

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



NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5768

Introduced by CIBAC Party-List Representative
HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA

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

EXPLANATORY NOTE

On March 20, 2020, it was reported that 150 doctors and staff of a private hospital was placed under quarantine due to their exposure to severe acute respiratory syndrome coronavirus 2 (SARS-COV-2), the virus which causes the coronavirus disease (COVID-19).¹ The following day, or on March 21, 2020, a doctor tending to a patient infected with SARC-COV-2 died.

COVID-19 was declared by the World Health Organization as a public health emergency of international concern as early as January 30, 2020. Meanwhile, due to the increasing number of confirmed COVID-19 patients, the Philippines was placed under enhanced community quarantine as of midnight of March 17, 2020. However, even while most people were advised to stay home, workers in critical industries, such as health care workers, airport and seaport personnel, grocery store staff, among others, continue to report to work to provide essential services to

¹ ABS-CBN, 150 doctors, staff at The Medical City under quarantine for COVID-19 exposure: president, March 20, 2020, accessible at <https://news.abs-cbn.com/news/03/20/20/150-doctors-staff-at-the-medical-city-under-quarantine-for-covid-19-exposure-president> (last accessed July 11, 2022).

those in need. But despite the increased risk to their lives, no appropriate additional compensation was given to them.

This bill seeks to recognize the hard work and the invaluable service rendered by these workers in critical industries by mandating that they are given hazard pay for the duration of a state of calamity, emergency or public health emergency, such as the COVID-19 pandemic. The hazard pay shall be equivalent to at least 25% of the daily basic salary of the affected worker. Workers in critical industries refer to workers in establishments, such as hospitals, sanitarium, rural health units, main health centers, health infirmaries, barangay health stations, clinics, laboratories, and other health-related establishments, banks and other financial institutions providing money transfer services, groceries, supermarket, and convenience stores, logistics and warehouse establishments, and civil aviation and maritime transport related companies, among others, who are exposed greater danger, contagion, radiation, virus, disease, or peril from natural calamities, such as volcanic activity/eruption and typhoons.

Given the extraordinary and invaluable service of these workers in critical times, such as what we are facing today with the COVID-19 pandemic, it is just and right that we give them proper benefits.

Thus, the immediate passage of this bill is earnestly sought.



HON. EDUARDO “BRO. EDDIE” C. VILLANUEVA

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1 *Be it enacted by the Senate and House of Representatives of the*
2 *Philippines in Congress assembled:*

3
4 **SECTION. 1. *Short Title.*** – This Act shall be known as the “*Hazard*
5 *Pay for Workers in Critical Industries Act.*”

6
7 **SEC. 2. *Declaration of Policy.*** – The State shall promote the
8 protection of all workers and ensure their health and safety during a state
9 of calamity or emergency or public health emergency concern. Towards
10 this end, workers in critical industries shall be provided with additional
11 benefit for the duration of these events, taking into account the nature of
12 their functions and exposure to various hazards by reason of their
13 functions.

14
15 **SEC. 3. *Coverage.*** – This Act shall apply to all workers in critical
16 industries in the private sector.

17
18 For the purposes of this Act, “workers in critical industries” refers to
19 workers in critical establishments such as, but not limited to, the following,
20 who are exposed to greater danger, contagion, radiation, virus, disease,
21 or peril from natural calamities, such as volcanic activity/eruption and
22 typhoons:

- 1
- 2 a) Hospitals, sanitaria, rural health units, main health centers,
- 3 health infirmaries, barangay health stations, clinics, laboratories,
- 4 and other health-related establishments;
- 5 b) Morgues and mortuaries;
- 6 c) Banks and other financial institutions providing money transfer
- 7 services;
- 8 d) Groceries, supermarket, and convenience stores;
- 9 e) Public markets;
- 10 f) Pharmacies or drugstores, or similar establishments authorized
- 11 to dispense medicines;
- 12 g) Restaurants;
- 13 h) Logistics and warehouse establishments;
- 14 i) Food and medical manufacturing establishments;
- 15 j) Telecommunications companies;
- 16 k) Mass media companies, with respect to their reporters and
- 17 similar personnel in-charge of delivering news;
- 18 l) Electric generation, transmission and distribution companies;
- 19 m) Gasoline stations;
- 20 n) Oil companies, with respect to their tanker drivers;
- 21 o) Water distribution companies, including water delivery and
- 22 refilling stations;
- 23 p) Companies engaged in sanitation, such as garbage collectors;
- 24 q) Companies involved in the Philippine capital market, such as the
- 25 Philippine Stock Exchange and Philippine Dealing and
- 26 Exchange Corporation, among others;
- 27 r) Hotels and similar establishments, upon such terms and
- 28 conditions as the appropriate agencies overseeing the calamity,
- 29 disaster or public health emergency prescribe;
- 30 s) Mass public transportation companies;
- 31 t) Civil aviation and maritime transport related companies; and
- 32 u) Such other establishments which may be considered critical in
- 33 light of the nature of the state of calamity or emergency or public
- 34 health concern.
- 35

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

41
42 **SEC. 4. Hazard Pay.** – When a state of calamity or emergency or a
43 public health emergency, as defined under Republic Act No. 11332,

1 otherwise known as the Mandatory Reporting of Notifiable Diseases and
2 Health Events of Public Health Concern, has been declared, workers in
3 critical industries who actually rendered service during the state of
4 calamity or emergency or public health emergency, shall be compensated
5 with hazard allowances equivalent to at least twenty-five percent (25%) of
6 their respective daily basic salary for the duration thereof.

7
8 **SEC. 5. *Non-Diminution of Benefits.*** – Nothing in this Act shall be
9 construed to diminish existing benefits under present laws, company
10 policies, and collective bargaining agreements.

11
12 **SEC. 6. *Implementing Rules and Guidelines.*** – Within sixty (60)
13 days from the effectivity of this Act, the Department of Labor and
14 Employment (DOLE), in consultation with the appropriate government
15 agencies and other relevant stakeholders, shall formulate the rules and
16 regulations to effectively implement the provisions of this Act.

17
18 **SEC. 7. *Separability Clause.*** – Any portion or provisions of this Act
19 that may be declared unconstitutional or invalid shall not have the effect
20 of nullifying other portions and provisions hereof as long as such
21 remaining portions or provisions can still subsist and be given effect in
22 their entirety.

23
24 **SEC. 8. *Repealing Clause.*** – All laws, decrees, executive orders,
25 proclamations and administrative regulations, or any parts thereof
26 inconsistent with the provisions of this Act are hereby revoked, repealed
27 or modified accordingly.

28
29 **SEC. 9. *Effectivity Clause.*** – This Act shall take effect fifteen (15)
30 days after its publication in the *Official Gazette* or in at least two (2)
31 newspapers of general circulation.

32
33 ***Approved,***