

'19 JUL -4 A9 :30

**SENATE**

**S. No. 234**

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Introduced by SENATOR RONALD "BATO" DELA ROSA

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**AN ACT**  
**ESTABLISHING A JOB TRAINING PROGRAM FOR MATURE OR OLDER WORKERS**

**EXPLANATORY NOTE**

The 1987 Philippine Constitution, Article XIII, Section 3 thereof, states

*"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. x x x"*

According to the latest report of the Philippine Statistics Authority (PSA), Philippine labor force participation rate dropped to 60.2% in January from 62.2%.

This may be affected by the ageing Philippine population. The employability of older adults is a main concern. Job loss is an inexorable phenomenon and the mature and older adults are the most affected by this occurrence. Companies see hiring older workers as disadvantage because they are perceived as less efficient and flexible than their younger counterparts.<sup>1</sup> However, older and mature workers are recognized with greater loyalty, stronger work ethics, with invaluable experience and established networks of contacts and clients.<sup>2</sup>

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<sup>1</sup>Counterparts attitudes towards employing older workers. 9 July 2009. Retrieved in <https://www.eurofound.europa.eu/publications/article/2009/company-attitudes-towards-employing-older-workers>.

<sup>2</sup> Ibid.

With the decreasing labor force participation, it is necessary for older people to stay in the labor market.

It is for this reason that the bill seeks to establish programs to prepare mature or older workers for participation in the labor force through increasing of occupational and educational skills for the improvement of long-term employability, increased employment and earnings. The measure was filed by Senator Joseph Victor Ejercito in the seventeenth Congress.

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

  
**RONALD "BATO" DELA ROSA**

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**AN ACT**  
**ESTABLISHING A JOB TRAINING PROGRAM FOR MATURE OR OLDER WORKERS**

*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 "*Mature and Older*  
2 *Workers Act.*"

3 SEC. 2. *Definition of Policy.* - It is the policy of the State to afford full protection  
4 to labor, local and overseas, organized and unorganized and promote employment  
5 and equality of employment opportunities for all.

6 SEC. 3. *Definition of Terms.* - As used in this Act, the term:

7 a) *Basic Skills Deficient* means, with respect to an individual, that the Individual  
8 has English reading or computing skills at or below the 8th grade level on a  
9 generally accepted standardized test or a comparable score on a criterion-  
10 referenced test;

11 b) *Case Management* means the provision, in the delivery of a service, of a client-  
12 centered approach designed to:

13 1) prepare and coordinate a comprehensive employment plan, such as a  
14 service strategy, for a participant to ensure access to a necessary  
15 training and support service; and

1           2) provide job and career counseling during program participation and after  
2           job placement.

3       c) *Educational Agency* means:

4           1) a public local school authority having administrative control of  
5           elementary, middle or secondary schools or providing adult education;

6           2) a public or private institution that provides alternative middle or high  
7           school education;

8           3) a public education institution or agency having administrative control of  
9           secondary or post-secondary vocational education programs; or

10          4) post-secondary institution

11       d) *Mature or Older Worker* means an individual who is 40 years of age or older.

12       e) *Participant* means an individual who has been determined to be eligible to  
13       participate in the program;

14       f) *School Dropout* means an individual who is no longer attending any school and  
15       who has not received a secondary school diploma or a certificate from a  
16       program of equivalent for such a diploma; and

17       g) *Termination* means the separation of a participant who is no longer receiving  
18       services.

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

22           a) Individuals whose income is not excess of the poverty line;

23           b) Individuals who are eligible for housing assistance;

24           c) Individuals who are included in two (2) or more of the following categories:

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

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

- 1           3) Individuals who are working 20 or fewer hours a week;
- 2           4) Individuals who are displaced homemakers;
- 3           5) Individuals who are homeless;
- 4           6) Individuals who have finished less than 10 years of school;
- 5           7) Individuals who are deficient in basic skills;
- 6           8) Individuals who have been notified that the jobs of such;
- 7           9) Individuals will be terminated within the next 60 days; or
- 8           10) Individuals who live alone.

