

IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11962 “TRABAHO PARA SA BAYAN ACT”

IRR OF REPUBLIC ACT NO. 11962, March 12, 2024

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RULE I. GENERAL PROVISIONS

SECTION 1. Short Title. — These Rules and Regulations shall be known as the "Implementing Rules and Regulations of Republic Act (RA) No. 11962 otherwise known as the Trabaho Para sa Bayan Act," hereinafter referred to as the Rules.

SECTION 2. Purpose. — These Rules are promulgated to prescribe the procedures and guidelines for the implementation of RA No. 11962 in order to facilitate compliance therewith and to achieve the objectives thereof.

SECTION 3. Declaration of Policies. — It is the policy of the state to afford full protection to labor, local and overseas, organized and unorganized, promote full, productive, and freely chosen employment and livelihood, and ensure equitable employment opportunities for all, irrespective of sex, race, color, religion, political opinion, ethnicity, or social origin.

Accordingly, the State shall, in pursuit of poverty reduction through decent jobs, sustainable enterprises, and economic transformation, ensure an environment that encourages more employment and entrepreneurship opportunities, provide comprehensive support to existing and emerging business, particularly to the micro, small, and medium enterprises (MSMEs), and improve the employability, productivity, and competitiveness of Filipino workers.

To carry out the policies of the Act, the Trabaho Para sa Bayan Plan, as provided herein, shall serve as the State's master plan on employment generation and recovery to realize short-term and long-term goals and vision for the country. It shall have the following objectives:

3.1 To stimulate national and local economic growth and development through various means, including, but not limited to, aligning investment and other incentive provided by law to the creation of more decent employment and other work opportunities to address unemployment, underemployment, youth unemployment, rising precarity and informality of working arrangements, reintegration of Overseas Filipino Workers (OFWs), and other challenges in the labor market;

3.2 To promote the employability, competitiveness, wellness, and productivity of workers through efficient, effective, and timely delivery of industry-relevant skills training and enhancement programs, reintegration pathways, active labor market activities, and other services to allow workers to gain access to and maximize opportunities in the labor market;

3.3 To provide support and incentives to businesses, whether existing or emerging, particularly MSMEs, including increased access to financing and capital, to promote self-reliance, spur employment generation, and ensure the security and protection of employment; and

3.4 To incentivize employers, industry stakeholders, and other private sector organizations that offer training,

technology, knowledge and skills transfer, upskilling and reskilling, enterprise-based training, such as apprenticeship, work immersion, or on-the-job training, and other similar activities.

SECTION 4. Coverage. — These Rules and Regulations shall apply to national, regional, and local government units (LGUs), without prejudices to the right of the Bangsamoro Government and its component LGUs to adopt and implement projects and programs for labor and employment, consistent with national policies, laws, rules and regulations.

SECTION 5. Definition of Terms. — As used in the Rules, the following terms shall mean:

5.1 Act refers to Republic Act No. 11962 otherwise known as the "Trabaho Para sa Bayan (TPB) Act".

5.2 Apprenticeship refers to the training within employment with compulsory related theoretical instructions involving a contract between an apprentice and an employer on an approved apprenticeable occupation, subject to the amendments of the apprenticeship law.

5.3 Documented Overseas Filipino Workers (OFW) refers to an OFW who possesses a valid passport an appropriate visa or permit to stay and work in the country of destination, and whose contract of employment has been processed by the Department of Migrant Workers (DMW).

5.4 Emerging Industries refers to newly formed or re-formed industries that have been created by technological innovations, shifts in relative cost relationships, emergence of new consumer needs, or other economic and sociological changes that elevate a new product or service to the level of a potentially viable business opportunity.

5.5 Employability refers to the capacity of the worker having a set of skills, knowledge, and attributes to be employed.

5.6 Employers Organization refers to the network of the private sector representing the interests of employers in social and labor matters.

