

Republic of the Philippines
Congress of the Philippines
Metro Manila
Nineteenth Congress
Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth day of July, two thousand twenty-three.

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[REPUBLIC ACT NO. 11965]

AN ACT INSTITUTING POLICIES FOR THE PROTECTION
AND WELFARE OF CAREGIVERS IN THE PRACTICE
OF THEIR OCCUPATION

*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 “Caregivers’ Welfare Act”.

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to recognize the role of caregivers in national development and to institute policies in the practice of the occupation with the end in view of developing competent caregivers whose standards of professional service shall be excellent and globally competitive.

The State also recognizes the need to protect the rights of the caregivers towards a decent employment and income and adheres to a policy of protecting caregivers against abuse, harassment, violence, and economic exploitation.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms shall mean:

(a) *Caregiver* refers to a person, at least eighteen (18) years of age, who renders services as enumerated under Section 7 of this Act and shall include the following:

(1) Licensed health care professionals who listed themselves voluntarily with the Department of Labor and Employment (DOLE) as caregivers;

(2) Any person duly assessed and certified by the Technical Education and Skills Development Authority (TESDA) upon compliance with any of the following:

(i) Graduate of a caregiving qualification who achieved the required competencies;

(ii) Graduate of allied health care courses of an educational and/or accredited training institution; or

(iii) Practitioner or any person with prior learning and/or experience who has undergone competency or portfolio assessment.

(b) *Client* refers to a newborn, infant, toddler, preschooler, school children, adolescent, adult, elderly, and people with special needs;

(c) *Direct Hire* refers to a caregiver whose services are engaged directly without the assistance or participation of a private employment agency;

(d) *Employer* refers to any person who engages the services of a caregiver and is a party to the employment contract;

(e) *Household* refers to the immediate members of the family or the occupants of the house where the caregiver is employed in a residential setting;

(f) *Private Employment Agency (PEA)* refers to any individual, legitimate partnership, corporation or entity licensed by the DOLE to engage in the recruitment and placement of caregivers for local employment; and

(g) *Public Employment Service Office (PESO)* refers to a non-fee charging multi-dimensional employment service facility or entity established in all local government units (LGUs), in coordination with the DOLE, pursuant to Republic Act No. 8759, otherwise known as the "Public Employment Service Office Act of 1999", as amended by Republic Act No. 10691.

SEC. 4. *Coverage.* – This Act shall apply to caregivers employed and working within the country in private homes, nursing or care facilities, and other residential settings. This Act shall apply to caregivers whether directly hired by the employer or placed through PESO or PEA.

SEC. 5. *Employment Contract.* – An employment contract shall be executed by and between the caregiver and the employer before the commencement of the service in a language or dialect understood by both parties. A copy of the duly signed and notarized employment contract shall be given to the caregiver which shall include the following:

- (a) Duties and responsibilities of the caregiver;
- (b) Period of employment;
- (c) Work arrangement;
- (d) Compensation;
- (e) Authorized deductions;
- (f) Hours of work and proportionate additional payment or overtime pay;
- (g) Rest days and allowable leaves;
- (h) Board, lodging, and medical attention;
- (i) Other benefits as stipulated in this Act;

(j) Termination of employment; and

(k) Any other lawful condition agreed upon by both parties.

The DOLE, in consultation with the National Tripartite Industrial Peace Council, shall develop a model employment contract for caregivers which shall be made available at all times in all its websites, free of charge to caregivers, employers, and the general public.

SEC. 6. *Pre-employment Requirements.* – Prior to the execution of the employment contract, the employer may require the following:

(a) National Certificate issued by TESDA;

(b) Caregivers training certificate issued by the TESDA or its accredited school or training institution, if applicable;

(c) Medical certificate or health certificate issued by competent authorities;

(d) National Bureau of Investigation (NBI) clearance or police clearance; and

(e) Barangay clearance.

Caregivers who are first time jobseekers may obtain a copy of medical certificate or health certificate, and/or NBI or police clearance, free of charge, from concerned government offices pursuant to Republic Act No. 11261 or the “First Time Jobseekers Assistance Act”.

SEC. 7. *Duties of the Caregivers.* – The caregiver may provide personal care, support, and assistance to clients in private homes, nursing or care facilities, and other residential settings including, but not limited to, the following services:

(a) Help clients with their daily activities and mobility restrictions;

(b) Provide some basic health-related services, such as checking the client's vital signs including pulse rate, temperature, respiration rate, blood pressure, and oxygen saturation;

(c) Assist clients with simple and safe exercises taught by a duly licensed rehabilitation science specialist;

(d) Assist in the administration of home medications as prescribed by the physician;

(e) Advise clients and their families on cleanliness and household tasks;

(f) Accompany clients to appointments with doctors or on other errands related to health care, support, and assistance;

(g) Assist in housekeeping tasks related to health care, support, and assistance within the client's room;

(h) Assist in the preparation of the clients' food in accordance with health-related needs; and

(i) Other tasks directly related to the health care, support, and assistance of the clients.

