Republic of the Philippines

QUEZON CITY COUNCIL

Quezon City

19th City Council

PO19CC-552

90th Regular Session

ORDINANCE NO. SP- 2512 *, S-2016*

AN ORDINANCE PROVIDING FOR THE BASIC FRAMEWORK FOR THE DEVELOPMENT PROGRAMS FOR THE WORKERS IN THE INFORMAL ECONOMY IN QUEZON CITY, APPROPRIATING THE NECESSARY FUNDS THEREFOR AND FOR OTHER PURPOSES.

Introduced by Councilors ESTRELLA C. VALMOCINA, ALEXIS R. HERRERA, PRECIOUS HIPOLITO CASTELO, RICARDO B. CORPUZ, VINCENT DG. BELMONTE, MARIVIC CO-PILAR, RANULFO Z. LUDOVICA and JOSE A. VISAYA.

Co-Introduced by Councilors Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Dorothy A. Delarmente, Lena Marie P. Juico, Victor V. Ferrer, Jr., Voltaire Godofredo L. Liban III, Roderick M. Paulate, Ramon P. Medalla, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Franz S. Pumaren, Eufemio C. Lagumbay, Jose Mario Don S. De Leon, Jaime F. Borres, Jesus Manuel C. Suntay, Marvin C. Rillo, Raquel S. Malañgen, Jessica Castelo Daza, Bayani V. Hipol, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Karl Edgar C. Castelo, Candy A. Medina, Diorella Maria G. Sotto, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr. and Donato C. Matias.

WHEREAS, it is a declared policy of the State to promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promotes decent and full employment, a rising standard of living, and an improved quality of life for all;

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WHEREAS, the State shall protect, promote and fulfill the rights of every worker in the informal economy including the right to self-organization, the right to decent work, just and humane conditions, access to social protection, and the right to represent their organizations in a continuing process of consultation and social dialogue towards maximizing the provision of a comprehensive package of reforms, interventions, and services in accordance with their articulated needs and interests;

WHEREAS, the City Mayor, Honorable Herbert M. Bautista, has issued Executive Order No. 25, S-2010 creating the Quezon City Livelihood Development Board thereby operationalizing Quezon City Ordinance No. SP-1330, S-2002 for the purpose;

WHEREAS, on August 12, 2010, the Honorable City Mayor Herbert M. Bautista reconstituted the Quezon City Anti-Poverty Task Force (APITF) with the City Vice Mayor Ma. Josefina G. Belmonte as Chairperson through Executive Order No.18, Series of 2010 which function is to help the poor and provide integrated, comprehensive and continuing documentation of these efforts;

WHEREAS, based on the survey conducted by the Quezon City Anti-Poverty Task Force in income related profile of Quezon City, 73% of the households live below the established national Non-Food Poverty Line, 63% of the households have monthly incomes Php3,000.00 to Php7,000.00. Own-account workers and self-employed in Quezon City are usually engaged in sari-sari or variety store operation, selling raw and cooked food. Some are engaged in crafts, home-based manufacturing and production, in tailoring and dressmaking, bakery and metal works, tricycle driving, and many other economic activities;

WHEREAS, a large number of Quezon City residents are informally employed, receiving salaries below the minimum wage, with poor conditions of work, not enjoying or partly enjoying the legislated social insurance and benefits such as those in subcontracting, outsourcing, job orders, apprenticeship, piece rates, volunteers, service delivery and those in the industrial home work;

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WHEREAS, it is the policy of the City to provide social protection for the vulnerable sectors of society particularly workers in the informal economy consistent with the international and national development goals.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE – This Ordinance shall be known as the "Quezon City Informal Economy Ordinance" shortly called as QC-IEO.

