of Intervention".

As a professional activity, social work was introduced to our country during the 1920's, it was conceived by charity organizations in Great Britain, especially England, and in the United States. Its full development as a profession, however, can be attributed to the Americans.

The pioneers of social work in the Philippines, through scholarship grants, were educated in the school of Social Work in the United States. After having completed their training abroad, they introduced a new course at the University of the Philippines (U.P.) and the Centro Escolar University. Today, many colleges and universities offer Bachelor's and Master's degrees on social work.

In June 1965 the Philippine Congress enacted Republic Act No. 4373, otherwise known as the "Social Work Law," thus publicly recognizing social work as a profession. The law prescribes that only social work degree holders and licensed social workers can practice social work.

The bulk of clientele of the social workers are the marginalized population; the poor, exploited, deprived and underprivileged members of society with their myriad problems and dire circumstances. Especially in need of social workers' help are neglected, the abandoned, the abused and exploited street children; the drug dependent, alcoholics and the out-of-school youths; the squatters and homeless families; the unwed/single parents, the physically abused/battered and disadvantaged women; the elderly/senior citizens; the disabled and those with special needs.

This proposed Magna Carta of Social Workers seeks to institutionalise social work as a distinct profession in recognition of the social worker's contribution to nation building.

This proposed measure seeks to promote and improve the social and economic well being of the social workers, their living and working conditions and terms of employment. It encourages them to develop their skills and capabilities in order that they will be more responsive and better equipped to deliver social services and programs.

The proposed Act provides for, among other things, the social workers' recruitment and qualifications; performance evaluation and merit promotion;

security of tenure; safeguards in administrative proceedings; and code of conduct. It also provides for additional compensation, hazard allowances, subsistence allowance, longevity pay, and clothing allowance in order to improve the living conditions of the social worker.

This proposed measure deletes the phrase "or holder of a college degree preferably in sociology and other related course from a recognized college or university, and a first grade civil service eligible or its equivalent", from paragraph (a) Section 483 of the Local Government Code to professionalize the Local Social Welfare and Development Officer Category in public service. The deletion eliminates ambiguity in the same provision as to how a non-licensed person acquires a five (5) or three (3) social work experience, as the case may be, if only those who have passed the licensure examination and has taken oath can practice social work as provided for by R.A. 4373.

With the passage of this bill, the social workers' rights will be protected and they shall reap the benefits that are due them.

For these reasons, the early passage of this act is earnestly sought.


EDGARDO J. ANGARA

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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 Philippines in Congress assembled:

Section 1. Title. – This Act shall be known as the "Magna Carta of Social Workers".

Sec. 2. Definition of Terms. – As used in this Act, the following terms shall be construed to mean as follows:

- a) Social Worker – refers to a person who is a graduate of Bachelor of Science in Social Work (BSSW) and successfully passed the licensure examination for social workers.
- b) Social Work – refers to the profession, which helps individuals, families, groups and communities to develop, improve, maintain or restore their capability to coping with the demands of their environment, through the use of the social work methods of intervention.
- c) Registered Social Worker – refers to a person who is a graduate of Bachelor of Science in Social Work and has passed the Social Work Licensure Examination.
- d) Practitioner – refers to a graduate of BSSW, a Board passer, and who is actively practicing his/her profession as a social worker in the government or non-government agency.
- e) CSC – refers to the Civil Service Commission
- f) DOLE – refers to the Department of Labor and Employment
- g) NLRC – refers to the National Labor Relations Commission
- h) PRC – refers to the Professional Regulations Commission
- i) DSWD – refers to the Department of Social Welfare and Development

Sec. 3. Declaration of Policy. – The State shall promote and improve the social and economic well being of the social workers, their living and working conditions and terms of employment. The State shall likewise develop their skills and capabilities in order that they will be more responsive and better equipped to

deliver social services and programs. And lastly, the State shall encourage those with proper qualification and excellent abilities to remain in social development work both government and non-government services.

Sec. 4. Coverage. – This Act shall cover all registered/practitioner Social Workers in the government and non-government.

