

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. **9434**



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

Article XIII, Section 3 of the 1987 Constitution provides that “the State shall afford full protection to labor, local and overseas, organized and unorganized and promote full employment and equality of employment opportunities for all.”

Mature or older workers, whose ages are 40 years and above, also face employment discrimination. Private companies view that hiring older workers are disadvantageous as they are perceived as less efficient. Despite the passage of Republic Act No. 10911, otherwise known as the “Anti-Discrimination in Employment Act”, many mature or older workers still face the difficulties in securing job employment. This also affects the lowering of the rate of labor force participation.¹

This bill seeks to establish and maintain a training program for mature and older workers for participation in the labor force through increasing occupational and education skills. The Department of Labor and Employment is mandated to develop a job training program for workers with ages 40 years and above. This measure is also a recognition of the contributions that mature or older workers could still impart in their chosen line of work.

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

¹ Philippine Statistics Authority. Labor Force. Data retrieved from <https://psa.gov.ph/content/employment-rate-january-2019-estimated-948-percent>. Dated March 7, 2019



MANUEL DG. CABOCHAN III

Representative

Magdalo Para Sa Pilipino Party-List

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AN ACT
ESTABLISHING A JOB TRAINING PROGRAM FOR MATURE OR OLDER
WORKERS

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

1 SECTION 1. *Short Title.*— This Act shall be known as the "*Mature and Older*
2 *Workers Act of 2021.*"

3
4 Sec. 2. *Declaration of Policy.*— It is the policy of the State to afford full
5 protection to labor, local and overseas, organized and unorganized and promote
6 employment and equality of employment opportunities for all. Towards this end, the
7 State shall establish, maintain, and support a training program that will equip mature
8 and older workers with the educational and occupational skills that will improve their
9 employability and productivity

10
11 Sec. 3. *Definition of Terms.*— As used in this Act, the term:

12 (a) *Basic Skills Deficient* means, with respect to an individual, that the
13 individual has English reading or computing skills at or below the 8th
14 grade level on a generally accepted standardized test or a comparable
15 score on a criterion referenced test;
16

- 1 (b) *Case Management* means the provision, in the delivery of a service, of
2 a client centered approach designed to:
3 (1) Prepare and coordinate a comprehensive employment plan, such as
4 a service strategy, for a participant to ensure access to a necessary
5 training and support service; and
6 (2) Provide job and career counseling during program participation and
7 after job placement.
8
- 9 (c) *Educational Agency* means:
10 (1) A public local school authority having administrative control of
11 elementary, middle or secondary schools or providing adult
12 educations;
13 (2) A public or private institution that provides alternative middle or
14 high school education;
15 (3) A public education institution or agency having administrative
16 control of secondary or post-secondary vocational education
17 programs; or
18 (4) Post-secondary institution
19
- 20 (d) *Mature or Older Worker* means an individual who is 40 years of age or
21 older;
22
- 23 (e) *Participant* means an individual who has been determined to be eligible
24 to participate in the program;
25
- 26 (f) *School Dropout* means an individual who is no longer attending any
27 school and who has not received a secondary school diploma or a
28 certificate from a program of equivalent for such a diploma; and
29
- 30 (g) *Termination* means the separation of a participant who is no longer
31 receiving services.

1 Sec. 4. *Eligibility for Services.*— An individual shall be eligible to participate in
2 the program assisted under this part if such individual is forty (40) years of age or
3 older and is included in one or more of the following categories:

4 (a) Individuals whose income is not excess of the poverty line;

5 (b) Individuals who are eligible for housing assistance; or

6 (c) Individuals who are included in two (2) or more of the following categories:

7 (1) Individuals who are unemployed for 15 consecutive weeks;

8 (2) Individuals who are unemployed for 30 consecutive weeks;

9 (3) Individuals who are working 20 or fewer hours a week;

10 (4) Individuals who are displaced homemakers;

11 (5) Individuals who are homeless;

12 (6) Individuals who have finished less than 10 years of school;

13 (7) Individuals who are deficient in basic skills;

14 (8) Individuals who have been notified that the jobs of such;

15 (9) Individuals will be terminated within the next 60 days; or

16 (10) Individuals who live alone.

