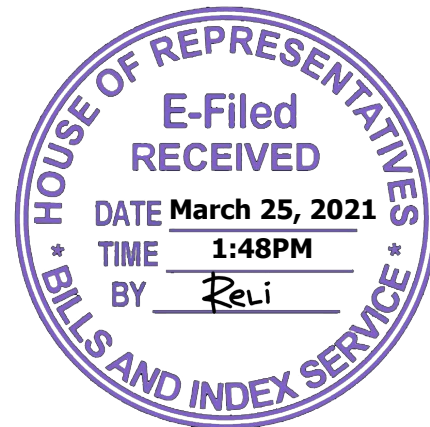


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9152



Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

AN ACT
PROVIDING FOR A SPECIAL EMERGENCY LEAVE FOR ALL WORKERS IN THE PUBLIC AND PRIVATE SECTOR WHO EXPERIENCE ANY COVID-19 VACCINE SIDE EFFECTS

EXPLANATORY NOTE

This bill seeks to grant all workers in the public and private sector who will suffer from any COVID-19 vaccine side effects a special emergency leave.

While independent expert committees such as one from the Centers for Disease Control and Prevention (CDC) and one from the Food and Drug Administration (FDA) of the United States concluded that the COVID-19 vaccines are safe and effective, these vaccines can still cause harm in one per a hundred thousand or one per a million cases.¹

It was also revealed based on trials and early experience with COVID-19 vaccine administration, that "the vaccines have high rates of temporary and unpleasant—but not dangerous—side effects."² Common COVID-19 vaccine side effects are usually sore arms at high rates; swelling, mild fevers, fatigue, and aches.

The existence of any of these side effects is not a bad sign inasmuch as it merely indicates that the recipient's immune system is vigorously responding to the vaccine, and building immunity that can protect the recipient. However, these side effects can be debilitating and those vaccinated may need to take a couple of days to rest.

Consistent with the State policy that affirms labor as a primary social economic force, this proposal seeks to protect the rights of workers and promote their welfare through the provision of a COVID-19 vaccine special emergency leave.

It is hoped that through this grant of a special emergency leave, workers who will experience side effects from the COVID-19 vaccine jab will be provided sufficient time to recover from temporary, but unpleasant, COVID-19 vaccine side effects and also encourage all workers to participate in the COVID-19 immunization program of the government.

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

A handwritten signature in black ink, appearing to read "A. Tan".

ANGELINA "HELEN" D.L. TAN, M.D.
4th District, Quezon

¹ COVID-19 Vaccine Side Effects Deserve Time Off To Recover, Dorit Rubinstein Reiss Arthur L. Caplan, February 5, 2021 (<https://www.healthaffairs.org/doi/10.1377/hblog20210204.959004/full/>) Accessed on 12 March 2021

² *ibid*

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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 "COVID-19 Vaccine Special Emergency Leave Act."

SEC. 2. Declaration of Policy. - It is the policy of the State as enshrined in Article II, Sec. 18 of the Constitution to protect the rights of workers and promote their welfare. In compliance therewith, it is of utmost importance that workers and their right to safe and healthful working conditions must always be upheld.

Towards this end, and consistent with legal instruments that protect and promote the rights of the workers, the State shall institutionalize a mechanism to grant special emergency leave to employees who experience any COVID-19 vaccine side effects. Labor as a primary social economic force, shall be given the protection that the exigencies of time and circumstances mandate.

SEC. 3. Applicability. - All rights and benefits granted to employees under this Act shall apply to all officials, workers and employees, whether in the public or private sector.

SEC. 4. COVID-19 Vaccine Special Emergency Leave. -

(a) Every employee who shall experience any side effects from the COVID-19 vaccine shall be entitled to a special emergency leave, with pay, based on any of the grounds specified in Section 6 of this Act.

(b) This provision shall not apply to those already enjoying the benefit herein provided regardless of nomenclature, those enjoying similar emergency leave and those employed in establishments regularly employing less than ten (10) employees or after considering the viability of such establishment.

(c) The grant of benefit in excess of that provided herein shall not be made a subject of arbitration or any court or administrative action.

SEC. 5. Grant of COVID-19 Vaccine Special Emergency Leave. - A special emergency leave, with pay shall be available upon the certification of any medical professional that the employee is experiencing COVID-19 side effects. However, in case an employee cannot immediately go to a medical professional for consultation or treatment, but was nonetheless severely affected by any of the COVID-vaccine side effects, the head of the office or employer in the exercise of his/her sound discretion, may grant the special emergency leave to affected employee based on proof or evidence presented by the employee.

The special emergency leave can be applied for one working day and will not be deducted from the employee's leave credits. This leave may be availed of by employees within twenty-four (24) hours from the date when the side effect has manifested.

SEC. 6. Purpose of the COVID-19 Vaccine Special Emergency Leave. - Any qualified employee may avail of this special emergency leave on any of the following grounds:

- (a) Pain or swelling in the area of the body where an employee got the vaccine;
- (b) Fever;
- (c) Muscle aches;
- (d) Fatigue;
- (e) Headaches; and
- (f) Other side effects as may be determined by a medical professional

SEC. 7. Verification and Validation. - The granting of the special emergency leave under this Act shall be the duty of the head of office upon verification of the employee's eligibility thereto.

In determining the eligibility of an employee to the leave granted herein, the head of office or employer shall take into consideration the following:

- (a) Medical certification of a medical professional stating that the illness was suffered by the employee as a consequence of the COVID-19 vaccine jab;
- (b) The exercise of his/her sound discretion; and
- (c) Other matters that may aid the head of office in his/her decision on the eligibility of the employee to avail of the said grant.

SEC. 8. Suspension or Cancellation of Work. - If the head of office or employer suspended or cancelled work on occasion of any side effects brought about by the COVID-19 vaccine, the employee may not be required to apply the special emergency leave during such suspension or cancellation.

SEC. 9. Non-cumulative and Non-commutative. - Unused leave under this Act shall not be cumulative and may not be converted into its cash equivalent.

SEC. 10. Non-diminution of Benefits. - Benefits granted under this Act shall not in any manner mean any reduction, diminution, discontinuation or elimination of other existing benefits already enjoyed by workers. Rights already vested prior to the effectivity of this Act shall remain to be in full force and effect upon the passage of this Act.

SEC. 11. Construction in favor of labor. - All doubts in the interpretation and implementation of the provisions of this Act shall be resolved in favor of labor.

Sec. 12. Rules and Regulations. - The Department of Labor and Employment and other government agencies charged with the administration and enforcement of this Act shall promulgate the necessary implementing rules and regulations.

SEC. 13. Separability Clause. - If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions which are not affected shall continue to be in full force and effect.

SEC. 14. Repealing Clause. - All laws, decrees, executive orders, proclamations, rules and regulations or parts thereof inconsistent herewith are repealed, amended, or modified accordingly.

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

Approved,