

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7909



Introduced by
REP. ARLENE D. BROSAS (Gabriela Women's Party),
REPS. CARLOS ISAGANI T. ZARATE, FERDINAND R. GAITE,
EUFEMIA C. CULLAMAT (Bayan Muna Partylist), **REP. FRANCE L. CASTRO** (ACT Teachers Partylist)
and **REP. SARAH JANE I. ELAGO** (Kabataan Partylist)

AN ACT
MANDATING PAID PANDEMIC LEAVES IN THE PRIVATE SECTOR IN LIGHT OF A DECLARED
GLOBAL PANDEMIC

EXPLANATORY NOTE

To supposedly contain the rapid spread of coronavirus disease, the Philippines was placed under strict and militarized lockdown in March 2020. Checkpoints, curfews, and transportation restrictions were imposed. This resulted in massive loss of jobs, hunger, and crisis. Despite enforcing quarantine in the country for almost seven months now, which is one of the world's longest lockdown, the number of COVID-19 cases is still increasing. As a matter of fact, Philippines is one of the top 20 countries worldwide with most COVID-19 cases with 314,079 infections. This alarming and worsening upsurge of cases is caused by the Philippine government's negligence on handling this pandemic — no free and accessible testing for all, ineffective contact-tracing, lack of adequate financial assistance for workers. Despite having no clear and comprehensive actions for ensuring the health and safety of workers, the government allowed businesses to resume operations as a way to revive the declining state of Philippine economy. This shifted the responsibility and burden of occupational safety and health to workers.

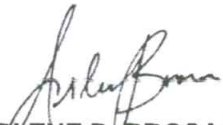
Workers are most vulnerable to economic and health impact of COVID-19. Prior to global pandemic, workers are already facing unjust wage, lack of benefits, and contractualization. This abhorrent situation of the working class was aggravated by the widespread virus — skeletal and work from home arrangements, massive layoffs, reduced work hours and salary. Amid restrictions on public transportation and the violent rise of cases, workers are compelled to report to work because of 'no work, no pay schemes'. Moreover, workers do not receive hazard pays and most of them already consumed their paid leave credits. Hence, they have no other option for reprieve when they experience symptoms or when they are exposed with confirmed cases.

As of July 2020, Department of Labor and Employment has only inspected 46,543, comprising 2.2 million workers, over more than one million establishments despite the enactment of the Occupational Safety and

Health Law or Republic Act 11058. The neglect of the government to provide safety measures for workers and the failure of DOLE to conduct extensive inspection to ensure compliance with labor laws and with health protocols resulted to a spike of virus cases in workplaces. According to coronavirus task force officials, recent recorded cases came from workplace transmission. Metro Manila, CALABARZON, Central Luzon, and Central Visayas, where industrial areas are situated and 47% of country's labor force are concentrated, has recorded a high number of infections. Over the previous months, 394 construction workers in Taguig, 198 employees of MRT 3, 280 workers in 15 companies in Quezon City, more than 100 BPO employees, over 500 workers from 10 companies in Laguna tested positive for coronavirus. These prove that workers suffer the danger of acquiring infection in their workplaces.

Millions of Filipino workers were also initially placed on unpaid forced leave or floating status amid the economic fallout of the militarist lockdown. With no or insufficient social safety nets and social protection measures in place, workers and their families suffered tremendously from income losses. They are also not eligible for cash transfer programs since they are technically still employed. This is a serious gray area that needs to be addressed, as this constitutes economic deprivation amid the raging pandemic.

The COVID-19 pandemic has exposed the lax implementation of the country's policies concerning workers and workers' health and safety. Amid the prevalence of COVID-19, workers sacrifice their lives to feed their family and to save the economy, yet their welfare is in peril. At the same time, the pandemic has also uncovered the social protection gaps, especially among those on forced unpaid leave amid the restrictions and economic disruptions. Granting paid pandemic leave will ease the distressed situation of workers while upholding public health and occupational safety and health. Thus, there is an urgent need to legislate this paid pandemic leave bill.



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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 "Paid Pandemic Leave Law of 2020."

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the State to protect and promote the right to health of the people, including workers who constitute the life and blood of the economy. The State that a safe and healthy workforce is an integral aspect of nation building, and that public health emergencies pose threats to public health and occupational safety and health.

SECTION 3. Definition of Terms.

