

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3689



Introduced by Rep. FERDINAND ALEXANDER A. MARCOS
1st District, Ilocos Norte

EXPLANATORY NOTE

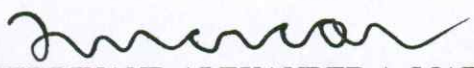
This proposed measure, known as the "Magna Carta of Waste Workers," is aimed to formally recognize and protect the rights and dignity of waste workers across the Philippines. This bill acknowledges the important roles that these workers play in maintaining public health, environmental sustainability, and community well-being.

When the Constitution speaks of the mandate of the State to "protect and promote the right to health of the people and instill health consciousness among them" (Section 15, Article II), the important role of waste workers, while usually overlooked, are however undeniable. And ironically, while these workers are instrumental to the advancement of a "healthful ecology" (Sec. 16 thereof) for the general population, they themselves work under conditions which are hazardous to their own health, being exposed to dirt, smog, infections, not to mention physical injuries and exhaustion by the nature of their employment.

Somebody once said that a nation will be judged whether it is truly just and humane on the basis of how it treats those who are at the margins of society. Waste workers are indeed among those who are marginalized considering that they lack opportunities, services and protection normally accorded to workers in the government or in the private sector. Thus, if really, we are to value "the dignity of every human person" (Sec. 11), promoting social justice "in all phases" of national development (Sec. 10), then we must make sure that "those who have less in life should have more in law", as our workers in the lowliest rung of society unarguably deserve.

This bill precisely seeks to do just that, by promoting the rights and welfare of our cleaning workers.

With this noble goal in mind, the approval of this measure, at the earliest possible time, is earnestly sought.¹


FERDINAND ALEXANDER A. MARCOS

¹ Similar bill was filed during the 19th Congress by Rep. Antonio B. Legarda, Jr.

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Introduced by Rep. FERDINAND ALEXANDER A. MARCOS
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AN ACT
PROVIDING FOR THE MAGNA CARTA OF WASTE WORKERS

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

TITLE I
GENERAL PROVISIONS

CHAPTER I
BASIC PRINCIPLE

Section 1. Short Title. - This Act shall be known as the "*Magna Carta of Waste Workers.*"

Sec. 2. Declaration of Policy. - In recognition of the vital role played by Waste Workers in preserving public health, environmental sustainability, and the overall well-being of our communities, the State shall endeavor to develop plans, policies, programs, measures, and mechanisms rooted in principles of fairness and social justice, safeguarding the rights and dignity of Waste Workers.

The State shall ensure the protection of their rights and welfare through inclusive, rights-based, and gender-responsive policies and programs. It shall guarantee fair compensation, safe and humane working conditions, and access to comprehensive health and social protection benefits. Waste Workers shall be free from discrimination, exploitation, and harassment, and shall be recognized as essential partners in sustainable development.

The State shall institutionalize mechanisms for training, occupational safety, and access to protective equipment and medical support. It shall also promote public awareness on proper waste management and the indispensable contributions of Waste Workers, pursuant to Republic Act No. 6969, otherwise known as the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 and Republic Act No. 9003, otherwise known as the Ecological Solid Waste Management Act of 2000.

The State shall ensure that collaborative efforts involving the government, civil society, and the private sector aim to raise public awareness about the vital contributions of Waste Workers and foster a culture of respect for their profession. The State shall establish mechanisms for the effective implementation and monitoring of this Act. There shall be

regular assessments of working conditions, benefits, and overall well-being of Waste Workers conducted, with policy adjustments made as necessary to address emerging challenges.

Sec. 3. Coverage. - This law shall apply to all persons employed, contracted, or engaged, and all those economically dependent on the marginalized sectors, in activities on the management, collection, transportation, processing, and disposal of solid wastes, hazardous wastes, and toxic chemicals and substances including but not limited to residual and healthcare wastes.

