

Comments on House Bills No. 1916 and 2396*

House Bill No. 1916: An Act Amending Republic Act No. 7277, Otherwise known as the "Magna Carta For Disabled Persons"

Introduced by Rep. Micaela Violago

House Bill No. 2396: An Act Amending Republic Act No. 7277, Otherwise known as the "Magna Carta For Disabled Persons"

Introduced by Rep. Antonio Sy-Alvarado

House Bill Nos. 1916 and 2396 propose to mandate the employment of qualified persons with disabilities in private corporations engaged in social development. In particular, the proposed bills seek to amend Republic Act 7277 or the Magna Carta for Disabled Persons by requiring private corporations engaged in social development to reserve five percent (5%) of all their casual emergency and contractual positions for disabled persons.

We strongly support the objective of the proposed bills to provide more employment opportunities for disabled persons to enable them to be self-reliant and productive members of the society. This would provide additional opportunities to the currently unemployed and underemployed PWDs. However, certain aspects of the proposed bills need to be clarified to better understand the impacts of the proposed bills.

1. Who are private corporations engaged in social development? It would be useful to define who these are and their employment profile so that the potential job opportunities that could open up to PWDs can be appreciated. What is the average number of casual and contractual employees of these firms? Consequently, how many positions are potentially available to PWDs? What is the average length of employment of these casual and contractual employees in the corporations? What are the typical skills required by these corporations?
2. What happens if there are no qualified PWD applicants? Or there are no PWD applicants? This can be counterproductive because compliance to the law may mean that that firms would have 5 percent of their positions of casual emergency and contractual positions unfilled in case there is no qualified PWD applicant. Some firms, however, cannot afford to be understaffed.
3. Would there be enough supply to meet the demand in the labor market? There is a need to examine the supply of skills that the PWDs can offer to the labor market. It should be noted that there is a large disparity between the educational profile of the PWDs and the non-PWDs in the Philippines. Official data show that such disparity widens as the level of education goes up (Figure 1). Unfortunately, these statistics may cast doubt on whether there would be a significant proportion of PWDs whose educational profile would be at par with those of, or would emerge as more qualified than, their able counterparts.

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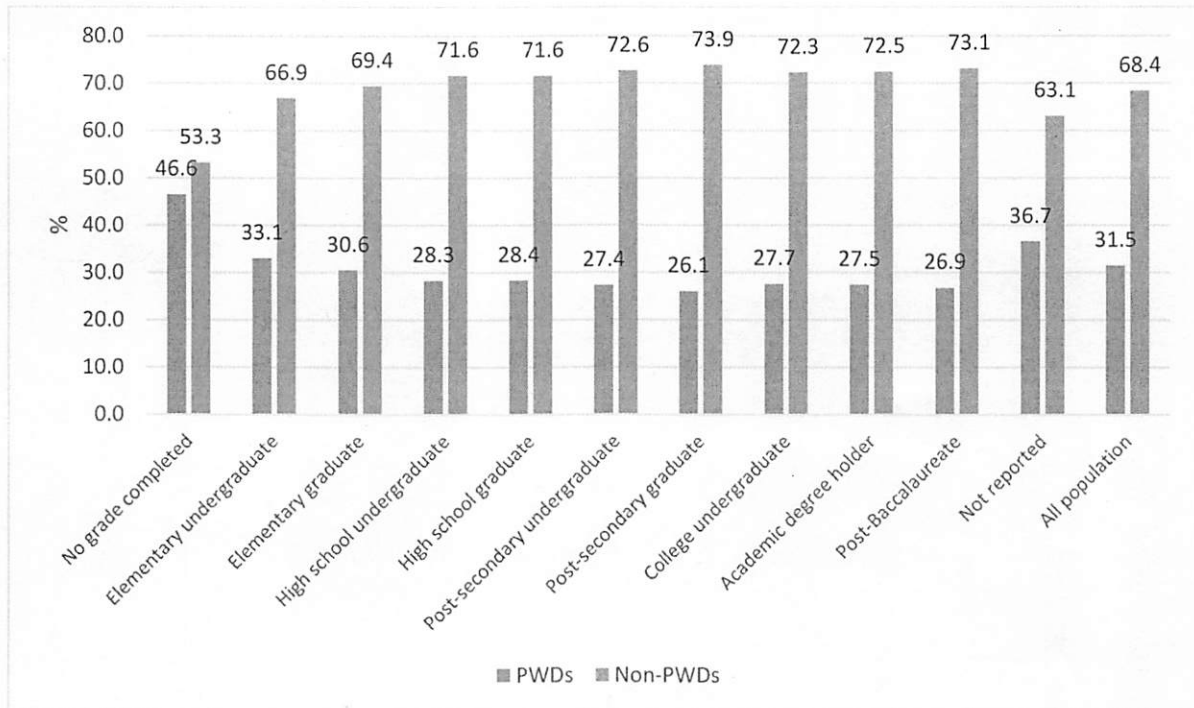


Figure 1. Percentage distribution of sample PWDs and non-PWDs aged 25 and over in the Philippines (%), by highest grade completed, 2010

Source of basic data 2010 Census of Population and Housing, Philippine Statistics Authority (20% sample)

It is thus important to upgrade also the skills of the PWDs by encouraging training institutions like TESDA and vocational rehabilitation centers (under the DSWD) to include programs specifically catering to PWDs to better prepare the PWDs to employment. It is equally important also for the PESO to establish linkages with these training institutions as well as with the private firms to help facilitate employment for PWDs.

4. Another issue is whether the Bill would cover all working-age PWDs regardless of type and degree of impairment, as long as they satisfy all the hiring requirements. Compliance would be easier for some firms that would only accommodate PWDs with not-so-severe impairment or those that function closely with non-disabled people, thereby excluding other PWDs who are more qualified but with more severe impairments.
5. It is also important to mention in the Bill that the concerned corporations should have facilities for PWDs (e.g., braille-ready elevator for totally blind; sign language interpreter for totally deaf; ramp and wheel mobile-friendly comfort room for mobility-impaired). However, this entails cost on the part of the firms because they may need to make adjustments in their facilities in order to make them PWD-friendly. Can this encourage compliance among the firms? What are the benefits of complying with this law? How can you make sure that the potential benefits would outweigh the costs associated with the proposed measure? If the firms believe that the potential cost would be substantially higher than the potential benefits, they may opt to pay for the non-compliance fees, if compliance would really be strictly monitored. Would it be possible to provide fiscal incentives (e.g., tax deductibles) to the complying firms? Since this has already been stipulated in Section 8 of the Magna Carta for Disabled Persons, this (together with the other relevant sections) can perhaps be explicitly stated or reiterated in the proposed Bill. Meanwhile, the concerned organizations and their

staff should also be required to undergo disability sensitivity trainings to make sure that the able workers would be informed about the appropriate way of dealing with PWDs.

For some of the PWDs, particularly those with severe impairment and/or those who specifically have entrepreneurial skills but do not have the required educational requirements of the firms, on-site employment may not be the most appropriate intervention for them but probably some home-based or entrepreneurial-related assistance.

6. It would be useful to see if the similar provision in RA 7277, but pertaining to government agencies, offices and corporations, has been complied with. The law was passed in 1992 and the experience with the particular provision of the law would provide useful inputs in crafting the proposed legislation. Who is currently monitoring compliance with Section 5 of RA 7277? If the government institutions were not able to comply with this, what were the reasons for this? The proposed bills could take into account the reasons for non-compliance and incorporate remedies for this.