



SENATE

S. No. 2019

PREPARED BY THE COMMITTEE ON LABOR, EMPLOYMENT
AND HUMAN RESOURCES DEVELOPMENT WITH
SENATORS LEGARDA, ANGARA, TOLENTINO, REVILLA,
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THEREOF

AN ACT INSTITUTING POLICIES FOR THE
PROTECTION AND WELFARE OF CAREGIVERS
IN THE PRACTICE OF THEIR OCCUPATION

*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
2 the “Caregivers’ Welfare Act”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared
4 the policy of the State to recognize the role of caregivers in
5 national development and to institute policies in the
6 practice of the occupation with the end in view of
7 developing competent caregivers whose standards of

1 professional service shall be excellent and globally
2 competitive.

3 The State also recognizes the need to protect the
4 rights of the caregivers towards a decent employment and
5 income and adheres to a policy of protecting caregivers
6 against abuse, harassment, violence, and economic
7 exploitation.

8 SEC. 3. *Definition of Terms.* – For purposes of this
9 Act, the following terms shall mean:

10 (a) *Caregiver* refers to a person, at least 18 years of
11 age, who renders services as enumerated under Section 7
12 of this Act and shall include the following:

13 (1) licensed health care professionals who listed
14 themselves voluntarily with the Department of Labor and
15 Employment (DOLE) as caregivers;

16 (2) any person duly assessed and certified by the
17 Technical Education and Skills Development Authority
18 (TESDA) upon compliance with any of the following:

19 (i) graduate of a caregiving qualification who
20 achieved the required competencies;

1 (ii) graduate of allied health care courses of an
2 educational and/or accredited training institution; and

3 (iii) practitioner or any person with prior learning
4 and/or experience who has undergone competency or
5 portfolio assessment.

6 (b) *Client* refers to a newborn, infant, toddlers,
7 preschoolers, school children, adolescent, adult, elderly,
8 and people with special needs;

9 (c) *Direct Hire* refers to a caregiver whose services are
10 engaged directly without the assistance or participation of
11 a private employment agency;

12 (d) *Employer* refers to any person who engages the
13 services of a caregiver and is a party to the employment
14 contract;

15 (e) *Household* refers to the immediate members of the
16 family or the occupants of the house where the caregiver is
17 employed in a residential setting;

18 (f) *Private Employment Agency (PEA)* refers to any
19 individual, legitimate partnership, corporation or entity

1 licensed by the DOLE to engage in the recruitment and
2 placement of caregivers for local employment; and

3 (g) *Public Employment Service Office (PESO)* refers to
4 a non-fee charging multi-dimensional employment service
5 facility or entity established in all local government units
6 (LGUs), in coordination with the DOLE, pursuant to
7 Republic Act No. 8759, otherwise known as the “Public
8 Employment Service Office Act of 1999”, as amended by
9 Republic Act No. 10691.

10 SEC. 4. *Coverage.* – This Act shall apply to
11 caregivers employed and working within the country in
12 private homes, nursing or care facilities, and other
13 residential settings. This Act shall apply to caregivers
14 whether directly hired by the employer or placed through
15 PESO or PEA.

16 SEC. 5. *Employment Contract.* – An employment
17 contract shall be executed by and between the caregiver
18 and the employer before the commencement of the service
19 in a language or dialect understood by both parties. A copy

1 of the duly signed and notarized employment contract shall
2 be given to the caregiver which shall include the following:

- 3 (a) Duties and responsibilities of the caregiver;
- 4 (b) Period of employment;
- 5 (c) Work arrangement;
- 6 (d) Compensation;
- 7 (e) Authorized deductions;
- 8 (f) Hours of work and proportionate additional payment
9 or overtime pay;
- 10 (g) Rest days and allowable leaves;
- 11 (h) Board, lodging, and medical attention;
- 12 (i) Other benefits as stipulated in this Act;
- 13 (j) Termination of employment; and
- 14 (k) Any other lawful condition agreed upon by both
15 parties.

16 The DOLE, in consultation with the National
17 Tripartite Industrial Peace Council, shall develop a model
18 employment contract for caregivers which shall be made
19 available at all times in all its websites, free of charge to
20 caregivers, employers, and the general public.