5.7 Employment refers to work for which one has been engaged for at least an hour in the past week.

5.8 Enterprise-based training refers to Technical-Vocational and Education Training (TVET) programs delivered in the enterprise which may be in-plant or standalone or may be linked with a training provider. These programs are offered to an industry group or enterprise employees and individuals, subject to existing laws and the amendments of the apprenticeship law.

5.9 Freelance Work refers to any natural person who offers or renders a task, work, or service through his or her freely chosen means or methods, free from any forms of economic dependence, control, or supervision by the client, regardless of whether he or she is paid by results, piece, task, hour, day, job, or by the nature of the services required, subject to aligning with the official definition as stated in the relevant law.

5.10 Informal Sector refers to household unincorporated enterprises which consist of both informal own-account enterprises and enterprises of informal employers. Informal own-account enterprises are household unincorporated enterprises owned and operated by own-account workers, either alone or in partnership with members of the same or other households which may employ unpaid family workers, as well as occasionally/seasonally hired workers but do not employ employees on a continuous basis. Enterprises of informal employers are household unincorporated enterprises owned and operated by own-account workers, either alone or in partnership with members of the same or other households, which employ one or more employees on a continuous basis. The following cases are excluded from the informal sector: i) single proprietorship, partnerships, and corporations (including corporate farms, commercial livestock raising, commercial fishing, and similar units; ii) quasi-corporations; iii) units with ten or more employees (unless they satisfy all criteria); iv) domestic helpers hired by households; v) units engaged in professional services (unless

they satisfy all criteria); vi) farms managed by cooperatives; and vii) farms, regardless of size, keeping sets of account separate from the household..

5.11 Labor refers to the work performed by the employee or worker for wages as opposed to profits.

5.12 Labor organization refers to any union or association of employees in the private sector which exists in whole or in part for the purpose of collective bargaining, mutual aid, interest, cooperation, protection, or other lawful purposes.

5.13 Local Government Units refers to provinces, cities, and municipalities, without prejudice to the rights of the Bangsamoro Government and its component LGUs.

5.14 Marginalized refers to those who belong to the basic, disadvantaged, or vulnerable persons or groups who are mostly living in poverty and have little or no access to basic social and economic services such as health care, education, water and sanitation, employment, and livelihood opportunities, housing, social security, physical infrastructure, and the justice system.

5.15 Micro, Small, and Medium Enterprises refers to any business activity or enterprise engaged in industry, agribusiness, and/or services, whether single proprietorship, cooperative, partnership, or corporation whose total assets, inclusive of those arising from loans but exclusive of the land on which the particular business entity's office, plant and equipment are situated, must have value falling under existing laws and relevant issuances governing MSMEs.

5.16 Overseas Filipino Workers (OFWs) refers to a Filipino who is to be engaged, is engaged, or has been engaged in a remunerated activity in a country of which he or she is not an immigrant, citizen, or permanent resident or is not awaiting naturalization, recognition, or admission, whether land-based or sea-based regardless of status, excluding a Filipino engaged under a government-recognized exchange visitor program for cultural and educational purposes.

5.17 Startup refers to any person or registered entity in the Philippines which aims to develop innovative product, process, or business model.

5.18 TPB-Interagency Council (IAC) Working Group refers to a small group of individuals who will work together in pursuing the implementation of the TPB Plan.

5.19 Undocumented OFWs refers to an OFW whose employment documents have not been processed through the DMW, and who does not have the right visa for entry as worker in the host country.

5.20 Value-Adding Supply Chain refers to an integrated set of activities in an organization that is designed to increase the value of its product/service from the sourcing of inputs to the delivery to the customer.

5.21 Workforce Development Plan refers to the three-year development plan of LGUs that serves as a roadmap to provide human resources/workforce at the local level with globally competitive skills and assist them in having access to quality and sustainable job and livelihood opportunities.