SECTION 2. DECLARATION OF POLICY – It is hereby declared the policy of the City to:

a. *Recognize, promote, protect and fulfill the rights of every worker in all economic units in public and private workplaces in Quezon City including the right to self-organizations in a continuing process of social dialogue towards decent employment;*

b. *Promote gender equality to certain enterprise or occupation in the informal sector;*

c. *Protect women workers against discrimination, exploitation, abuse and provide access to social and labor protection and participation in decision-making;*

d. *Protect child workers in accordance with the rules and regulations of Department of Labor and Employment (DOLE) regulating employment of minors.*

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e. *Adopt social protection framework, in accordance to NEDA Resolution No. 1, Series of 2007, to develop comprehensive programs of WIE which is targeted for economic units with the capital amount of P10,000.00 and workers earning below the minimum wage. Such comprehensive program is clustered as follows:*

e.1 Social Insurance

e.2 Labor Market Intervention

e.3 Social Safety Nets

e.4 Social Welfare

f. *Adopt NEDA – SDC JMC No. 1, Series of 2015 enjoining all provinces, cities and municipalities to use the Social Protection Handbook for local planning, implementing, monitoring and evaluating social protection programs; and,*

g. *Make other relevant local policies and programs implemented for the attainment of the objectives of this measure.*

SECTION 3. DEFINITION OF TERMS – As used in this Ordinance, the following terms shall mean to:

a. *Informal economy - refers to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements, and does not cover illicit activities.*

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b. *Economic units in the informal economy - include: 1) units that employ hired labor, 2) units that are owned by individuals working on their own account, either alone or with the help of contributing family workers, and 3) cooperatives, social and solidarity economy units as defined under ILO Recommendation No. 204 Concerning the Transition from the Informal to the Formal Economy.*

c. *Civil Society Organizations - for this purpose, is a domestic, non-stock, non-profit corporation, organization or association, labor unions, workers' association, cooperative or social and solidarity economy registered with Securities and Exchange Commission (SEC), Cooperative Development Authority (CDA), Department of Labor and Employment (DOLE) and other government agencies accrediting organization.*

d. *Basic Sectors – the poor and the marginalized sectors who continue to be faced with the glaring inequalities that are characteristic of our social fabric (R.A. No. 8425 or Poverty Alleviation Act).*

e. *Social Protection (NEDA Social Development Committee (SDC) Resolution No. 1, Series of 2007) – includes policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of the marginalized by promoting and protecting livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risks (NEDA Social Development Committee (SDC) Resolution No. 1, Series of 2007).*

e.1) Social Insurance
e.2) Labor market interventions

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e.3) Safety Nets
e.4) Welfare Programs

f. *Industrial Homework – a system of production under which work for an employer or contractor is carried out by a homework at his/her home. Materials may or may not be furnished by the employer or contractor.*

It differs from regular factory production principally in that, it is a decentralized form of production where there is ordinarily very little supervision or regulation of methods of work.

g. *Labor Protection – includes regulations of working conditions in the areas of wages, working time, occupational safety and health and maternity protection, of which the latter calls for the development of a Lactation Management Program.*

h. *Child labor – refers to any work or economic activity performed by a child that subjects him/her to any form of exploitation or is harmful to his/her health and safety or physical, mental or psychosocial development, pursuant to Republic Act No. 9231, otherwise known as "An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child".*

i. *Working child - refers to any child engaged as follows: i. when the child is below eighteen (18) years of age, in work or economic activity that is not child labor as defined in the immediately preceding subparagraph; and ii. when the child is below fifteen (15) years of age, (i) in work where he/she is directly under the responsibility of his/her parents or legal guardian and where only members of the child 's family are employed; or (ii) in public entertainment or information, as defined under the Implementing Rules and Regulations of Republic Act No. 9231.*

