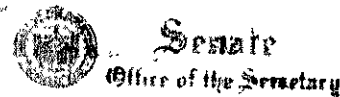


16TH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



15 AUG -4 P6:15

SENATE
Senate Bill No. 2889

RECEIVED BY: 

Introduced by SENATOR SONNY ANGARA

**AN ACT INSTITUTIONALIZING THE NATIONWIDE IMPLEMENTATION OF THE
JOBSTART PHILIPPINES PROGRAM AND PROVIDING FUNDS THEREFOR**

EXPLANATORY NOTE

The International Labour Organization (ILO, 2015) notes that while our youth unemployment rate has declined slightly from 17.4% in 2008 to 16.1% in 2013¹, 1.4 million young Filipinos nevertheless remain unemployed. Accounting for one-half of the total unemployed in our country, these youths are almost three times more likely than their adult counterparts to be unemployed. As such, the Philippine unemployment challenge is primarily a youth phenomenon, which this bill addresses.

The counterpart of House Bill 5468, this bill institutionalizes the 'JobStart Philippines Program', a labor market program to assist at-risk youth improve their school to work transition and their integration into productive employment. JobStart was introduced in May 2014, with funding support from the Government of Canada and technical assistance from the Asian Development Bank. The Department of Labor and Employment launched the program in four (4) localities: General Trias, Cavite; San Fernando, Pampanga; Taguig City, and Quezon City.

The JobStart pilot phase tested approaches and strategies that provide youth with enhanced career guidance services, life skills, and technical training with practical work experience at the establishment or company level. The pilot project included 3,200 program beneficiaries, and the development of a model providing full-cycle employment facilitation services at the local level, benchmarking good practices from Kenya, Chile and the United States.

Under this bill, the JobsStart model shall be cascaded throughout the country, intending to replicate the gains that have already been achieved. Our Public Employment Service Offices (PESOs) shall also be taking a more prominent role by

¹ The labour force survey was not conducted in Eastern Visayas in January 2014 due to the destruction caused by Typhoon Yolanda (Haiyan), and in Leyte Province in subsequent rounds that year. Thus, national aggregates in 2014 are not directly comparable to previous years (ILO, 2015).

offering enhanced employment facilitation services and providing improved local labor market information, supporting the creation of decent quality jobs and moving us closer towards our national goals of poverty reduction and inclusive growth.

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

A handwritten signature in black ink, appearing to be 'S. Angara', written in a cursive style.

SENATOR SONNY ANGARA

16TH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



Senate
Office of the Secretary

'15 AUG -4 P6:15

SENATE
Senate Bill No. 2889

RECEIVED BY: 

Introduced by SENATOR SONNY ANGARA

AN ACT
INSTITUTIONALIZING THE NATIONWIDE IMPLEMENTATION OF THE
JOBSTART PHILIPPINES PROGRAM AND PROVIDING FUNDS THEREFOR

*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 "JobStart
2 Philippines Act".
3

4 **SEC. 2. Declaration of Policy.** - It is the policy of the State to promote full
5 employment and equality of employment opportunities for all. The Philippines
6 subscribes to the International Labor Organization's (ILO) Decent Work Agenda. As
7 a signatory to ILO Convention 88, the State shall promote the establishment of
8 Public Employment Service Office (PESO) as the primary institution at the local level
9 that will be responsible for implementing a variety of active labor market programs
10 including job search assistance, training, and placement for the unemployed,
11 including young jobseekers.
12

13 **SEC. 3. Statement of Objectives** - The JobStart Philippines Program aims to
14 enhance the knowledge and skills acquired in formal education or technical training
15 by jobseekers in order for them to become more responsive to the demands of the
16 labor market. The program will also help develop the life skills of the youth, including
17 those relevant to the values of professionalism and work appreciation, and provide
18 trainees with a conducive and safe work environment or venue where they can apply
19 relevant theories and code of ethics.
20

21 **SEC. 4. Definition of Terms.** - For purposes of this Act, the following terms
22 are hereby defined as follows:

- 23 a) **Establishment** – refers to an enterprise or employer which may be a
24 company, sole proprietorship, partnership, corporation, or any other legal
25 entity registered under relevant laws that may provide a venue for training
26 and placement of JobStart trainees.