CHAPTER II DEFINITION OF WASTE WORKERS

Sec. 4. Waste Workers. - Waste workers shall refer to all persons whose livelihood is dependent on waste management, collection, transportation, processing, and disposal, and include, but are not limited to, garbage collectors, waste pickers, segregators, and recyclers. Waste workers, by the nature of their livelihood, are considered part of the disadvantaged and vulnerable sectors of society. They are often among those living in poverty, with limited or no access to essential resources and basic social and economic services, including health care, education, housing security, and access to the justice system.

TITLE II RIGHTS AND PROTECTION OF WASTE WORKERS

CHAPTER I COMMON PROVISIONS

Sec. 5. Right to Decent Work. - The State shall ensure the promotion and protection of decent work standards for Waste Workers, grounded in the full recognition of their rights and dignity as laborers. This includes the guarantee of fair terms of employment, protection from occupational and health hazards, and access to essential support services that enable the fulfillment of their rights.

Sec. 6. Right to Participation and Information. - All Waste Workers shall have the right to participate meaningfully in decisions that affect their work, health, and overall well-being. This right includes access to timely and relevant information on policies, programs, projects, training, and other initiatives concerning Waste Workers.

Participation shall extend to the formulation, implementation, monitoring, and evaluation of policies, regulations, and practices related to waste management and labor rights. Waste Workers shall be represented in relevant consultative and decision-making bodies to ensure that their voices are heard and their interests safeguarded.

Waste Workers shall be accorded representation in both the City or Municipal Solid Waste Management Board ("SWM Board") and the Barangay Solid Waste Management Board, to wit:

- a) At least one (1) seat in the SWM Board shall be allocated for a representative(s) of Waste Workers directly involved in solid waste management activities within the jurisdiction;

- b) The Waste Worker representative(s) shall be selected through a transparent and inclusive process;
- c) The Waste Worker representative(s) shall report back to their respective constituencies on SWM Board activities, decisions, and outcomes; and
- d) The SWM Board shall periodically review the effectiveness of worker representation and make adjustments necessary to ensure meaningful participation and accountability.

Sec. 7. Social Protection. - The State shall ensure that all Waste Workers are afforded with Social Security System or Government Service Insurance System, as the case may be, Home Development Mutual Fund, and Philippine Health Insurance Corporation.

Sec 8. Hazard Pay. - Waste Workers, in both private and public sectors, who are regularly exposed to health and occupational hazards, or to working conditions that involve a high risk of injury, illness, or deterioration of health, shall be entitled to hazard pay. The amount and conditions for the grant of such compensation shall be determined in accordance with existing labor laws, occupational safety and health standards, and the implementing rules and regulations of this Act.

Sec 9. Annual Medical, Dental, Mental, and Psychosocial Examination. - All Waste Workers shall be provided with free annual medical services, which shall include, but not be limited to, physical, dental, mental health, and psychosocial examinations. These health services shall aim to monitor, prevent, and address occupational illnesses and work-related health conditions. This shall be administered by accredited health institutions in coordination with the Department of Health ("DOH"), local government units, and other relevant agencies.

Sec. 10. Occupational Health and Safety Standards Program. - There shall be an established occupational health and safety standards program for all Waste Workers to provide basic equipment such as, but not limited to, the appropriate Personal Protective Equipment based on the nature of their work. This program shall be implemented in coordination with the DOH, Department of Labor and Employment ("DOLE"), local government units, and other concerned agencies. The program shall be regularly reviewed and updated to respond to emerging occupational risks and public health concerns affecting Waste Workers.

CHAPTER II WASTE WORKERS IN THE PRIVATE SECTOR

Sec. 11. Right to a Minimum Wage. - Waste Workers shall be entitled to receive no less than the minimum wage prescribed for non-agricultural workers in their respective regions, as determined by the Regional Tripartite Wages and Productivity Board. The DOLE shall issue the appropriate rules and regulations for the effective implementation of this provision, including wage payment schedules, methods, and compliance mechanisms.