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SECTION 4. SCOPE AND LIMITATION – This Ordinance shall cover members of the Informal Economy in Quezon City who are self-employed/own account workers, operating, employed or working either as micro-entrepreneur with a capital of Ten Thousand Pesos (Php10,000.00) and below, exclusive of the equipment, materials, property and land where the business is situated, which shall be classified according to the following:

a. Home-based workers:

a.1 Own account/ self-employed

i. Barbers, manicurists, pedicurists;
ii. Welders, mechanics;
iii. Appliance technicians;
iv. Electricians;
v. Junkshop workers;
vi. Bakery workers;
vii. Crafts and manufacturing in tailoring and dressmaking;
viii. Those engaged in sari-sari stores; and
ix. Such other home-based workers who are independent producers of goods or services.

a.2 Industrial Homeworkers

b. Vendors:

b.1 Street vendors;
b.2 Ambulant; and
b.3 Stallholders

c. Transportation sector:

i. Jeepney drivers under commission or boundary system (operator/owner not included);
ii. Tricycle drivers under commission or boundary system (operator/owner not included);

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iii. *Pedicab;*
iv. *Barkers;*
v. *Fare collectors; and*
vi. *Dispatchers.*

d. *Non-corporate construction workers such as but not limited to:*

i. *Carpenters;*
ii. *Plumbers;*
iii. *Mason;*
iv. *Painters;*
v. *Construction helpers;*
vi. *Tiles setter;*
vii. *Roof tiler;*
viii. *Tin smith;*
ix. *Electrician;*
x. *Welder;*
xi. *Steel fixer and*
xii. *Installer of aluminum and qypson board*

e. *Others:*

i. *Street sweepers;*
ii. *Street workers;*
iii. *Waste recyclers;*
iv. *Waste segregators;*
v. *Waste pickers and*
vi. *Volunteer service workers in private and public.*

SECTION 5. INFORMAL ECONOMY DEVELOPMMENT COUNCIL (IEDC) – An Informal Economy Development Council is hereby created which shall be composed of the following:

a. *The City Mayor as the Lead Coordinator;*

b. *One (1) representative from Business Permits and Licensing Office (BPLO);*

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c. One (1) representative from Market Development and Administration Department (MDAD);

d. One (1) representative from Quezon City Small Business Development and Promotion Office (QC-SBDPO);

e. One (1) representative from Gender and Development Resource and Coordinating Office (GADRCO);

f. One (1) representative from Housing, Community Development and Resettlement Department (HCDRD);

g. One (1) representative from Quezon City Health Department (QCHD);

h. One (1) representative from Environment Protection and Waste Management Department (EPWMD);

i. One (1) representative from Department of Public Order and Safety (DPOS);

j. One (1) representative from Community Relations Office (CRO);

k. One (1) representative from Social Services Development Department (SSDD);

l. One (1) representative from City Planning and Development Office (CPDO);

m. One (1) representative from Information Technology and Development Office (ITDO);

n. One (1) representative from Office of Senior Citizens Affairs (OSCA);

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o. *One (1) representative from Persons with Disability Affairs Office (PDAO);*

p. *One (1) representative from Barangay Operations Center (BOC);*

q. *One (1) representative from Public Employment Service Office (PESO);*

r. *One (1) National Anti-Poverty Commission-Workers in the Informal Economy Sector NCR Council Member;*

s. *One (1) representative from an accredited Quezon City trade unions or workers associations preferably with intervention on informal economy development advocacy;*

t. *One (1) representative from the local association of informal economic units or employers; and*

u. *The President of the Liga ng mga Barangay.*

SECTION 6. DUTIES AND FUNCTIONS OF THE IEDC – The Quezon City Informal Economy Development Council shall have the primary responsibility for the promotion, growth and development of the Informal Economy in the city by way of facilitating and coordinating local efforts to promote the sector's viability and growth, including creating social protection programs.

