

[IRR REPUBLIC ACT NO. 10524, August 15, 2016]

IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10524 (AN ACT EXPANDING THE POSITIONS RESERVED FOR PERSONS WITH DISABILITY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7277, AS AMENDED, OTHERWISE KNOWN AS THE MAGNA CARTA FOR PERSONS WITH DISABILITY)

Pursuant to Republic Act No. 10524 entitled "An Act Expanding the Positions Reserved for Persons with Disability," the following implementing rules and regulations (IRR) are hereby issued:

RULE I PURPOSE AND CONSTRUCTION

Section 1. Purpose. This Implementing Rules and Regulations (IRR) is promulgated to prescribe the procedures and guidelines for the implementation of Republic Act No. 10524 to facilitate compliance and achieve its objectives.

Section 2. Construction. This IRR shall be construed and applied in accordance with and in furtherance of the policies and objectives of Republic Act No. 10524. In case of doubt, the same shall be construed liberally and in favor of persons with disability.

RULE II GENERAL POLICIES, OBJECTIVES AND COVERAGE

Section 3. General Policies and Objectives

Recognizing the right of persons with disability to work on an equal basis with others and to participate fully into the mainstream of society, it is the aim of this IRR to provide persons with disability, equal opportunity for employment and equal remuneration for work of equal value. Towards this end, the State shall facilitate access of persons with disability to labor market information, capacity building programs, and wage employment.

Section 4. Coverage

This Rules and Regulations shall cover all government agencies and private corporations.

RULE III DEFINITION OF TERMS

Section 5. Definition of Terms. For purposes of this Rules and Regulations, these

terms are defined as follows:

- a. **Positions in Government** – refer to all positions in the government including casual, and contractual positions.
- b. **Positions in Private Corporations** – refer to all positions in private establishments regardless of employment status.
- c. **Government Agency** – refers to any department, bureau, office, commission, administration, board, institute, state universities and colleges, government-owned or controlled corporations with original charter, whether performing government or proprietary function, or any other unit of the national government, as well as provincial, city or municipal government.
- d. **Private Corporation** – refers to business establishments. It also refers to private sector or private entities.
- e. **Persons with Disability (PWD)** – include those who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.
- f. **Qualified Person with Disability** – refers to an individual with disability who, with reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires. However, consideration shall be given to the employer's requirement as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing an applicant for the job, this description shall be considered evidence of the essential functions of the job.
- g. **Reasonable accommodation** means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure persons with disability the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms

This includes: 1) improvement of existing facilities used by employees in order to render these readily accessible to PWD; 2) modification of work schedules; 3) acquisition or modification of equipment or devices; 4) modifications of examinations, training materials or company policies, rules and regulations pertaining to hiring; and 5) provision of auxiliary aids and assistive devices, and other similar accommodations for PWDs.
- h. **Qualification Standards (QS) in the government** – is a statement of the minimum qualifications for a position which shall include education, experience, training, and eligibility.
- i. **Auxiliary Aids and Assistive Devices** include: 1) qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments; 2) qualified readers, taped tests, or other effective methods of delivering materials to individuals with visual impairments; 3) acquisition or modification of equipment or devices; and 4) other similar services and actions

or all types of aids and services that facilitate the learning process of persons with mental disability.

- j. **Appointing Officer** – is the person or body authorized by law to make appointments in the Philippine Civil Service. For the private corporation, it is the Board or Chief Executive Officer or whoever is designated to make appointments of its employees.

RULE IV EMPLOYMENT OF PERSONS WITH DISABILITY

Section 6. Equal Employment Opportunity

Opportunity for suitable employment shall be open to all qualified PWDs. Efforts shall be exerted to provide qualified PWDs equal opportunity in the selection process based on qualification standards prescribed for an appointment to a position in government and requirements set by the employers in private corporations. No PWD shall be denied access to opportunities for suitable employment.

A qualified employee with disability shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as an employed able-bodied person;

A person with disability shall not be discriminated on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement, and safe and healthy working conditions.

Section 7. Implementation of One Percent (1%)

7. For Government Agencies

1

At least one percent (1%) of all regular and non-regular positions in all government agencies shall be reserved for persons with disability.

Should there be a fraction in coming up with a sum of at least one percent (1%) of the total plantilla positions in a government agency, the same shall be considered as one (1) position reserved for persons with disability.