Sec. 12. Work Days and Work Hours. - Waste Workers shall be entitled to regular work hours and rest periods in accordance with the provisions of the Labor Code of the

Philippines ("Labor Code") and other applicable laws, rules, and regulations. This includes entitlement to night shift differential pay as may be prescribed by the DOLE.

Sec. 13. Overtime Pay. - Waste Workers who render services beyond the prescribed working hours shall be entitled to overtime pay in accordance with the rates, conditions, and procedures provided under the Labor Code, its implementing rules, and other relevant regulations.

Sec. 14. Holiday Pay and Rest Day. - Waste Workers who are required or permitted to work on a regular holiday, special holiday, or rest day shall be entitled to additional compensation, as mandated by the Labor Code and relevant issuances of the DOLE. The determination of applicable rates, holiday classifications, and entitlement shall be governed by existing laws and regulations of the DOLE: *Provided*, where the collective bargaining agreement or other applicable employment contract stipulates the payment of a higher premium pay than that prescribed under this section, the employer shall pay such a higher rate.

Sec. 15. Enforcement of Labor Laws. - All rights and benefits pertaining to conditions of employment, occupational safety and health, social welfare, labor relations, and post-employment shall be enforced in accordance with the existing and applicable laws and rules. The DOLE, in coordination with concerned agencies and local government units, shall issue the necessary rules and regulations for the effective enforcement of this Act.

Sec. 16. Health Services. - Waste Workers shall be entitled to access comprehensive health services, including regular medical check-ups, hospitalization, and preventive health care, through arrangements with Health Maintenance Organizations or other accredited medical providers, subject to guidelines to be issued in the implementing rules and regulations.

Sec. 17. Security of Tenure. - No Waste Worker shall be dismissed from employment except for a just or authorized cause, and only after the observance of due process, in accordance with the Labor Code and existing rules and regulations.

Sec. 18. Independent Waste Worker Organization, Self-Organization and Union Membership. - All Waste Workers shall have the right to self-organization, including the right to form, join, or assist legitimate labor organizations, cooperatives, or associations of their own choosing, for the purpose of promoting, protecting, and advancing their collective interests, and extending mutual support and assistance. This right shall be exercised free from interference, restraint, or coercion by employers, government authorities, or any other entity. Waste Workers shall be eligible for union membership from the first day of their employment and may engage in collective bargaining and other lawful concerted activities, in accordance with the Labor Code and applicable laws, rules, and regulations.

Sec. 19. Non-Abridgement of the Right to Self-Organization. - No person shall be allowed to restrain, coerce, or unduly interfere with the Waste Workers in the exercise of their right to self-organization in accordance with law.

It shall be unlawful for any person to commit the following acts of restraint, coercion, or undue interference to:

- a) Prevent a Waste Worker from carrying out his or her duties in his or her organization or association;
- b) Discriminate in hiring a Waste Worker or setting unfavorable conditions upon him or her to discourage him or her from membership in any organization or association;
- c) Require as a condition of employment that a Waste Worker must not join any organization or association; and
- d) Interfere in the functioning and administration of the organization or association.

Sec. 20. Emergency Allowance Provision. - Waste Workers who are required to render service in the field during emergencies and disasters shall be entitled to emergency allowance computed based on prevailing rates and conditions as may be determined by the DOLE.

CHAPTER III WASTE WORKERS IN THE GOVERNMENT

Sec. 21. Coverage. - This Chapter shall apply to all persons rendering services in the government for compensation, regardless of status of employment and/or engaged or contracted for services.

Sec. 22. Right to Self-Organization. - Waste Workers of government corporation established under the Corporation Code, as amended by Republic Act No. 11232, otherwise known as the **Revised Corporation Code**, shall have the right to organize and to bargain collectively with their respective employers. All other employees in the civil service shall have the right to form associations for purposes not contrary to law.

Sec. 23. Health Care System. - Every Waste Worker shall be guaranteed with a health care delivery system and access to public or private primary care provider of choice. Local government units shall establish a program and promulgate guidelines for the availment of health care benefits.