It shall be the duties and function of the IEDC to:

a. *Develop a system of registration and accreditation of members of the workers in the informal economy, with attention to women workers and informal economic units;*

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b. *Provide guidelines for the implementation of a fair and credible system of evaluation, accreditation, review and assessment, merit promotion, rendering of grant and incentives, and other policies relative to the effective and efficient implementation of this ordinance;*

c. *Develop rights and gender-based monitoring and evaluation mechanisms to ensure that programs and policies are implemented effectively and efficiently and ensure gender-responsiveness of intervention toward harnessing full potentials of women Informal economy workers;*

d. *Establish a performance appraisal system for all accredited Informal economy workers and informal economic units, taking into account their accomplishments, capabilities, and potentials, the results of which shall be used as bases for evaluation, registration, accreditation for the grant of awards and incentives and trainings;*

e. *Ensure effective participation of the Informal economy workers through regular consultations to determine specific issues and problems affecting their sector;*

f. *Formulate, implement, coordinate and monitor all non-financial government programs to support and promote entrepreneurial spirit among the poorest of the poor;*

g. *Conduct training programs and upgrade the technical and entrepreneurial skills which will provide new ideas to the Informal Economy workers;*

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h. *Conduct capability building activities to include information on worker's women and children rights and leadership training;*

i. *Develop alternative conflict or dispute resolution systems and mechanisms, which shall aim to promote dialogue, conciliation and mediation while protecting the rights of Informal Sector workers;*

j. *Ensure that employers enroll their workers with SSS, PAGIBIG, PHILHEALTH and legislated benefits are paid;*

k. *Protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control; and*

l. *Develop program for the transition of informal economic units to the formal economy; and*

m. *Develop on-site development for the vendors, and other workers;*

a. *The Informal Economy Development Council (IEDC), within sixty (60) days from the effectivity of this Ordinance, shall submit to the Honorable City Mayor its initial plan of action-based on QC Social Protection Core Programs hereto attached as Annex "A" which are needs-based and people-centered.*

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SECTION 7. RESPECTIVE DUTIES OF IEDC – In addition to the preceding section, the following shall be the specific duties of each member of the IEDC:

a. *The Office of the City Mayor (OCM) as Lead Coordinator – coordinate, harmonize and monitor the implementation of the various plans, programs and projects for the informal economy workers.*

b. *BPLO – encourage informal economy units to register their business/es and help them transform and be part of the formal economy.*

c. *MDAD – facilitate the grant of special permit for the authorized vending areas/sites.*

d. *SBDPO – provide support for program and service delivery for the informal economy workers in order to be part of the formal economy.*

e. *GADRCO – provide Informal Economy GAD focal point persons.*

f. *HCDRD – undertake action program that will provide housing facilities to the homeless informal economy workers.*

g. *QCHD – ensure the health security of the workers especially children, women and senior citizens.*

h. *EPWMD – responsible for the registration of the worker in junkshop establishments. For this purpose, it shall be the duty of the junkshop owner to provide the EPWMD the list of their employees upon their application for environment clearance.*

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i. *CPDO and ITDO – responsible for the establishment of Informal Economy workers Database.*

j. *CRO – responsible for the accreditation of NGO's/POs advancing the rights of the Informal Economy.*

k. *SSDD – provide social protection and livelihood for the Informal Economy units and shall act as TWG Secretariat.*

l. *PESO – ensure the prompt, timely and efficient delivery of employment service and provision of information on the other DOLE programs.*

m. *OSCA – provide services and protection to senior citizens who belong to the informal economy.*

n. *PDAO – formulate policies, plans and programs for the promotion and protection of Informal Economy workers with disabilities.*

o. *BOC – closely coordinate with the barangays to have registry of informal economy workers within their respective jurisdictions and facilitate the linkage thereof to the Database to be maintained under this Ordinance.*

SECTION 8. MEETINGS – They shall have a regular quarterly meeting to be held at a place designated by the Lead Coordinator or agreed upon by the majority of the members of the IEDC. A special meeting of the IEDC may be called as need arises.

SECTION 9. IEDC SECRETARIAT – The Social Services Development Department (SSDD) shall act as the Secretariat of the IEDC and shall have the following functions:

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