1 SEC. 6. *Pre-employment Requirements.* – Prior to the
2 execution of the employment contract, the employer may
3 require the following:

4 (a) National Certificate issued by TESDA;

5 (b) Caregivers training certificate issued by the
6 TESDA or its accredited school or training institution, if
7 applicable;

8 (c) Medical certificate or health certificate issued by
9 competent authorities;

10 (d) National Bureau of Investigation (NBI) clearance
11 or police clearance; and

12 (e) Barangay clearance.

13 Caregivers who are first time job seekers may obtain
14 a copy of medical certificate or health certificate, and/or
15 NBI or police clearance, free of charge, from concerned
16 government offices pursuant to Republic Act No. 11261 or
17 the “First Time Jobseekers Assistance Act”.

18 SEC. 7. *Duties of the Caregivers.* – The caregiver may
19 provide personal care, support and assistance to clients in
20 private homes, nursing or care facilities, and other

1 residential settings including, but not limited to, the
2 following services:

3 (a) Help clients with their daily activities and
4 mobility restrictions;

5 (b) Provide some basic health-related services, such
6 as checking the client's vital signs including pulse rate,
7 temperature, respiration rate, blood pressure, and oxygen
8 saturation;

9 (c) Assist clients with simple and safe exercises
10 taught by a duly licensed rehabilitation science specialist;

11 (d) Assist in the administration of home medications
12 as prescribed by the physician;

13 (e) Advise clients and their families on cleanliness
14 and household tasks;

15 (f) Accompany clients to appointments with doctors or
16 on other errands related to health care, support, and
17 assistance;

18 (g) Assist in housekeeping tasks related to health
19 care, support, and assistance within the client's room;

1 (h) Assist in the preparation of the clients' food in
2 accordance with health-related needs; and

3 (i) Other tasks directly related to the health care,
4 support, and assistance of the clients.

5 SEC. 8. *Hours of Work.* – The caregiver's working
6 hours shall be based on the employment contract signed by
7 the parties and in accordance with the labor laws, rules
8 and regulations. For work beyond eight (8) hours a day, a
9 caregiver shall be entitled to overtime pay. A caregiver is
10 also entitled to night shift differential.

11 SEC. 9. *Minimum Wage.* – The minimum wage of a
12 caregiver shall not be less than the applicable minimum
13 wage in the region.

14 SEC. 10. *Payment of Wages.* – Wages shall be paid on
15 time directly to the caregiver to whom they are due once
16 every two (2) weeks or twice a month at intervals not
17 exceeding sixteen (16) days. The employer, unless allowed
18 by the caregiver through a written consent, shall make no
19 deductions from the wages other than what is mandated by
20 law. No employer shall pay the wages of the caregiver by

1 means of promissory notes, vouchers, coupons, tokens,
2 tickets, chits, or any object other than the cash wage as
3 provided for under the law.

4 SEC. 11. *Thirteenth Month Pay.* – A caregiver who
5 has rendered at least one (1) month of service is entitled to
6 a thirteenth month pay which shall not be less than one-
7 twelfth (1/12) of his/her total basic salary earned in a
8 calendar year.

9 The thirteenth month pay shall be paid not later than
10 December 24 of every year or upon separation from
11 employment.

12 SEC. 12. *Pay Slip.* – The employer shall at all times
13 provide the caregiver with a copy of the pay slip containing
14 the amount paid in cash every pay day, and indicating all
15 deductions made, if any. A copy of the pay slip shall be
16 kept by the employer for a period of three (3) years.

17 SEC. 13. *Leave Benefits.* – A caregiver who has
18 rendered at least one (1) year of service shall be entitled to
19 an annual service incentive leave of at least five (5) days

1 with pay. A caregiver shall also be entitled to other leave
2 benefits provided by existing laws.

3 SEC. 14. *Other Benefits.* – A caregiver shall be covered
4 by the Social Security System (SSS), the Philippine Health
5 Insurance Corporation (PhilHealth), and the Home
6 Development Mutual Fund (HDMF) or Pag-IBIG, and shall
7 be entitled to all the benefits in accordance with the
8 pertinent provisions provided by law. The effective date of
9 coverage shall be on the first day of employment.

