



**EXCERPTS FROM THE MINUTES OF
THE FIRST (1st) SPECIAL COMMISSION MEETING,
EMPLOYEES' COMPENSATION COMMISSION
SERIES OF 2021**

*Convened Via Zoom On-Line Meeting
Tuesday, 06 April 2021 at 9:00 A.M.*

BOARD RESOLUTION NO. 21-04-14

***Conditions for the Compensability of COVID-19 under the ECC List of
Occupational and Work-Related Disease or Annex A of the
Amended Rules on Employees' Compensation (EC)***

WHEREAS, under P.D. 626, as Amended, the Commission is empowered to exercise quasi-legislative power or semi-rule-making power;

WHEREAS, in the exercise of its quasi-legislative power, the Commission has delegated authority to promulgate rules and regulations on processing of claims and to determine and approve occupational diseases and work-related illness;

WHEREAS, on 16 March 2020, President Rodrigo Duterte issued Proclamation No. 922, series of 2020 declaring a State of Public Health throughout the Philippines due to the Corona Virus Disease 2019 (COVID-19) pandemic;

WHEREAS, in relation to the Proclamation, Republic Act 11469 also known as the *Bayanihan to Heal As One Act* was issued on 23 March 2020 to mitigate if not contain the transmission of COVID-19 and to immediately mobilize assistance in the provision of basic necessities to families and individuals affected by the imposition of Community Quarantine among other urgent needs;

WHEREAS, Administrative Order No. 30 issued by the President on April 21, 2020 further directs all government agencies to formulate and issue rules and guidelines on the grant of any benefit as a temporary emergency measure to respond to the crises brought by the COVID-19 pandemic in order to ease the burden on individuals under community quarantine;

WHEREAS, COVID-19 acquired due to work or the working environment is compensable under the EC program in accordance with the "increased risk theory" which provides that diseases not in the ECC List of Occupational and Work-Related Diseases may be compensable upon showing of proof of work-relatedness of the said disease;

WHEREAS, ECC Board Resolution No. 20-03-07 dated 02 April 2020 on Expediting the Processing of EC Claims of Workers for Diseases Acquired in Line of Duty During Out Breaks, Epidemics and Pandemic which facilitates the processing of EC claims related to COVID-19 submitted to the Systems;

WHEREAS, the Systems issued their respective streamlined processes in compliance to ECC Board Resolution No. 20-03-07, which provided the following basic requirements for application of COVID19- related EC claims:

1. certificate of employment from the employer, indicating last day of reporting to work
2. RT-PCR test result showing positive COVID-19, from any DOH-accredited testing facility
3. medical records, as appropriate
4. application forms

WHEREAS, upon the request of the Employees' Compensation Commission Secretariat, the Occupational Safety and Health Center (OSHC), conducted a study on the possible inclusion of the Corona Virus Disease 2019 (COVID-19) in the List of Occupational and Work-Related Disease under P.D. 626, as Amended, by reviewing local and international studies;

WHEREAS, on 19 January 2021, the OSHC called for a focus group discussion with the Social Security System (SSS), Government Service Insurance System (GSIS), Philippine College of Occupational Medicine (PCOM), Philippine Society for Microbiology and Infectious Diseases, and the Healthcare Alliance Against CoViD-19 (HPAAC) to determine the work relatedness of coronavirus disease 2019 (CoViD-19);

WHEREAS, the conclusions of the OSHC study are as follows:

1. COVID-19 can be a work-related disease based on exposure and work
2. Health Care Workers, non-medical frontliners, & other essential workers are at high risk of getting infected with COViD-19 and
3. COViD-19 can be compensated based on the increased risk theory;

WHEREAS, the study likewise gave the following recommendations:

1. CoViD-19 cases be compensated under the increased risk theory
2. Automatic grant of EC to HCWs classified as confirmed case
3. Compensation may be provided to workers infected thru workplace transmission, workers affected while commuting to and from work and

those who are required to have frequent face-to-face & close proximity interactions with the public such as:

- Other frontliners, *i.e.*, LESU/BHERT staff, screening & contact tracing teams, *etc.*
- Police and military personnel
- Other essential workers, *i.e.*, retail store workers, *etc.*
- Workers infected thru workplace transmission
- Workers affected by CoViD-19 while commuting to & from work

WHEREAS, the study further recommended the following documentary requirements for the application of EC benefits:

- For HCWs & other essential workers
 - Certificate of Employment with job title, duties & responsibilities, location of work, *etc.*
 - Diagnosis from medical authorities with rt-PCR test result
- For non-HCWs
 - Submission of evidences of exposure
 - ☐ Certification from LESU/BHERT
 - ☐ Certification of increased risk (contact tracing & screening report)
 - Medical records, as necessary

WHEREAS, a tripartite meeting was held on February 09, 2021 attended by representatives from the Department of Labor and Employment (DOLE), OSHC, ECC, various labor groups and the employers' group to present the findings of the OSHC study and solicit comments and inputs to the recommended criteria for compensation of COVID-19 under the EC program;

WHEREAS, after deliberating on the matter, the tripartite group gave the following recommendations:

1. Grant EC Benefits to all workers affected with CoViD-19 during this pandemic period;
2. Simplify requirements and filing process for compensation of CoViD-19 cases; and
3. Include CoViD-19 in the ECC List of Occupational and Work-related Diseases.

WHEREAS, Article 173, par. (I) of Presidential Decree 626 or the Employees' Compensation Commission and the State Insurance Fund Law, as amended, partly provides that ".... the Commission is empowered to determine and approve occupational diseases and work-related illness that may be considered compensable based on peculiar hazards of employment.";

NOW, THEREFORE, ON MOTION DULY MADE AND SECONDED, this Commission **RESOLVES** as it hereby **RESOLVED** to include the conditions for the compensability of CoViD-19 in Annex A, PD No. 626, as amended, as follows:

“Coronavirus disease 2019 (CoViD-19) – clinically diagnosed and consistent with the history, and signs and symptoms of CoViD-19 supported by diagnostic proof to include reverse transcriptase polymerase chain reaction (RT-PCR) test is compensable in any of the following conditions:

- a. “There must be a direct connection between the offending agent or event and the worker based on epidemiologic criteria and occupational risk (*e.g.*, healthcare workers, screening and contact tracing teams, *etc.*);
- b. “The tasks assigned to the worker would require frequent face-to-face and close proximity interactions with the public or with confirmed cases for healthcare workers;
- c. “Transmission occurred in the workplace; or
- d. “Transmission occurred while commuting to and from work.”

RESOLVED FINALLY, that upon issuance of the Board Resolution, the same shall take effect fifteen days after its publication in a newspaper of general circulation and a copy of the said Board Resolution be furnished to the Systems for guidance and compliance.

DONE, *this 06th of April 2021, in Makati City, Philippines.*