- 1 b) **JobStart Graduate** – refers to a JobStart trainee who has completed all
2 the program services and undergone all stages of the JobStart full-cycle
3 employment facilitation services.
4
- 5 c) **Jobstart Internship** – refers to the practical learning of a Jobstart trainee
6 in a regular work environment in a participating establishment for a period
7 of up to three (3) months, as determined by the latter.
8
- 9 d) **Jobstart Life Skills Training** – refers to an eight-day training designed to
10 provide a JobStart trainee with the ability to adapt, be resilient, flexible and
11 develop positive behaviours that enable them to deal effectively with the
12 demands and challenges of everyday life and work.
13
- 14 e) **JobStart Technical Training** – refers to the technology-based theoretical
15 instruction for a period of up to three (3) months in a lecture area, and
16 hands-on exercises in a laboratory or a workshop within the premises of a
17 technical training provider, either in a technical vocational institute (TVI)
18 registered with the Technical Education and Skills Development Authority
19 (TESDA) or in-house in a participating establishment.
20
- 21 f) **JobStart Trainee** – refers to an eligible JobStart registrant selected to
22 participate in the program.
23
- 24 g) **JobStart Unit** – refers to the office established and managed by the
25 Bureau of Local Employment (BLE) of the Department of Labor and
26 Employment (DOLE) Regional Office, or the PESO to implement and
27 oversee the JobStart program.
28
- 29 h) **Training Allowance** - refers to the amount which the JobStart trainee
30 receives from the JobStart Unit or from the participating establishment for
31 the duration of the life skills and technical training period.
32
- 33 i) **Training Certificate** – refers to a certification that shall be jointly issued by
34 the DOLE, the TESDA, and the concerned establishment after program
35 completion and assessment of the JobStart trainee’s competencies to
36 attest the skills acquired by the JobStart trainee. The certificate shall
37 contain a list of the units of competency and qualification acquired.
38
- 39 j) **Training Plan** – refers to a written plan by the participating establishment
40 that specifies the skill competencies to be acquired by the JobStart
41 trainee, the training curriculum or modules to be used, and the
42 competency levels expected to be achieved by the end of the technical
43 training period.
44

45 **SEC. 5. Qualifications of a JobStart Trainee** - To qualify as a JobStart
46 trainee, a person shall:

- 1 a) Be eighteen (18) to twenty-four (24) years of age at the time of the
2 registration period. Those who are seventeen (17) years old may also
3 register provided that they will be eighteen (18) years old at the time of the
4 technical training;
5 b) Be at least a high school graduate;
6 c) Not be employed, studying, or undergoing training at the time of the
7 registration; and
8 d) Be with less than one (1) year or no work experience.
9

10 **SEC. 6. Program Components.** - The JobStart Program shall include full
11 employment facilitation services such as registration or client assessment, one-on-
12 one career guidance, life skills and technical training, job matching, and referrals
13 either for further technical training or for employment in an establishment.
14

15 **SEC. 7. Status of JobStart Trainees** - The JobStart registrant shall be
16 considered as a trainee and not as an employee of the participating establishment
17 for the duration of the training program. JobStart graduates shall be given preference
18 in the hiring of workers by the participating establishment. After career coaching, the
19 PESO shall assess and determine whether the JobStart trainee is ready to be placed
20 for contractual or regular work in an establishment.
21

22 **SEC. 8. Payment of Training Allowance.** - The trainees shall receive a daily
23 training allowance from the JobStart Unit beginning from the life skills training stage
24 to the technical training stage. The amount of the training allowance shall be
25 determined by the DOLE.
26

27 Upon entry into the internship stage, the participating establishment shall
28 provide the JobStart trainees with a daily allowance of not less than seventy-five
29 percent (75%) of the prevailing minimum wage in the city or municipality where the
30 establishment is located. The amount of the allowance shall be based on the
31 trainee's actual attendance, and absences, tardiness, or undertime incurred shall be
32 deducted therefrom in accordance with the training plan. Training allowances shall
33 be paid at least once every two (2) weeks or twice a month at intervals not
34 exceeding sixteen (16) days.
35

