



SENATE

S. B. No. 1441

20 APR 27 AIO :27

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INTRODUCED BY SENATOR RISA HONTIVEROS

AN ACT

**MANDATING LIFE INSURANCE AND ADDITIONAL HEALTH INSURANCE
COVERAGE FOR ALL WORKERS IN THE PUBLIC AND PRIVATE SECTOR
COMPELLED TO RENDER SERVICE OUTSIDE THE HOME DURING A PUBLIC
HEALTH EMERGENCY**

EXPLANATORY NOTE

It has been said that COVID-19 is the great equalizer; in truth, it is not. While the disease can indeed sicken and kill all of us – rich or poor – the measures that the government has taken to stem this disease and “flatten the curve” affect us in differential ways. While some can stay in the safe confines of their homes, many others do not have that luxury. Many need to continue to work to feed their families and to provide the services that keep our daily lives running.

This bill aims to protect workers in a public health emergency who, just by going out to work everyday, render themselves vulnerable to the infectious disease and put their families and loved ones at risk. By requiring employers to shoulder the full cost of their medical bills and to provide life insurance coverage in case of death, the State not only reaffirms its commitment to the welfare and protection of Filipino workers, it also ensures that nobody will have to choose between dying from an infectious disease or dying from hunger.

It is also an important component of a transition out of a full lockdown into a “new normal” as we collectively strive to balance the requirements of public health and the needs of the economy and the labor force.

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


RISA HONTIVEROS

Senator

SENATE

20 APR 27 A10 :27

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

Section 1. *Short title.* This Act shall be entitled as the *Balik Trabahong Ligtas Act*.

Sec. 2. *Declaration of policy.* The 1987 Constitution (Article XIII, Section 3) reads
that: "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.

Sec. 3. *Coverage.* This Act shall cover all workers in the public and private sector,
regardless of employment status, who are asked by their employers to report to work
outside their family homes during the pendency of a declaration of public health
emergency under Republic Act No. 11332 (Mandatory Reporting of Notifiable Diseases
and Health Events of Public Health Concern Act). For purposes of this Act, contractual,
probationary, contract of service, and job order employees are likewise covered by the
benefits of this Act if the above conditions are met. Benefits of this Act shall accrue to
the described workers if they are sickened by the infectious disease subject of the public
health emergency during the pendency of the declaration of public health emergency
until one (1) year after the declaration is lifted.

Sec. 4. *Mandatory Insurance Coverage.* Aside from benefits provided under the
Philippine Health Insurance Corporation (Philhealth), all workers covered under Section 3
of this Act shall be provided mandatory life and health insurance coverage to protect
against the infectious disease subject of the declaration of public health emergency.

Sec. 5. *Minimum death benefit.* The group life insurance coverage shall provide
for a minimum of PhP1,000,000 benefit payable to the designated beneficiary of the

worker, in case the worker dies from the infectious disease subject of the declaration of public health emergency, or complications arising from the same.

Sec. 6. *Health benefit.* In addition to the benefit that shall accrue to the worker in the preceding section, every worker shall likewise be entitled to full payment of his or her medical bill, in case the worker is sickened by the infectious disease subject of the declaration of public health emergency.

Sec. 7. *Presumption of source of infection.* A worker rendering work hours for the employer outside the home during the week that the infection has been contracted is presumed to have been infected in the course of his or her work for the employer, and will not be required to provide evidence that the infection has been contracted in the performance of duties for purposes of claiming the benefits under this Act.

Sec. 8. *Cost of insurance.* The premiums to be paid to the insurance company shall be completely paid by the employer and shall not be deducted from the wages of the workers, *provided* that if the employee is a frontline worker in a health facility, whether public or private, the additional premiums for the benefits under this Act shall be shouldered by the government.

Sec. 9. *Philhealth as main insurer for health benefit.* Philhealth shall institutionalize a special program for the full payment of the medical bill of the covered worker sickened by the infectious disease subject of the declaration of public health emergency, shall set the premium rate for employers of covered employees, and effect the collection of the same. Philhealth may also recommend the inclusion of Health Maintenance Organizations (HMO) to provide the health benefit.