5.22 Youth not in education, employment, or training refers to persons aged 15 to 24 years old who are not employed and are not receiving any education or training

RULE II. THE TRABAHO PARA SA BAYAN PLAN

SECTION 6. Trabaho Para sa Bayan Plan. — The Trabaho Para sa Bayan Plan (TPB Plan) shall be the State's employment generation and recovery master plan. It shall include a three (3)-year, six (6)-year, and ten (10)-year development timeline for its vision, mission, goals, and milestones.

SECTION 7. Action Components, Success Measures, and Key Performance Indicators. — The Trabaho Para sa Bayan Inter-Agency Council (TPB-IAC) created under Section 5 of the RA 11962 shall formulate success measures, key performance indicators, and action components, including:

7.1 Providing support for the establishment, business continuity, and growth of MSMEs, including start-ups and cooperatives, through increased access to financing, capital, and other incentives, transition of informal MSMEs to formality, and other support mechanisms;

7.2 Skilling, upskilling, and reskilling the workforce, including industry-relevant skills and core skills, to improve their employability, productivity, wages and earning, working conditions, and competitiveness and to foster lifelong learning, taking into consideration the nuanced needs of workers from marginalized and vulnerable sectors, both in the formal and informal sectors;

7.3 Ensuring recognition and establishing measures for diversity and inclusion in the workplace, reasonable accommodation, occupational health and safety, and promoting awareness and sensitivity on gender equality, equity, and disability inclusion as an integral part of human resources policies and strategies to increase productivity;

7.4 Encouraging and providing incentives to employers and other private sector organizations, including industry stakeholders, that offer training, technology, knowledge and skills transfer, upskilling and reskilling, enterprise-based training, such as apprenticeship, work immersion, or on-the-job training, recognition of prior learning and experience, and other similar activities geared towards the improvement of other workforce pursuant to existing laws;

7.5 Empowering the workforce on their rights and obligations under the Philippine Constitution, Presidential Decree No. 442 or the Labor Code of the Philippines, as amended, and other rules and regulations, including the right to self-organization, freedom of association, and collective bargaining, through orientations, seminars, and similar modes of delivery;

7.6 Identifying priority sectors based on the Philippine Development Plan, Strategic Investment Priority Plan, tripartite consultation with employers and workers organizations, key and emerging industries, and other activities with high potential for employment creation and improvement in employment quality for various purposes, such as encouraging domestic and foreign direct investments, implementing targeted interventions and subsidies, and providing support to create value-adding supply chains;

7.7 Expanding the implementation of active labor market policies, information, and programs, including employment facilitation and reintegration support for OFWs, and utilizing innovative means to improve accessibility and efficiency in delivering such services;

7.8 Enhancing tripartism and social dialogue among workers, employers, and the government, and ensuring the participation and representation of marginalized and vulnerable sectors in various labor issues and concerns.

7.9 Addressing youth unemployment by, among others, identifying challenges in the school-to-work transition of new entrants in the labor market, including challenges confronting youth not engaged in education, employment, or training (NEET);

7.10 Providing standards for training and employment of apprentices, and formulating guidelines for the creation of apprenticeship programs and other enterprise-based education and training modalities to improve productivity and efficiency in the workforce;

7.11 Establishing effective and inclusive grievance redress mechanisms to provide an accessible and credible channel for complaints and exact accountability to those liable for obligations and commitments in accordance with the Labor Code, as amended by RA 10396, Civil Service Rules and Regulations, and Rules and Regulations on Labor Dispute Resolution, and Conciliation and Mediation;

7.12 Providing support to, and promoting the welfare of, all workers in new forms of work arrangements, such as freelance work, whether in-person or through online platforms or gig economy;

7.13 Formulating integrated plans and incentives to encourage and facilitate the transition of workers and enterprises from the informal to the formal economy through integrated and enabling interventions, such as, but not limited to, business registration, financial literacy programs, and enrollment in social protection programs, such as the Social Security System (SSS), Government Service Insurance System (GSIS), Philippine Health Insurance Corporation (PhilHealth), and the Home Developmental Mutual Fund (Pag-IBIG);

7.14 Promoting the adoption of ethical and fair recruitment standards and practices to protect the rights of migrant workers, promote decent work, and enhance the global competitiveness of Filipino workers;

7.15 Promoting access to and utilization of digital infrastructure in doing business among MSMEs and informal economic units to overcome the digital divide;

7.16 Contributing to the implementation of the full-cycle and comprehensive national reintegration program for documented and undocumented OFWs, and

7.17 Enjoining LGUs to formulate and/or update their respective Workforce Development Plans aligned with and contributory to the goals and objectives of the TPB Plan.

