

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS:
Second Regular Session

HOUSE BILL NO. 8588



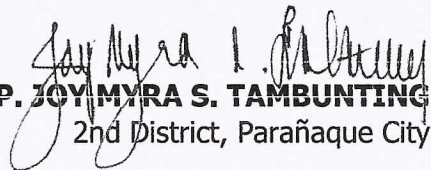
Introduced by **HON. JOY MYRA S. TAMBUNTING**

EXPLANATORY NOTE

It is the State's duty to protect the rights of its laborers and promote a safe working environment for workers. A safe working environment complies with prescribed Occupational Safety and Health (OSH) Standards and which allow the workers to perform the job without or within acceptable exposure limit to hazards.

In consideration of COVID-19, this measure seeks to provide additional protection to laborers by making them eligible for unemployment benefits upon termination of employment with an employer who failed to provide adequate response to the health concerns they raised. This measure provides that in workplaces or designations which have considerable exposure to COVID-19, employees can raise health concerns to their employers and the employers must adequately act upon concern by installing additional safety equipment, adjusting the work environment, adopting appropriate work schedule, or finding alternative suitable employment for those employees.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

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AN ACT
PROVIDING EXPANDED EMPLOYMENT SECURITY FOR WORKERS AND DEFINING
RESPONSIBILITY OF EMPLOYERS WITH RESPECT TO EXPOSURE TO COVID-19

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 "Expanded Employment Security Act".

SECTION 2. Unemployment Benefits. – An employee, as defined in the Labor Code, regardless of the classification of employment under Article 295 of the Code, whose work or designation may have a considerable exposure to COVID-19, may inform his or her employer of any health concerns that he or she might have regarding resuming or continuing employment.

An employer, as defined in the Code, upon being informed of such health concern, shall act upon it immediately by installing additional safety equipment, adjusting the work environment, adopting appropriate work schedule, or finding alternative suitable employment for the said employee.

If the employer fails to act upon it or if the said employee is unsatisfied with the response or action of his or her employer, the concerned employee shall send a report, with proof of service of a copy to the employer, regarding the same to the Regional Office of the Department of Labor and Employment (DOLE) where the company he or she works is located. The Regional Director concerned shall allow the employer to submit a reply to the report within five (5) calendar days from the filing thereof. The Regional Director shall examine the report within five (5) calendar days from the receipt of the reply or expiration of the time for the submission thereof, taking into consideration the facts presented in the report and/or reply, the applicable standards for occupational health and safety, the nature of the occupation and the attendant risks of exposure to the COVID-19 Disease. The decision of said Regional Director is appealable to the Bureau of Labor Relations (BLR) within five (5) days from the receipt of said decision. The BLR shall decide within ten (10) days from receipt of the appeal and its decision shall be final and executory.

If the Regional Director or the BLR, as the case may be, finds that the employer failed to provide adequate response to the health concern raised by the employee, the latter may terminate his or her employment and shall be eligible for unemployment benefits.

SECTION 3. Limitation on the Liability of Employers. – An employer may not be held liable for any injury that resulted from an employee contracting COVID-19, except when the employer violates the laws related to workplace safety.

SECTION 4. Implementing Rules and Regulations. – Within thirty (30) days from the effectivity of this Act, the DOLE shall formulate the rules and regulations necessary for the implementation of this Act.

SECTION 5. Separability Clause. – If any provision of this Act is declared unconstitutional or Invalid, the remainder of the provisions thereof not affected shall remain in force and effect.

SECTION 6. Repealing Clause. – All laws, executive orders, administrative rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby amended, modified, or repealed accordingly.

SECTION 7. Effectivity Clause. – This Act shall take effect immediately upon its publication In a newspaper of general circulation or in the Official Gazette.

Approved,