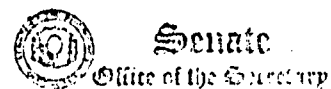


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

20 NOV 10 AM 11:49

S. No. 1908

Introduced by Senator Ralph G. Recto

AN ACT
GRANTING HAZARD PAY TO SUPPORT WORKERS IN PUBLIC HOSPITALS
DURING THE PUBLIC HEALTH EMERGENCY AS DECLARED IN
PRESIDENTIAL PROCLAMATION NO. 1021 S. 2020 AND APPROPRIATING
FUNDS THEREFOR

Explanatory Note

Under Proclamation No. 1021, President Rodrigo Duterte has extended the declaration of the State of Calamity over the Philippines until September 12 of 2021, as the country continues to battle against the COVID-19 pandemic. In response, Congress has enacted significant laws that not only help our countrymen to heal but also help them to recover from the health as well as the economic crisis.

These measures have recognized the importance of our medical and allied medical frontliners and appreciated the great personal sacrifices they are making in order to protect our people and win the war against the Covid-19. In return, we show our gratitude by statutorily ensuring that they are protected and properly compensated by providing them the proper personal equipment and granting them hazard pay, among others.

This bill seeks to recognize the invaluable role of support workers in government hospitals in the fight against the Covid-19 pandemic by granting them a hazard pay during the public health emergency as declared under Proclamation No.

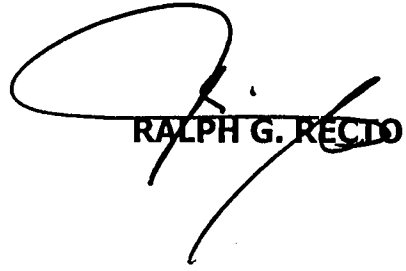
1021, s. 2020. These support workers refer to sanitation workers, housekeepers, food service workers, janitors, security guards, equipment and building maintenance staff, including those hospital support workers hired by contract of service agencies. Without them, the hospital operation will collapse.

The pandemic has been especially hard for these workers. Most of them quietly toil on minimum pay despite the high-risk work that they do. In the war against COVID-19, they report to their battle stations everyday with meager compensation but with commitment and hard work. They are low-paid workers but are still classified as employed - thus, disqualifying them from receiving emergency government aid for the jobless and because they are not allied medical and health workers and some are private employees under contract of service, they are not entitled to hazard pay as contemplated in the Bayanihan II law. They stand shoulder to shoulder with the medical and allied medical staff in hospitals, but are not entitled to COVID-19 hazard pay under existing laws and executive issuances despite facing the same health risks.

While the government is able to provide financial relief to people who stay at home, adequate relief and compensation should also be given to our hospital support workers who are putting to risk not only their lives but also that of their families in order to perform their jobs and protect us all. A fair and equitable system for hazard pay should compensate essential frontline workers who face significant exposure to the Covid-19. Moreover, priority should be given to workers who currently earn modest wages.

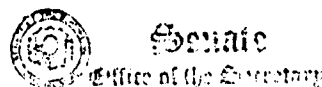
The hospital support frontliners perform a significant function in the hospital. Together with the medical and allied medical staff, they offer our best defense against the spread of the COVID-19. Unfortunately, they are also most vulnerable to infection themselves because of their close interaction with patients. Let us support them with commensurate compensation including hazard pay and alleviate their plight so that they can be more effective in their efforts to share in the responsibility of mitigating the disease.

In light of the foregoing, immediate passage of this bill is earnestly sought.



RALPH G. RECTO

/MFO



SENATE

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

1 Section 1. *Short Title.* – This Act shall be known as the “Hazard Pay for
2 Support Workers in Public Hospitals Act”.

3 Sec. 2. *Declaration of Policy.* – It is hereby a declared policy of the State that
4 it shall protect the rights of workers and promote their welfare. Furthermore, the
5 State recognizes that the COVID-19 pandemic is a national health emergency that
6 has negatively impacted all its citizens especially the poor and the marginalized.

7 In line with this, the State shall ensure that just and equitable compensation
8 be provided to all workers similarly situated.

9 Sec. 3. *Definition of Terms.* – As used in this Act:

10 (a) “*Support workers*” refer to sanitation workers, housekeepers, food
11 servers, institutional workers, janitors, security guards, equipment and
12 building maintenance staff employed or deployed in public hospitals;

13 (b) “*Hazard pay*” refers to the additional compensation paid to employees
14 who are working under hazardous conditions or in extreme physical
15 discomfort or distress;

1 (c) "Public hospitals" refer to a hospital owned, operated or funded by the
2 State, which may outsource the work performed by the hospital
3 support workers to a non-government third-party agency; and

4 (d) "Health emergency" refers to the Covid-19 pandemic as declared in
5 Presidential Proclamation No. 1021, series of 2020.

6 Sec. 4. *Grant of the Covid-19 Hazard Pay.* – All support workers as defined in
7 Section 3 of this Act, employed or assigned in public hospitals, who are directly
8 catering to or in contact with Covid-19 patients are entitled to the grant of Covid-19
9 hazard pay during the state of national emergency as declared by the President:
10 *Provided,* That such support workers include those employed by contract of service
11 agencies and assigned to a public hospital.

12 Hospital support workers who are already entitled to hazard pay, hazardous
13 duty pay, hazard allowance or other similar benefits under existing laws, issuances,
14 rules, and regulations shall continue to be entitled to such benefits or the Covid-19
15 hazard pay provided in this Act, whichever is higher.

16 Sec. 5. *Rate of Hazard Pay.* – The rate of the hazard pay shall not be more
17 than twenty-five percent (25%) of the daily salary rate received by the hospital
18 support worker, subject to availability of funds. The hazard pay shall be based on
19 the number of days the support worker physically reports to work in the Covid-19
20 section of the hospital during the national health emergency.

21 Sec. 6. *Appropriations.* – For 2020, the funds needed for the grant of the
22 Covid-19 hazard pay authorized in this Act shall be charged against any savings of
23 the National Government or the Contingent Fund under the General Appropriations
24 Act for 2020, upon approval of the President of the Philippines: *Provided,* That
25 government hospitals may also grant such hazard pay using their available
26 Maintenance and Other Operating Expenses (MOOE) allotments without need for
27 prior authority from the Department of Budget and Management (DBM): *Provided,*
28 *further,* That all mandatory expenses shall have been paid first.

29 For 2021, such amount necessary for the implementation of this Act shall be
30 included in the 2021 General Appropriations Act.

1 Hospitals run by the local government units may grant hazard pay in
2 accordance with this Act chargeable against available local funds.

3 *Sec. 7. Retroactive Application.* – The grant of the Covid-19 hazard pay shall
4 be effective beginning March 17, 2020.

5 *Sec. 8. Separability Clause.* – Should any provision of this Act or any part
6 thereof be declared invalid, the other provisions, insofar as they are separable from
7 the invalid ones, shall remain in full force and effect.

8 *Sec. 9. Repealing Clause.* – All laws, decrees, letters of instruction,
9 resolutions, orders or parts thereof which are inconsistent with the provisions of this
10 Act are hereby repealed, modified or amended accordingly.

11 *Sec. 10. Effectivity Clause.* – This Act shall take effect fifteen (15) days after
12 its publication in the *Official Gazette* or in any national newspaper of general
13 circulation.

Approved,