

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. **3398**



INTRODUCED BY REPRESENTATIVE PM VARGAS

AN ACT
PROMOTING THE RIGHTS AND WELFARE OF NURSES BY REGULATING
AND LIMITING THEIR CONSECUTIVE HOURS OF WORK

EXPLANATORY NOTE

The Constitution, Article 13, Section 11, par. 1, provides:

The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost.

Filipino nurses take a lead role in ensuring public health development, especially in rural areas. However, the country continues to be saddled with a poor healthcare sector caused primarily by the low ratio of nurses as duly licensed nurses opt to bring their services to greener pastures abroad or to other relatively lucrative sectors which do not involve the practice of their profession.

In a research conducted by the HHS Public Access, it has documented that hospitals in which a higher proportion of nurses experience “burnout” because of consecutive working hours have lower patient satisfaction. Extended shifts undermine nurses’ well-being, may result in expensive job turnover, and can negatively affect patient care. Policies regulating work hours for nurses, similar to those set for resident physicians, may be warranted. Nursing leaders should also encourage workplace cultures that respect nurses’ days off and vacation time, promote nurses’ prompt departure at the end of a shift, and allow nurses to refuse to work overtime without retribution.

This measure ensures the dignity of Filipino nurses and assumes responsibility for the protection, respect, and improvement of the nursing profession by instituting measures that will ensure the adaption of just and humane conditions of work and the promotion of professional growth. This bill also aims to ensure that mandated benefits are provided to encourage them to work in the country instead of going abroad.

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

A handwritten signature in blue ink, appearing to be 'PM VARGAS', is positioned above the printed name.

REP. PM VARGAS

Fifth District, Quezon City

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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 “**Care for Nurses’ Welfare Act**”.

SECTION 2. Definition of Terms. – As used in this Act, the following terms shall be defined as follows:

- a) “**Emergency**” is defined as an unforeseen event that could not be prudently planned for and does not regularly occur in the facility;
- b) “**Health Care Employer**” shall mean any individual, partnership, association, corporation, or any person or group of person acting directly or indirectly on behalf of or in the interest of the employer, which provides Health care services in a facility licensed to operate as such including any facility operated by the State, a Political Subdivision or a Public Corporation;
- c) “**Nurse**” shall mean a registered professional nurse as certified by the Professional Regulatory Board;
- d) “**Regularly Schedule Work Hours**” shall mean those hours a nurse has agreed to work and is normally scheduled to work pursuant to the budgeted hours allocated to the nurse’s position by the health care employer; and if no such allocation system exists, some other measure generally used by the health care employer to determine when an employee is minimally supposed to work, consistent with the collective bargaining agreement, if any;

SECTION 3. *Prohibition of Excessive Work Hours.* – Notwithstanding any other provision of law:

- a) No health care employer shall require a nurse to remain an duty for a period longer than eight consecutive hours, or forty hours in a seven day work week, except as consistent with the nurse's regularly schedule work hours; and
- b) No health care employer shall require a nurse to work more than that nurse's regularly schedule work hours, except pursuant to subdivision three of this Act.

SECTION 4. *Exceptions to the Prohibition.* —The Limitation provided for in this section shall not apply in the case of:

- a) Health care Disaster such as a natural or other type of disaster that increases the need for health care personnel, unexpectedly affecting the country; or
- b) A declaration of emergency in effect in the region in which the licensed health care employee is employed; or
- c) Where a health care employer determines there is an emergency necessary to provide safe patient care, in which case the health care provider shall, before requiring an on-duty employee to remain, make a good faith effort to be have overtime covered on a voluntary basis, including, but not limited to, calling per diems, agency nurses, assigning floats, or requesting an additional day off work from off-duty employees;

SECTION 5. *No Prohibition Against Voluntary Overtime.* – Nothing in this Act shall prohibit a nurse from voluntarily working overtime.

SECTION 6. *Penalty.* – The Health Care Employer found guilty of violating this Act shall be fined the amount of One Hundred Thousand Pesos (P100,000.00) in addition to other damages that shall be imposed by the imposed court.

SECTION 7. *Separability Clause.* - If any provision of this Act or any part thereof shall be declared unconstitutional or invalid, the other provisions, as far as they are separable, shall remain in force and effect.

SECTION 8. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or thereof which are inconsistent with the provisions of this Act is hereby repealed, amended or modified accordingly.

SECTION 9. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,