RAISING THE BAR OF CONSTRUCTION WORK

Presented by:

CRISPIN ‘JUN’ SORIANO, JR.

President, Construction Workers Solidarity (CWS)
Member, Convenors Group – Construction Industry Workers Caucus (CIWC)
Alternate Member, Construction Industry Tripartite Council for NCR
Vice Chairman for Labor, Construction Industry Tripartite Council for Region 7
3 Ds of Construction

- Difficult
- Dirty
- Dangerous
Improving the Working Conditions of Construction Workers: From ‘3D’ To Decent Work
PREMISE

1. Construction workers are situated in an employer-employee relationship - working for pay under the direction and control of a contractor, sub-contractor or project owner.

2. The underlying reason for the widespread lack of social protection of workers and occupational safety and health at work is the informal employment relationship prevailing in the construction industry.
3. Enforcement of labor standards, including safety, is premised on a formal employment relationship, here the burden of complying with the wage and safety standards rests with the employer.

By and large, the big constructors comply with labor standards - entering into formal employment contracts with their direct hires, keeping payrolls and issuing pay slips evidencing payment of salary, SSS, ECC, Philhealth and Pag-ibig deductions and other reportorial requirements.
On the other hand, compliance with labor and safety standards disappear dramatically on the third, fourth, fifth level of subcontracting

- at the same time that the formal employment contract gives way to informal employment thru a capataz or foreman and a third, fourth or fifth level of sub-contractorship,

- payrolls and payslips disappear as a matter of practice. There is no paper trail to pin down employer liability for wages and safety standards.
- The system of informal employment relationship and the attendant low level of compliance of labor and safety standards has persisted far too long.

- This, despite sporadic efforts to improve the labor regulations on employment and safety in the construction industry, like

  - the enactment of the Labor Code in the heyday of Martial Law years;
the promulgation of Department Order No 19, Series of 1993 (Guidelines Governing the Employment of Workers in the Construction Industry) at the onset of a short lived construction boom in the early ‘90s; and

the promulgation of Department Order No.13, Series of 1998 (Guidelines Governing Safety and Health in the Construction Industry), also following another construction boom that also triggered a spate of work place accidents.
For the past forty years, Philippine economy went from bad to worse.

- Meanwhile, the informal economy expanded on the margins of pockets of business centers such as Makati, Ortigas and Cebu and other parts of the country.

- Employment relations in the construction industry instead of getting more formalized regressed into informal working arrangements, especially in public works projects where corruption prevailed, leaving a near empty bag for the last level of subcontractorship to draw from to pay the wages, benefits of the workers and materials to get the job done.
The challenge therefore is…

- how to raise the bar of construction work in the country

That is…

- from 3D (dirty, difficult, and dangerous) to decent work, disenting trabaho, marangal na hanapbuhay.
In conclusion, this presentation proposes that the only way to achieve this is...

First, improve the compliance of labor and occupational safety and health standards in the construction industry;
Second, get rid of the informal employment relation practice in the industry (doing so will also establish the chain of legal liability starting from the project owner to the nth level of subcontractorship and the employee); and
Third, kick off a massive upgrading of construction trade skills to meet the huge requirement of the construction boom locally and abroad.
All of these can be done only through sustained social dialogue among the tripartite stakeholders...

...Let us bring together the government, employers and workers around the table and construct a tripartite plan to build better buildings, roads, bridges and airports as well as *build better lives for the construction workers and their families!*
Maraming Salamat Po!