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

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RECEIVED BY:

SENAT S.B. No.

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The 1987 Constitution, in Article II, Section 18, provides that:

The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

By amending pertinent provisions of the Labor Code, this bill aims to encourage employers and their employees to negotiate and formulate working arrangements regarding hours of work. This will allow them to address, among others, peculiarities of the job, energysaving schemes, and personal circumstances of the parties. This bill does not, however, sacrifice Labor Standards regulated by the Department of Labor and Employment.

The amendments also address shortened meal breaks and overtime work in a compressed work week. It incorporates provisions of treatises and executive agreements to which the country has acceded to or is a party to, in relation to liberalization and globalization. It likewise considers certain provisions of existing and related laws, i.e. Republic Act No. 8972, otherwise known as the Solo Parents' Welfare Act of 2000.

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

5 AUG 31 P3:01

SENATE 102 S.B. No.

RECEIVED BY : ____

Introduced by Senator Miriam Defensor Santiago

AN ACT PROVIDING FOR A FLEXIBLE WORKING SCHEDULE IN THE PRIVATE SECTOR, THEREBY AMENDING ARTICLES 83, 85 AND 87 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. - This Act shall be known as the "Flexible Working Schedule Act of 2005."

SECTION 2. *Declaration of Policy.* – It is the policy of the State to protect the rights of workers and promote their welfare in connection with the affirmation that labor is a primary social economic force.

• SECTION 3. Article 83 of the Labor Code on hours of work is hereby further amended by adding the following paragraph to read as follows:

"ART. 83. Normal hours of work. - The normal hours of work of any employee shall not exceed eight (8) hours a day.

Health personnel in cities and municipalities with a population of at least one million (1,000,000) or in hospitals and clinics with a bed capacity of at least one hundred (100) shall hold regular office hours for eight (8) hours a day, for five (5) days a week, exclusive of time for meals, except where the exigencies of the service require that such personnel work for six (6) days or forty-eight (48) hours, in which case, they shall be entitled to an additional compensation of at least thirty percent (30%) of their regular wage for work on the sixth day. For purposes of this Article, "health personnel" shall include resident physicians, nurses, nutritionists, dietitians, pharmacists, social workers, laboratory technicians, paramedical technicians, psychologists, midwives, attendants and all other hospital or clinic personnel.

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HOWEVER, THE WORKWEEK OF EMPLOYEES MAY BE SHORTENED OR COMPRESSED BY EXTENDING THEIR NORMAL DAILY WORKING HOURS NOT EXCEEDING TEN (10) HOURS A DAY, SUBJECT TO SUCH CONDITIONS AS MAY BE DETERMINED BY THE SECRETARY OF LABOR AND EMPLOYMENT IN APPROPRIATE REGULATIONS TO PROTECT THE INTEREST OF THE EMPLOYEES."

SECTION 4. Article 85 of the same Code is likewise amended by adding a second paragraph to read as follows:

"ART. 85. *Meal periods.* - Subject to such regulations as the Secretary of Labor may prescribe, it shall be the duty of every employer to give his employees not less than sixty (60) minutes time-off for their regular meals.

IN CASE THE MEAL PERIOD IS LESS THAN SIXTY (60) MINUTES, IT SHALL BE DEEMED PART OF THE WORKING HOURS IN A DAY."

SECTION 5. Article 87 of the same Code is likewise amended by inserting an additional sentence to read as follows:

"ART. 87. Overtime work. - Work may be performed beyond eight (8) hours a day provided that the employee is paid for the overtime work, an additional compensation equivalent to his regular wage plus at least twenty-five percent (25%) thereof. Work performed beyond eight hours on a holiday or rest day shall be paid an additional compensation equivalent to the rate of the first eight hours on a holiday or rest day plus at least thirty percent (30%) thereof.

IN CASE OF A VALID COMPRESSED WORKWEEK AS PROVIDED HEREIN, THE OVERTIME PAY SHALL BE PAID FOR WORK IN EXCESS OF HIS ALLOWABLE WORK HOURS IN A DAY." SECTION 6. *Separability Clause*. - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 8. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

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