Government agencies that are currently employing PWDs with at least 1% of the total positions shall be considered compliant with this IRR. However, nothing in this rule shall prevent compliant government agencies from hiring more PWDs, nor shall allow them to diminish the number of currently employed and qualified persons with disability.

However, in cases where no qualified PWD applies for the available position, the concerned agency has the option to hire non-PWD applicant.

7.2 For Private Corporations

Private corporations with more than one hundred (100) employees are encouraged to reserve at least one percent (1%) of all positions for PWDs. However, nothing in this rule shall prevent private corporations with less than 100 employees from hiring PWDs.

RULE V QUALIFICATION STANDARDS FOR GOVERNMENT AGENCIES AND PRIVATE CORPORATIONS

Section 8. Qualification Standards for Government Agencies

In the same manner that the fitness of an able-bodied applicant is first determined on the basis of qualification standards set for the subject position, the fitness of a PWD shall likewise be initially determined by the appointing officer on the basis of the qualification standards established for the position.

After a preliminary determination has been made that a PWD has met the requirements prescribed by the qualification standards for the subject position, said PWD shall be screened and evaluated by the Selection Board of the concerned agency.

PWDs appointed to non-career positions, including casual employees, must meet the requirements prescribed by the qualification standards except civil service eligibility, unless the positions are covered by special laws such as Republic Act No. 1080 otherwise known as "An Act Declaring the Bar and Board Examinations As Civil Service Examinations."

In making an appointment of a PWD, the appointing officer shall always be guided by the Civil Service Rules and labor laws.

Section 9. Qualification Standards for Private Corporations

The fitness of a PWD shall initially be determined by the employer on the basis of the qualification standards established for the position.

In considering the employer's requirement as to what functions of a job are essential, the participating employer is required to post specific job description of a position in its public advertisements for employment.

In employing PWDs, the appointing officer shall always be guided by the labor laws.

RULE VI INCENTIVES FOR PRIVATE CORPORATIONS

Section 10. Incentives for Private Corporations

Private Corporations which are employing PWDs shall be entitled to incentives as stated under Section 8 (a) and (b) of Magna Carta for Persons with Disability.

a) To encourage the active participation of the private sector in promoting the welfare of persons with disability, adequate incentives shall be provided to private entities which employ PWDs. b) Private entities that employ PWDs either as regular employee, apprentice or learner, shall be entitled to an additional deduction, from their gross income, equivalent to twenty-five percent (25%) of the total amount paid as salaries and wages to PWDs: Provided, however, that such entities present proof as certified by the Department of Labor and Employment that such PWD are under their employ. Provided, further, that the PWD is accredited with the Department of Labor and Employment and Department of Health as to his disability, skills, and qualifications.

RULE VII

DUTIES AND RESPONSIBILITIES OF CONCERNED AGENCIES

Section 11. All Government Agencies shall:

- 11.1 Review their existing Personal Services Itemization and Plantilla of Personnel approved by the DBM, GCG (for GOCCs), or Local Sanggunian (for LGUs) and submit to the Civil Service Commission (CSC) a list of all positions that may be reserved for PWDs within three (3) months from the effectivity of this IRR;
- 11.2 Post all vacant positions in three (3) conspicuous places and publish the same in the CSC Bulletin of Vacant Positions in the Government or in their respective official websites, newspaper and other job search website for at least ten (10) days, and at least 15 days for LGUs, indicating full details about the vacancy (position title, item number, full qualification standards required, and work station) and a statement that PWDs are encouraged to apply;
- 11.3 Comply with the provisions of Republic Act No. 7041 otherwise known as "An Act Requiring Regular Publication of Existing Vacant Positions in Government Offices, Appropriating Funds Therefor, and For Other Purposes"; and
- 11.4 Submit every 15th of January of the following year an annual report on the total number of positions reserved for PWDs and the total number of appointments made thereto to the Civil Service Commission. The said annual report shall be accompanied by certified true copies of appointments of PWDs made during the year, if any.

Section 12. The National Council on Disability Affairs (NCDA) shall:

- 12.1 In coordination with CSC and DOLE, through the Sub- Committee on Training Employment and Livelihood, take the lead role in ensuring that at least one percent (1 %) of all positions in all government agencies is reserved for PWD;
- 12.2 Consolidate and analyze the data on employed PWDs coming from DOLE and CSC and maintain a data base that is transparent and