

SENATE
S. No. 1565

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 13, Section 11, first sentence, provides:

“The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost.”

While the Constitution tasks the State to ensure that the populace will be able to afford essential health services, the Philippine Overseas Employment Administration (POEA) reported that 13,536 Filipino nurses went overseas in 2001, almost double the previous year’s exodus of 7,683 nurses. The 2001 figure is the highest ever recorded. The same year, only 4,430 students passed the Nursing Board Examination. This statistics would show that we are steadily losing skilled medical professionals, specifically the nurses.

In a PCIJ report, among the reasons cited by health workers bound for abroad are political instability, corruption and the need for political backing in order to get a job or a promotion. While they cite economic reasons as the biggest factor, they also deplore the long hours of work required of them.

This bill, while answering only the hours of work factor, hopefully will be the seed that will address the continuing flight of our country’s health care professionals to other lands. ¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the 14th Congress 1st Regular Session

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 LIMITING THE CONSECUTIVE HOURS OF WORK BY NURSES

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

5 SECTION 1. *Definition of Terms.* - As used in this Act, the following terms shall be
6 defined as follows:

7 A. "HEALTH CARE EMPLOYER" shall mean any individual, partnership, association,
8 corporation, or any person or group of persons acting directly or indirectly on behalf of or in the
9 interest of the employer, which provides Health care services in a facility licensed to operate as
10 such including any facility operated by the State, a Political Subdivision or a Public Corporation.

11 B. "NURSE" shall mean a registered professional nurse as certified by the Professional
12 Regulatory Board.

13 C. "REGULARLY SCHEDULED WORK HOURS" shall mean those hours a nurse has
14 agreed to work and is normally scheduled to work pursuant to the budgeted hours allocated to the
15 nurse's position by the health care employer; and if no such allocation system exists, some other
16 measure generally used by the health care employer to determine when an employee is
17 minimally supposed to work, consistent with the collective bargaining agreement, if any.

18 D. "EMERGENCY" is defined as an unforeseen event that could not be prudently
19 planned for and does not regularly occur in the facility.

20 SECTION 2. *Prohibition of Excessive Work hours.* - Notwithstanding any other provision
21 of law:

1 (A) No health care employer shall require a nurse to remain on duty for a period longer
2 than eight consecutive hours, or forty hours in a seven day work week, except as consistent with
3 the nurse's regularly scheduled work hours; and

4 (B) No health care employer shall require a nurse to work more than that nurse's
5 regularly scheduled work hours, except pursuant to subdivision three of this Act

6 SECTION 3. *Exceptions to the Prohibition.* - The Limitations provided for in this section
7 shall not apply in the case of:

8 (A) Health Care Disaster such as a natural or other type of disaster that increases the need
9 for health care personnel, unexpectedly affecting the country ; or

10 (B) A declaration of emergency in effect in the region in which the licensed health care
11 employee is employed; or

12 (C) Where a health care employer determines there is an emergency necessary to provide
13 safe patient care, in which case the health care provider shall, before requiring an on-duty
14 employee to remain, make a good faith effort to have overtime covered on a voluntary basis,
15 including, but not limited to, calling per diems, agency nurses, assigning floats, or requesting an
16 additional day off work from off-duty employees;

17 SECTION 4. *No Prohibition against Voluntary Overtime.* - Nothing in this Act shall
18 prohibit a nurse from voluntarily working overtime.

19 SECTION 5. *Penalty.* - The Health Care Employer found guilty of violating this Act shall
20 be fined the amount of One Hundred Thousand Pesos (P100,000.00) in addition to other
21 damages that shall be imposed by the proper court.

22 SECTION 6. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or parts
23 thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified
24 accordingly.

1 SECTION 7. *Separability Clause.* - If, for any reason, any provision of this Act is
2 declared to be unconstitutional or invalid, the other sections or provisions hereof which are not
3 affected thereby shall continue to be in full force and effect.

4 SECTION 8. *Effectivity Clause.* - This Act shall take effect after fifteen (15) days
5 following its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

6 Approved,