SECTION 8. Timeframe of Activities. The development of the TPB Plan shall be conducted immediately after the effectivity of this IRR, as agreed upon by the TBP-IAC.

SECTION 9. Updating of the Trabaho Para sa Bayan Plan. The NEDA, together with the TPB-IAC members, shall develop the guidelines for the review and updating of the three (3)-year, six (6)-year, and ten (10)-year Plan. Thereafter, regular updates will be conducted after every three (3) years until its mission, vision, goals, and milestones have been accomplished.

RULE III. TRABAHO PARA SA BAYAN INTER-AGENCY COUNCIL

SECTION 10. Composition. Trabaho Para sa Bayan Inter-Agency Council (TPB-IAC). — The TPB-IAC is hereby established, which shall be composed of the following:

10.1 Director-General of the National Economic and Development Authority (NEDA), as the Chairperson;

10.2 Secretary of the Department of Trade and Industry (DTI), as Co-Chairperson;

10.3 Secretary of the Department of Labor and Employment (DOLE), as Co-Chairperson;

10.4 Director-General of the Technical Education and Skills Development Authority (TESDA), as member;

10.5 Secretary of the Department of Budget and Management (DBM), as member;

10.6 Secretary of the Department of Finance (DOF), as member;

10.7 Secretary of the Department of the Interior and Local Government (DILG), as member;

10.8 One (1) representative from the employers' organization sitting at the National Tripartite Industrial Peace Council (NTIPC);

10.9 One (1) representative from the labor organizations sitting at the NTIPC;

10.10 One (1) representative from the marginalized or vulnerable sector; and

10.11 One (1) representative from the informal sector.

The TPB-IAC shall engage other government agencies and instrumentalities, as well as representatives from the labor and employers' organizations, marginalized or vulnerable sectors, and informal sectors, as may be necessary.

The TPB-IAC Chairpersons and government members may designate their representatives, who shall have at least the rank of Assistant Secretary or its equivalent, and who must be fully authorized to decide for and on behalf of the agency or organization represented.

SECTION 11. Powers and Functions of the Chairpersons. — The Chairpersons of the TPB-IAC shall have the following powers and functions;

- 11.1 Provide leadership and ensure the effective functioning of the TPB-IAC;
- 11.2 Convene meetings, set and approve the agenda, preside over TPB-IAC meetings;
- 11.3 Request the participation of other government agencies or instrumentalities; local government representatives, employers' organizations, labor organizations, informal sector representatives, marginalized/vulnerable sector representatives, civil society organizations, and industry sector representatives in its meetings;
- 11.4 Sign resolutions to be issued and agreed by majority of the TPB-IAC members; and
- 11.5 Exercise other powers and duties as may be vested by the TPB-IAC pursuant to its functions and mandate.

SECTION 12. Powers and functions of the TPB-IAC. — The TPB-IAC shall have the following powers and functions;

