

1 WHEREAS, under DOLE Order No. 18-A, contracting or sub-contracting is allowed as
2 long as:

3 (a) The contractor is registered with DOLE and carries a distinct independent
4 business and undertakes to perform the job, work, or service on its own
5 responsibility, according to its own manner and method, and free from control and
6 direction of the principal in all matters connected with the performace of the work
7 except as to the results thereof;

8 (b) the contractor has substantial capital and/or investment; and

9 (c) the service agreement ensures compliance with all the rights and benefits under
10 labor laws;

11 WHEREAS, these criteria allegedly allow businesses to hire workers through recruitment
12 agencies posing as contractors;

13 WHEREAS, the order also purportedly allows employers to circumvent workers' rights
14 to security of tenure, by allowing them to enlist workers without having to establish employer-
15 employee relationships;

16 WHEREAS, labor groups reportedly blamed the order for the increasing number of
17 Filipino workers subjected to unfair hiring practices and unfavorable conditions;

18 WHEREAS, Congress, in its wisdom, must strengthen existing laws to reflect the
19 constitutional principle of social justice in labor and employment;

20 WHEREFORE, BE IT HEREBY RESOLVED BY THE PHILIPPINE SENATE to direct
21 the proper Senate committee to conduct an inquiry, in aid of legislation, on calls for the
22 Department of Labor and Employment to void an order which allegedly promotes the
23 contractualization of workers.

Adopted,


MIRIAM DEFENSOR SANTIAGO
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