

Republic of the Philippines  
House of Representatives  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. **5494**



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**INTRODUCED BY CONGRESSMAN ALFRED VARGAS**

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#### EXPLANATORY NOTE

Article XIII Section 3 of the 1987 Philippine Constitution provides:

*"The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all."*

In recognition of this, the 16<sup>th</sup> Congress of the Republic of the Philippines pushed for the enactment of Republic Act No. 10911, otherwise known as the "Anti-Age Discrimination in Employment Act." This law aims to prohibit arbitrary age limitations in employment and promote employment of individuals on the basis of competencies rather than their age. Despite this development, many workers who are 40 years old and above still find it difficult to secure employment due to the lack of skills and increased competition in the job market.

This bill seeks to provide mature or older workers with the necessary educational and occupational skills to improve their employability and productivity. Under this proposal, the Department of Labor and Employment is directed to develop a job training program designed for employees above 40 years of age and the demands of the job market.

If passed, we are empowering mature employees to compete with their young, fresh-out-of-school counterparts, thus giving them an opportunity to contribute to the labor force and better themselves and their families.

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

  
ALFRED VARGAS

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AN ACT  
ESTABLISHING A JOB TRAINING PROGRAM FOR MATURE OR OLDER WORKERS

*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 “**Mature and Older Workers Act.**”

**SEC. 2. Declaration of Policy.** – It is the policy of the State to afford full protection to labor, local and overseas, organized and unorganized and promote employment and equality of employment opportunities for all. Towards this end, the State shall establish, maintain, and support a training program that will equip mature and older workers with the educational and occupational skills that will improve their employability and productivity.

**SEC. 3. Definition of Terms.** – As used in this Act, the term:

(A) **Basic Skills Deficient** means, with respect to an individual, that the individual has English reading or computing skills at or below the 8<sup>th</sup> grade level on a generally accepted standardized test or a comparable score on a criterion referenced test;

(B) **Case Management** means the provision, in the delivery of a service, of a client-centered approach designed to:

- (1) Prepare and coordinate a comprehensive employment plan, such as a service strategy, for a participant to ensure access to a necessary training and support service; and
- (2) Provide job and career counseling during program participation and after job placement.

(C) **Educational Agency** means:

- (1) A public local school authority having administrative control of elementary, middle or secondary schools or providing adult educations;
- (2) A public or private institution that provides alternative middle or high school education;
- (3) A public education institution or agency having administrative control of secondary or post-secondary vocational education programs; or
- (4) Post-secondary institution

(D) **Mature or Older Worker** means an individual who is 40 years of age or older.

(E) **Participant** means an individual who has been determined to be eligible to participate in the program;

(F) **School Dropout** means an individual who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalent for such a diploma; and

(G) **Termination** means the separation of a participant who is no longer receiving services.

**SEC. 4. Eligibility for Services** – An individual shall be eligible to participate in the program assisted under this part if such individual is forty (40) years of age or older and is included in one or more of the following categories:

(A) Individuals whose income is not excess of the poverty line;

(B) Individuals who are eligible for housing assistance; or

(C) Individuals who are included in two (2) or more of the following categories:

- (1) Individuals who are unemployed for 15 consecutive weeks;
- (2) Individuals who are unemployed for 30 consecutive weeks;
- (3) Individuals who are working 20 or fewer hours a week;
- (4) Individuals who are displaced homemakers;
- (5) Individuals who are homeless;
- (6) Individuals who have finished less than 10 years of school;
- (7) Individuals who are deficient in basic skills;
- (8) Individuals who have been notified that the jobs of such;
- (9) Individuals will be terminated within the next 60 days; or

(10) Individuals who live alone.

**SEC. 5. Program Design -**

**(A) IN GENERAL - PROGRAM REQUIREMENTS** - Each program assisted under this Act shall include:

(1) An objective assessment, using the case management technique, of the skill levels and service needs of each participant, including such factors as basic skills, occupational skills, prior work experience, employability interests, aptitudes (including interests and aptitudes for non-traditional employment) and supportive service needs, except that a new assessment of a participant is not required if the program determined that a recent assessment of the participant conducted under another education or training program, is an appropriate assessment;

(2) The development of service strategies that shall identify the employment goal (including in appropriate circumstances, nontraditional employment), the appropriate achievement objectives, and the appropriate sequence of service for participants, taking into account the assessments conducted under subparagraph (A), except that a new service strategy is not required if the program determines a recent service strategy developed for the participant under another education or training program is an appropriate service strategy;

(3) A review of the progress of each participant in meeting the objectives of the service strategy; and

(4) Basic skills training and occupational skills training if the assessments and the strategy indicate such training is appropriate.

**(B) ADDITIONAL REQUIREMENTS -**

(1) **MINIMUM INCOME PARTICIPANTS AND APPLICANTS** - Each service delivery area participating in a program assisted under this Act shall ensure that each participant or applicant described in paragraph (1), (2), or (3) of Section 4 shall be provided -

(a) Information on the full array of applicable or appropriate services that are available through the service delivery area or other service providers, including providers receiving funds under this Act; and

- (b) Referral to other appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.

**(C) APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS -**

- (1) **SERVICE PROVIDERS** - Each service providers shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program of the provider shall be referred to the service delivery area for further assessment, as necessary, and referral to appropriate programs to meet the basic skills and training needs of the applicants;

- (2) **SERVICE DELIVERY AREA** - The service delivery area shall ensure that appropriate referrals are made under clause (1) and shall maintain records on the referral and the reasons for which applicants are referred.

**(D) AUTHORIZED SERVICES** - One or more of the following training or supportive services shall be made available to each participant under this Act:

- (1) Outreach and recruitment;
- (2) Intake and assessment;
- (3) Job search assistance;
- (4) Classroom and occupational skills training;
- (5) On-the-job training;
- (6) Work experience;
- (7) Basic and remedial education and literacy training;
- (8) Supplemental services, including day care for dependent children and adults;
- (9) Occupational placement assistance;

**(E) SPECIAL RULES -**

- (1) **SELECTION OF SERVICE PROVIDERS** - In the selection of service providers, the Department of Labor and Employment shall give preference to agencies and organizations with demonstrated competence in conducting older and mature worker programs.

- (2) **JOB TRAINING PLAN** - The Department of Labor and Employment shall develop the job training program under this Act. It may seek the assistance of other government agencies such as the Department of Education and the help of private educational agencies. It shall also formulate the necessary implementing rules

and regulations that will ensure the efficient and effective implementation of this Act.

**SEC. 6. Report** - The Secretary shall submit to the President of the Philippines and to both Houses of Congress, not later than the opening of the regular session each year, an annual report on the status of the implementation of this Act. The annual report shall include an analysis, for each province and on a nationwide basis of the number of participants served under this Act, and the type of services under this Act received by participants.

**SEC. 7. Separability Clause** - If any provision, or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

**SEC. 8. Repealing Clause** - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

**SEC. 9. Effectivity Clause** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,