- a) Close contact – asymptomatic or presymptomatic patient with known prolonged (15 minutes or more) and unprotected (no PPE) contact or exposure to a confirmed or probable case of COVID-19
- b) Confirmed case – patient who tested positive for COVID-19 from an accredited national or subnational laboratory
- c) COVID-19 – Coronavirus disease 2019
- d) Emerging infectious diseases - those due to newly identified and previously unknown infections which cause public health problems either locally or internationally
- e) Employer – any person, natural or juridical, domestic or foreign, who carries on in the Philippines any trade, business, industry, undertaking, or activity of any kind and engages and controls the services of another person. For purposes of this Act, employer includes national government agencies, and government-owned and controlled corporations;
- f) Full pay – refers to the employees' daily basic pay plus benefits and other additional compensation
- g) Immediate family - refers to a person's smallest family unit, consisting of the closest biological

- relatives, such as parents, siblings, and children, and spouse in case of married persons
- h) Private Sector Employee – includes any person who performs services for an employer in the private sector which either both mental or physical efforts are used and who receives compensation for such services; *Provided*, that a self-employed worker shall be both the employee and employer at the same time;
 - i) Probable case – a suspect COVID-19 case that tested either inconclusively, or positive, but through other means than the accredited laboratories, such as rapid test kits
 - j) Suspect case – patient with mild or severe COVID-19 symptoms with travel to or residence in an area of local transmission at least 14 days prior to symptom onset

SECTION 4. Coverage. This Act shall apply to all establishments, projects, sites, including Philippine Economic Zone (PEZA) establishments, and all other places where work is being undertaken in all branches of economic activity.

SECTION 5. Grant of Paid Pandemic Leave Benefits. Employers are mandated to grant paid pandemic leaves and leave benefits to their employees, regardless of employment status, when there is a declared global pandemic arising from an emerging infectious disease, in order to contribute in the overall program to ensure occupational safety and health (OSH) in workplaces, and to promote the protection of labor amid the spillover effects of the pandemic on the economy.

The paid pandemic leave shall be fourteen (14) days of paid leave at the employee's daily full pay for employees who are classified under Section 6 a), b), c), d), e) of this Act, and a maximum of sixty (60) days of paid leave at eighty percent (80 %) of the employee's daily full pay for employees who are classified under Section 6 f) of this Act. *Provided*, that one hundred percent (100 percent) of the leave benefits shall be paid to the employee within the applicable period.

SECTION 6. Eligibility for Paid Pandemic Leave. For an employee to qualify for paid pandemic leave, he or she must satisfy the following conditions:

- a) is a confirmed case of COVID-19 or any emerging infectious disease that reached the status of a pandemic
- b) is a probable case of COVID-19, or any emerging infectious disease that reached the status of a pandemic, who needs to undergo medical quarantine
- c) is a suspect case of COVID-19, or any emerging infectious disease that reached the status of a pandemic, who needs to undergo medical quarantine
- d) is a close contact or has exposure to a confirmed case of COVID-19, or any emerging infectious disease that reached the status of a pandemic, who needs to undergo medical quarantine
- e) has an immediate family member who is a confirmed case of COVID-19, or any emerging infectious disease that reached the status of a pandemic, who needs family care
- f) is an employee who has been rendered involuntarily out of work or placed under floating status by his or her employer due to the effects of the pandemic on the company but who remains employed

An employee who applies for the paid pandemic leave must submit the necessary medical records and other proof of eligibility to the employer for immediate action. Processing of applications for pandemic leave shall not exceed three (3) days.

The application shall be deemed approved if not acted upon by the employer within five (5) calendar days upon receipt thereof.

SECTION 7. Security of Tenure. Those who avail of the benefits of this Act shall be assured of security of tenure. As such, the exercise of this option by them shall not be used as basis for demotion in employment or termination.

SECTION 8. Non-discrimination. No employee shall be discriminated in the availment of the paid pandemic leave benefit on the basis of sex, gender, political beliefs and employment status.

SECTION 9. Non-diminution of benefits. Nothing in this Act shall be construed as to diminish or prejudice existing sick leaves and other benefits currently enjoyed by an employee, whether or not these are granted under collective bargaining agreements (CBA) or present laws.

SECTION 10. Funding. The national government shall reimburse the employer for the payment of the employees' paid pandemic leave, using available funds from the Department of Labor and Employment (DOLE) and the Social Security System (SSS), and from savings generated during the duration of the pandemic.

SECTION 11. Penalties. Employer's willful refusal to grant the paid pandemic leave shall be punished by a fine of not less than Twenty thousand pesos (P20,000.00) but not more than Two hundred thousand pesos (P200,000.00). If the act or omission penalized by this Act shall be committed by an association, partnership, corporation, or any other institution, its managing head, directors, or partners shall be liable to the penalties provided in this Act for the offense.

SECTION 12. Implementing Rules and Regulations. - The DOLE shall issue the necessary rules and regulations for the effective implementation of this Act within sixty (60) days from the effectivity of the same.

SECTION 13. Separability Clause. - If any provision of this Act is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereby.

SECTION 14. Repealing Clause. - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 15. Effectivity. - This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in a newspaper of general circulation.

Approved,