36 **SEC. 9. JobStart Training Period.** - The JobStart training period shall be
37 divided into three (3) phases, namely:
38

39 A. JobStart Life Skills Training:
40

- 41 a) The life skills training shall be conducted for a period of eight (8) days, with
42 one life skill being taught in each day of the program.
43 b) The JobStart trainee shall receive a daily allowance for the duration of the
44 life skills training.
45

46 B. JobStart Technical Training:

- 1 a) The technical training shall be for a period up to three (3) months. The
2 period may be less than three (3) months depending on the skills and
3 competencies that the JobStart trainee must achieve and as determined by
4 the participating employer or establishment.
5 b) The JobStart trainee shall receive a training allowance for the duration of
6 the technical training.
7

8 C. JobStart Internship:
9

- 10 a) The JobStart internship period shall not be more than three (3) months or
11 six hundred (600) hours. The total daily training hours shall be eight (8)
12 hours exclusive of not less than sixty (60) minutes time-off for the regular
13 meals.
14 b) The internship period may be beyond eight (8) hours a day, provided that
15 said overtime shall not exceed two (2) hours a day. The JobStart trainee
16 shall be paid for the overtime stay an additional allowance equivalent to the
17 daily training allowance plus at least twenty-five percent (25%) thereof.
18 c) In case of night shift training, the JobStart trainee shall be entitled to a night
19 shift differential pay of not less than ten percent (10%) of the training
20 allowance for each hour of training between 10 o'clock in the evening
21 and 6 o'clock in the morning.
22 d) A JobStart trainee may be trained during regular holidays provided that the
23 trainee is willing to and will be compensated twice the daily training
24 allowance on a regular holiday.
25 e) The time spent on overtime stay shall be duly credited to the trainee's
26 number of training hours.
27 f) A JobStart trainee may be required to undergo a probationary period
28 provided that the number of days rendered by the trainee in the
29 establishment shall be counted as part of the probationary period should
30 the trainee be hired in the same establishment upon completion of the
31 program.
32

33 **SEC. 10. Entitlement to Other Benefits and Incentives.** - Notwithstanding
34 the local government unit (LGU) or participating establishment's preference to
35 provide additional or other health services or insurance support, the JobStart
36 trainees shall be covered with accident insurance for the duration of the program to
37 be paid by the DOLE. The participating establishment shall be reimbursed the cost of
38 the JobStart trainee's pre-training and employment medical examinations to be
39 provided by the DOLE, to be disbursed through the PESO. On the other hand, the
40 LGU shall exempt the JobStart trainees from securing a work permit.
41

42 **SEC. 11. Duties and Responsibilities of the JobStart Trainee.** - The
43 JobStart trainee shall exert every effort to acquire the abilities, values, and
44 knowledge necessary to achieve the purpose of the training. Towards this end, the
45 trainee shall:
46

1 a) Submit to the PESO the following documents:

- 2
3 1. Birth certificate;
4 2. High school and college diploma if applicable;
5 3. Transcript of records of highest educational level attained; and
6 4. Training certificates or a national certification issued by TESDA if
7 applicable.

8
9 b) Enter into either a training or service contract with the establishment;

10 c) Report for training or work in the establishment based on the schedule
11 indicated in the training or work contract;

12 d) Perform tasks and activities indicated in the Training Plan;

13 e) Use tools, instruments, machines and other equipment with due care;

14 f) Not reveal any business or trade secrets that have come to the trainee's
15 knowledge in the course of the training;

16 g) Adhere to the existing rules and regulations of the establishment; and

17 h) Report to the PESO for an exit interview after the completion of the
18 internship period.

19
20 **SEC. 12. Participation of Establishments.** - An establishment shall be
21 allowed to take in JobStart trainees only up to a maximum of twenty percent (20%) of
22 its total workforce. The establishment shall not take in the same trainee to be part of
23 the former's engagement in a similar training program such as the Dual Training
24 Program and the National Apprenticeship Program.

