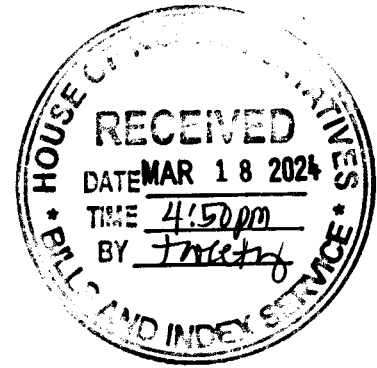




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Nineteenth Congress

Second Regular Session
House Bill No. **10166**



Introduced by:

HON. MARISSA "DEL MAR" MAGSINO
OFW PARTY LIST

EXPLANATORY NOTE

The air transport's importance to the economy is reflected in its generation of local employment, in the spending poured in by international and domestic airlines and their supply chain, in its impact on trade flows, tourism and inflow of investments into the country, and in providing speedy connections between countries and cities, which are all fundamental drivers of economic growth.

Aviation is an industry that thrives on constant movement and change. It offers a fast-paced work environment that keeps professionals and workers engaged and challenged. Behind the scenes, aviation management professionals and workers work diligently to ensure the smooth and safe operation of airlines, airports, and other aviation-related entities. However, aviation operations also involve complex systems, dynamic environments, and human factors that can create hazards and uncertainties. In controlling an aircraft, an airspace, or airport operations, there is always the perpetual need to assess the probability and severity of a collision, mechanical and infrastructural failures, or communication breakdowns that could all lead to tragic consequences. Safety risks associated with aviation work is high.

It has been recognized by the international aviation community that there will be an anticipated shortage of skilled aviation professionals and workers in the near future. Because of the rise of infrastructure, increase in passengers and flights, and overall globalization, there has also been a greater demand for aviation professionals in the country. In order to address this important issue, the government must take initiatives to ensure that enough qualified and competent aviation professionals and workers are available and willing to operate, manage and maintain the future air transport system in the country.

The aviation industry's success is dependent on the working conditions of its professionals and workers, including pilots, air traffic controllers, cabin crews, and ground staff. Working conditions and benefits are critical to the job satisfaction and top performance of aviation professionals. In light of this, the proposed measure aims to promote and improve the competitiveness, job security, and the socio-economic status of local aviation professionals and workers in the country, including the provision of humane working conditions, just and fair employment terms, and progressive career development, and to ensure a sustainable working pool of aviation professionals and workers in the Philippines.

Specifically, the proposed measure seeks to codify the rights and protections of aviation professionals and workers as expressed in international instruments and domestic laws of the Philippines.

The Philippine commercial aviation industry must focus on moving forward with a clear outlook on future labor plans, creative ways to attract and retain talent and increasing labor efficiency, while meeting customer demands for safety and value for their money, and investment sustainability. This proposed legislation is a positive step towards that direction.

With the diligence and competence of aviation professionals and workers in the performance of their tasks, a safe and comfortable flight coming in and out of the country, or to and from their hometown destinations, is assured for the benefit of our Overseas Filipino Workers (OFWs). As representative of OFWs in Congress, this bill forms an integral part of this author's advocacy.

For the foregoing reasons, the immediate approval of this bill is earnestly urged.



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AN ACT
PROVIDING FOR THE MAGNA CARTA FOR AVIATION PROFESSIONALS AND WORKERS IN
THE PHILIPPINES

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 ‘Magna Carta for Aviation Professionals and Workers Act’.

Section 2. *Declaration of Policy* – It is hereby declared the policy of the State to promote and improve the competitiveness, job security, and the socio-economic status of local aviation professionals and workers in the country, including the provision of humane working conditions, just and fair employment terms, and progressive career development, and to ensure a sustainable working pool of aviation professionals and workers in the Philippines.

Section 3. *Objectives* – The objectives of this Act are as follows:

- a) Codify the rights and protections of aviation professionals and workers as expressed in international instruments and domestic laws of the Philippines;
- b) Strengthen accountability of both the private and public sectors in the employment of aviation professionals and workers in the country; and
- c) Maintain a sustainable pool of aviation professionals and workers in the country.