Sec. 5. Recruitment and Qualification – Selection and appointment of Social Workers shall be in accordance with the merit and fitness principle: Provided, That he/she be a Registered Social Worker: Provided further, That the CSC or the PRC, as the case may be, develop and administer specialized examination for purposes of providing appropriate eligibilities to positions.

Sec. 6. Performance Evaluation and Merit Promotion. – The Management – Social Workers Consultative Council shall prepare a uniform career and personnel development plan applicable to all Social Workers. Such, career and personnel development shall include provisions on merit promotion, performance evaluation, in-service training grants, job rotation and incentive awards system.

Sec. 7. Composition. – The composition of the Management Social Workers Consultative Council shall be determined by the DSWD from the list submitted by the Philippine Association of Social Workers, Inc.

Sec. 8. Transfer or Geographical Reassignment of Social Workers. – No transfer or geographical reassignment shall be made or effected without written notice to the Social Worker concerned stating therein the reason for such: Provided, that said written notice shall be made thirty (30) days prior the date of transfer or reassignment: Provide further, that pending appeal such transfer or assignment shall be held in abeyance: Provided furthermore, That no transfer and/or reassignment whatsoever 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 government.

Sec. 9. Security of tenure. – No Social Worker holding a permanent position shall be terminated except for cause: Provided, in the event the Social Worker is found to be unjustly dismissed by the CSC or the NLRC, as the case may be, he shall be entitled to reinstatement without loss of seniority rights and backwages with twenty (20%) per centum interest to be computed from the time his/her compensation was withheld from hi/her up to the time of reinstatement. However, if the Social Worker does not desire to be reinstated, he/she shall be entitled to backwages and separation pay with twenty per centum (20%) interest.

Sec 10. Discrimination Prohibited. – A Social Worker shall not be discriminated by reason of creed, sex, political beliefs, civil status and ethnic groupings in the exercise of his/her profession.

Sec 11. No Understating / Overloading of Social Workers. – There shall be no understating or overloading of Social Workers. The ratio of staff to clientele shall be such as to reasonably effect a sustained delivery of quality social service at all times without overworking the social workers and overextending his/her services. Only professional and Registered Social Workers shall occupy the Social Work positions in all Social Work agencies. All Social Work agencies and institutions, whether government and non-government, shall be headed by a professional Registered Social Worker, and in the case of NGOs, can have the option to hire non-registered Social Workers.

Sec. 12. Safeguards in Administrative Proceedings. - In every administrative proceeding, a Social Worker shall have the:

- a) right to be informed of the charges;
- b) right to full access on evidences against him;
- c) right to defend himself/herself or to be defended by a counsel of his/her choice;
- d) right to be given adequate time to prepare his/her case, which shall in no case exceed twenty (20) days.
- e) right to appeal to designated authorities;
- f) right to cross examine witnesses and to processes for production of witnesses;
- g) right to reimbursement for reasonable expenses incurred in his / her defense in case of exoneration or dismissal of the charges; and
- h) such other rights as to ensure fairness and impartiality in the proceedings.

Sec. 13. Code of Conduct. - All Social Workers must be guided by its code of ethics not contrary to law, morals, safety, health, public policy and public order.

Sec. 14. Normal Hours of work. - The normal hours of work of any Social Worker shall not exceed eight (8) hours a day or forty (40) hours a week.

Hours of work shall include: a) the time the Social Worker is required to be active duty or to be at a prescribed workplace; b) the time which the Social Worker is permitted to work; c) the time which a Social Worker is required in a place other than prescribed workplace.

Sec. 15. Overtime Work. - Where the exigencies of the service so require, any social worker, whether in the government or non-government service, may be required to render service beyond the normal eight (8) hours a day, inclusive of Saturdays, Sundays, or non-working holidays. In such case, the Social Worker shall be paid an additional compensation in accordance with existing laws on the matter.

Sec. 16. - On-Call Pay. - In cases of "non-call" status, the Social Worker shall be entitled to an "on-call" equivalent to fifty per centum (50%) of his/her regular wage. "On-call" status refers to a condition when Social Workers are called upon to respond to urgent or immediate need or relief work during emergencies such that the Social Worker cannot utilize the time for personal needs; Provided, That no Social Worker shall be placed "on-call" status beyond seven (7). Social Workers can also teach or practice their profession after office hours.

