

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




Senate  
Office of the Secretary

'14 MAY 28 P 6 :10

SENATE

Senate Bill No. 2261

RECEIVED BY: 

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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

EXPLANATORY NOTE

Care giving is one of the professions where Filipinos excel and are recognized the world over. Apart from their passionate and caring nature, their knowledge and skills are further enhanced by the various programs provided and required by both private institutions and the government, particularly the Technical Education and Skills Development Authority (TESDA). As a result, many countries such as the United States, Canada and those in the Middle East, Europe, and Asia prefer Filipino caregivers because of their unconditional and genuine care for their clients.

In recognition of the role of caregivers in national development, this measure seeks to institute policies in the practice of this profession with the end in view of developing competent caregivers whose standard of professionals service shall be excellent and globally competitive.

This proposed "*Caregivers Welfare Act*" also recognizes the need to protect the rights of the caregivers towards a decent employment and income, and adheres to a policy of protecting caregivers against abuse, harassment, violence and economic exploitation.

The measure provides for guidelines for the preparation and execution of employment contracts, the submission of pre-employment requirements, hours of work, minimum wage, payment of wages, leave benefits, other benefits, non-diminution of benefits, settlement of disputes. It also identifies the duties of the caregivers and the basic necessities that the employer should provide for them. Further, it ensures privileged information and communication between the care giver and his/her client, protection of the caregiver from unjust termination of service, and protection of caregivers hired through private employment agencies.


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

  
JINGGOY EJERCITO ESTRADA  
Senator

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*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 “Caregivers Welfare  
2 Act.”  
3  
4

5 **SEC 2. Declaration of Policy.** – It is hereby declared the policy of the State to  
6 recognized the role of caregivers in national development and to institute policies  
7 in the practice of the profession with the end in view of developing competent  
8 caregivers whose standard of professionals service shall be excellent and  
9 globally competitive.  
10

11 The State also recognizes the need to protect the rights of the caregivers  
12 towards a decent employment and income, and adheres to a policy of protecting  
13 caregivers against abuse, harassment, violence and economic exploitation.  
14

15  
16 **SEC 3. Definition of Terms.** – As used in the Act:  
17

18 (a) *Caregiver* refers to a paid employed person who takes care or attends to  
19 the physical and psychological needs of an infant, child or dependent adult  
20 who is disabled or whose health is impaired by sickness or old age affecting  
21 their activities of daily living whether outside or within their home;  
22

23 (b) *Employer* refers to any person who engages and control the services of a  
24 caregiver and is a party to the employment contract; and  
25

26 (c) *Private Employment Agency (PEA)* refers to any individual, legitimate  
27 partnership, corporation or entity licensed to engage in the recruiting and  
28 placement of caregivers for local employment.  
29

30  
31 **SEC 4. Employment Contract.** – An employment contract shall be executed by  
32 and between the caregiver and the employer before the commencement of the  
33 service in a language or dialect understood by both parties. A copy of duly signed

1 employment contract shall be given to the caregiver which shall include the  
2 following:

- 3
- 4 a) Duties and responsibilities of the caregiver;
- 5 b) Period of employment;
- 6 c) Compensation;
- 7 d) Authorized deductions;
- 8 e) Hours of work and proportionate additional payment;
- 9 f) Rest days and allowable leaves;
- 10 g) Board, lodging and medical attention;
- 11 h) Termination of employment; and,
- 12 i) Any other lawful condition agreed upon by both parties.

13  
14 The Department of Labor and Employment (DOLE) shall develop a model  
15 employment contract for caregivers which shall be made available at all times,  
16 free of charge to caregivers, employers and the general public.

17  
18 In case where the employment of the caregiver is facilitated through a private  
19 employment agency, the PEA shall keep a copy of all employment contracts of  
20 their caregivers which shall be made available for verification and inspection by  
21 the DOLE.

22  
23  
24 **SEC 5. *Pre-employment Requirements.*** – Prior to the execution of the  
25 employment contract, the employer may require the following:

- 26
- 27 a) Caregivers training certificate issued by the school or institution  
28 accredited by the Technical Education and Skills Development  
29 Authority (TESDA);
- 30
- 31 b) Medical certificate or health certificate by a local government health  
32 officer; and
- 33
- 34 c) Barangay and police clearance.
- 35

36  
37 **SEC 6. *Duties of the Caregivers.*** – The caregiver may provide any of the  
38 following services:

- 39
- 40 a) Provide routine health and personal care support and assistance to  
41 patients with physical impairment or disabilities in private home,  
42 nursing care facilities and other residential settings;
- 43
- 44 b) Help clients with their daily activities and mobility restrictions to get out  
45 of bed, bathe, dress and prepare;
- 46
- 47 c) Provide some basic health-related service, such as checking the  
48 clients pulse rate, temperature and respiration rate;
- 49
- 50 d) Help clients with simple prescribed exercises and assist them  
51 with medications administration;
- 52
- 53 e) Advise families and patients on nutrition, cleanliness and  
54 household tasks;
- 55
- 56 f) Accompany clients to appointments with doctors or on other  
57 errands;

