

Philippines - Workers to Duterte: No compromise, ban labor contractualization now

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(Editor's note: The NAPC Formal Labor and Migrant Workers Sectoral Council issued this statement on June 30, the day President-elect Rodrigo Duterte takes oath. The council is composed of the following organizations: Alliance of Progressive Labor, Philippine Trade and General Workers Organization, Kaibigan ng OCW, Kabalikat ng Migranteng Pilipino, Inc., KAKAMMPI, Unlad Familia OFW, Philippine Association of Migrant Workers and Advocates, DPWH Employees Union, Philippine Health Insurance Corporation Employees Association, National Livelihood Development Corporation Employees Association, Philippine Government Employees Association, National Tax Research Center Employees Association, Teachers Dignity Coalition, Bukluran ng Manggagawang Pilipino, Pinag-isang Tinig at Lakas ng Anak Pawis, Associated Labor Unions, Alliance of Filipino Workers, Association of Genuine Labor Organizations, All Workers Alliance Trade Unions, Kilusan ng Manggagawang Makabayan, Automotive Industry Workers Alliance, Philippine Seafarers Union, Pambansang Kilusan ng Paggawa, Federation of Free Workers, Unified Filipino Services Workers, and Philippine Integrated Industry Labor Union.)

"I don't care if you will get angry with me, but I am not open to a compromise. Contractualization must go. It is anti-people."

These are the exact words of incoming President Rodrigo Duterte when he was asked on how to address the increasing incidence of contractualization during one of his campaign trails. By that policy statement, the working masses found a flicker of hope. Contractualization, for the first time in presidential campaign history, became a mainstream issue albeit motherhood statement.

Despite lacking details on how to "end it without compromise," the organized labor movement still welcome such pronouncement but with utmost concern.

Indeed, such concern finally came when incoming Labor Secretary Silvestre Bello III recently announced that he is preparing to issue a department order requiring all companies to regularize its employees on a 80%-20% arrangement. Thus, for every 10 employees, 8 employees should be permanent while 2 should remain in non-regular status, most likely at risk, vulnerable, and left unprotected.

As an alter ego of the president, Secretary Bello III should heed the incoming President's exact tenor of the promise he made to the masses: contractualization must end without compromise. Such arrangement will only legitimize precarious employment. No matter how small the gap is - 80:20,

90:10 or even 95:5 - there are still space, a chance or window of opportunity for employers to strike and exploit it. Needless to say, the employers will just abuse the proposed policy as they will circumvent it again and again as previously done in the past. Unless the incoming administration will make a drastic action to counter this employment regime, this will likely to continue especially with the proliferation of the so-called manpower cooperatives where its workers, in disguised as associate members, are being sold as cheap commodity.

We should learn from our failures. Issue instead an order therefore that would effectively eliminate the practice of this employment regime and close the gap for good.

Undeniably such scheme is considered as a modern-day slavery that denies the workers their fundamental rights including a stable employment, family living wage, safe working environment, social protection benefits, and by and large, to form or join trade union and participate in collective bargaining. It affects more than half of the total working population mostly young and women workers. Even millions took the risk to work in other parts of the world knowing that the government could not accord a better opportunity for them and their families.

What we need is a sweeping institutional reform in order to fulfill the commitment made by incoming President Duterte in providing all workers a just, humane and decent work.

For a long time, the organized labor movement struggled for the passage of legislations and regulations that will realize State policies including those under Section 3, Article XIII of the 1987 Constitution which declares, "the State shall afford full protection to labor [...] and promote full employment and equality of employment opportunities for all."

The full protection of labor demanded by the same Constitution is intended to be broad enough to cover those who are left unprotected by the precarious nature of their employment. For this reason, we proposed the following:

- The premise should be clear to all parties that precarious work such as contractualization is anti-people and anti-worker as incoming President Rodrigo Duterte views it as well as it is contrary to the policy of the State. Hence, we should therefore eliminate it instead of legitimizing it;
- Pass the Security of Tenure bill as priority measure. Within weeks after the oath-taking of incoming President, he should meet the leaders both the House of the Representative and Senate of the Philippines in order to submit the priority bills of his administration, including Security of Tenure bill for private and public sector, as certified and urgent; and
- Issuance of new department order. After the passage of new legislation, immediately hold a series of consultations with the labor sector for the issuance of entirely new implementing rules that will guarantee the security of tenure of all workers by monitoring and prosecuting the violators, individual and establishment. Such rules must include the direct participation of labor sector in the inspectorate system like Task Force Valenzuela.

NAPC Formal Labor and Migrant Workers Sectoral Council

P.S.

* InterAksyon.com. The online news portal of TV5. June 30, 2016 11:04 AM:

<http://interaksyon.com/article/129751/workers-to-duterte-no-compromise-ban-labor-contractualization-now>