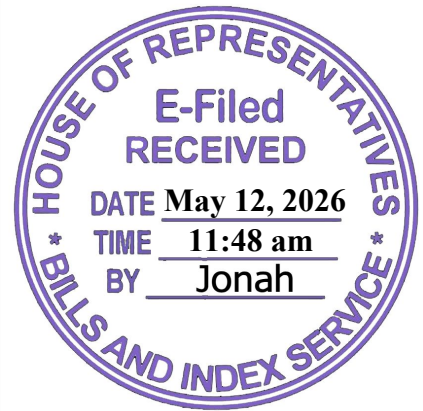


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 9194

Introduced by **REPRESENTATIVE AUDREY KAY T. ZUBIRI**

**AN ACT MANDATING THE GRANT OF ADDITIONAL COMPENSATION TO
PRIVATE SECTOR EMPLOYEES WHO ARE REQUIRED TO REPORT FOR
WORK DURING DECLARED CALAMITIES AND EMERGENCY ALERTS,
ESTABLISHING IMPLEMENTING MECHANISMS THEREFOR, AND IMPOSING
PENALTIES FOR NON-COMPLIANCE**

EXPLANATORY NOTE

¹The Philippines is one of the most disaster-prone countries in the world, experiencing an average of twenty (20) tropical cyclones annually, several of which reach destructive levels that significantly disrupt daily life, economic activity, and public safety. During these calamities, mobility is severely restricted, access to essential goods becomes limited, and the risks to personal safety are greatly heightened.

Despite these conditions, a significant number of private sector employees—particularly those in essential industries are required and sometimes forced to continue reporting for work to ensure the uninterrupted delivery of vital goods and services². Their continued presence in the workplace during such emergencies plays a crucial role in maintaining public welfare and economic stability. However, these employees often bear additional burdens, including increased transportation costs, limited access to food and basic necessities, and greater exposure to hazardous conditions.

¹ <https://www.pagasa.dost.gov.ph/climate/tropical-cyclone-information>

² <https://www.pna.gov.ph/articles/1255135>

The 1987 Philippine Constitution recognizes the vital role of labor in nation-building and mandates the protection of workers' welfare. Under Article II, Section 10, the State is directed to promote social justice in all phases of national development. Moreover, Article XIII, Section 3 guarantees full protection to labor and the right to humane working conditions. These provisions underscore the State's obligation to ensure that workers are treated fairly, especially under extraordinary and hazardous circumstances.

At present, the Labor Code of the Philippines does not provide a clear and uniform mechanism for compensating private sector employees who are required to work during declared calamities or emergency alerts. While certain benefits such as hazard pay may be granted in specific contexts, these are not universally applicable and do not adequately address the unique challenges posed by disaster situations³. As a result, many workers who render essential services during emergencies do so without sufficient compensation for the extraordinary risks and expenses they incur.

Data from the Philippine Statistics Authority indicate that 61.4% of the Filipino workforce is employed in the services sector, the majority of whom occupy roles that require physical presence, thereby limiting the feasibility of remote work arrangements during emergencies. However, reports from the National Disaster Risk Reduction and Management Council underscore the recurring and severe impacts of typhoons and other calamities on transportation systems, workplace accessibility, and overall public safety. In 2024, Typhoon Aghon resulted in at least six fatalities and caused approximately P1B damage, disrupting mobility and essential services⁴. Similarly, Typhoon Tino led to over a hundred reported deaths, highlighting the devastating human and economic toll of such disasters⁵.

This bill seeks to address these gaps by mandating the grant of additional compensation equivalent to thirty percent (30%) of the daily wage of private sector employees who are required to report for work during severe calamities and emergency alerts. This additional compensation is intended not as hazard pay, but as a means of reimbursing workers for the increased costs and difficulties associated with reporting for duty under such conditions.

