



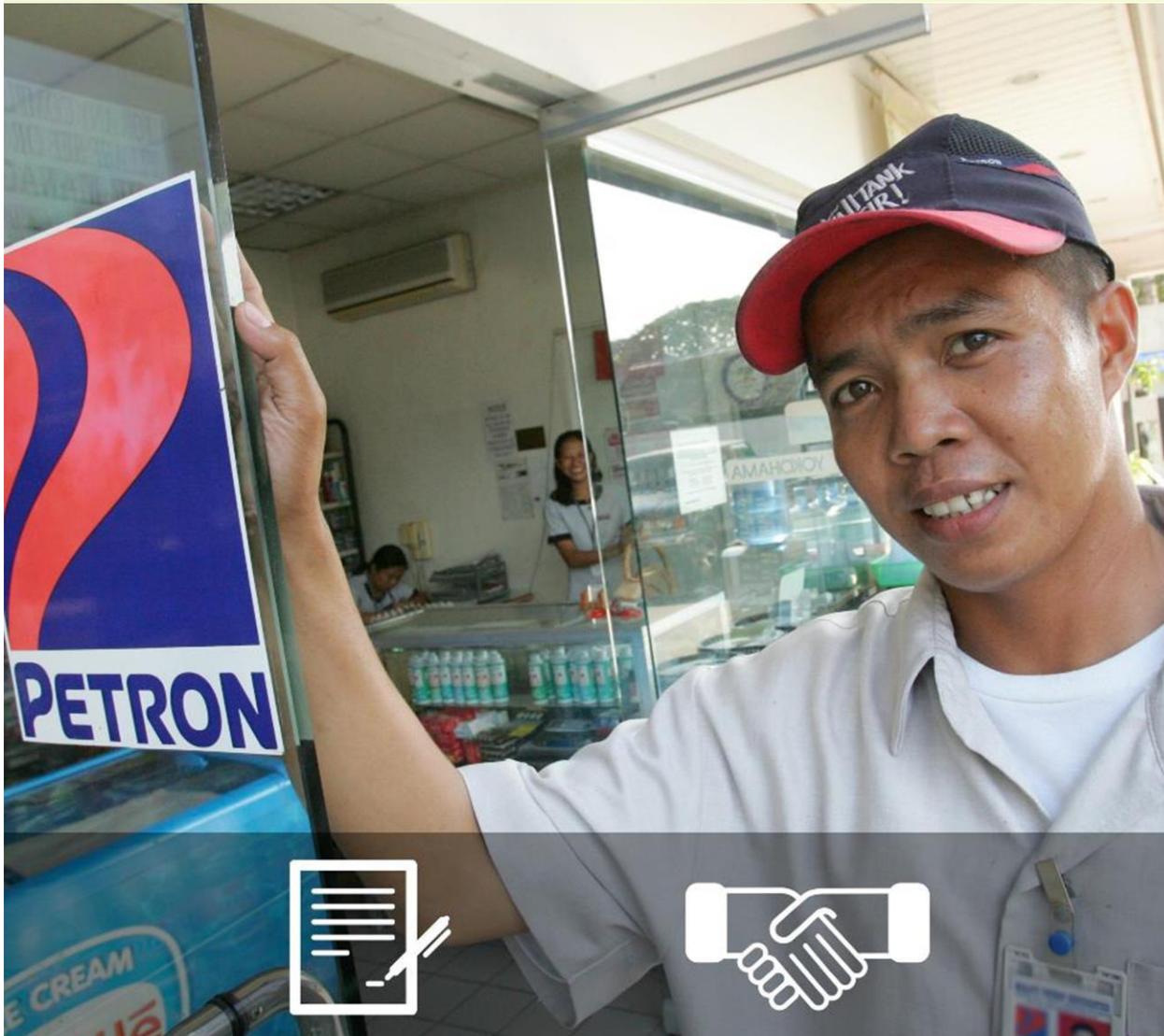
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Mindanao Youth for Development Project

Life Skills:

Learning, Working, Serving



Module 6: Rights & Responsibilities of Workers and Employers *Facilitator's Manual*



MYDev Life Skills Curriculum
An Adaptation of EDC's Work Ready Now! Curriculum

Module 6: Rights & Responsibilities of Workers and Employers

“Ang bawat karapatan ay may kaakibat na responsibilidad”

Every right implies a responsibility.

