

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. **8011**



Introduced by Manila Teachers Representative
VIRGILIO S. LACSON

INTRODUCTORY NOTE

The lack of employment opportunities for nurses in the country makes nursing interns and trainees vulnerable to the exploitative practices of some hospitals that capitalize on their need for training hours necessary for their employment both at home and overseas. Several reports from various media outfits show that certain hospitals demand fees from nurse trainees in exchange for work experience. A clear indication of exploitative practice of free labor, the State must explore all its options to ensure fair labor practices are observed in all professions.

This bill seeks to provide certain working incentives for trainee nurses to ensure their welfare while rendering experiential service to any hospital in the Philippine and aims to penalize hospitals, both public and private, that demand payment from trainee nurses in exchange for actual nursing experience gained while working in a particular hospital.

In view of the foregoing, the immediate approval of this measure is urgently sought.


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AN ACT
INSTITUTIONALIZING CERTAIN WORKING INCENTIVES OF ON-THE-JOB
TRAINEE NURSES IN PUBLIC AND PRIVATE HOSPITALS, PROHIBITING THE
COLLECTION OF EXPERIENCE FEES AND PROVIDING PENALTIES THEREFOR

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

SECTION 1. *Short Title.* – This Act shall be known as the “OJT Nurses Protection Act”

SEC. 2. *Coverage.* – This Act shall cover all on-the-job trainee nurses rendering experiential service to any public and private hospitals in the Philippines and all hospitals publicly or privately operating in the Philippines.

SEC. 3. *Incentives for Trainee Nurses.* – All on-the-job trainee nurses upon rendering experiential service to any public and private hospital shall be entitled for meal and transportation allowances, *Provided*, That the rate to compute the incentives given to trainee nurses shall not be less than fifty (50%) of the minimum daily wage promulgated by the appropriate wage board.

SEC. 4. *Prohibited Act.* Any public or private hospital is hereby prohibited from requiring fees from on-the-job trainee nurses who want to gain professional experience in hospitals.

SEC. 5. *Penalties.* – Any person who is found guilty of violating this Act shall suffer the penalty of imprisonment of not less than six (6) months but not more than one (1) year and a fine not less than One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00).

If the offender is an association, corporation, or any juridical person, the penalty shall be imposed upon the President, Treasurer, Owner or any other person responsible for the violation. In addition, a warning shall be issued to the hospital for first offense, suspension of license to operate for a period of not less than one (1) month but not less than six (6) months for the second offense and cancellation of license for the third offense.

SEC. 6. *Fee Refund.* – Any trainee nurse who shall be required by the hospital to pay in violation of Section 3 thereof shall be refunded the full amount paid to the hospital plus an interest of six percent (6%) per annum until fully paid. In addition, a salary equivalent to not more than the minimum wage or an amount as may be fixed by the court shall be paid by the hospital for services rendered.

SEC. 7. *Separability Clause.* – If any part or provision of this Act shall be held unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 8. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, and other issuances, or parts thereof, inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least one national newspaper of general circulation.

Approved,