10 SEC. 15. *Non-Diminution of Pay and Benefits.* – All
11 existing arrangements between a caregiver and the
12 employer shall be adjusted to conform to the minimum
13 standards set by this Act. Nothing in this Act shall be
14 construed to cause the diminution or substitution of any
15 pay and benefits currently enjoyed by the caregiver hired
16 directly by the employer or through a PEA.

17 SEC. 16. *Basic Necessities.* – The employer shall
18 provide for the basic necessities of the caregiver, such as,
19 but not limited to, the following:

1 (a) At least three (3) adequate meals a day, taking
2 into consideration the caregiver's religious beliefs and
3 cultural practices and humane sleeping condition that
4 respects the person's privacy for caregivers in live-in, stay-
5 in work arrangement; and

6 (b) Appropriate rest and medical assistance in the
7 form of first-aid medicines, in case of illness and injuries
8 sustained during service without loss of benefits.

9 SEC. 17. *Privileged Information.* – All information
10 and communication pertaining to the client, employer, or
11 members of the household shall be treated as privileged
12 and confidential, and shall not be publicly disclosed by the
13 caregiver at any time during and after employment
14 without the consent of the said client, employer, or
15 members of the household, except in a civil case for
16 damages or criminal case for an offense committed against
17 the caregiver.

18 SEC. 18. *Termination of Service.* – Neither the
19 caregiver nor the employer may terminate the contract
20 before the expiration of the term except for grounds

1 enumerated in Sections 19 and 20 of this Act: *Provided,*
2 *however,* That the caregiver may terminate the contract by
3 serving a written notice to the employer at least one (1)
4 month in advance.

5 If the caregiver is unjustly dismissed, the caregiver
6 shall be paid the compensation already earned plus the
7 equivalent of fifteen (15) days work by way of indemnity.
8 The caregiver and the employer may mutually agree upon
9 written notice to pre-terminate the contract of employment
10 to end the employment relationship.

11 *SEC. 19. Termination of Contract by the Caregiver. –*

12 A caregiver may terminate the employment relationship at
13 any time before the expiration of the contract for any of the
14 following reasons:

15 (a) Verbal or emotional abuse by the client, any
16 member of the household, employer or his/her
17 representative except in cases when the client is suffering
18 from any mental illness;

1 (b) Inhumane treatment including physical abuse
2 against the caregiver by the client, any member of the
3 household, employer or his/her representative;

4 (c) Commission of a crime or offense against the
5 caregiver by the client, any member of the household,
6 employer or his/her representative;

7 (d) Violation of the terms and conditions of the
8 employment contract by the employer;

9 (e) The client, any member of the household,
10 employer or his/her representative having any disease
11 prejudicial to the health of the caregiver; and

12 (f) Other causes analogous to the foregoing.

13 SEC. 20. *Termination of Contract by the Employer.* –

14 The employer may terminate the services of the caregiver
15 at any time before the expiration of the contract for any of
16 the following causes:

17 (a) Misconduct or willful disobedience by the
18 caregiver of the lawful order of the employer in connection
19 with the former's work;

1 (b) Gross or habitual neglect or insufficiency in the
2 performance of duties;

3 (c) Fraud or willful breach of the trust reposed by the
4 employer;

5 (d) Commission of crime or offense by the caregiver;

6 (e) Violation of the terms and conditions of the
7 employment contract by the caregiver;

8 (f) The caregiver having any disease prejudicial to the
9 health of the client, any member of the household,
10 employer or his/her representative; and

11 (g) Other causes analogous to the foregoing.

12 SEC. 21. *Settlement of Disputes.* – All labor-related
13 disputes shall be filed at the Regional Office or the
14 appropriate agency, bureau, or office of DOLE having
15 jurisdiction over the workplace without prejudice to the
16 filing of civil or criminal action in appropriate cases. The
17 said Regional Office, agency, bureau, or office shall exhaust
18 all conciliation and mediation efforts before a decision shall
19 be rendered.

1 Ordinary crimes or offenses committed under the
2 Revised Penal Code (RPC) and other special penal laws by
3 either party shall be filed with the regular courts.

4 If efforts at conciliation and mediation fail, and there
5 is no agreement to submit the case for voluntary
6 arbitration, the dispute shall be filed before the Labor
7 Arbitrer of the National Labor Relations Commission
8 (NLRC) for compulsory arbitration, pursuant to the Labor
9 Code of the Philippines, as amended.

