

SANS 'ENDO' EO, DIGONG STILL AFTER '5-5-5' FIRMS

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President Duterte has ordered the Department of Labor and Employment (Dole) to come up with a list of companies engaged in labor-only contracting as part of government efforts to crack down on illegal practices that affect a worker's security of tenure.



The order came a day after Malacañang announced that Mr. Duterte would no longer sign an executive order (EO) ending “endo” (end of contract contractualization scheme), and would rather have Congress amend the law on the practice.

Mr. Duterte's memorandum orders Labor Secretary Silvestre Bello III to submit within 30 days a comprehensive report on the implementation of Dole Department Order (DO) No. 174 on contracting and subcontracting, and Dole DO 183 on the enforcement of labor laws.

The President also wants a list of companies engaged or suspected to be engaged in labor-only contracting, and directed the National Labor Relations Commission to submit a list of cases involving respondents found using this prohibited scheme.

Labor-only contracting refers to an arrangement where the contractor merely recruits, supplies or places workers to perform a job for a principal or client company.

'5-5-5' endo

In a press briefing, presidential spokesperson Harry Roque said the President's directive was part of moves to put a stop to “5-5-5” endo, or the termination of employees after five

months of work so that companies would not have to make them regular workers entitled to benefits mandated by law.

“The promise of the President is that while the definition of contractualization does not prohibit everything, he will make sure that there would be no 5-5-5, or ‘cabo’ (labor-only contracting entity),” Roque said.

He dubbed the crackdown “Tokhang laban sa cabo,” after the Philippine National Police’s controversial operations against illegal drugs.

Bello meanwhile stressed that even without a presidential EO, the government was committed to getting rid of all illegal forms of contractualization and would continue to implement Dole DO 174.

He cited the Dole’s recent directives to fast food chains, Jollibee and Burger King, that resulted in the regularization of their workers—6,482 for Jollibee and 704 for Burger King.

Labor Day ‘gift’

“Our track record will show that we do not hesitate in our enforcement of DO 174,” he added.

Bello said that workers could still expect a Labor Day “gift” from the President, though he declined to go into details.

“Because it is a May 1 celebration, the President may do something or make a dramatic issuance. We should expect something from the President, like a benefit package probably, or an order or directive,” he said.

On the labor front, the Nagkaisa labor coalition has slammed President Duterte’s decision to renege on his campaign promise to end contractualization.

“He made workers wait for more than two years, only to end up at the doorsteps of Congress begging for a stricter version of anti-contractualization bills,” the group said in a statement, adding that this move would send the wrong message to Congress.

The labor coalition also called on all workers’ groups to close ranks and commemorate May 1 as a day of indignation and protest.

“The fight is not yet over. This only proves that the force of reason does not prevail in favor of labor as there are much more powerful forces like the employers and their organizations that can sway the decision of the President,” Nagkaisa’s statement said.