Sec. 24. Financial Assistance. - Local government units shall endeavor to provide assistance to Waste Workers in crisis situation including but not limited to, medical assistance, burial, transportation, education, food, or financial assistance for other support services or needs of a Waste Worker or family.

Sec. 25. Cash Incentive. - In recognition of the contribution of Waste Workers to public health and safety, the environment, and local economy, local government units shall grant an annual cash incentive for all Waste Workers without distinction.

Sec. 26. Socialized Housing Program. - Local government units shall, in the implementation and development of socialized housing program, ensure that Waste Workers who are able to qualify under the guidelines shall be prioritized and included as target beneficiaries.

CHAPTER IV WASTE WORKERS IN THE INFORMAL SECTOR

Sec. 27. Waste Workers in the Informal Sector. - Waste Workers in the informal sector are hereby guaranteed all civil, political, social and economic rights recognized, promoted and protected under existing laws, including, but not limited to, the 1987 Philippine Constitution, Republic Act No. 8425, otherwise known as the Social Reform and Poverty Alleviation Act, and Republic Act No. 7875, otherwise known as the National Health Insurance Act.

Sec. 28. Formalization of Waste Workers. - Waste Workers in the informal sector shall have the right to form or join organizations or associations for purposes not contrary to law, and to promote, defend, and protect their mutual interests or extend mutual aid and cooperation. Organizations or associations established by informal Waste Workers shall be recognized and registered with the DOLE or other appropriate government agencies, in accordance with existing laws, rules, and regulations. Such recognition shall serve as a basis for accessing government support, representation, and participation in decision-making processes affecting their work and welfare.

Sec. 29. Social Protection and Inclusion. - The DOLE, in consultation with the Department of Environment and Natural Resources ("DENR"), DOH, Commission on Human Rights, and the local government units, shall develop programs for the informal sector of Waste Workers and ensure their access to medical assistance, burial, transportation, education, food, or financial assistance for other support services or needs.

TITLE III PARTICIPATION OF GOVERNMENT AGENCIES

Sec. 30. Role of the Local Government Units. - The local government units shall be charged with the implementation of this Act in their respective localities, in coordination with the DOLE. It shall be the responsibility of the local government unit to:

- a) Ensure the proper enforcement of labor standards, occupational safety, and health regulations, as well as other pertinent laws and policies related to Waste Workers within their jurisdiction. The local government unit shall also assist waste workers in their registration with DOLE;
- b) Establish local mechanisms to monitor and address issues related to Waste Workers, including but not limited to, workplace safety, social protection, and access to training and skills development programs;
- c) Submit periodic reports to the DOLE on the status of Waste Workers within their jurisdictions, outlining the measures taken to address issues related to employment and working conditions;
- d) Advocate for the inclusion of Waste Workers in social protection programs, working with DOLE to explore avenues for health insurance, retirement benefits, and other welfare initiatives;
- e) Implement barangay and municipality practices on Solid Waste Management;
- f) Draft and implement a ten (10)-year plan on solid waste management and disposal;

- g) Equip the Waste Workers directly dealing with waste with personal protective equipment, and other necessary resources to ensure protection from hazards brought about by handling waste;
- h) Submit periodic reports to the DENR on the status of the implementation of the solid waste management and disposal to address issues and concerns related to waste management and disposal; and
- i) Ensure inclusion and active participation of Waste Workers groups or associations in governing bodies or councils responsible for waste management oversight.

Sec. 31. Role of the Department of Labor and Employment. - The DOLE shall be responsible to:

- a) Establish guidelines and mechanisms for coordination in overseeing the working conditions, rights, and benefits of Waste Workers
- b) Provide technical assistance to local government units in the formulation and implementation of programs and initiatives aimed at improving the welfare of Waste Workers;
- c) Conduct capacity-building programs for local authorities, waste management agencies, and other relevant stakeholders;
- d) Enhance employment opportunities through trade policies and skill building;
- e) Establish guidelines and mechanisms for the application of the occupational health and safety regulations as well as the regular reporting of the working conditions of the Waste Workers;
- f) Promulgate the basis for the adjustment of monetary allowances based on the annual inflation; and
- g) Assist the local government units in providing necessary training to the collectors and personnel in accordance with its waste management plan.