Sec. 17. Married Social Worker. - Whenever possible, the proper authorities shall take steps to enable married couple/couples, both of whom are public workers, to be employed or assigned in the same municipality, but not in the same office.

Sec. 18. Additional Compensation. – After effectivity of this Act, the salaries of the Social Workers shall be upgraded to one salary grade higher to his/her present salary grade.

Sec. 19. Hazard Allowance. – Social Workers assigned in difficult areas, strife-torn or embattled areas, distressed or isolated stations, mental hospitals, leprosarium, areas declared under a state of calamity or emergency which exposes them to great danger, volcanic activity / eruption, occupational risks or perils of life shall be compensated hazard allowance equivalent to at least twenty per centum (20%) of the monthly salary. Anniversary bonus should be given to GO's and NGO's social workers.

Sec. 20. Subsistence Allowance. – Social Workers who are required to render services in communities, institutions, hospitals and other social welfare establishment in order to make their services available at all times, should be entitled to full subsistence allowance of three (3) meals which shall be computed in accordance with prevailing circumstances.

Sec. 21. Longevity Pay. – A monthly longevity pay equivalent to five per centum (5%) of the monthly basic pay shall be paid to a social worker for every five (5) years of continuous, efficient and meritorious services rendered.

Sec. 22. Clothing Allowance. - All Social Workers shall be entitled to a clothing allowance of two hundred pesos (P200.00) per month.

Sec. 23. Housing. – All Social Workers who are in tour of duty and those who, because of unavoidable circumstances are forced to stay in the institution, community, etc. shall be entitled to free living quarters; Provided, That if such living quarters are not available, the social worker shall receive housing allowance; Provided, That the rate of which shall be reviewed periodically in view of an increase.

Sec. 24. Compensation for Injuries. – Social Workers shall be protected against work-related injuries in accordance with the Labor Code or the Social Service Law, as the case may be.

Sec 25. Right to Self-Organization. - Social Workers shall have the right to freely join or assist 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 activities; Provided, That in no circumstances shall government Social Workers be allowed to join, declare or stage any strike or cessation of services.

Sec. 26. Freedom for Interference or Coercion. – It shall be unlawful for any person to commit any of the following acts of interference or coercion:

- a) to acquire as a condition of employment that the Social Worker shall not join a Social Workers' organization or union;
- b) to discriminate in order to encourage or discourage membership in any Social Workers' organizations or union;
- c) to prevent a social worker from carrying out his/her duties and function in the Social Workers' organization or union or to penalize the Social Worker for any lawful action performed in that capacity;

- d) to make calculated harassment and interference with the intention of intimidating or preventing the Social Worker from performing his duties and functions;
- e) To perform acts calculated to diminish the independence and freedom of the union or organization to direct its own affairs.

Sec. 27. Consultation. – The DSWD shall consult professional and Social Workers' organizations or unions in formulating policies to govern the social security of the Social Worker.

Sec. 28. Human Resource Development. – The government and non-government agencies shall conduct human resource development and management study in the following areas.

- a) Adequate facilities and resources to render quality social service to the clientele;
- b) Opportunity for Social Workers to grow and develop their potentials and experience a sense of worth and dignity in their work;
- c) Mechanism for democratic consultations;
- d) Staffing patterns and standards of social welfare to ensure the people receive quality care;
- e) Ways and means of enabling rank and file workers viable educational opportunities for personal growth and development;
- f) Upgrading of working conditions, reclassification of positions and salaries of Social Workers to correct the disparity vis-à-vis other professions;
- g) Funds be allocated for Social Workers to attend seminars, conferences, conventions and other as part of continuing professional education.

Sec. 29. Rules and Regulations. – The Management and Social Work Organization or Union Consultative Council shall formulate and prepare necessary rules and regulations in implementing the provisions of this Act, in coordination with the DOLE, CSC, NLRC, and DSWD.

Sec. 30. Penal Provisions. 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 of this Act, upon conviction shall 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 not more than one (1) year or both 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 of disqualification from office.

Sec. 31. Separability Clause. – If any portion of this Act is declared unconstitutional or invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.

Sec. 32. 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.

Sec. 33. Effectivity. – This Act take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,