³<https://accralaw.com/2020/01/29/work-suspension-during-calamities/#:~:text=In%20the%20event%20that%20employers,employee%20works%20during%20a%20calamity.>

⁴ <https://www.pna.gov.ph/articles/1225857>

⁵ <https://www.facebook.com/gmanews/posts/the-reported-death-toll-due-to-typhoon-tinoph-has-increased-to-188-according-to-/1328364599335194/>

At the same time, the measure provides flexibility for employers through the adoption of a Calamity Work Contingency Plan, subject to the approval of the Department of Labor and Employment, which ensures that employee welfare is protected through the provision of transportation, basic necessities, shelter, and workplace safety measures.

By institutionalizing fair compensation and establishing clear implementing mechanisms, this proposed measure advances the constitutional principles of social justice, protection of labor, and promotion of the general welfare. It recognizes the indispensable role of workers who continue to serve during times of crisis and ensures that their contributions are justly compensated.

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



AUDREY KAY T. ZUBIRI
Representative, 3rd District of Bukidnon

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*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 "Calamity Work Compensation Act."*

2

3 **Sec. 2. Declaration of Policy.** — It is hereby declared the policy of the State to protect the
4 welfare of workers by ensuring that employees required to work during calamities and
5 emergency situations receive fair and just compensation. The State recognizes that while most
6 businesses suspend operations during calamities, certain industries—such as transportation,
7 food supply, medicine, media, medical and health services, and utilities—must continue
8 operating to serve public needs. Moreover, some businesses may require continued operations
9 to meet production requirements or to secure equipment, machinery, and supplies from
10 damage or wastage. The continued operation of these businesses during extraordinary
11 circumstances, while private in nature, serves a vital public function. In such instances,
12 employees required to report for work shall be adequately compensated for the additional
13 burdens they bear, including but not limited to limited access to transportation, increased
14 commuting costs, restricted food availability, and heightened safety risks. The additional
15 compensation provided under this Act shall not be considered hazard pay nor serve as a
16 substitute for hazard pay or any other legally mandated benefits. Furthermore, this Act does

not encourage workers to expose themselves to risk during calamities but merely ensures that they are reimbursed for the increased costs of reporting to work when their presence is required and that their contribution to public service is recognized.

Sec. 3. Coverage. — This Act shall apply to all private sector employees in the Philippines, regardless of employment status or nature of employment, except those not classified as employees under Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines. This shall include regular, probationary, project-based, seasonal, and contractual employees, provided that an employer employee relationship exists in accordance with applicable labor laws.

Sec. 4. Additional Compensation. — The entitlement to the additional compensation shall be governed by the following principles:

(a) **Entitlement to Additional Compensation.** — Employees who are required to report for work or perform duties during any period in which their province, city, or municipality is under Typhoon Signal No. 3, No. 4, or No. 5, or an equivalent level of calamity as determined in the Implementing Rules and Regulations (IRR) of this Act, shall be entitled to receive an additional thirty percent (30%) of their daily wage. This additional compensation is intended to reimburse employees for the extraordinary costs and difficulties incurred in reporting for work during a calamity, including but not limited to increased transportation expenses, limited access to food and necessities, and heightened risks to personal safety.

(b) **Distinction from Hazard Pay and Other Benefits.** — The additional compensation provided under this Act shall not be considered as hazard pay nor be used to offset or replace any existing hazard pay, emergency allowances, or other benefits that an employee is entitled to under company policies, collective bargaining agreements, or existing labor laws.

(c) **Prohibition on Compensation Adjustments.** — Employers shall not reduce, restructure, or withhold existing salaries, bonuses, allowances, or other forms of compensation to offset the additional pay required under this Act. Any such attempt shall be deemed a violation subject to penalties under Section 7.

(d) **Computation of Overtime, Night Differential, and Holiday Pay.** — The additional

51 compensation granted under this Act shall be included in the computation of an employee's
52 overtime pay, night shift differential, and holiday pay when applicable.

53
54 ***Sec. 5. Conditions for Application.*** —The additional wage compensation shall apply only to
55 employees who shall physically report to their work location or who are specifically assigned
56 work during the declared calamity or emergency period. Employees whose work can be
57 performed remotely during a declared calamity shall not be entitled to the additional
58 compensation under this Act unless they are explicitly required to perform on-site duties.