Sec. 32. Role of the Department of Social Welfare and Development. - The Department of Social Welfare and Development shall be in charge of the social protection of Waste Workers through the following functions:

- a) Adopt a social insurance policy which aims to mitigate income risks by applying diversification, a risk management technique through a shared fund. This includes programs for micro-insurance payment that will help shield the Waste Workers from the unforeseeable risk of unemployment due to sickness, retrenchment, national security issues, and national health issues;
- b) Provide resources and basic minimum requirements to the marginalized sector to aid in the employment as Waste Workers. This shall include assistance programs

through cash or in-kind transfers as well as alternative care and referral services; and

- c) Provide social safety nets to respond to urgent issues like disasters, calamities, economic shocks, pandemics and epidemics that will affect the vulnerable part of the waste workforce. These measures include emergency assistance, price subsidies, food programs, employment programs in partnership with DOLE, retraining programs and emergency loans, and health assistance.

The DSWD, in partnership with the barangay and municipal officials, shall maintain national and regional profiles of beneficiaries of the programs to be shared with the appropriate stakeholders to assess the applicability and the development of comprehensive statistics for Waste Workers.

Sec. 33. Role of the Department of Environment and Natural Resources. - The DENR shall perform the following functions:

- a) Ensure that the solid waste management and disposal plans of the local government units are properly implemented, pursuant to the Ecological Solid Waste Management Act of 2000;
- b) Conduct capacity building with the Waste Workers, local government units, waste management agencies, and other relevant stakeholders on the assessment of the impact of Waste Workers on climate change;
- c) Conduct seminars and workshops on the proper waste management and disposal to help minimize environmental effects specifically climate change;
- d) Provide technical assistance to LGUs in identifying and implementing best practices on the conduct of work of Waste Workers that minimizes environmental effects;
- e) Identify areas with a high risk of adverse environmental effects of waste and implement a mitigation plan through the aid of Waste Workers; and
- f) Provide economic incentives and assistance to local government units for recycling initiatives.

Sec. 34. Role of the Technical Education and Skills Development Authority. - The Technical Education and Skills Development Authority ("TESDA") shall perform the following functions:

- a) Adopt a training program for the proper waste collection, recovery, and safe handling and disposal of wastes pursuant to the Ecological Solid Waste Management Act of 2000;
- b) Certify and accredit technical and vocational education and training programs for waste workers to ensure that they receive recognized qualifications for their knowledge and skills, and to improve their employability and working conditions.

For this purpose, the TESDA shall develop training curricula to meet the demands of various industries for waste workers; and

- c) Collaborate with various stakeholders, including government agencies, industry partners, and educational institutions to provide an effective training and development of framework for waste workers.

Sec. 35. Role of the Department of Health. - The DOH shall perform the following functions:

- a) Provide for health programs, services, and facilities for Waste Workers as may be needed, subject to availability of funds and administrative rules and regulations, such as, but not limited to, vaccinations, anti-tetanus shots, periodic health check-up, annual physical examinations, and provision of supplements and necessary medicines.
- b) Coordinate and collaborate with, and assist local communities, agencies, and interested groups on the implementation of programs catered for Waste Workers;
- c) Collect, analyze, and disseminate statistical and other relevant information on the health situation of Waste Workers, and to revise the program of the DOH based on the outcome of the statistics; and
- d) Propagate health information and educate Waste Workers on health hazards and environmental impacts to their health, geared to prevent health-related problems while performing their duties.