9           SEC. 5 - *Program Design.*

10       (A) IN GENERAL - PROGRAM REQUIREMENTS - Each program assisted under:

- 11       (1) an objective assessment, using the case management technique, of the skill  
12       levels and service needs of each participant, including such factors as basic  
13       skills, occupational skills, prior work experience, employability interests,  
14       aptitudes (including interests and aptitudes for nontraditional employment) and  
15       supportive service needs, except that a new assessment of a participant is not  
16       required if the program determined that a recent assessment of the participant  
17       conducted under another education or training program, is an appropriate  
18       assessment;
- 19       (2) development of service strategies that shall identify the employment goal  
20       (including in appropriate circumstances, nontraditional employment), the  
21       appropriate achievement objectives, and the appropriate sequence of service  
22       for participants, taking into account the assessments conducted under  
23       subparagraph (A), except that a new service strategy is not required if the  
24       program determines a recent service strategy developed for the participant  
25       under another education or training program is an appropriate service strategy;
- 26       (3) a review of the progress of each participant in meeting the objectives of the  
27       service strategy; and

1 (4) basic skills training and occupational skills training if the assessments and the  
2 strategy indicate such training is appropriate.

3 (B) ADDITIONAL REQUIREMENTS -

4 (1) MINIMUM INCOME PARTICIPANTS AND APPLICANTS - Each service delivery  
5 area participating in a program assisted under this Act shall ensure that each  
6 participant or applicant described in paragraph (1), (2), or (3) of Section 4 shall  
7 be provided -

8 a. information on the full array of applicable or appropriate services that  
9 are available through the service delivery area or other service providers,  
10 including providers receiving funds under this Act; and

11 b. Referral to other appropriate training and educational programs that  
12 have the capacity to serve the participant or applicant either on a  
13 sequential or concurrent basis.

14 (C) APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS -

15 (1) SERVICE PROVIDERS - Each service providers shall ensure that an eligible  
16 applicant who does not meet the enrolment requirements of the particular  
17 program of the provider shall be referred to the service delivery area for further  
18 assessment, as necessary, and referral to appropriate programs to meet the  
19 basic skills and training needs of the applicants;

20 (2) SERVICE DELIVERY AREA - The service delivery area shall ensure that  
21 appropriate referrals are made under clause (1) and shall maintain records on  
22 the referral and the reasons for which applicants are referred.

23 (D) AUTHORIZED SERVICES - One or more of the following training or supportive  
24 services shall be made available to each participation under this part:

25 (1) Outreach and recruitment;

26 (2) Intake and assessment;

27 (3) Job search assistance

- 1 (4) Classroom and occupational skills training;
- 2 (5) On-the-job training;
- 3 (6) Work experience;
- 4 (7) Basic and remedial education and literacy training;
- 5 (8) Supplemental services, including day care for dependent children and adults;
- 6 (9) Occupational placement assistance

7 (E) SPECIAL RULES -

8 (1) SELECTION OF SERVICE PROVIDERS - In the selection of service providers, the  
9 Department of Labor and Employment shall give preference to agencies and  
10 organizations with demonstrated competence, in conducting older and mature  
11 worker programs.

12 (2) JOB TRAINING PLAN - The Department of Labor and Employment shall develop  
13 the job training program under this Act. It may seek the assistance of other  
14 government agencies such as the Department of Education and the help of  
15 private educational agencies. It shall also formulate the necessary  
16 implementing rules and regulations that will ensure the efficient and effective  
17 implementation of this Act.

18 SEC. 6. *Report.* - The Secretary shall submit to the President of the Philippines and  
19 to both Houses of Congress, not later than the opening of the regular session each  
20 year, an annual report on the status of the implementation of this Act. The annual  
21 report shall include an analysis, for each province and on a nationwide basis, of the  
22 number of participants served under this Act, and the type of services under this Act  
23 received by is participants.

24 SEC. 7. *Separability Clause.* - If any provision, or part hereof is held invalid or  
25 unconstitutional, the remainder of the law or the provision not otherwise affected shall  
26 remain valid and subsisting.

1        SEC. 8. *Repealing Clause.* - Any law, presidential decree or issuance, executive  
2 order, letter of instruction, administrative order, rule or regulation contrary to or  
3 inconsistent with the provision of this Act is hereby repealed, modified or amended  
4 accordingly.

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

*Approved,*