

Republic of the Philippines
House of Representatives

Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 8257



INTRODUCED BY
REP. ALFRED VARGAS

AN ACT
MANDATING AN ACCIDENT AND LIFE INSURANCE COVERAGE FOR
CONSTRUCTION WORKERS

EXPLANATORY NOTE

Article XIII, Section 3 of the 1987 Constitution embodies our country's commitment to protecting the rights and welfare of our workers, providing that "*The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment opportunities for all.*" The extensive Labor Code of the Philippines or Presidential Decree No. 442, as amended, also provides for the institutionalization of protection to labor and employment.

Among the most productive laborers in the country are workers from the construction industry. In particular, the Philippines employs more than two million construction workers.¹ Due to the manual labor and nature of this industry, the workers are constantly exposed to dangerous working environments and are at high risks of musculoskeletal disorders (MSDs). MSDs comprise of 30% of all recorded occupational injuries of construction workers in the country.²

Despite having standards to ensure worker safety, a high number of cases of injuries are still reported annually. Consequently, the injuries

¹ Philippine Statistics Authority – National Statistics Coordination Board. (October 2011). Statistics: Labor and Employment. Retrieved from http://www.nscb.gov.ph/secstat/d_labor.asp.

² Bureau of Labor and Employment Statistics. (2011). PSIC F: CONSTRUCTION. Retrieved from <http://www.bles.dole.gov.ph/PUBLICATIONS/Industry%20Yearbook/Part%20A%20-%20Occupational%20Injuries.html>

obtained by the construction workers remain heavily unreported.³ While the Department of Labor and Employment (DOLE) have supervised many legitimate construction agencies, it is imperative that construction workers and their families are not denied opportunities to better safety protocols and accident and life insurance.

When unfortunate circumstances like accidents happen, the construction workers and their families are often just paid a small amount of money by their employers that do not capture the sacrifices and dignity of labor. Many of these construction workers are denied better opportunities to livelihood because of days lost for being confined in hospitals or worse, death due to work-related accidents.

This bill seeks to ensure that construction workers and their families are justly compensated with dignity and respect for their sacrifices in nation-building. This legislation shall provide group personal accident insurance coverage for construction workers. The insurance coverage shall compensate a reasonable amount for an accident that will cause the disability or the death of the worker. The premiums paid to the insurance company shall be shouldered by the employer and shall not be deducted from the wages of the construction workers, and will be valid in the duration of the project or contract. This bill also serves as a counterpart legislation for Senate Bill No. 741 filed by Senator Sherwin Gatchalian.

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



ALFRED VARGAS

³ Domingo, James Renier T.; De Pano, Ma. Theresa S.; Ecat, Dominic Aily G.; Sanchez, Nicole Ann D.G.; Custodio, Benette P. (2015). "Risk Assessment on Filipino construction workers. University of the Philippines Diliman, Quezon City 1101, Philippines

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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 known as the "*Construction Workers Insurance Act*."

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the State to ensure the safety and promote the welfare of construction workers because of the hazardous and dangerous work environment. To this end, it is the intent of this Act to require employers of construction workers to provide for mandatory group personal accident insurance coverage to guaranty the quick and efficient delivery of indemnity to injured workers at a reasonable cost to the employers.

SECTION 3. Definition of Terms. – The following terms, for the purposes of this Act, shall be defined as follows:

- a) The term *Construction* covers:
 - i. Building, including excavation and the construction, structural alteration, renovation, repair, maintenance (including cleaning and painting) and demolition of all types of buildings or structures; and
 - ii. The erection and dismantling of prefabricated buildings and structures, as well as manufacturing of prefabricated elements on the construction site.