Section 4. Definition of Terms – For purposes of this Act, the following terms shall mean:

- a) *Aviation professionals and workers* shall include commercial pilots, cabin crew, ground operations crew, aircraft maintenance staff, air traffic management officers, air navigation service provider staff, aeronautical engineers, and any other professionals or workers required for the safe and seamless air travel in the Philippines, both civil and general aviation: *except* military personnel, officers and personnel of law enforcement agencies and entities, and other public and private employees authorized to operate an aircraft but which such function does not fall under their main responsibilities.
- b) *Commercial pilots* refer to duly licensed pilots authorized to operate commercial airplanes for passengers, freight or cargo, and involved in scheduled or unscheduled flights such as chartered flights, aerial tours and other aerial applications;
- c) *Cabin crew* refers to members of the crew who perform, in the interest of safety of passengers and cargo, duties assigned by the operator or the pilot-in-command of the aircraft;
- d) *Ground operations crew* refer to support personnel that service the aircraft on the ground, including but not limited to ramp agents, customer service agents, and flight dispatchers;
- e) *Aircraft maintenance staff* refers to certified technicians and mechanics responsible for inspecting aircrafts, installing parts, and performing preventive maintenance and conducting repairs;
- f) *Air traffic management officers* refer to personnel who control all ground traffic at airport runways and taxiways, issue takeoff and landing instructions to pilots, transfer control of departing flights to other traffic control centers and accept control of arriving flights, and inform pilots about weather, runway conditions, and other critical related information;
- g) *Air navigation service provider staff* refers to persons who provide information and directions on facilities furnished, issued or provided in connection with the navigation or movement of aircrafts, and the control of movements of vehicles in any part of an airport used for the movement of aircrafts; and
- h) *Aeronautical engineers* refer to engineers who are primarily involved in designing aircrafts and propulsion systems, and in studying the aerodynamic performance of aircrafts and construction materials.

Section 5. Coverage – This Act shall cover all aviation professionals and workers as defined in this Act, both employed in the private and public sectors, and regardless of employment status. The employment of those working in the private sector shall be governed by the provisions of Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines and other pertinent regulations, while those employed in the public sector shall be covered by civil service laws and regulations. In all cases, provisions of international conventions, bilateral and

multilateral agreements or treaties on the protection and welfare of aviation professionals and workers to which the Philippines is a State Party shall be observed whenever applicable.

Section 6. *Qualifications* – No religious or political allegiance shall be required, nor any form of discrimination on the basis of age, sex, gender preference, or ethnicity, shall be imposed on aviation professionals and workers: *except* those based on professional requirements and regulations under existing laws.

The Civil Aviation Authority of the Philippines (CAAP) shall promulgate rules and regulations as may be necessary in the interest of safety in air navigation and seamless operations in air commerce pertaining to the issuance of recruitment and professional standards, licenses, certificates of proficiency, including course and training requirements for the respective professions of aviation professionals and workers as defined in this Act, in consultation with the duly accredited professional organizations concerned, and subject to the pertinent provisions of Republic Act No. 9497, otherwise known as the 'Civil Aviation Authority Act of 2008', and applicable international conventions and agreements to which the Philippines is a State Party, as the case may be.

The qualifications and licensing of aeronautical engineers shall be determined and administered by the Professional Regulatory Commission (PRC) as pursuant to Presidential Decree No. 1570.

Section 7. *Aviation Professionals and Workers Employment and Social Rights* – Aviation professionals and workers shall have the right to:

- a) Be treated with respect and dignity;
- b) Safe, secure and decent workplace and living conditions;
- c) Be protected against discrimination;
- d) Fair terms and conditions of employment;
- e) Health protection, medical care, welfare measures, and other forms of social protections as provided under existing laws, including membership in a retirement or pension plan;
- f) Information; and
- g) Redress of grievances.

Section 8. *Salary Scale* – The salaries and compensation of aviation professionals and workers employed by the State shall be governed by the Compensation and Position Classification System Law, as amended. The Department of Labor and Employment (DOLE) shall conduct research studies every three (3) years regarding the median and average salaries of aviation professionals and workers in the Philippines vis-à-vis those prevailing in other countries for reference in the determination of their just and competitive salary scales in the private sector: *Provided*, That such salary scales shall not be lower than the minimum standards mandated under existing wage orders and laws.