- 1  
2 g) Assist in housekeeping and homemaking tasks; and  
3  
4 h) Some other tasks depending on the needs of the clients.  
5  
6

7 **SEC 7. Hours of Work.** – The caregiver’s working hours shall be based on the  
8 employment contract signed by the parties and in accordance with the labor  
9 laws, rules and regulations. The caregiver shall be entitled to an aggregate daily  
10 rest period eight (8) hours per day and at least twenty-four (24) hour of rest in  
11 week. The employer shall respect the preference of the caregivers as to the  
12 weekly rest day when such preference is based on religious grounds.  
13

14  
15 **SEC 8. Minimum Wage.** – The minimum wage of a caregiver shall not be less  
16 than the following”  
17

- 18 a) Seven thousand pesos (P7,000.00) a month for those employed in the  
19 National Capital Region (NCR)  
20  
21 b) Five thousand five hundred pesos (P5,500.00) a month for those  
22 employed in charter cities and first class municipalities; and  
23  
24 c) Four thousand pesos (P4,000.00) a month for those employed in other  
25 municipalities.  
26

27 One (1) year after the effectivity of this Act, and periodically thereafter, the  
28 Regional Tripartite Wages and Productivity Board (RTWPB) shall review and  
29 adjust the minimum wages for caregivers.  
30

31  
32 **SEC 9. Payment of Wages.** – Wages shall be made on time directly to the  
33 caregiver to whom they are due, once every two (2) weeks or twice a month at  
34 the intervals not exceeding sixteen (16) days. The employer, unless allowed the  
35 caregiver through a written consent, shall make no deductions from the wages  
36 other than what is mandated by law. No employer shall pay the wages of the  
37 caregiver by means of promissory notes, vouchers, coupons, tokens, tickets,  
38 chits, or any object than the cash wage as provided for under the law.  
39

40 They are also entitled to a Thirteenth Month Pay as provided for by law.  
41  
42

43 **SEC 10. Pay Slip.** – The employer shall at all times provide the caregiver with  
44 a copy of the pay slip containing the amount paid in cash every pay day and  
45 indicating all deductions made, if any. A copy of the pay slip shall be kept by the  
46 employer for a period of three (3) years.  
47  
48

49 **SEC 11. Leave Benefits.** – A caregiver who has rendered at least one (1) year  
50 of service shall be entitled to an annual service incentive leave of five (5) days  
51 with pay. Any unused portion of the annual leave shall not be cumulative or  
52 carried over to the succeeding years. Unused leaves shall not be convertible to  
53 cash.  
54

55  
56 **SEC 12. Other Benefits.** – A caregiver who has rendered at least one (1) month  
57 of service shall be covered by the Social Security System (SSS). The Philippine

1 Health Insurance Corporation (PhilHealth), and the Home Development Mutual  
2 Fund or Pag-IBIG, and shall be entitled to all the benefits in accordance with the  
3 pertinent provisions provided by law.  
4

5 Premium payments or contributions shall be shouldered by the employer.  
6 However, if the caregiver is receiving a wage of Five thousand pesos (P5,  
7 000.00) and above per month, the caregiver shall pay the proportionate share in  
8 the premium payments or contributions, as provided by law.  
9

10  
11 **SEC 13. *Non- Diminution of Benefits.*** – All existing arrangements between a  
12 caregiver and the employer shall be adjusted to conform to the minimum  
13 standard set by this Act. The adjustment pertaining to wages shall take effect  
14 immediately after the determination and issuance of the appropriate wage order  
15 by the Regional Tripartite Wages and Productivity Board. Nothing in this Act shall  
16 be construed to cause the diminution or substitution of any benefits and  
17 privileges currently enjoyed by the caregiver hired directly or through a PEA.  
18

19  
20 **SEC 14. *Basic Necessities.*** – The employer shall provide for the basic  
21 necessities of the caregiver to include at least three (3) adequate meals a day  
22 and human sleeping arrangement. They shall also provide appropriate rest and  
23 assistance in case of illness and injuries sustained during service without loss of  
24 benefits.  
25

26  
27 **SEC 15. *Privileged Information.*** = All information and communication  
28 pertaining the patient or employer or members of the household shall be treated  
29 as privileged and confidential, and shall not be publicly disclosed by the caregiver  
30 during and after employment.  
31

32  
33 **SEC 16. *Termination of Service.*** – Neither the caregiver nor the employer may  
34 terminate the contract before the expiration or the term except for grounds  
35 provided for in Sections 17 and 18 of this Act. If the caregiver is unjustly  
36 dismissed, the caregiver shall be the compensation already earned plus the  
37 equivalent of fifteen (15) days work by way of indemnity. If the caregiver leaves  
38 without justifiable cause, any unpaid salary due not exceeding the equivalent  
39 fifteen (15) days work shall be forfeited. In addition, the employer may recover  
40 from the caregiver cost incurred related to the deployment expenses, if any;  
41 *Provided,* That the service has been terminated within six (6) months from the  
42 caregiver's employment.  
43