17
18 Sec. 5. *Program Design.* —

19 (A) IN GENERAL – PROGRAM REQUIREMENTS – Each program assisted
20 under this Act shall include:

- 21 (1) An objective assessment, using the case management technique, of the
22 skill levels and service needs of each participant, including such factors as
23 basic skills, occupational skills, prior work experience, employability
24 interests, aptitudes (including interests and aptitudes for non-traditional
25 employment) and supportive service needs, except that a new assessment
26 of a participant is not required if the program determined that a recent
27 assessment of the participant conducted under another education or
28 training program, is an appropriate assessment;
- 29 (2) The development of service strategies that shall identity the employment
30 goal (including in appropriate circumstances, nontraditional employment),
31 the appropriate achievement objectives, and the appropriate sequence of

1 service for participants, taking into account the assessments conducted
2 under subparagraph (A), except that a new service strategy is not required
3 if the program determines a recent service strategy developed for the
4 participant under another education or training program is an appropriate
5 service strategy;

6 (3) A review of the progress of each participant in meeting the objectives of
7 the service strategy; and

8 (4) Basic skills training and occupational skills training if the assessments and
9 the strategy indicate such training is appropriate.

10
11 B. ADDITIONAL REQUIREMENTS –

12 (1) MINIMUM INCOME PARTICIPANTS AND APPLICANTS - Each service
13 delivery area participating in a program assisted under this Act shall ensure
14 that each participant or applicant described in paragraph (a), (b), or (c) of
15 Section 4 shall be provided -

16 (a) Information on the full array of applicable or appropriate services
17 that are available through the service delivery area or other service
18 providers, including providers receiving funds under this Act; and

19 (b) Referral to other appropriate training and educational programs
20 that have the capacity to serve the participant or applicant either on a
21 sequential or concurrent basis.

22
23 C. APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS –

24 (1) SERVICE PROVIDERS – Each service providers shall ensure that an eligible
25 applicant who does not meet the enrollment requirements of the particular
26 program of the provider shall be referred to the service delivery area for
27 further assessment, as necessary, and referral to appropriate programs to
28 meet the basic skills and training needs of the applicants;

29 (2) SERVICE DELIVERY AREA – The service delivery area shall ensure that
30 appropriate referrals are made under clause (I) and shall maintain records
31 on the referral and the reasons for which applicants are referred.

1 D. AUTHORIZED SERVICES - One or more of the following training or supportive
2 services shall be made available to each participant under this Act:

- 3 (1) Outreach and recruitment;
- 4 (2) Intake and assessment;
- 5 (3) Job search assistance;
- 6 (4) Classroom and occupational skills training;
- 7 (5) On-the-job training;
- 8 (6) Work experience;
- 9 (7) Basic and remedial education and literacy training;
- 10 (8) Supplemental services, including day care for dependent children and
11 adults;
- 12 (9) Occupational placement assistance;

13 E. SPECIAL RULES –

- 14 (1) SELECTION OF SERVICE PROVIDERS – In the selection of service
15 providers, the Department of Labor and Employment shall give
16 preference to agencies and organizations with demonstrated
17 competence in conducting older and mature worker programs.
- 18 (2) JOB TRAINING PLAN — The Department of Labor and Employment
19 shall develop the job training program under this Act It may seek the
20 assistance of other government agencies such as the Department of
21 Education and the help of private educational agencies. It shall also
22 formulate the necessary implementing rules and regulations that will
23 ensure the efficient and effective implementation of this Act.

24
25 Sec. 6. *Report.*– The Secretary shall submit to the President of the Philippines
26 and to both Houses of Congress, not later than the opening of the regular session
27 each year, an annual report on the status of the implementation of this Act. The
28 annual report shall include an analysis, for each province and on a nationwide basis
29 of the number of participants served under this Act, and the type of services under
30 this Act received by participants.

1 Sec. 7. *Separability Clause.*– If any provision, or part hereof is held invalid or
2 unconstitutional, the remainder of the law or the provision not otherwise affected
3 shall remain valid and subsisting.

4
5 Sec. 8. *Repealing Clause.*– Any law, presidential decree or issuance, executive
6 order, letter of instruction, administrative order, rule or regulation contrary to or
7 inconsistent with the provision of this Act is hereby repealed, modified or amended
8 accordingly.

9
10 Sec. 9. *Effectivity Clause.*– This Act shall take effect fifteen (15) days after its
11 publication in at least two (2) newspapers of general circulation.

Approved,