10 *SEC. 22. Protection of Caregivers Hired through PEAs. –*
11 The DOLE Secretary shall, through a system of licensing
12 and regulation, ensure the protection of the caregivers
13 hired through PEAs.

14 The provisions of the Labor Code of the Philippines
15 on the qualifications of PEAs with regard to nationality,
16 net worth, owners and officers, office space and other
17 requirements, as well as non-transferability of license and
18 commission of prohibited practices, shall apply.

19 *SEC. 23. Responsibilities of the PEAs. –* In addition,
20 the PEAs shall have the following responsibilities:

1 (a) Ensure that the caregivers are not charged or
2 levied any recruitment or placement fees whatsoever;

3 (b) Ensure that the employment contract between the
4 caregiver and the employer stipulates the terms and
5 conditions of employment and all the benefits prescribed by
6 this Act;

7 (c) Provide a pre-employment orientation briefing to
8 the caregiver and the employer about their rights and
9 responsibilities in accordance with this Act;

10 (d) Keep copies of employment contracts pertaining to
11 recruited caregivers which shall be made available during
12 inspections or whenever required by the DOLE;

13 (e) Assist caregivers with respect to complaints or
14 grievances against their employers; and

15 (f) Cooperate with government agencies in rescue
16 operations involving abused or exploited caregivers.

17 **SEC. 24. *List of Caregivers.*** – DOLE shall maintain a
18 list of caregivers that shall be made available to the public
19 pursuant to applicable laws, rules and regulations. **TESDA**

1 shall coordinate with PESO to integrate caregivers in its
2 employment facilitation services.

3 SEC. 25. *Upskilling and Reskilling of Caregivers.* –
4 TESDA shall develop a system of continuing skills
5 upgrading and reskilling of caregivers. TESDA shall also
6 jointly work with the Commission on Higher Education
7 (CHED) and the Department of Education (DepEd) to
8 support the development and maintenance of pathways
9 and equivalencies that enable access to qualifications and
10 to assist caregivers to move easily and readily between the
11 different education and training sectors in accordance with
12 Republic Act No. 10647 or the “Ladderized Education Act
13 of 2014”.

14 SEC. 26. *Penalties.* – Any person, school, training
15 institution or assessment center who shall issue or use a
16 fake certificate, clearance or any other document for
17 purposes of fulfilling the requirements under this Act or
18 shall in any other manner commit any act to defeat any
19 provision of this Act shall, upon conviction, be punished

1 with the penalty for falsification of official document
2 provided under the RPC and/or other applicable laws.

3 If the offender is a school, training institution,
4 assessment center or a juridical person, the penalty shall
5 be imposed upon the president, treasurer or secretary or
6 any officer responsible for the violation. In addition to the
7 penalty provided herein, to the extent applicable, the
8 offender shall suffer the revocation of license and/or
9 certificate to operate or certificate of accreditation.

10 SEC. 27. *Applicability of the Labor Code of the*
11 *Philippines.* – The provisions of the Labor Code of the
12 Philippines, as amended, shall be suppletorily applied to
13 this Act.

14 SEC. 28. *Implementing Rules and Regulations.* –
15 Within one hundred and twenty (120) days from the
16 effectivity of this Act, the DOLE Secretary shall, in
17 coordination with the TESDA Director General and other
18 concerned agencies, promulgate the necessary rules and
19 regulations for the effective implementation of this Act.

1 The Department of Migrant Workers (DMW), in
2 coordination with DOLE, TESDA, and other concerned
3 agencies, shall issue the rules and regulations for the
4 recruitment and deployment of Filipino caregivers for
5 overseas employment to ensure their protection, including
6 their reintegration.

7 SEC. 29. *Separability Clause.* – If any provision,
8 section, or part of this Act is declared unconstitutional or
9 invalid, such judgement shall not affect, invalidate, or
10 impair any other provisions, sections, or parts hereof.

11 SEC. 30. *Repealing Clause.* – All laws, decrees, orders,
12 issuances, circulars, rules and regulations or parts thereof,
13 which are inconsistent with the provisions of this Act are
14 hereby repealed or modified accordingly.

15 SEC. 31. *Effectivity.* – This Act shall take effect fifteen
16 (15) days after its publication in the *Official Gazette* or in
17 at least two (2) newspapers of general circulation.

Approved,