44 If the duration of the care giving service is not determined either in stipulation or  
45 by the nature of the service, the employer or the caregiver may give notice to end  
46 the working relationship five (5) days before the intended termination of the  
47 service.  
48

49 The caregiver and the employer may mutually agree upon written notice to pre-  
50 terminate the contract of employment to end the employment relationship.  
51

52  
53 **SEC 17. *Termination of Contract by the Caregiver.*** – The caregiver may  
54 terminate the employment relationship any time before the expiration of the  
55 contract for any of the following reasons:  
56

- 1 a) Verbal or emotional abuse by the employer, client or any member of the  
2 household;
- 3
- 4 b) Inhuman treatment including physical abuse of the employer, client or any  
5 member of the household;
- 6
- 7 c) Commission of a crime or offense against the caregiver by the employer,  
8 client or any member of the household;
- 9
- 10 d) Violation of the terms and condition of the employment contract by the  
11 employer; and
- 12
- 13 e) Other causes analogous to the foregoing
- 14
- 15

16 **SEC 18. Termination of Contract by the Employer.** – The employer may  
17 terminate the services of the caregiver at any time before the expiration of the  
18 contract for any of the following causes:

- 19
- 20 a) Misconduct or willful disobedience by the caregiver of the lawful order of  
21 the employer in connection with the former's work;
- 22
- 23 b) Gross or habitual neglect or insufficiency in the performance of their  
24 duties;
- 25
- 26
- 27 c) Fraud or willful breach of the trust reposed by the employer;
- 28
- 29 d) Commission of a crime or offense by the caregiver against the person of  
30 the employer, client or any immediate member of the employer's family;
- 31
- 32
- 33 e) Violation of the terms and conditions of the employment contract by the  
34 caregiver;
- 35
- 36 f) Any disease prejudicial to the health of the caregiver, the employer, or  
37 members of the household; and,
- 38
- 39 g) Other causes analogous to the foregoing.
- 40
- 41

42 **SEC 19. Settlement of Disputes.** – All labor-related disputes shall be elevated  
43 to the DOLE Regional Office having jurisdiction over the workplace without  
44 prejudice to the filing of civil or criminal action in appropriate cases. The DOLE  
45 Regional Office shall exhaust all conciliation and mediation efforts before a  
46 decision shall be rendered.

47  
48 Ordinary crimes or offenses committed under the Revised Penal Code and other  
49 special penal laws by either party shall be filed with the regular courts.

50  
51  
52 **SEC 20. Protection of Caregiver Hired through PEAs.** – The secretary of  
53 Labor and Employment shall, through a system of licensing and regulation,  
54 ensure the protection of the caregivers hired through PEAs.

55  
56 The PEAs shall be jointly and severally liable with the employer for all wages,  
57 wage-related benefits, and other benefits due to the caregiver.

1 The provisions of the Labor Code of the Philippines on the qualifications of the  
2 PEAs with regards to nationality, net worth, owners and officers, office space and  
3 other requirements, as well as non-transferability of license and commission of  
4 prohibited practices shall apply.  
5  
6

7 **SEC 21. Responsibility of the PEAs.** – In addition; the PEAs shall have the  
8 following responsibilities.  
9

- 10 a) Ensure that the caregivers are not charged or levied any recruitment or  
11 placement fees;  
12 b) Ensure that the employment agreement between the caregivers and the  
13 employer stipulates the terms and conditions of employment and all the  
14 benefits prescribed by this Act;  
15 c) Provide a pre-employment orientation briefing to the caregiver and the  
16 employer about their rights and responsibilities in accordance with this  
17 Act;  
18 d) Keep copies of employment contracts and agreements pertaining to  
19 recruited caregivers which shall be made available during inspections or  
20 whenever required by the DOLE;  
21 e) Assist caregivers with respect to complaints or grievances against the  
22 employers; and,  
23 f) Cooperate with government agencies in rescue operations involving  
24 abused or exploited caregivers.  
25  
26

27 **SEC 22. Implementing Rules and Regulations.** – within sixty (60) days from  
28 the effectivity to this Act, the Secretary of Labor and Employment shall, in  
29 coordination with the Director General of TESDA, promulgate the necessary  
30 rules and regulations for the effective implementation of this Act.  
31  
32

33 **SEC 23. Separability Clause.** – If any provision or part of this Act is declared  
34 invalid or unconstitutional, the remaining parts or provisions not affected shall  
35 remain in full force and effect.  
36  
37

38 **SEC 24. Repealing Clause.** = All laws, decrees, orders, rules and regulations  
39 and other issuances, or parts thereof, which are inconsistent with the provisions  
40 of this Act are hereby repealed or amended accordingly.  
41  
42

43 **SEC 25. Effectivity.** – This Act shall take effect fifteen (15) days after its  
44 publication in the Official Gazette or in two (2) national newspapers of general  
45 circulation.  
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48  
49  
50

51 *Approved,*