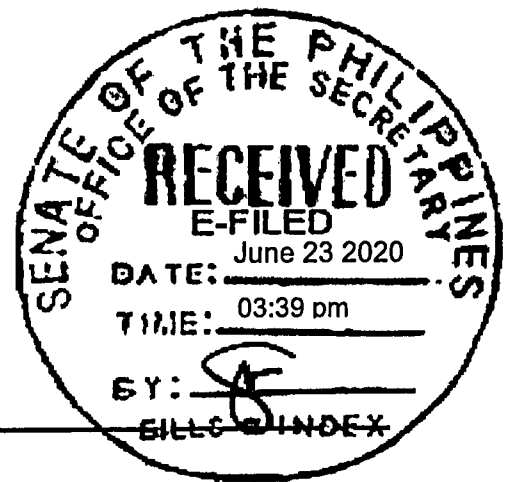


SENATE  
P. S. Res. No. 454



Introduced by **SENATOR IMEE R. MARCOS**

**RESOLUTION**  
**DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN**  
**INQUIRY, IN AID OF LEGISLATION, ON BUSINESS PROCESS**  
**OUTSOURCING COMPANIES EXPLOITING FILIPINO WORKERS AMIDST**  
**THE COVID-19 PANDEMIC**

1       **WHEREAS**, Section 18, Article II of the 1987 Constitution affirms that, "*The*  
2       *State affirms labor as a primary social economic force. It shall protect the rights of*  
3       *workers and promote their welfare*";  
4

5       **WHEREAS**, in order to limit the spread of COVID-19 and pursuant to the  
6       directive of President Rodrigo Roa Duterte, the Department of Labor and Employment  
7       (DOLE) issued labor advisories in view of the COVID-19 pandemic;  
8

9       **WHEREAS**, despite the situation, call centers remain operational, so long as  
10      workforce arrangements are skeletal, social distancing measures are observed, and  
11      temporary accommodations are available;  
12

13      **WHEREAS**, in March 2020, various groups called on the government and on  
14      Business Process Outsourcing (BPO) companies to guarantee the safety and income  
15      of workers through an on online Petition in charge.org, which gathered more than ten  
16      thousand (10,000) signatures<sup>1</sup>;  
17

18      **WHEREAS**, on 08 April 2020, the Inter-Agency Task Force (IATF) issued  
19      Resolution No. 22, Series of 2020 which states that BPOs and their service providers  
20      shall be allowed to install the necessary work-from-home equipment at any time for  
21      its duration and export-oriented industries are likewise allowed to enhance their  
22      operations by deploying their workers under on-site or near-site accommodation

<sup>1</sup> <https://www.change.org/p/sec-silvestre-bello-iii-bpo-workers-call-for-urgent-action-let-us-stay-at-home>

1 arrangements, or by providing point-to-point shuttle services subject to strict social  
2 distancing measures and routinary disinfection of facilities and vehicles;

3  
4 **WHEREAS**, on 06 May 2020, the Department of Trade and Industry (DTI)  
5 issued Memorandum Circular No. 20-22 which provided four categories of businesses  
6 and activities that are allowed to operate during the general community quarantine  
7 and as such, the BPO industries are under Category 3 which allows 50 percent work  
8 on site arrangement, work from home, and other alternate work arrangements;

9  
10 **WHEREAS**, DOLE earlier issued Labor Advisory No. 04, Series of 2020, on 31  
11 January 2020, stating that, *"For workers who are requested by their employers to stay*  
12 *at home or who are served quarantine order for reasons related to 2019-nCoV, the*  
13 *following arrangements may be considered during the period of absence: (1) Worker's*  
14 *leave of absence may be charged to their annual sick/vacation leave credits under the*  
15 *company policy or practice or as stipulated in their collective bargaining agreement, if*  
16 *there is any. If the worker's leave credits have been used up, employers could consider*  
17 *granting leave of absence without pay. However, employers are encouraged to*  
18 *exercise flexibility and compassion in granting additional leave with pay; (2) By mutual*  
19 *agreement, employers and workers could also agree on other arrangements for the*  
20 *worker's leave of absence"*;

21  
22 **WHEREAS**, on 16 May 2020, DOLE issued Labor Advisory No. 17, Series of  
23 2020 on the Guidelines on Employment Preservation Upon the Resumption of Business  
24 Operation and Section 6, thereof, states: *"Employees who are separated from*  
25 *employment due to authorized cause shall be entitled to the final pay pursuant to*  
26 *Labor Advisory No. 6, Series of 2020 without prejudice to other benefits as provided*  
27 *for by law, company policy and/or collective bargaining agreement"*;

28  
29 **WHEREAS**, Section 3 of DOLE Labor Advisory No. 17 also provides that  
30 *"Employees on work-from-home or telecommuting arrangement shall be provided with*  
31 *adequate support to perform the assigned task or job;"*

32  
33 **WHEREAS**, despite DOLE's Labor Advisories, a great number of call center  
34 employees complain that some companies are withholding compensation especially of  
35 Filipino employees or making them shoulder operational costs so that further losses  
36 in corporate income can be reduced;

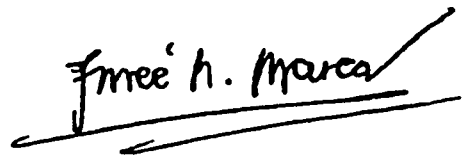
37  
38 **WHEREAS**, the complaints include non-payment of salaries in the past 60 to  
39 90 days, denial of separation benefits for those laid off, unreimbursed costs for  
40 electricity and Wi-Fi access of night-shift employees working from home, extended

1 home-based work shifts with no extra pay if system tools break down, and forced  
2 leave on maternity credits without assurance of being rehired;

3  
4 **WHEREAS**, the rights and livelihood of workers as mandated by the  
5 Constitution must be safeguarded especially in this time of crisis;

6  
7 **NOW THEREFORE, BE IT RESOLVED**, as it is hereby resolved, resolution  
8 directing the appropriate Senate committee to conduct an inquiry, in aid of legislation,  
9 on Business Process Outsourcing companies exploiting Filipino workers amidst the  
10 COVID-19 pandemic.  
11

*Adopted,*

A handwritten signature in black ink, reading "Imee R. Marcos", is written over a horizontal line. The signature is stylized, with the first letters of the first and last names being capitalized and prominent.

**IMEE R. MARCOS**