


SENATE
S. B. No. 1258

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 13, Section 3 provides:

The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all (emphasis supplied)

Unemployment and underemployment are perennial problems of the Philippine government. News reports of banks, corporations and small and medium scale businesses forced to close down abound.

The Department of Labor and Employment even reported that in the early part of this year, 219 notices of lay-offs have already been served, affecting 8,700 workers. It has likewise reported that Filipino workers in Malaysia and Korea are reportedly losing jobs by the thousands. Jobs are being lost because of the continued high interest rates forcing businesses to slow down both in investments and in actual production. (Habito, Cielito. "What's Gone Wrong, What's Going Strong With the Philippine Economy?," 1998)

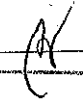
This trend undoubtedly places the mature and older workers at a disadvantage. Those who are previously employed may suddenly find themselves jobless, while those who have never been employed might have less chances of being hired because of the increased competition.

It is thus the purpose of this bill to establish programs to prepare mature or older workers for participation in the labor force by increasing occupational and educational skills resulting in improved long-term employability, and increased employment and earnings.


MIRIAM DEFENSOR SANTIAGO

SENATE
S. B. No. **1258**

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Introduced by Senator Miriam Defensor Santiago

**AN ACT TO ESTABLISH A JOB TRAINING PROGRAM
FOR MATURE OR OLDER WORKERS**

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

SECTION 1. *Short Title.* - This Act shall be known as the "Mature and Older
Workers Act."

SECTION 2. *Declaration of Policy.* It is a policy of the State to afford full
protection to labor, local and overseas, organized and unorganized, and promote full
employment and equality of employment opportunities for all.

SECTION 3. *Definition of Terms.* - As used in this Act, the term:

(A) The term "Basic Skills Deficient" means, with respect to an individual, that the
individual has English reading or computing skills at or below the 8th grade level on a
generally accepted standardized test or a comparable score on a criterion-referenced test;

(B) The term "Case Management" means the provision, in the delivery of a service,
of a client-centered approach designed to--

(1) prepare and coordinate a comprehensive employment plan, such as a
service strategy, for a participant to ensure access to a necessary training
and support service; and

(2) provide job and career counseling during program participation and
after job placement;

(C) The term "Educational Agency" means--

- (1) a public local school authority having administrative control of elementary, middle, or secondary schools or providing adult education;
- (2) a public or private institution that provides alternative middle or high school education;
- (3) a public education institution or agency having administrative control of secondary or post-secondary vocational education programs; or
- (4) a post-secondary institution;

(D) The term "Mature or Older Worker" means an individual who is 40 years of age or older;

(E) The term "Participant" means an individual who has been determined to be eligible to participate in the program;

(F) The term "School Dropout" means an individual who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma; and

(G) The term "Termination" means the separation of a participant who is no longer receiving services.

SECTION 4. *Eligibility for Services-*

An individual shall be eligible to participate in the program assisted under this part if such individual is 40 years of age or older and is included in one or more of the following categories:

- (1) Individuals whose income is not in excess of the poverty line;
- (2) Individuals who are eligible for housing assistance; or
- (3) Individuals who are included in 2 or more of the following categories:
 - (i) Individuals who are unemployed 15 of the past 26 weeks;
 - (ii) Individuals who are unemployed 30 of the past 52 weeks;

- (iii) Individuals who are working 20 or fewer hours a week;
- (iv) Individuals who are displaced homemakers;
- (v) Individuals who are homeless;
- (vi) Individuals who have finished less than 10 years of school;
- (vii) Individuals who are deficient in basic skills;
- (viii) Individuals who have been notified that the jobs of such individuals will be terminated within the next 60 days; or
- (ix) Individuals who live alone.

SECTION 5. *Program Design*

(a) IN GENERAL-

(1) PROGRAM REQUIREMENTS- Each program assisted under this part shall include--

(A) an objective assessment, using the case management technique, of the skill levels and service needs of each participant, including such factors as basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional employment) and supportive service needs, except that a new assessment of a participant is not required if the program determines that a recent assessment of the participant conducted under another education or training program, is an appropriate assessment;

(B) development of service strategies that shall identify the employment goal (including, in appropriate circumstances, nontraditional employment), the appropriate achievement objectives, and the appropriate sequence of services for participants, taking into account the assessments conducted under subparagraph (A), except that a new service strategy is not required if the program determines a recent service strategy developed for the participant under another education or training program is an appropriate service strategy;

(C) a review of the progress of each participant in meeting the objectives of the service strategy; and

(D) basic skills training and occupational skills training if the assessment and the service strategy indicate such training is appropriate.

(2) ADDITIONAL REQUIREMENTS-

(A) MINIMUM INCOME PARTICIPANTS AND APPLICANTS- Each service delivery area participating in a program assisted under this part shall ensure that each participant or applicant described in paragraph (1), (2), or (3) of section 4 shall be provided--

(i) information on the full array of applicable or appropriate services that are available through the service delivery area or other service providers, including providers receiving funds under this Act; and

(ii) referral to other appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.

(B) APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS-

(i) SERVICE PROVIDERS- Each service provider shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program of the provider shall be referred to the service delivery area for further assessment, as necessary, and referrals to appropriate programs to meet the basic skills and training needs of the applicant.

(ii) SERVICE DELIVERY AREA- The service delivery area shall ensure that appropriate referrals are made under clause (i) and shall maintain records on the referrals and the reasons for which applicants are referred.

(b) AUTHORIZED SERVICES- One or more of the following training or supportive services shall be made available to each participant under this part:

- (1) Outreach and recruitment.
- (2) Intake and assessment.
- (3) Job search assistance.
- (4) Classroom and occupational skill training.
- (5) On-the-job training.
- (6) Work experience.
- (7) Basic and remedial education and literacy training.
- (8) Supplemental services, including day care for dependent children and adults.
- (9) Occupational placement assistance.

(c) SPECIAL RULES-

(1) SELECTION OF SERVICE PROVIDERS- In the selection of service providers, the Department of Labor and Employment shall give preference to agencies and organizations with demonstrated competence in conducting older and mature worker programs.

(2) JOB TRAINING PLAN - The Department of Labor and Employment shall develop the job training program under this Act. It may seek the assistance of other government agencies such as the Department of Education, Culture and Sports, and the help of private educational agencies. It shall also formulate the necessary implementing rules and regulations that will ensure the efficient and effective implementation of this Act.

SECTION 6. Report.- The Secretary shall submit to the President of the Philippines and to both Houses of Congress, not later than the opening of the regular session each year, an annual report on the status of the implementation of this Act. The annual report shall include an analysis, for each province and on a nationwide basis, of the number of participants served under this Act, and the type of services under this Act received by participants.

SECTION 7. *Separability Clause.* - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision shall remain valid and subsisting.

SECTION 8. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 9. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

GG
11-25-98