59
60 ***Sec. 6. Classification of Other Calamities and Implementing Guidelines.*** — For calamities
61 and emergency situations other than typhoons, the Department of Labor and Employment
62 (DOLE), in consultation with the National Disaster Risk Reduction and Management Council
63 (NDRRMC), shall establish a Category Level Assessment System to determine the severity of
64 a calamity, required conditions, and the corresponding applicability of the additional
65 compensation under this Act. The NDRRMC shall provide technical input, including hazard
66 assessments and situational bulletins, to support DOLE in classifying calamities based on their
67 impact on safety, mobility, and economic activity. Within sixty (60) working days from the
68 effectivity of this Act, the DOLE and NDRRMC shall issue guidelines classifying calamities
69 into specific categories based on their impact on mobility, safety, and economic activities. The
70 assessment shall consider factors such as disruption of public transportation and mobility,
71 availability and accessibility of essential services, safety risks for employees commuting or
72 reporting to work, and government-imposed emergency measures or restrictions among others.

73
74 Only calamities classified under the prescribed category levels shall warrant the mandatory
75 provision of the additional compensation under this Act. The DOLE shall regularly review and
76 update the classification system in response to emerging disaster risks and patterns. In the
77 formulation of guidelines, DOLE and NDRRMC shall conduct public consultations with
78 affected stakeholders, including labor organizations, employer groups, and local government
79 units, to ensure equitable and practicable implementation.

80
81 ***Sec. 7. Employer-Provided Action Plan as an Alternative to Calamity Work Compensation.***
82 — DOLE, shall establish guidelines and criteria under which employers may implement a
83 Calamity Work Contingency Plan in lieu of the mandatory monetary compensation provided
84 under this Act. To be considered a valid alternative, the contingency plan must meet the

following minimum criteria to ensure employee safety, welfare, and operational continuity during declared calamities:

(a) Ensuring Safe and Accessible Transportation: Employers may provide or coordinate safe and reasonable transportation options for employees reporting during calamities at no cost. This may include company arranged shuttle services, partnerships with transport providers, transport allowances, or other viable means suited to the circumstances;

(b) Provision of Basic Necessities: Employees on duty during calamities should have reasonable access to food, clean drinking water, and other essential provisions as appropriate to the situation;

(c) Emergency Housing or Shelter, if Necessary: In situations where returning home poses significant risks, employers may arrange for temporary accommodations or safe shelter options for affected employees. Arrangements should be reasonable, safe, and compliant with basic health and safety standards;

(d) Workplace Safety and Welfare Measures: Employers should take reasonable steps to ensure that workplaces remain safe and operational despite the prevailing conditions. This includes basic occupational safety and health (OSH) measures, contingency planning, and risk mitigation strategies relevant to the calamity; and

(e) Protection of Salaries and Benefits: Any alternative compensation program must not result in a reduction of existing salaries, benefits, or allowances. Employers must ensure that employees retain access to all legally mandated benefits, including those covered by collective bargaining agreements or employment contracts. No Calamity Work Contingency Plan shall be implemented in workplaces with existing employee unions or collective bargaining units without their prior concurrence through appropriate consultation or agreement procedures. In such a case, the compensation as stated in this Act shall govern. Employers seeking to implement alternative measures must secure prior approval from DOLE, ensuring compliance with the general principles of employee protection and fair compensation under this Act.

Sec. 8. Appropriations. — The amount necessary for the effective implementation of this Act by the DOLE, including the formulation of implementing guidelines, monitoring, capacity-

building, and stakeholder consultations, shall be charged against the current appropriations of the Department. Thereafter, such sums as may be necessary shall be included in the annual General Appropriations Act.

Sec. 9. Penalties. — Any employer who violates the provisions of this Act, including failure to provide the required additional wage compensation to their employees or failure to comply with a valid Calamity Work Contingency Plan, shall be subject to penalties as prescribed under the Labor Code of the Philippines and other applicable laws, including fines, suspension of business operations, or revocation of business permits.

Sec. 10. Repealing Clause. — All laws, decrees, orders, rules, and regulations, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

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

Approved,