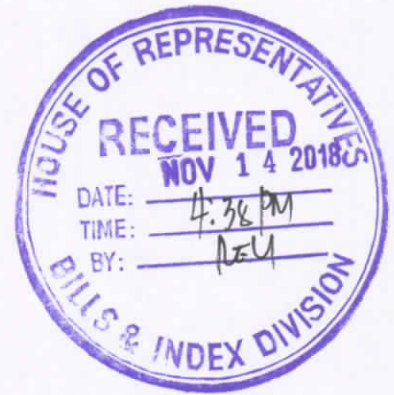




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. **8566**



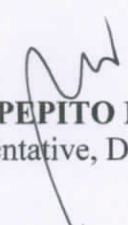
Introduced by **DIWA Party-list Representative Pepito M. Pico**

EXPLANATORY NOTE

Our nation has always been beset by storms, with both mighty gales and heavy rains that imperils the people and property. The danger posted by typhoons has only worsened in the past years, with global warming contributing to super typhoons that brings stronger rains and stronger winds, more frequently and less predictably, than at any previous time in our recorded history.

The safety and health of persons during times of storms should remain the highest priority of both the State and employers. Yet making a living is both a right and an ever present concern, for employers and employees. The unpredictability of typhoons and the particular needs of employers and employees can create a chaotic situation which exacerbates the exposure of persons to the direct and indirect dangers posed by typhoons. While the government has implemented several warning systems, how employers react to these systems varies from one place to another, and may not take into account the particular situations of employees.

In the interest of the common good, this bill will require employers to systematize their procedure during typhoons, anchoring the same on the government warning systems and giving employers the leeway to adapt other sources of warnings made possible by modern telecommunications advances, but retaining a flexibility that allows these procedures to vary from industry to industry, and region to region. It is our hope that the mandatory creation of a Typhoon Codes of Practice will reduce confusion, miscommunication, and inconvenience during typhoons, as well as to minimize the attendant dangers, without unnecessarily impairing business operations.


PEPITO M. PICO

Representative, DIWA Party-list



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Introduced by **DIWA Party-list Representative Pepito M. Pico**

**AN ACT MANDATING THE CREATION OF A TYPHOON CODE OF
PRACTICE IN EVERY OFFICE AND ESTABLISHMENT
WHERE EMPLOYEES ARE REQUIRED TO REPORT
TO A PLACE OF WORK**

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

SECTION 1. Short Title. - This Act shall be known as the Typhoon Code of Practice Act.

SECTION 2. Declaration of Principles and Policies. - Section 15, Article 2, of the 1987 Constitution states that "[t]he State shall protect and promote the right to health of the people and instill health consciousness among them." The Constitution likewise mandates in Section 5, Article 2, "the protection of life, liberty, and property, and prolongation of general welfare."

SECTION 3. Definition of Terms. - For purposes of this Act, the following terms are defined:

- (a) *Employer* - refers to all employers, businesses, entities, corporations, or establishments that require employees to report to a specific place of work.
- (b) *Flood Report* - refers to a report from an Accredited Source, as defined in this Act, that the residence of the employee, or his/her Route to Work, as defined in this Act, is impassable/unusable or virtually impassable/ unusable due to flooding, rains, landslide, accident, or other cause attributable to the Typhoon.
- (c) *Place of Work* - refers any location where an employee is habitually required to be, pursuant to his employment, the location being other than his/her residence.
- (d) *Rainfall Warning* - refers to warnings issued by the Philippine Atmospheric,

Geophysical and Astronomical Services Administration (PAGASA) that relate to the amount of rainfall observed/expected in a given hour.

- (e) *Report for Work* - refers to the act of the employee travelling to his/her Place of Work pursuant to his/her employment;
- (f) *Typhoon Code of Practice* - refers to a document that outlines automatic procedures to be followed and benefits that accrue to employees in the event that Typhoon Signals are raised in the area to which their Place of Work belongs.
- (g) *Typhoon Signals*- refer to warnings issued by the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) that relate to weather and storm conditions affecting safety and welfare in a particular area within the Philippine Area of Responsibility.

SECTION 4. Coverage. - This Act covers all employers, businesses, entities, corporations, or establishments that require employees to report to a specific place of work.

SECTION 5 Typhoon Code of Practice, Required. - All covered employers, businesses, entities, corporations, or establishments are hereby required to create a Typhoon Code of Practice, in accordance with the provisions of this Act and its Implementing Rules and Regulations.

SECTION 6. Contents of Typhoon Code of Practice.- The Implementing Rules shall provide a template for, and the contents of, the Typhoon Code of Practice, which contents shall include the following:

- (a) A classification of essential and non-essential employees; provided that there can be more than two levels of classification;
- (b) The Typhoon Signal and Rainfall Warning level under which non-essential employees shall not be required to report for work;
- (c) The sources of information that are to be considered as Accredited Sources for purpose of determining the existence of a valid Flood Report, under which non-essential employees in the affected area shall not be required to report for work; *provided* that these Accredited Sources may consist of news outlets or reports from employees in the affected area, or any other analogous source of information that the employer, in consultation with the Employees, deems valid;
- (d) The time period for the issuance/public dissemination of the Typhoon Signal, Rainfall Warning, or Flood Report that will be considered for purposes of determining whether or not an employee shall not be required to report for work;
- (e) The means by which the employer shall disseminate any work cancellation orders not due to Typhoon Signals, Rainfall Warnings, or Flood Reports.
- (f) The procedure to be followed if work is cancelled, either by a Typhoon Signal or the decision of the employer, after employees have already reported

for work;

- (g) The amount of the travel allowance, meal allowance, and/or additional compensation that essential employees are entitled to for work done during a Typhoon Signal, Rainfall Warning and/or in spite of being affected by a flood Report.
- (h) The effect of a cancellation/lifting/lessening of a Typhoon Signal and/or a Rainfall Warning, or a change in the flood situation covered by the Flood Report. *Provided*, that if the Rainfall Warning system is not yet implemented in the relevant areas of the employers, businesses, entities, corporations, or establishments, and no analogous regional or local government warning system exists, the Code of Practice shall not take Rainfall Warnings into consideration, but shall be expeditiously amended if a Rainfall Warning system is implemented in the relevant area/s.

SECTION 7. Prohibition of Penalties. - An employer shall not deduct the wages, or leaves (whether as a penalty or as compensation for work days lost to the Typhoon), or impose a penalty on employees who were unable to work because of the Typhoon, or a cause attributable to the Typhoon, including the need to rescue or aid the family of the employee, *provided* that the employee can reasonably prove the same.

SECTION 8. Consultation with Employees. - The Code of Practice shall be created by the employer upon due consultation with all employees; the Code of Practice shall be reviewed annually, which review shall again involve a consultation with employees.

SECTION. Implementing Rules and Regulations. - The Secretary of the Department of Labor, in consultation with employer and employee groups at the national and local levels, as well as private individuals with relevant expertise, shall issue the necessary rules and regulations for the effective implementation of this Act within ninety (90) days after its effectivity. These Implementing Rules shall mandate, amongst others, the period by which employers must have completed their Typhoon Code of Procedures, which period shall not be less than ninety (90) days after the promulgation of the Implementing Rules.

SECTION. Separability Clause. - If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof

SECTION. Repealing Clause. - All laws, executive orders, presidential decrees, presidential proclamations, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 25. Effectivity Clause. - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or at least two (2) national newspapers of general circulation.

Approved,