Sec. 10. *Flexible sick leave.* Sick leave availed as a result of the infectious disease shall not be deducted from the 15-day statutory sick leave granted to employees and shall be available even to employees who have already used up their sick leave on other illnesses. The employer shall relax rules on the filing of said leave.

Sec. 11. *Self-employed workers and workers in the informal sector.* Self-employed workers and workers in the informal sector shall be given the opportunity to voluntarily shoulder the cost of premium under the special program described in Section 8.

Sec. 12. *Application for reduced rates of premium.* All employers who compel workers to work outside the home in a public health emergency shall be required to cover the cost of additional premiums, however the following companies may apply for reduced rates of premium from the Department of Labor and Employment:

- a) Those operating distressed establishments;
- b) Those retail/service establishments employing not more than ten (10) workers;

1 c) Those considered as micro-business enterprises and engaged in the
2 production, processing, or manufacturing of products or commodities,
3 including agro-processing, trading and services, whose total assets are
4 not more than Three Million pesos (P3,000,000.00)

5 Provided that the health coverage for the reduced rate of premium shall not go below the
6 highest case rate amount of Philhealth for the infectious disease; and provided further
7 that the employee has the option to shoulder the difference between the reduced rate of
8 premium and the regular rate of premium in order to avail of the full benefits of this Act.

9 **Sec. 13. *Provision of PPEs, testing, diagnostics.*** All employers are required to
10 provide personal protective equipment (PPE) to employees working outside the home
11 during a public health emergency. The sufficiency of said PPEs shall depend on the nature
12 of the job and the level of exposure to risks. Employers with fifty (50) or more workers
13 are required to provide access to or facilities for diagnostic testing, with the time
14 consumed for testing not deducted from the paid work hours of the workers.

15 **Sec. 14. *Employer liabilities.*** If a covered worker is sickened by the infectious
16 disease subject of the declaration of public health emergency, and it has been found that
17 no premiums were paid in compliance with this Act, his or her employer shall be compelled
18 to pay his or her medical bill and, in the case of death, the death benefit to his intended
19 beneficiary or next-of-kin.

20 Any person, partnership or corporation who fails to comply with any provision of this act
21 shall, in addition to the liability in the above paragraph, shall suffer the following penalties:

22 a) For the first violation, a fine of not less than Fifty Thousand Pesos
23 (PhP50,000.00) but not more than One Hundred Thousand Pesos
24 (PhP100,000.00);

25 b) For the second violation, a fine of not less than One Hundred Thousand
26 Pesos (PhP100,000.00) but not more than One Million Pesos
27 (PhP1,000,000.00).

28 If the offender is a corporation, organization, or any similar entity, the members of the
29 board and the officials thereof directly involved in the violation shall be liable.

30 If the offender is an alien or a foreigner, he shall be deported immediately upon service
31 of sentence without further proceedings.

32 Upon filing of the appropriate complaint or information, the Secretary of Labor and
33 Employment shall request the appropriate local government unit to cancel or revoke the
34 business permit, permit to operate and other similar privileges granted to any business
35 entity or person that fails to abide by or violates the provisions of this Act.

36 **Sec. 15. *Vested rights to higher benefits.*** Nothing in this Act shall preclude

1 employers from providing benefits superior to what is mandated in this Act. If an employer
2 has been historically providing superior benefits to its workers, these workers are
3 considered to have vested rights to these superior benefits.

4 **Sec. 16. *Implementing Rules and Regulations.*** Within 15 days from the effectivity
5 of this Act, Philhealth shall, in coordination with the Department of Labor and Employment
6 and the Civil Service Commission promulgate the Implementing Rules and Regulations
7 (IRR) of this Act. In the event that a worker is sickened after the passage of this Act but
8 before the issuance of the IRR, Philhealth shall cover the payment of medical costs as
9 contemplated by this Act.

10 **Sec. 17. *Appropriations.*** The amount necessary to implement the provisions of
11 this Act shall be included in the General Appropriations Act (GAA).

12 **Sec. 18. *Separability.*** If for any reason, any provision of this Act is declared
13 unconstitutional or invalid, such parts or portions not affected thereby shall remain in full
14 force and effect.

15 **Sec. 19. *Effectivity Clause.*** – This Act shall take effect upon publication in at least
16 two (2) newspapers of general circulation.

Approved,