Sec. 36. Role of the Public Attorney's Office. - The Public Attorney's Office ("PAO") shall perform the following functions:

- a) Provide Waste Workers with free access to courts, judicial, and quasi-judicial agencies by ensuring that they receive adequate legal representation, counseling, and assistance;
- b) Waste Workers who encounter legal issues related to their employment, working conditions, or rights violations shall have the right to seek assistance from PAO, which shall endeavor to provide timely and effective support;
- c) Offer counseling and assistance to Waste Workers through personalized legal support and guidance, and empower waste workers to assert their rights and seek redress for any injustices or grievances they may face in the course of their work;
- d) Conduct awareness campaigns and outreach programs targeted at Waste Workers, ensuring that they are informed about their legal entitlements and the services available to them through PAO; and
- e) Collaborate with relevant stakeholders, including government agencies, non-governmental organizations, and legal advocacy groups, to address systemic issues affecting Waste Workers and advocate for policy reforms that uphold their rights and welfare; and

- f) Provide Waste Workers with legal assistance and representation during mediation and arbitration proceedings aimed at resolving labor disputes.

TITLE IV FINAL PROVISIONS

Sec. 37. Implementing Rules and Regulations. - The Secretary of the Environment and Natural Resources, after consultation with the participating government agencies as specified in Title III of this Act, as well as professional, environmental and natural resources workers' organizations or unions, shall formulate and prepare the necessary rules and regulations to implement the provisions of this Act. Rules and regulations issued pursuant to this Section shall take effect thirty (30) days after publication in a newspaper of general circulation.

Sec. 38. Continuity Clause. - Should any department or agency tasked with the enforcement or formulation of rules and regulations and guidelines for implementation of any provisions of these Act is abolished, merge with another department or agency or modified, such shall not affect the enforcement or formulation of rules, regulations and guidelines for implementation of this Act to the effect that:

- a) In case of abolition, the department or agency established to replace the abolished department or agency shall take-over the functions under this Act of the abolished department or agency.
- b) In case of the department or agency tasked with the enforcement or formulation of rules, regulations and guidelines for implementation of this Act is merged with another department or agency, the former shall continue the functions under this Act of the merged department or agency.
- c) In case of modification, the department or agency modified shall continue the functions under this Act of the department or agency that has undergone modification.

Sec. 39. Special Treatment for Benefits of Waste Workers. - All benefits received by a Waste Worker under this law, including but not limited to, benefits given to rank-and-file employees, whether granted under a collective bargaining agreement or not, fringe benefits, and de minimis benefits, are not taxable pursuant to Section 33 (C)(3) of Republic Act No. 8424, otherwise known as the Tax Reform Act of 1997.

Sec. 40. Waster Workers Appreciation Day. - It is hereby declared that the last Sunday of January of every year as Waste Workers Appreciation Day in recognition of the invaluable contributions made by our waste workers to keep our communities clean and safe.

Sec. 41. Penal Clause. -

- a) Any person who violates any provision of this Act shall suffer the following penalties:

- 1) *For the first violation*, a fine of not less than Fifty thousand pesos (P50,000.00) but not exceeding One hundred thousand pesos (P100,000.00) or imprisonment of not less than six (6) months but not more than two (2) years, or both at the discretion of the court; and
 - 2) *For any subsequent violation*, a fine of not less than One hundred thousand pesos (P100,000.00) but not exceeding Two hundred thousand pesos (P200,000.00) or imprisonment for less than two (2) years but not more than six (6) years, or both at the discretion of the court.
- b) Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months or a fine of not less than Five thousand pesos (P5,000.00) but not more than Fifty thousand pesos (P50,000.00), or both, at the discretion of the court.
 - c) *If the violator is a corporation, organization or any similar entity*, the officials thereof directly involved shall be liable therefor.
 - d) *If the violator is an alien or a foreigner*, he or she shall be deported immediately after service of sentence without further deportation proceedings.

Sec. 42. Appropriations. - The initial funding requirements for the implementation of this Act shall be charged against the current appropriations of the agencies concerned. Thereafter, such sums as may be necessary for the implementation of this Act shall be included in the yearly budget of the relevant agencies under the General Appropriations Act.

Sec 43. Separability Clause. - If any provision of this Act is declared invalid, the remainder of this Act or any provisions not affected thereby shall remain in force and in effect.

Sec 44. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

Sec 45. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,