

**Press Release**  
**Department of Labor and Employment**  
**Bureau of Working Conditions**  
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## **DOLE'S THRUST ON STRENGTHENING SECURITY OF TENURE**

True to its mandate of placing the welfare of the country's workforce above anything, the DOLE continuously initiates reforms for the effective administration and enforcement of labor standards including the for the country's workers. This is cognizant of the President's directive on promoting the constitutionally protected rights of workers consistent with his labor and employment agenda.

Under the Labor Code of the Philippines, as amended and renumbered, specifically, Article 294 of the said Code, the security of tenure has been construed to mean that "the employer shall not terminate the services of an employee except for a just cause or when authorized". The guarantee of security of tenure under the Constitution means that an employee cannot be dismissed from the service for causes other than those provided by law and only after due process is accorded the employee.

The Labor Inspectors are committed to strictly implement through Inspection, Articles 106-109 of the Labor Code banning all forms of contractualization activities that degrade the lawful rights of our labor sector. The Department Order (DO) 174 issued in 2017 is a clear effort to address the inequities brought about by employers who systematically do temporary hiring or illegal contracting, or resort to unscrupulous agents to evade from their duty to provide fair, just and humane benefits and higher wages for workers.

In January 2018, the House of Representatives approved on third and final reading the Security of Tenure Bill, which seeks to address the problem of illegal contracting and subcontracting. According to the House Committee on labor and employment, House Bill 6908, or "An Act Strengthening the Security of Tenure of Workers, Amending for the Purpose Presidential Decree No. 442, as amended, otherwise known as the 'Labor Code of the Philippines,'" does not seek to abolish contractualization completely but it clarified the distinction between job contracting and labor-only contracting to prevent future abuses by companies. To secure the tenure of workers, the bill provides that workers cannot be terminated or dismissed without "just cause" and without due process. Moreover, HB 6908 proposes heavier penalties on employers who do violate their workers' right to security of tenure.

It is also worth noting that President Duterte signed the Executive Order 51 or the EO on contractualization during the Labor Day celebration, 01 May 2018 in Cebu City. The Executive Order reiterates the DO 174 which prohibits the dismissal of employees without a valid reason from the employer. Labor Secretary Silvestre H. Bello III said that the EO does not ban contracting except unlawful contracting and subcontracting. EO 51 orders strict implementation of the Labor Code's Article 106, which allows the issuance of regulations to protect the rights of workers, and Article 128, which gives the DOLE visitorial and enforcement power.

The DOLE has the difficult task of balancing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable return on investments, expansion and growth. As of 25 May 2018, reports from the DOLE Regional Offices tallied a total of 182,915 regularized workers, of which 95,062 were voluntarily regularized and 87,853 were regularized through inspection indicating that there is still a lot of work to be done to achieve the targeted 300,000 workers that should be regularized this year.

The Labor Department looks forward to more employers giving their workers due benefits and more workers achieving job security. Clearly, the DOLE means business in protecting the workers' right to security of tenure based on social justice and the Philippine Constitution.

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