



SENATE
P.S.R. No. 364

'11 FEB -3 P2 :45

Introduced by Senator Miriam Defensor Santiago

RECEIVED BY:

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY,
IN AID OF LEGISLATION, ON THE REPORTED NEED TO END
CONTRACTUALIZATION, ESPECIALLY IN THE CONSTRUCTION INDUSTRY, AND
INCREASE THE BENEFITS OF WORKERS EMPLOYED IN HAZARDOUS INDUSTRIES

WHEREAS, the Constitution, Article 2, Section 18 provides, "The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare";

WHEREAS, abs-cbnnews.com reported last 28 January 2011 that the Ecumenical Institute for Labor Education and Research Inc. (EILER), a non-government organization, is urging the Department of Labor and Employment to terminate existing subcontracting chains in the construction sector after 10 workers have died in an ongoing high-rise residential project in Makati City;

WHEREAS, it was reported that the 10 workers died when the gondola they were riding on snapped while carrying them to the 39th floor;

WHEREAS, EILER executive director Anna Leah Escresa-Colina claims that the owner of the Makati condominium project, may escape liability in the tragedy due to its subcontracting arrangements; she claims that the tragedy is similar to what happened in the Hanjin Shipyard, where dozens of subcontracted workers died from work-related accidents;

WHEREAS, Escresa-Colina alleged that big construction investors normally employ contractual workers for specific parts of a construction project to minimize labor cost;

WHEREAS, Escresa-Colina stressed that the Department of labor should not just focus on the compliance of construction firms with the health and safety standards of construction sites, but also on issues with regard to subcontracting schemes employed by these construction companies;

WHEREAS, Escresa-Colina alleged that the Eton workers who died were earning only P260 per day, below the P404 approved minimum wage in the National Capital Region;

WHEREAS, EILER, citing a 2008 study by the Hong Kong-based Asia Monitor Resource Center, reported that 1.79 million of the total 1.8 million workers in the country's construction industry are "contractuals" or project-based earning low wages;

WHEREAS, the report stated that another nongovernment organization, the Institute for Occupational Health and Safety Development (IOHSAD), also urged the labor department to clamp down on companies that do not follow safety standards instead of simply allowing construction firms to self-assess how they implement the safety standards;

WHEREAS, the IOHSAD reportedly said that according to a 2008 report, the construction sector is the second most hazardous in the country with 26 deaths recorded; topping the list is the mining sector, which listed 84 reported deaths during that year;

WHEREAS, the rise in tragedies due to noncompliance of construction companies with safety standards speaks of an urgent need to penalize construction firms that incur liability due to such negligence;

WHEREAS, likewise, given the dangerous nature of work in the construction industry, it is imperative upon Congress to devise mechanisms that will further protect workers in hazardous industries;

WHEREAS, it is axiomatic that those who have less in life should have more in law; hence the legislature should consider abolishing contractualization due to the economic abuses such workers endure under those terms;

WHEREFORE, be it hereby resolved by the Philippine Senate, to direct the proper Senate committee, to conduct an inquiry in aid of legislation, on the reported need to end contractualization, especially in the construction industry, and increase the benefits of workers employed in hazardous industries.

Adopted,

MIRIAM DEFENSOR SANTIAGO



/mat