25
26 The participating establishments must have the following:

27
28 a) Legitimate business operating within the LGU's area;

29 b) Capacity to provide, in case of an in-house arrangement, or facilitate, in
30 case of a third-party training provider, a TVET training to JobStart trainees,
31 and to arrange for the disbursement of the training allowance;

32 c) Capacity to provide for up to three (3) months internship or work
33 experience to JobStart trainees, with a commitment to pay seventy-five
34 percent (75%) of the daily minimum wage for the relevant city or
35 municipality;

36 d) Capacity to develop a training plan to be learned and applied by the
37 trainee in the establishment;

38 e) Capacity to monitor a JobStart trainee's performance; and

39 f) Interest and willingness to absorb or offer possible regular employment to
40 JobStart graduates.

41
42 **SEC. 13. Duties and Responsibilities of Establishment.** - The participating
43 establishment shall perform the following:

44
45 a) Design and implement the training plan in partnership with a TVET
46 institution, as applicable;

47 b) Enter into either a training or work contract with the JobStart trainee;

- 1 c) Provide to the JobStart trainee practical training or work experience for a
2 maximum period of three (3) months or 600 hours;
3 d) Pay the JobStart trainee a training allowance of not less than seventy-five
4 percent (75%) of the daily minimum wage of the city or municipality
5 where the establishment is located;
6 e) Encourage the JobStart trainee to develop personality and professionalism
7 and to the extent possible, protect the JobStart trainee from physical or
8 moral danger;
9 f) Submit monitoring and evaluation reports or other information on the
10 trainee's performance as may be required by the DOLE or the PESO;
11 g) Submit invoices to the PESO for reimbursement or liquidation of
12 expenses, as the case may be, of training costs, training allowances, and
13 other administrative costs; and
14 h) Notify the PESO and the JobStart Unit of a trainee's breach of contract or
15 misconduct in the training premises prior to its decision to suspend or
16 terminate the training.

17
18 **SEC. 14. Termination of Training Contract.** - Any of the following shall be a
19 valid cause to terminate the training contract:

20
21 By the establishment:

- 22
23 i. Habitual absenteeism of the trainee;
24 ii. Willful disobedience by the trainee of the establishment's rules, or
25 insubordination of a lawful order of a superior;
26 iii. Theft or malicious destruction of establishment's property or equipment
27 by the trainee;
28 iv. Engaging in violence or other forms of misconduct in the training
29 or establishment's premises by the trainee; and
30 v. Inefficiency or poor training performance for a prolonged period
31 despite warnings duly given to the trainee.

32
33 By the JobStart trainee:

- 34
35 i. Substandard or harmful working conditions within the establishment's
36 premises;
37 ii. Cruel and inhumane treatment; and
38 iii. Prolonged or continuing illness.

39
40 Either party may furnish the other party a notice of intent to terminate the
41 training contract for cause as defined in this section.

42
43 In case the training contract has been terminated, replacement of a JobStart
44 trainee in an establishment shall be allowed subject to the cause of termination. In
45 case the termination is caused by the establishment, the JobStart trainee may still be
46 referred to other participating establishments. In case the termination is caused by
47 the trainee's non-adherence to program guidelines, a new trainee may still be

1 provided to the establishment provided that there are other trainees available for
2 deployment.

3
4 **SEC. 15. Grievance Committee.** - The Grievance Committee shall have the
5 initial responsibility of settling differences in case of any violation of the training
6 agreement or upon the filing of a complaint by an aggrieved party. The Grievance
7 Committee shall be composed of the officials and representatives of the concerned
8 DOLE regional and field offices, and PESOs which have the jurisdiction over
9 concerned establishments. The Committee shall investigate and render a decision
10 pursuant to pertinent rules and regulations. In case of failure by the Grievance
11 Committee to settle the issue or render a decision, or in case the complaint is
12 against members of the Grievance Committee, the case shall be referred to the
13 Bureau of Local Employment for appropriate action.

14
15 **SEC. 16. Payment of Administrative Fee.** - Participating establishments
16 shall receive an amount per month per JobStart trainee to cover administration cost
17 in managing the trainee, such amount to be determined by the DOLE.

