

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
S. No. 1968

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article XIII, 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.

Unemployment and underemployment are perennial problems of the Philippine government. This 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 increased competition.

This bill seeks 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, increased employment and earnings.¹

act

MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the Thirteenth Congress, First Regular Session

Introduced by Senator Miriam Defensor Santiago

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

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

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

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

8
9 SECTION 3. *Definition of Terms.* -As used in this Act, the term:

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

13 (B) "Care Management" means the provision in the delivery of a service of a client
14 centered approach designed to-

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

17 (2) Provide job and career counseling during program participation and offer job
18 placement;

19 (C) "Educational Agency" means

1 (1) A public local school authority having administrative control of elementary,
2 middle, or secondary school or providing adult education;

3 (2) A public or private institution that provides alternative middle or high school
4 education;

5 (3) A public education institution or agency having administrative control of
6 secondary or post-secondary vocational education programs; or

7 (4) A post-secondary institution;

8 (D) "Mature or Older Worker" means an individual who is over forty (40) years of age or
9 older;

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

12 (G) "School Dropout" means an individual who has been determined to be eligible to
13 participate in the program; and

14 (F) "Termination" means the separation of a participant who is no longer receiving
15 services.

16 SECTION 4. *Eligibility for Services.* -An individual shall be eligible to participate in the
17 program assisted under this part of such individual is forty (40) years of age or older and is
18 included in one or more of the following categories:

19 (A) Individuals whose income is not in excess of the poverty line;

20 (B) Individuals who are eligible for housing assistance; or

21 (C) Individuals who are included in 2 or more of the following categories:

22 (1) Individuals who are unemployed 15 of the past 26 weeks;

23 (2) Individuals who are unemployed 30 of the past 52 weeks;

24 (3) Individuals who are working 20 or fewer hours a week;

25 (4) Individuals who are displaced homemakers;

26 (5) Individuals who are homeless;

27 (6) Individuals who have finished less than 10 years of school;

28 (7) Individuals who are deficient in basic skills;

1 (8) Individuals who have been notified that the jobs of such individuals will be
2 terminated within the next 60 days; or

3 (9) Individuals who live alone.

4 SECTION 5. *Program Design.* -

5 (A) *Program Requirements.* - Each program assisted under this part shall include -

6 (1) An objective assessment, using the case management technique of the skill
7 levels and service needs of each participant including such factors as basic skills,
8 occupational skills, prior work experience, employability, interests, aptitudes, including
9 interests and aptitudes for non-traditional employment, and supportive service needs,
10 except that a new assessment of a participant is not required if the program determines
11 that a recent assessment of the participant conducted under another education or training
12 program, is an appropriate assessment.

13 (2) Development of service strategists that shall identify the employment goal
14 (including, in appropriate circumstances, non-traditional employment), the appropriate
15 achievement objectives, and the appropriate sequence of services for participants, taking
16 into account the assessments conducted under subparagraph (1), except that a new service
17 strategy is not required if the program determines a recent service strategy developed for
18 the participant under another education or training program in an appropriate service
19 strategy;

20 (3) A review of the progress of each participant in meeting the objectives of the
21 service strategy; and

22 (4) Basic skills training and occupational skills training if the assessment and the
23 service strategy indicate such training are appropriate.

24 (B) *Additional Requirements.* -

25 (1) *Minimum Income Participants and Applicants.* - Each service delivery area
26 participating in a program assisted under this part shall insure that each participant or
27 applicant shall be provided information on the full array of the applicable or appropriate

1 services that are available through the service delivery area or other service providers,
2 including providers receiving funds under this Act; and referral to other appropriate
3 training and educational programs that have the capacity to serve the participant or
4 applicant either on a sequential or concurrent basis.

5 (2) *Applicants Not Meeting Enrollment Requirements.* - Each service provider
6 shall ensure that an eligible applicant who does not meet the enrollment requirements of
7 the particular program of the provider shall be referred to the service delivery area for
8 further assessment, as necessary, and referrals to appropriate programs to meet the basic
9 skills and training needs of the
10 applicant. The service delivery area shall ensure that appropriate referrals are made and
11 shall maintain records on the referrals and the reasons for which applicants are referred.

12 (3) *Authorized Services.* - One or more of the following training or supportive
13 services shall be made available to each participant under this part:

- 14 (a) Outreach and recruitment;
- 15 (b) Intake and assessment;
- 16 (c) Job search assistance;
- 17 (d) Classroom and occupational skill training;
- 18 (e) On-the-job training;
- 19 (f) Work experience;
- 20 (g) Basic remedial and education and literacy training;
- 21 (h) Supplemental services, including day care for dependent children and
22 adults;
- 23 (i) Occupational placement assistance.

24 (C) *Service Providers.* - In the selection of service providers, the Department of Labor
25 and Employment shall give preference to agencies and organizations with demonstrated in
26 conducting older and mature worker programs. The Department of Labor and Employment shall
27 develop the job training program under this Act. It may seek the assistance of other government
28 agencies such as the Department of Education and the help of private educational agencies. It

1 shall also formulate the necessary implementing rules and regulations that will ensure the
2 efficient and effective implementation of this Act.

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

8 SECTION 7. *Separability Clause.* - If any provision or part hereof, is held invalid or
9 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
10 valid and subsisting.

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

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

Approved,