

Employers buck bills on add'l paid leaves

By RICHMOND MERCURIO

Employers have expressed opposition to 10 Senate bills proposing new employee leaves and increase of existing ones that will be tackled by the labor, employment and human resources development committee chaired by Sen. Joel Villanueva today.

In a position paper, the Employers Confederation of the Philippines (ECOP) said any further reduction in the number of working days through additional leaves would have a critical impact not only on business productivity, but also on their cost of doing business.

"For business, additional non-working days mean days off from work. Excessive non-working days would hamper operations and production especially for the manufacturing and service sectors. If, however, an employer will require its workers to report to work on such days, it increases the cost

of services and production as the employer who is obliged to pay his worker full pay for the day/s not worked would also be obliged to pay an additional 30 percent of the daily rate of 100 percent for the first eight hours of work," ECOP said.

"All the bills prescribing new paid leaves or increasing existing ones make no distinction with regard to the size of establishments, whether micro, small, medium or large, except for the service incentive leave which existing law exclude micro establishments while at the same grant the Secretary of Labor and Employment the power to exempt establishments from coverage after considering the viability or financial condition of such establishments," it added.

Summing up the number of all the national non-working days, corresponding paid leaves for male and female workers as well as the mandatory rest day per week to which

all workers are entitled, data presented by ECOP showed that the number of working days left in a year for a male is at 276 days or 9.2 months, while that for a female is 153 or 135 days equivalent to 5.1 or 4.5 months.

"Aside from non-working national regular as well as special holidays, there are also other days off from work such as the paid leave benefits that a company may provide to its employees. There are also those cancelled or suspended workdays brought about by calamities," the group pointed out.

"We are greatly concerned that any further reduction in the number of working days particularly through additional leaves impacts not only on productivity and on the cost of doing business, but also on the viability of micro and small enterprises which constitute over 99 percent of all registered enterprises," it said.

The 10 bills ECOP is opposing are Senate Bills 360, 362, 398, 854, 963, 1063, 1064, 1209, 1604 and 1387.

ECOP said Senate Bills 360, 1064, and 1386 in particular are not only controversial but also "questionable" as they seek to inflict criminal sanctions on employers who would not comply with its prescriptions.

These sanctions, according to the group, are violative of the right of employers to the legitimate exercise of their management prerogative.

ECOP said the grant of paid leaves is an exercise of management prerogative, but the state in the exercise of police power may likewise mandate such grant based on specific contingencies through legislative measures.

It said the exercise of management prerogative arises from the constitutional right of enterprises to reasonable returns on investments and to expansion and growth.

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