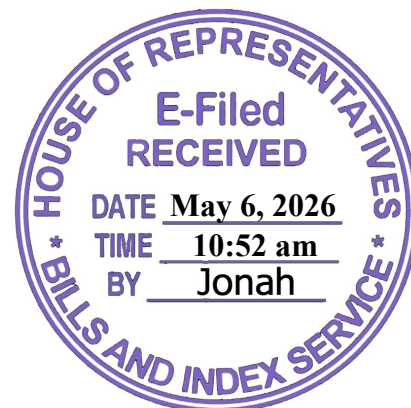




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session



HOUSE BILL NO. 9116

Introduced by Representatives Ferdinand Martin G. Romualdez, Yedda Marie K. Romualdez, Andrew Julian K. Romualdez, and Jude A. Acidre

AN ACT
GRANTING HAZARD PAY TO WORKERS IN CRITICAL INDUSTRIES
DURING A STATE OF CALAMITY OR EMERGENCY OR PUBLIC
HEALTH EMERGENCY

EXPLANATORY NOTE

Section 18, Article II of the 1987 Constitution guarantees that the State affirms labor as a primary social economic force and shall protect the rights of workers and promote their welfare. Additionally, Section 3, Article XIII mandates the State to afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

The Philippine experience during the COVID-19 pandemic and subsequent national states of calamity has highlighted a significant inequity in our labor framework. While "work-from-home" arrangements shielded a segment of the workforce, employees in "critical industries," ranging from those in healthcare and logistics to sanitation and telecommunications, were required to physically report to the frontlines. These workers do not merely perform their duties; they serve as the nation's life support system – ensuring that food, medicine, electricity, and communication remain available to the public even as they face increased exposure to health risks, physical hazards, and psychological strain.

Currently, hazard pay is generally a matter of management prerogative or specific collective bargaining agreements in the private sector, often leading to

inconsistent application. In contrast, public sector health workers are granted hazard pay under Republic Act No. 7305, otherwise known as the Magna Carta of Public Health Workers. Thus, this bill seeks to bridge this gap by institutionalizing a mandatory hazard pay for workers in critical industries in the private sector during a declared state of calamity, emergency, or public health emergency as defined under Republic Act No. 11332, otherwise known as the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act.

By providing a hazard allowance equivalent to at least twenty-five percent (25%) of their monthly basic salary, the State recognizes the extraordinary risks these workers undertake. Furthermore, this bill ensures inclusivity by extending coverage to third-party service contractors, such as security guards and janitors, who are often the most exposed yet least compensated.

This measure is not just a matter of financial compensation; it is a vital act of social justice and a strategic necessity to ensure that our critical infrastructure remains resilient during the nation's most trying times.

During the 19th Congress, this bill was principally authored by former Parañaque, 2nd District Representative Gus S. Tambunting.

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



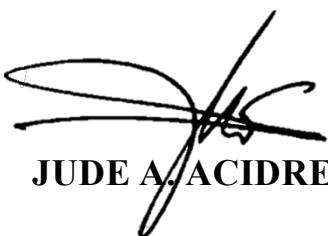
FERDINAND MARTIN G. ROMUALDEZ



YEDDA MARIE K. ROMUALDEZ



ANDREW JULIAN K. ROMUALDEZ



JUDE A. ACIDRE



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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 “*Hazard Pay for Workers in Critical Industries Act.*”

Section 2. *Declaration of Policy.* – The State shall promote the protection of all workers and ensure their health and safety during a state of calamity, or emergency, or public health emergency concern. Towards this end, workers in critical industries shall be provided with an additional benefit for the duration of these events, taking into account the nature of their functions and exposure to various hazards because of their functions.

Section 3. Coverage. – This Act shall apply to all workers in critical industries in the private sector. For this Act, "workers in critical industries" refers to workers in critical establishments, such as, but not limited to, the following:

- a) Hospitals, sanitaria, rural health units, main health centers, health infirmaries, barangay health stations, clinics, laboratories, and other health-related establishments;
- b) Morgues and mortuaries;
- c) Banks and other financial institutions providing money transfer services;
- d) Groceries, supermarkets, and convenience stores;
- e) Public markets;
- f) Pharmacies or drugstores, or similar establishments authorized to dispense medicines;
- g) Restaurants;
- h) Logistics and warehouse establishments;
- i) Food and medical manufacturing establishments;
- j) Telecommunications companies;
- k) Mass media companies, concerning their reporters and similar personnel in charge of delivering news;
- l) Electric generation, transmission, and distribution companies;
- m) Gasoline stations;
- n) Oil companies, concerning their tanker drivers;
- o) Water distribution companies, including water delivery and refilling stations;
- p) Companies engaged in sanitation, such as garbage collectors;

- q) Companies involved in the Philippine capital market, such as the Philippine Stock Exchange and Philippine Dealing and Exchange Corporation, among others;
- r) Hotels and similar establishments, upon such terms and conditions as the appropriate agencies overseeing the calamity, disaster, or public health emergency prescribe;
- s) Mass public transportation companies;
- t) Civil aviation-related companies; and,
- u) Such other establishments may be considered critical in light of the nature of the state of calamity, or emergency, or public health concern.

For the avoidance of doubt, workers of third-party service contractors, such as security guards and janitors, who are deployed to any of the foregoing establishments shall also receive the benefit provided under this Act for the duration of the calamity, emergency, or public health emergency.

Section 4. *Hazard Pay.* – When a state of calamity or emergency or a public health emergency, as defined under Republic Act No. 11332, otherwise known as the “Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern,” has been declared, workers in critical industries shall be compensated with hazard allowances equivalent to at least twenty-five percent (25%) of their respective monthly basic salary for the duration thereof.

Section 5. *Non-diminution of Benefits.* – Nothing in this Act shall be construed to diminish existing benefits under present laws, company policies, and collective bargaining agreements.

Section 6. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Department of Labor and Employment, in consultation with appropriate government agencies and other relevant stakeholders, shall formulate the rules and regulations to implement the provisions of this Act.

Section 7. *Separability Clause.* – If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall remain in full force and effect.

Section 8. *Repealing Clause.* – All laws, presidential decrees, executive orders, presidential proclamations, rules and regulations or parts thereof contrary to or inconsistent with this Act are hereby revoked, repealed, or modified accordingly.

Section 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,