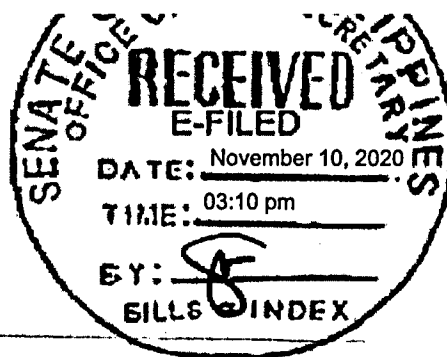


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

S. No. 1910



Introduced by Senator Manuel "Lito" M. Lapid


**AN ACT
PROVIDING EXPANDED EMPLOYMENT SECURITY FOR WORKERS AND
DEFINING RESPONSIBILITY OF EMPLOYERS WITH RESPECT TO EXPOSURE
TO COVID-19**

EXPLANATORY NOTE

It is the policy of the State to protect the rights of workers and promote their welfare. The emergence of the COVID-19 imposes adverse impacts in the economy, most especially on the primary social economic force – labor. The unemployment rate in July 2020 peaked at 10%, which is way higher than the rate of the same month a year ago – which was at 5.4%. This is mostly due to serious business losses incurred by the companies during the existence of COVID-19. This leaves most of the persons whose employment had been terminated with nothing for their sustenance while unemployed and/or looking for another work.

However, there are also cases in which the reason for the termination of employment was due to the fear of contracting COVID-19, especially in cases of unsafe workplaces. The employers are obliged to provide a workplace free from serious hazards, is comfortable and maximizes the productivity of the employees. Thus, this bill seeks to provide protection for employees and at the same time limitation on liability for employers with respect to the exposure to COVID-19.

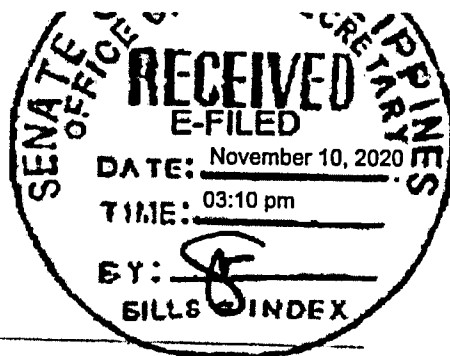
In view of the foregoing, early passage of this bill is earnestly requested.


MANUEL "LITO" M. LAPID
Senator *ML*

EIGHTEENTH CONGRESS OF THE)
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EXPOSURE TO COVID-19**

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

1 SECTION 1. Short Title. – This Act shall be known as the "*Expanded*
2 *Employment Security Act*".
3

4 SECTION 2. *Unemployment Benefits*. – An employee, as defined in the Labor
5 Code, regardless of the classification of employment under Article 295 of the Code,
6 whose work or designation may have a considerable exposure to COVID-19, may
7 inform his or her employer of any health concerns that he or she might have regarding
8 resuming or continuing employment.
9

10 An employer, as defined in the Code, upon being informed of such health
11 concern, shall act upon it immediately by installing additional safety equipment,
12 adjusting the work environment, adopting appropriate work schedule, or finding
13 alternative suitable employment for the said employee.
14

15 If the employer fails to act upon it or if the said employee is unsatisfied with
16 the response or action of his or her employer, the concerned employee shall send a
17 report, with proof of service of a copy to the employer, regarding the same to the
18 Regional Office of the Department of Labor and Employment (DOLE) where the
19 company he or she works is located. The Regional Director concerned shall allow the
20 employer to submit a reply to the report within five (5) calendar days from the filing

1 thereof. The Regional Director shall examine the report within five (5) calendar days
2 from the receipt of the reply or expiration of the time for the submission thereof,
3 taking into consideration the facts presented in the report and/or reply, the applicable
4 standards for occupational health and safety, the nature of the occupation and the
5 attendant risks of exposure to the COVID-19 Disease. The decision of said Regional
6 Director is appealable to the Bureau of Labor Relations (BLR) within five (5) days from
7 the receipt of said decision. The BLR shall decide within ten (10) days from receipt of
8 the appeal and its decision shall be final and executory.
9

10 If the Regional Director or the BLR, as the case may be, finds that the employer
11 failed to provide adequate response to the health concern raised by the employee,
12 the latter may terminate his or her employment and shall be eligible for unemployment
13 benefits.
14

15 SECTION 3. *Limitation on the Liability of Employers.* – An employer may not be
16 held liable for any injury that resulted from an employee contracting COVID-19, except
17 when the employer violates the laws related to workplace safety.
18

19 SECTION 4. *Implementing Rules and Regulations.* - Within thirty (30) days from
20 the effectivity of this Act, the DOLE shall formulate the rules and regulations necessary
21 for the implementation of this Act.
22

23 SECTION 5. *Separability Clause.* - If any provision of this Act is declared
24 unconstitutional or invalid, the remainder of the provisions thereof not affected shall
25 remain in force and effect.
26

27 SECTION 6. *Repealing Clause.* - All laws, executive orders, administrative rules
28 and regulations or parts thereof which are inconsistent with the provisions of this Act
29 are hereby amended, modified, or repealed accordingly.
30

31 SECTION 7. *Effectivity Clause.* - This Act shall take effect immediately upon its
32 publication in a newspaper of general circulation or in the Official Gazette.
33

34 *Approved,*