18
19 **SEC. 17. Partnership with Local Government.** - The LGUs, through the
20 PESOs, shall serve as the conduit of DOLE in implementing the program at the local
21 level. The PESOs are expected to:

- 22
23 a) Hire adequate staff to ensure the smooth implementation of the program;
24 b) Organize the registration process for the program intake of registrants;
25 c) Process and evaluate information of registrants and select eligible
26 program beneficiaries;
27 d) Conduct job matching and referral;
28 e) Collect and review relevant financial and administrative documents and
29 reports as necessary for the processing of the training grants to the
30 JobStart trainees as well as the administrative fee provided to the
31 establishment;
32 f) Maintain a complete profile and record of transactions of program
33 participants and establishments; and
34 g) Submit a monthly program monitoring report to the DOLE, copy furnished
35 the concerned DOLE regional and field offices, and the office of the local
36 chief executive.

37
38 **SEC. 18. Role of DOLE.** - The DOLE shall be the executing agency of the
39 JobStart Philippines Program .The Bureau of Local Employment shall serve as the
40 program manager that shall provide the necessary technical and administrative
41 assistance to concerned regional and field Offices, and PESOs. The regional and
42 field offices shall supervise and monitor the implementation of the JobStart activities
43 in their respective jurisdiction. The DOLE shall conduct capacity-building activities to
44 train the PESOs in adopting the new model on employment facilitation services,
45 particularly on career coaching and life skills.

1 **SEC. 19. Role of the JobStart Unit.** - The DOLE shall establish a JobStart
2 unit at the Bureau of Local Employment and in every DOLE regional office. The
3 JobStart unit shall provide the establishment the training costs, trainees' stipends
4 and allowances, administrative costs, or other fees, if any, as specified under a
5 memorandum of agreement between the DOLE and the establishment.
6

7 **SEC. 20. Enhancement of Labor Market Information System (LMIS).** – To
8 develop local LMIS, participating PESOs shall make use of the *Client Tracking*
9 *System* (CTS) to manage records of JobStart trainees, establishments, and PESO
10 transactions. The DOLE's Skills Registry System shall be re-designed to capture the
11 data storage and system requirements of the JobStart's CTS. The PESO LMI staff
12 shall be trained in the use of the CTS and job matching.
13

14 The DOLE regional and field offices and the Bureau of Local Employment
15 shall establish the necessary information technology infrastructure and system to
16 improve the collection, processing, analysis, report development, and dissemination
17 of PESO statistics and other LMI. Towards this end, labor market analysts shall be
18 hired by the DOLE and the Bureau of Local Employment to provide technical
19 assistance in maintaining the LMIS at all levels.
20

21 **SEC. 21. Oversight Committee.** - An Oversight Committee shall oversee the
22 implementation of the JobStart Philippines Program. The Committee shall be chaired
23 by the DOLE. The Committee shall be composed of representatives from the
24 Department of Interior and Local Government (DILG), Department of Social Welfare
25 and Development (DSWD), TESDA, and representatives from the youth, employer,
26 and labor sectors. A report shall be transmitted to both Houses of Congress through
27 the Secretary of Labor and Employment.
28

29 **SEC. 22. Appropriations.** - The supplemental budget in the amount of One
30 Hundred Fifty Million Pesos (PhP150,000,000.00) is allocated to the DOLE's regular
31 budget for the current fiscal year. Thereafter, such sums as may be necessary for
32 the continued implementation of this Act shall be included in the General
33 Appropriations Act.
34

35 **SEC. 23. Implementing Rules and Regulations.** - Within ninety (90) days
36 from the effectivity of this Act, the Secretary of Labor and Employment, in
37 coordination with concerned agencies, shall formulate the necessary rules and
38 regulations to implement the provisions of this Act.
39

40 **SEC. 24. Separability Clause.** – If any provision of this Act is held invalid or
41 unconstitutional, the same shall not affect the validity and effectivity of the other
42 provisions hereof.

43 **SEC. 25. Repealing Clause.** – All laws, decrees, executive orders and rules
44 and regulations contrary to or inconsistent with the provisions of this Act are hereby
45 repealed or modified accordingly

1 **SEC. 26. Effectivity.** – This Act shall take effect fifteen (15) days from the
2 date of its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,