Section 9. *Hours of Work and Overtime and Other Differentials* – In recognition of the wide degree of variation in the hours of work carried out by aviation professionals and workers, and in cognizance of the safety aspects of their profession, no aviation professional or worker shall be compelled to render work beyond the maximum hours provided by the International Civil Aviation Organization (ICAO): *Provided*, That aviation professionals and workers, including those employed by the State shall be entitled to compensation for services rendered beyond their prescribed hours of work regardless of the length of overtime rendered.

Section 10. *Hazard Pay* – Aviation professionals and workers exposed to hazardous environments shall be entitled to hazard pay. The DOLE shall determine the conditions to merit the grant of hazard pay in accordance with prevailing laws and regulations.

Section 11. *Compensation for Work-related Injuries* – In recognition of the safety aspects of their work, aviation professionals and workers shall be entitled to compensation for work-related injuries sustained by them in the performance of their duties in accordance with existing laws.

Section 12. *Free Medical Examinations* - Compulsory medical examinations prior to rendition of service shall be provided free of charge for all aviation professionals and workers: *Provided*, That whenever these medical examinations are required for the safety of passengers, such as in times of public health emergencies and similar or analogous events, the costs shall be covered by the government health insurance program.

Section 13. *Freedom to Establish Professional Organizations; Consultations on Standard and Policy Formulation* – Aviation professionals and workers shall have the right to freely organize and join professional organizations of their choice to further their professional interests and shall be duly accredited by the DOLE and the CAAP as the case may be. The professional organizations shall be consulted by concerned government agencies and industry sectors in the formulation of professional standards and national policies affecting the members' rights and welfare.

Section 14. *Right to Privacy* – The right to privacy of aviation professionals and workers shall be respected in all cases. No publicity on any disciplinary action against an aviation professional or worker shall be allowed during the pendency of the case, unless consented to by the aviation professional or worker concerned.

Section 15. *Prohibited Salary Deductions* – No person shall make any deduction whatsoever from the salaries of aviation professionals and workers except those authorized by law or upon written consent by the concerned aviation professional or worker, subject to applicable rules and regulations.

Section 16. *Non-diminution of Benefits* – All rights, privileges and benefits previously and currently enjoyed by aviation professionals and workers before the effectivity of this Act shall continue to be recognized and shall not be diminished.

Section 17. *Code of Professional Conduct* – Within six (6) months from the effectivity of this Act, the Civil Service Commission (CSC) in coordination with the CAAP and in consultation with the aviation professional organizations and other industry stakeholders concerned shall formulate and promulgate a Code of Professional Conduct for aviation professionals and workers. A copy of the Code shall be furnished to each aviation professional or worker upon completion of their respective education and trainings, and qualification into their respective professions.

Section 18. *Penal Provision* – Any violation of the provisions of this Act shall be imposed a fine of not less than Fifty Thousand pesos (Php 50,000.00) but not more than One Hundred Thousand pesos (Php 100,000.00), without prejudice to other civil, criminal or administrative liability incurred in accordance with existing penal and special laws, and civil service rules and regulations: *Provided*, That if the offender is a public officer or employee, the offender shall be dismissed from the service and perpetually disqualified to hold any public office.

Section 19. *Appropriations* – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the departments and agencies concerned. Thereafter, the amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act.

Section 20. *Implementing Rules and Regulations* – Within one hundred eighty (180) days from the effectivity of this Act, the Department of Transportation (DoTr), the DOLE, the CSC and the CAAP, in consultation with the aviation professional organizations and other industry stakeholders concerned shall formulate and promulgate the rules and regulations necessary for the effective implementation of this Act.

Section 21. *Separability Clause* - If for any reason any part or provision of this Act shall be declared or held to be unconstitutional or invalid, the other parts or provisions hereof, which are not affected thereby shall continue to be in full force and effect.

Section 22. *Repealing Clause* - All republic acts, executive orders, rules and regulations, and other issuances, or parts thereof, that are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 23. *Effectivity Clause* - 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.