- 12.1 Formulate the TPB Plan that shall include action components, success measures, and key performance indicators as provided under this IRR and such other strategies and activities as may be necessary;
- 12.2 Monitor, review, evaluate and update, as necessary, the TPB Plan, its implementation and accomplishments, identify gaps in execution, and recommend improvements;
- 12.3 Conduct a comprehensive analysis of the employment situation and labor market in the country, global employment and economic trends, existing policies and programs affecting the workforce and specific workers in particular sectors, and map initiatives undertaken with the support of the private sector, nongovernment organizations, or international development organizations;
- 12.4 Review and streamline all existing policies, plans, programs, projects, and all existing, inter-agency councils, and provide directions for the alignment of their efforts with the TPB Plan to avoid duplication of functions, ensure effective use of resources, and harmonize and complement all governmental efforts;
- 12.5 Assist LGUs in planning, devising, and implementing employment generation and recovery plans and programs within their localities, and ensure their alignment with the TPB Plan;
- 12.6 Craft and provide guidelines for the institutionalization of the TPB Plan in each government agency; and
- 12.7 Perform such other functions that may be related to the implementation of the TPB Plan.

SECTION 13. Membership and temporary replacement for non-government members. — The government members of the TPB-IAC shall prepare a list of nominees for the four (4) sectoral representatives of the TPB-IAC. The non-government members shall originate from priority sectors, key and emerging industries, having conducted activities demonstrating high employment potential pursuant to Section 4(e) of the TPB Act. For marginalized and informal sectors, they shall demonstrate a track record of advocating for or actively contributing to the advancement of their respective sectors, evidenced by initiatives, projects, or policies aimed at sectoral growth or welfare enhancement. For employers' and labor organization, they shall possess a minimum of

one (1) year experience actively participating in an industry tripartite council, showcasing their direct involvement and understanding of collaborative industry dialogues.

In case of resignation, retirement, removal, or sudden sickness/death, a replacement in a temporary capacity may be voted upon by the TPB-IAC, based on a list of nominees to be submitted by the concerned sector.

The replacement shall only serve as a member until the corresponding permanent member is duly designated by the TPB-IAC. However, in the case of leave or suspension of the non-government member by their organization, the temporary replacement shall only serve for the duration of the leave or suspension of the permanent member.

SECTION 14. Terms of office. — The non-government members shall hold office for three (3) years, subject to reappointment for another term.

SECTION 15. Meetings and Quorum. — The TPB-IAC shall meet at least every quarter or as often as may be necessary. In the absence of the Chairperson, the Co-Chairpersons shall preside over the Council's meetings.

A quorum is constituted when a majority or at least six (6) of the members are present in the meeting, provided that at least two (2) non-government members are represented. The TPB-IAC may dispense with the latter proviso if a non-government member fails to attend two (2) consecutive meetings without justifiable reason despite having received proper notice of at least three (3) working days prior to the meeting.

Any decision of the TPB-IAC shall require the affirmative vote of the majority of its members present. The TPB-IAC may also issue a Resolution to express the same. A resolution is approved one the majority has signified concurrence.

SECTION 16. Grant of Per Diem to Non-government Members of the Council. — The non-government members of the TPB-IAC could be entitled to the grant of Per Diem amounting to one-fourth of an Undersecretary's representation and transportation allowance for every meeting attended where there is a quorum, subject to the prevailing guidelines on the grant thereof and other existing budgeting, accounting, and auditing rules and regulations.

SECTION 17. TPB-IAC Secretariat. — The Secretariat of the TPB-IAC shall be composed of dedicated personnel from NEDA, DTI, and DOLE, which shall provide administrative, operational, and technical support to the TPB-IAC.

RULE IV. TPB-IAC WORKING GROUPS

SECTION 18. Establishment of TPB-IAC Working Groups. — To pursue the implementation of the TPB Plan, working groups may be established by the TPB-IAC, as may be necessary. The creation of working groups shall be in line with the objectives and targets as may be indicated in the TPB Plan, and shall work on developing and/or enhancing employment generation and recovery in specific industries and emerging sectors, such as, but not limited to, health services, construction, tourism, agriculture, transportation, logistics, information technology and business process management, and manufacturing, as well as working groups on thematic areas.

SECTION 19. Composition of Working Groups. — The working groups shall be composed of designated representatives of the respective members of the TPB-IAC. Each working group shall be chaired by a member government agency, as may be designated by the TPB-IAC. Industry sector representatives, and other relevant stakeholders and experts, as identified by the TPB-IAC, may also be represented and shall participate in the working groups.

