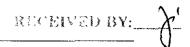


SIXTEENTH CONGRESS OF THE REPUBLIC) OF THE PHILIPPINES) Second Regular Session)

"15 MAY 14 ATT :47

SENATE P. S. R. No. ___**1343**___



	Introduced by Senator Miriam Defensor Santiago		
1 2 3 4 5	RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON CALLS FOR THE DEPARTMENT OF LABOR AND EMPLOYMENT TO VOID AN ORDER THAT ALLEGEDLY PROMOTES THE CONTRACTUALIZATION OF WORKERS		
6	WHEREAS, the Constitution, Article 2, Section 18 provides:		
7 8	The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare;		
9	WHEREAS, the Constitution further provides, in Article 13, Section 2:		
10	The State shall afford full protection to labor, local and overseas,		
11	organized and unorganized, and promote full employment and equality of		
12	employment opportunities for all.		
13	It shall guarantee the rights of all workers to self-organization, collective		
14	bargaining and negotiations, and peaceful concerted activities, including the right		
15	to strike in accordance with law. They shall be entitled to security of tenure,		
16	humane conditions of work, and a living wage		
17	WHEREAS, various news sources in April reported that labor organizations are calling		
18	for the repeal of Department of Labor and Employment (DOLE) Order No. 18-A, which they		
19	said promotes contractualization of workers in the country;		
20	WHEREAS, DOLE Order No. 18-A, issued in November 2011, lays down the rules in		
21	implementing the Labor Code provisions on contracting and subcontracting, Articles 106 to 109;		
22	WHEREAS, the order reiterates that the law prohibits labor-only contracting, or an		
23	employment arrangement wherein an agent merely recruits, supplies, or places workers to		
24	perform a job, but labor groups claim that despite such reiteration, the standards the order set for		
25	businesses to be considered legitimate contractors inadequately protect workers;		

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 recruitmen		
12	agencies posing as contractors;		
13	WHEREAS, the order also purportedly allows employers to circumvent workers' right		
14	to security of tenure, by allowing them to enlist workers without having to establish employer		
15	employee relationships;		
16	WHE	EREAS, 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	WHE	EREFORE, 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.		
	Ador	MIRIAM DEFENSOR SANTIAGO	