SEC. 8. *Hours of Work.* – The caregiver's working hours shall be based on the employment contract signed by the parties and in accordance with the labor laws, rules and regulations. For work beyond eight (8) hours a day, a caregiver shall be entitled to overtime pay. A caregiver is also entitled to night shift differential.

SEC. 9. *Minimum Wage.* – The minimum wage of a caregiver shall not be less than the applicable minimum wage in the region.

SEC. 10. *Payment of Wages.* – Wages shall be paid on time directly to the caregiver to whom they are due once every two (2) weeks or twice a month at intervals not exceeding sixteen (16) days. The employer, unless allowed by the caregiver through a written consent, shall make no deductions from the wages other than what is mandated by law. No employer shall pay the wages of the caregiver by means of promissory notes, vouchers, coupons, tokens, tickets, chits, or any object other than the cash wage as provided for under the law.

SEC. 11. *Thirteenth Month Pay.* – A caregiver who has rendered at least one (1) month of service is entitled to a thirteenth month pay which shall not be less than one-twelfth (1/12) of his/her total basic salary earned in a calendar year.

The thirteenth month pay shall be paid not later than December 24 of every year or upon separation from employment.

SEC. 12. *Pay Slip.* – The employer shall at all times provide the caregiver with a copy of the pay slip containing the amount paid in cash every pay day, and indicating all deductions made, if any. A copy of the pay slip shall be kept by the employer for a period of three (3) years.

SEC. 13. *Leave Benefits.* – A caregiver who has rendered at least one (1) year of service shall be entitled to an annual service incentive leave of at least five (5) days with pay. A caregiver shall also be entitled to other leave benefits provided by existing laws.

SEC. 14. *Other Benefits.* – A caregiver shall be covered by the Social Security System (SSS), the Philippine Health Insurance Corporation (PhilHealth), and the Home Development Mutual Fund (HDMF) or Pag-IBIG, and shall be entitled to all the benefits in accordance with the pertinent provisions provided by law. The effective date of coverage shall be on the first day of employment.

SEC. 15. *Non-Diminution of Pay and Benefits.* – All existing arrangements between a caregiver and the employer shall be adjusted to conform to the minimum standards set by this Act. Nothing in this Act shall be construed to cause the diminution or substitution of any pay and benefits currently enjoyed by the caregiver hired directly by the employer or through a PEA.

SEC. 16. *Basic Necessities.* – The employer shall provide for the basic necessities of the caregiver, such as, but not limited to, the following:

(a) At least three (3) adequate meals a day, taking into consideration the caregiver's religious beliefs and cultural practices and humane sleeping condition that respects the

person's privacy for caregivers in live-in, stay-in work arrangement; and

(b) Appropriate rest and medical assistance in the form of first-aid medicines, in case of illness and injuries sustained during service without loss of benefits.

SEC. 17. *Privileged Information.* – All information and communication pertaining to the client, employer, or members of the household shall be treated as privileged and confidential, and shall not be publicly disclosed by the caregiver at any time during and after employment without the consent of the said client, employer, or members of the household, except in a civil case for damages or a criminal case for an offense committed against the caregiver.

SEC. 18. *Termination of Service.* – Neither the caregiver nor the employer may terminate the contract before the expiration of the term except for grounds enumerated in Sections 19 and 20 of this Act: *Provided*, That the caregiver may terminate the contract by serving a written notice to the employer at least one (1) month in advance.

If the caregiver is unjustly dismissed, the caregiver shall be paid the compensation already earned plus the equivalent of fifteen (15) days work by way of indemnity. The caregiver and the employer may mutually agree upon written notice to pre-terminate the contract of employment to end the employment relationship.

SEC. 19. *Termination of Contract by the Caregiver.* – A caregiver may terminate the employment relationship at any time before the expiration of the contract for any of the following reasons:

(a) Verbal or emotional abuse by the client, any member of the household, employer or his/her representative except in cases when the client is suffering from any mental illness;

(b) Inhumane treatment including physical abuse against the caregiver by the client, any member of the household, employer or his/her representative;

(c) Commission of a crime or offense against the caregiver by the client, any member of the household, employer or his/her representative;

(d) Violation of the terms and conditions of the employment contract by the employer;

(e) The client, any member of the household, employer or his/her representative having any disease prejudicial to the health of the caregiver; and

(f) Other causes analogous to the foregoing.

SEC. 20. *Termination of Contract by the Employer.* – The employer may terminate the services of the caregiver at any time before the expiration of the contract for any of the following causes:

(a) Misconduct or willful disobedience by the caregiver of the lawful order of the employer in connection with the former's work;

(b) Gross or habitual neglect or insufficiency in the performance of duties;

(c) Fraud or willful breach of the trust reposed by the employer;

(d) Commission of crime or offense by the caregiver;

(e) Violation of the terms and conditions of the employment contract by the caregiver;

(f) The caregiver having any disease prejudicial to the health of the client, any member of the household, employer or his/her representative; and

(g) Other causes analogous to the foregoing.

