Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 6720

Introduced by
RAYMOND DEMOCRITO C. MENDOZA
Representative, Trade Union Congress Party

AN ACT
MANDATING THE GRANT OF HAZARD PAY TO PRIVATE SECTOR
EMPLOYEES FOR PERFORMING HAZARDOUS DUTY UNDER ACTUAL OR
IMPELLING EMERGENCIES

EXPLANATORY NOTE

This Bill seeks to grant hazard pay to workers in the private sector when
they are made or required to work during actual or impending emergencies
arising from war, epidemics, natural or manmade calamities or disasters such as
typhoons, earthquakes, floods, volcanic activity or eruption, and other similar
events.

Providing hazard pay is doubly made urgent by the fact that the country is
prone to year-round calamities or disasters that exposes all workers, in the private
and the public sector, to dangers and perils at work. But while the
appropriateness of the grant of hazard pay is long settled and recognized for
workers in the public sector, it has not been extended, except to certain profession,
to private sector workers whose work exposes them to occupational risks and
perils to life.

In the private sector, the grant of hazard pay is left entirely to the discretion
of the employer or in collective bargaining agreements, if ever there is a union
successfully formed. This policy of employer’s discretion to grant hazard pay or
not has brought untold hardships to private sector workers. This is underscored
by our most recent experiences such as the eruption of Taal Volcano in January
2020 and the ongoing COVID-19 pandemic. During the Taal Volcano eruption, workers from different establishment in the CALABARZON risked “life and limb” for a minimum daily wage as they were required to continue to keep production running with no provision for sickness or death despite Phivolcs raising the status to Alert Level 4 (hazardous eruption imminent) and that ash and rock fragments column reached up to 10-15 kilometers due to continuous eruption. In the current COVID pandemic, frontline workers from the private sector – the healthcare workers, supermarkets’ personnel, food deliveries, banks’ personnel, pharmacies, security guards, janitors, garbage collectors and all other workers who despite the threat of starvation sacrificed to keep us all alive and save society from dropping into the darkness – again risk “life and limb” for all of us without any provision in case of infection and for medication.

It is in this context that this representation and the Trade Union Congress of the Philippines (TUCP) earnestly seek the passage of this bill to extend the grant of hazard pay to the private sector workers whose work exposes them to occupational risks and perils to life.

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

RAYMOND DEMOCRITO C. MENDOZA
TUCP Partylist
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Be it enacted by the Senate and House of Representatives of the Republic of the Philippines in Congress assembled:

SECTION 1. Short Title. – This Act shall be known as the Hazard Pay Act of 2020.

SECTION 2. Declaration of Policy. – It is hereby declared a policy of the State to afford full protection to labor. The State shall safeguard every worker against injury, sickness, death or any hazards in their work environment and ensure that the hazards that confront workers in the performance of their work during actual or impending emergencies or extra-ordinary situations shall be afforded adequate and reasonable compensation.

SECTION 3. Hazard Pay. – Hazard pay refers to the additional compensation or take-home pay for performing hazardous duty or work under the circumstances provided in this Act.

SECTION 4. Coverage. – Employees who are made or required to work or remain on duty during actual or impending emergencies caused by serious accident, fire, flood, typhoon, earthquake, epidemic, pandemic or other disaster or calamity that places their life, health or limbs in danger or subject them to distress beyond that expected in the ordinary performance of their work or, where such emergencies result in precarious or threatening conditions and personal
protective equipment will not entirely mitigate the danger or risks involved, shall
be paid an additional compensation of at least thirty percent (30%) of their
regular wage for the duration of the emergency.

Hazard pay shall likewise be granted to employees who are required to
remain or report to work within areas in the country where armed hostilities are
prevailing and the evacuation of communities and non-essential staff has taken
place.

Provided, that, the grant of hazard pay shall not apply to those who are
already enjoying the benefit herein provided and those employed in
establishments regularly employing less than ten employees or in establishments
exempted from granting this benefit by the Secretary of Labor and Employment
after considering the viability or financial condition of such establishment.
Provided, that benefits under existing or future health maintenance organization,
accident, health or other kinds of insurance shall not be considered a substitute to
the 30% hazard pay.

SECTION 5. Right to Refuse to Report to Work. – Except when the work
to be performed is essential to prevent loss of life and property, or imminent
danger to public safety, employees may refuse to work during such emergencies
stated above. Such refusal to work shall not be a ground for discrimination,
dismissal, discharge, reduction in hours, or any other penalty.

Any act of retaliation discrimination, dismissal, discharge, reduction in
hours, or any other penalty imposed against employees by reason of their refusal
to report to work is hereby declared unlawful and is punishable under the Labor
Code, as amended. Provided, that there shall be as many offenses committed under
this Section as there are number of employees against which an unlawful act has
been committed.

Section 6. Implementing Rules and Regulations. – The Secretary of
Labor and Employment, in consultation with pertinent agencies, shall formulate
the rules and regulations within ninety (90) days from the effectivity of this Act.

Section 7. Separability Clause. – If any part, section or provision of this
Act shall be held invalid or unconstitutional, the other provisions not affected by
such declaration shall remain in full force and effect.

Section 8. Repealing Clause. – All laws, acts decrees, executive orders,
rules and regulations or other issuances or parts thereof which are inconsistent
with this Act are hereby modified or repealed.
Section 9. Effectivity. - This Act shall take effect after fifteen (15) days after its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,