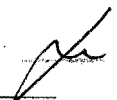


9 NOV 11 PM 46

SENATE
P. S. R. No. 1460

RECEIVED BY 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION
DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY,
IN AID OF LEGISLATION, ON THE REPORTED LABOR LAW ABUSES OF
BUSINESS PROCESS OUTSOURCING (BPO) COMPANIES WITH A VIEW OF
STRENGTHENING OCCUPATIONAL AND HEALTH POLICIES FOR WORKERS
EMPLOYED IN SUCH INDUSTRY

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, the Labor Code of the Philippines, Article 3 provides: "The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed and regulate the relations between workers and employers [...]";

WHEREAS, the BPO industry is considered one of the sunshine industries today generating revenues exceeding \$1 billion and expected to generate more than a million jobs and over \$12 billion revenues by 2010;

WHEREAS, it was learned that more than a hundred call centers in the Philippines operate on shifting schedules to provide 24-hour services that cater to the needs of clients operating in various time zones around the world;

WHEREAS, the BPO industry has a graveyard shift where an employee's work schedule falls beyond 10 P.M. and ends the morning the next day;

WHEREAS, in a media release dated 14 October 2009, the National Labor Relations Commission cited 327 cases filed against BPOs involving 408 workers in Metro Manila;

WHEREAS, according to an article published by *Business World* dated 2 July 2009, a recent ruling of the Department of Labor and Employment exempted call centers and BPOs from the night work prohibition as long as there are facilities and conditions that will ensure the safety and health of women employees;

WHEREAS, the Labor Code, Section 130, which provides for nightwork prohibition for women employees states: "No woman, regardless of age, shall be employed or permitted or suffered to work, with or without compensation:

- a. In any industrial undertaking or branch thereof between ten o'clock at night and six o'clock in the morning of the following day; or

- b. In any commercial or non-industrial undertaking or branch thereof, other than agricultural, between midnight and six o'clock in the morning of the following day; or
- c. In any agricultural undertaking at nighttime unless she is given a period of rest of not less than nine (9) consecutive hours";

WHEREAS, Section 131, of the same Code, which provides exceptions to Section 130 states: "The prohibitions prescribed by the preceding Article shall not apply in any of the following cases:

- d. In cases of actual or impending emergencies caused by serious accident, fire, flood, typhoon, earthquake, epidemic or other disasters or calamity, to prevent loss of life or property, or in cases of force majeure or imminent danger to public safety;
- e. In case of urgent work to be performed on machineries, equipment or installation, to avoid serious loss which the employer would otherwise suffer;
- f. Where the work is necessary to prevent serious loss of perishable goods;
- g. Where the woman employee holds a responsible position of managerial or technical nature, or where the woman employee has been engaged to provide health and welfare services;
- h. Where the nature of the work requires the manual skill and dexterity of women workers and the same cannot be performed with equal efficiency by male workers;
- i. Where the women employees are immediate members of the family operating the establishment or undertaking; and
- j. Under other analogous cases exempted by the Secretary of Labor and Employment in appropriate regulations";

WHEREAS, the facilities for women provided in the Labor Code appear inadequate for the special needs of women employed in the BPO industry;

WHEREAS, the graveyard shifts common to BPO companies necessitate facilities such as shuttle bus, adequate lighting and security around the work perimeter, among others;

WHEREAS, the legislature should review and recommend revisions, if necessary, to Section 132 of the Labor Code in order revised to conform to the special needs of women working the graveyard shifts for BPO companies;

WHEREFORE, be it hereby resolved by the Philippine Senate, to conduct an inquiry in aid of legislation on the reported labor law abuses of business process outsourcing companies with a view of strengthening occupational and health policies for workers employed in such industry.

Adopted,


MIRIAM DEFENSOR SANTIAGO

/ctr