SEC. 21. *Settlement of Disputes.* – All labor-related disputes shall be filed at the Regional Office or the appropriate agency, bureau, or office of DOLE having jurisdiction over the workplace without prejudice to the filing of civil or criminal action in appropriate cases. The said Regional Office, agency,

bureau, or office shall exhaust all conciliation and mediation efforts before a decision shall be rendered.

Ordinary crimes or offenses committed under the Revised Penal Code (RPC) and other special penal laws by either party shall be filed with the regular courts.

If efforts at conciliation and mediation fail, and there is no agreement to submit the case for voluntary arbitration, the dispute shall be filed before the Labor Arbiter of the National Labor Relations Commission (NLRC) for compulsory arbitration, pursuant to the Labor Code of the Philippines, as amended.

SEC. 22. *Protection of Caregivers Hired through PEAs.* – The DOLE Secretary shall, through a system of licensing and regulation, ensure the protection of the caregivers hired through PEAs.

The provisions of the Labor Code of the Philippines on the qualifications of PEAs with regard to nationality, net worth, owners and officers, office space, and other requirements, as well as non-transferability of license and commission of prohibited practices, shall apply.

SEC. 23. *Responsibilities of the PEAs.* – In addition, the PEAs shall have the following responsibilities:

(a) Ensure that the caregivers are not charged or levied any recruitment or placement fees whatsoever;

(b) Ensure that the employment contract between the caregiver and the employer stipulates the terms and conditions of employment and all the benefits prescribed by this Act;

(c) Provide a pre-employment orientation briefing to the caregiver and the employer about their rights and responsibilities in accordance with this Act;

(d) Keep copies of employment contracts pertaining to recruited caregivers which shall be made available during inspections or whenever required by the DOLE;

(e) Assist caregivers with respect to complaints or grievances against their employers; and

(f) Cooperate with government agencies in rescue operations involving abused or exploited caregivers.

SEC. 24. *List of Caregivers.* – DOLE shall maintain a list of caregivers that shall be made available to the public pursuant to applicable laws, rules and regulations. TESDA shall coordinate with PESO to integrate caregivers in its employment facilitation services.

SEC. 25. *Upskilling and Reskilling of Caregivers.* – TESDA shall develop a system of continuing skills upgrading and reskilling of caregivers. TESDA shall also jointly work with the Commission on Higher Education (CHED) and the Department of Education (DepEd) to support the development and maintenance of pathways and equivalencies that enable access to qualifications and to assist caregivers to move easily and readily between the different education and training sectors in accordance with Republic Act No. 10647 or the “Ladderized Education Act of 2014”.

SEC. 26. *Penalties.* – Any person, school, training institution or assessment center who shall issue or use a fake certificate, clearance or any other document for purposes of fulfilling the requirements under this Act or shall in any other manner commit any act to defeat any provision of this Act shall, upon conviction, be punished with the penalty for falsification of official document provided under the RPC and/or other applicable laws.

If the offender is a school, training institution, assessment center or a juridical person, the penalty shall be imposed upon the president, treasurer or secretary or any officer responsible for the violation. In addition to the penalty provided herein, to the extent applicable, the offender shall suffer the revocation of license and/or certificate to operate or certificate of accreditation.

SEC. 27. *Applicability of the Labor Code of the Philippines.* – The provisions of the Labor Code of the Philippines, as amended, shall be suppletorily applied to this Act.

SEC. 28. *Implementing Rules and Regulations.* – Within one hundred twenty (120) days from the effectivity of this Act, the DOLE Secretary shall, in coordination with the TESDA Director General and other concerned agencies, promulgate the necessary rules and regulations for the effective implementation of this Act.


The Department of Migrant Workers (DMW), in coordination with DOLE, TESDA, and other concerned agencies, shall issue the rules and regulations for the recruitment and deployment of Filipino caregivers for overseas employment to ensure their protection, including their reintegration.

SEC. 29. *Separability Clause.* – If any provision, section, or part of this Act is declared unconstitutional or invalid, such judgement shall not affect, invalidate, or impair any other provisions, sections, or parts hereof.

SEC. 30. *Repealing Clause.* – All laws, decrees, orders, issuances, circulars, rules and regulations or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.


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

Approved,


 FERDINAND MARTIN G. ROMUALDEZ
*Speaker of the House
 of Representatives*


 JUAN MIGUEL F. ZUBIRI
President of the Senate

This Act was passed by the Senate of the Philippines as Senate Bill No. 2019 on August 29, 2023 and adopted by the House of Representatives as an amendment to House Bill No. 227 on September 12, 2023.

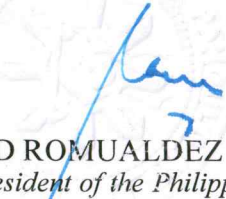


REGINALD S. VELASCO
*Secretary General
House of Representatives*



RENATO N. BANTUG JR.
Secretary of the Senate

Approved: **NOV 23 2023**



FERDINAND ROMUALDEZ MARCOS JR.
President of the Philippines



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