SECTION 20. Reporting. — The working group shall have their respective workplans and targets aligned with the

TPB Plan. The working groups may adopt internal rules and procedures for efficient and effective exercise of their mandate and functions. The working group shall provide the members of the TPB-IAC a semestral report of the progress of their work.

SECTION 21. Dissolution or Enhancement of Working Groups. — The TPB-IAC may dissolve or enhance existing working groups, as may be necessary.

RULE V. GOVERNMENT JOB PROVISIONS

SECTION 22. Government Job Provision. — The Civil Service Commission (CSC), Commission on Audit (COA), and DBM, in consultation with relevant government agencies and LGUs, shall conduct an analysis and review of the existing hiring policies and standards of the government every five (5) years, including, but not limited to, the skills and competencies required, streamlining and improving the process of recruitment and selection, and identifying the appropriate human resources of the government.

RULE VI. ROLE OF OTHER GOVERNMENT AGENCIES

SECTION 23. Role of Other Government Agencies. — All government agencies, including LGUs, shall:

23.1 Cooperate and coordinate with the TPB-IAC in the alignment and integration of the TPB Plan with their policies and programs, and

23.2 If requested, provide the necessary information to the TPB-IAC to realize the objectives of this Act.

SECTION 24. Role of LGUs. — The LGUs shall (a) align their Workforce Development Plans, programs, projects, and ordinances with the TPB Plan; (b) maintain the Public Employment Service Office — Employment Information System; and (c) encourage constituent barangays to support the implementation of the law.

RULE VII. FINAL PROVISIONS

SECTION 25. Reporting Requirements. — The TPB-IAC shall submit semestral reports on the last working days of January and July of each year to the Office of the President, the Senate of the Philippines, and the House of Representatives on the following:

25.1 Timeline and statues of implementation and accomplishments of each action component in the TPB Plan;

25.2 Evaluation of employment generation and recovery policies, plans, programs, and projects of relevant government agencies;

25.3 Recommendations for possible policy interventions to improve and address identified labor market challenges in the TPB Plan; and

25.4 Other information that may be relevant.

The reports shall be made publicly available through the respective websites of the relevant government agencies.

SECTION 26. Review and Amendments to the IRR. — This IRR shall be subject to review every five (5) years to ensure relevance with the country's socioeconomic conditions. Any member of the TPB-IAC may initiate or propose supplemental rules or amendments to this IRR, subject to the approval of the TPB-IAC.

SECTION 27. Construction and Interpretation. — This IRR shall be construed and interpreted in light of the Declaration of Policy under Section 2 of the Act. Any doubt in the interpretation of this IRR shall be resolved in a manner consistent with the policy of the State.

SECTION 28. Appropriations. — The amount needed for the initial implementation of RA No. 11962 shall be charged against the current year's appropriations of the departments of agencies concerned. Thereafter, such sums as may be needed by any Department or agency necessary for the continued implementation of the Act shall be included in the annual General Appropriations Act.

SECTION 29. Separability Clause. — Any portion or provision of this IRR that is declared unconstitutional or invalid shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portions can still subsist and be given effect in their entirety.

SECTION 30. Repealing Clause. — All laws, ordinances, rules, regulations, other issuances, or parts thereof, which are inconsistent with this IRR, are hereby repealed or modified accordingly.

SECTION 31. Effectivity. — This IRR or any amendments thereof, shall take effect fifteen (15) days after its publication, in the Official Gazette or in at least two newspapers of general circulation. This IRR shall be registered with the Office of the National Administrative Registrar, University of the Philippines Law Center, Diliman Quezon City.

Approved: MAR 12 2024

(SGD.) ARSENIO M. BALISACAN. PhD

Secretary

National Economic and Development Authority

Chairperson, TPB-IAC

(SGD.) BIENVENIDO E. LAGUESMA

Secretary

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