- b) *Construction worker* refers to a person engaged in construction that is exposed to a considerable risk, danger or hazard while in the line of work.
- c) *Employer* refers to a contractor or a subcontractor that employs at least ten (10) construction workers to perform a service for hire and includes a corporation, partnership, limited liability company, association, group of persons, state, city, municipality, school district, or any government subdivision;
- d) *Construction site* refers to any place or location where a building or a structure is being constructed;
- e) *Insurance* refers to a contract wherein one party undertakes to compensate the other for an injury relating to a particular subject as a result of the occurrence of designated hazards;
- f) *Group Personal Accident Insurance* refers to a type of insurance coverage offered to a group of people, which provides benefit to the individual or beneficiaries if the covered individual is permanently disabled or dies during the defined insurance covered period resulting from accidental death, disability and injuries;
- g) *Insurance company* is a corporation, duly accredited by the Insurance Commission that provides for the insurance coverage of the construction worker upon payment by the employer of the required insurance premium.

SECTION 4. Mandatory Insurance Coverage. – All construction workers employed in a construction project or site shall be provided a group personal accident insurance coverage by the employer. The duration of the insurance shall start from the commencement of the service of the construction worker until the completion of the construction project or upon the termination of the employment contract.

Nothing in this Act shall be construed to diminish or reduce any benefit and other privileges which the worker may be entitled under existing laws, decrees, executive orders, company policy or practice or any agreement or contract between the employer and employees.

SECTION 5. Cost of Insurance. – The premiums to be paid to the insurance company shall be completely paid for by the employer and shall not be deducted from the wages of the construction workers.

SECTION 6. Minimum Insurance Coverage. – The group personal accident insurance shall provide for financial assistance including, but not limited to, the following:

- a) For natural death, the amount of Seventy-Five Thousand Pesos

(P75,000.00);

- b) For accidental death, the amount of One Hundred Thousand Pesos (P100,000.00);
- c) For death in the line of work, the amount of One Hundred Fifty Thousand Pesos (P150,000.00);
- d) For loss of both hands, the amount of Fifty Thousand Pesos (P50,000.00);
- e) For loss of both feet, the amount of Fifty Thousand Pesos (P50,000.00);
- f) For loss of sight of both eyes, the amount of Fifty Thousand Pesos (P50,000.00);
- g) For loss of one hand and one foot, the amount of Fifty Thousand Pesos (P50,000.00);
- h) For loss of one hand and sight of one eye, the amount of Fifty Thousand Pesos (P50,000.00);
- i) For loss of one foot and sight of one eye, the amount of Fifty Thousand pesos (P50,000.00);
- j) For loss of one hand or one foot, the amount of Twenty-Five Thousand Pesos (P25,000.00); and
- k) For loss of sight of one eye, the amount of Twenty-Five Thousand Pesos (P25,000.00).

SECTION 7. Health Insurance. – In addition to the compensation that shall accrue to the worker in the preceding section, every construction worker shall likewise be entitled to receive fair and prompt medical benefits in cases where the illness is directly attributable to or was developed in the course of employment. This is meant to cover loss of wages due to workplace exposure.

SECTION 8. Limitations. – No compensation shall be given to the construction worker or his dependents when the injury, illness, disability or death was due to any of the following:

- a) his intoxication;
- b) his willful intention to injure or kill himself or another; or
- c) his gross negligence.

SECTION 9. *Penalties.* – Any person, partnership or corporation who violates any provision of this Act shall, upon conviction, suffer the following penalties:

- a) For the first violation, a fine of not less than Two Hundred Thousand Pesos (P200,000.00) but not more than Five hundred thousand pesos (P500,000.00); and
- b) For any subsequent violation, a fine of not less than Four Hundred Thousand Pesos (P400,000.00) but not more than One Million Pesos (P1,000,000.00).

If the offender is a corporation, organization or any similar entity, the officials thereof directly involved in the violation shall be liable

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

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

SECTION 10. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Secretary of Labor and Employment shall promulgate the implementing rules and regulations as may be necessary to ensure the efficient and effective implementation of this Act.

SECTION 11. *Separability Clause.* – Should any part of this Act be declared unconstitutional, the rest of the provisions of this Act shall continue to be in effect and subsisting.

SECTION 12. *Repealing Clause.* – The provisions of other laws, decrees, executive orders, rules and regulations inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,