Rights and Responsibilities of Workers and Employers Objectives

By the end of the module participants will be able to:

- ✓ Understand the concepts of rights and responsibilities
- ✓ Be familiar with the rights & responsibilities of workers and employers in the Philippines
- ✓ Know how to apply one's rights and responsibilities in the workplace.

Module Overview

 Activity	 Time
 Session 1: Understanding Rights & Responsibilities	1 hr 35 min
1: Introductory Activity	50 min
2: What's a Right and What's a Responsibility?	45 min
 Session 2: Rights & Responsibilities Under the Labor Code of the Philippines	3 hr 55 min
3: Introductory Activity	30 min
4: Responsibilities of Workers and Employers	35 min
5: Applying What We Learned About Philippine Labor Laws	1 hr
6: Review, Wrapping Up, and Application	1 hr 50min
	Total Time: 5 hr 30 min

Module 6 Materials and Preparation

- Basic training materials:** manila paper, markers, tape, A4 paper
- Make sure participants have their Participant's Handbook available.

Session 1:

- 5-10 review questions of the previous session, written on pieces of paper and rolled for drawing lots
- Learners' Reflection
- Review main concepts from previous module
- Review universal human rights
- Prepare a manila paper with the proverb (below) to discuss with learners
- 🖐️ **Handout 6.1: Sample of Human Rights**
- 🖐️ **Handout 6.2: Universal Human Rights**
- Review rights and responsibilities
- Prepare a manila paper with two columns, on the left 'rights' and on the right 'responsibilities.' Fill in the left column with 4 examples of rights (see table below) and leave the right column blank.
- 🖐️ **Handout 6.3: Rights or Responsibilities at Work?**

Session 2:

- Make 3 signs: Agree; Disagree; Do Not Know
- Facilitator's Tool 6.A: Statements and Answers for Agree/Disagree Game on Labor Code of the Philippines.** Review the list of questions and their answers ahead of time.
- Review 🖐️ **Handout 6.4: Responsibilities of the Employer and the Worker.** Write each bulleted item on half a sheet of bond paper and randomly mix the papers together in an envelope (or you can photocopy 6.4 and cut-out each bulleted item). You will need a complete set of both lists of responsibilities for each of the 2 teams.
- Prepare two manila papers (one for each team) with a two column table, one column labeled Workers' Responsibilities and the other column labeled Employers' Responsibilities.
- Review Articles of the Labor Code of the Philippines and the Rights of Workers relevant to the scenarios
- Make one copy of **Facilitator's Tool 6.B: Labor Code Scenarios** and cut out each scenario.
- Review 🖐️ **Handout 6.5: Labor Code Excerpts** and make a list of topics to display that you think will be of interest to the learners to learn more about.
- Facilitator's Tool 6.C: Sample of a List of Labor Code Topics.**
- Review Articles of the Labor Code of the Philippines (**Handout 6.5** in previous activity).
- Make 1 copy per participant of the End of Module Assessment

SESSION 1: UNDERSTANDING RIGHTS & RESPONSIBILITIES

Activity 1: Introductory Activity

✓ **Objectives** - By the end of the activity, participants will be able to:

- a. Identify workers' rights and responsibilities
- b. Be familiar with universal human rights
- c. Take the Learner's Reflection



Time Required: 50 minutes



Methodology: large group discussion, pictures



Materials and Preparation: manila paper, markers, tape

- 5-10 review questions of the previous session, written on pieces of paper and rolled for drawing lots
- Learners' Reflection
- Review main concepts from previous module
- Review universal human rights
- Prepare a manila paper with the proverb (below) to discuss with learners
-  **Handout 6.1: Sample of Human Rights**
-  **Handout 6.2: Universal Human Rights**



Steps:

1. Welcome the learners to Module 6 Session 1: Understanding Rights and Responsibilities. Quickly review the main content from the previous module. Prepare 5-10 review questions in advance, written on pieces of paper and folded for drawing lots. Ask learners to break into pairs. Each pair draws a question about healthy hygiene and sanitation practices, hazards at the work place, how to avoid hazards at work, or emergency response actions. Each pair answers the question drawn.

(10 min)

2. Ask participants to think about the proverb found at the beginning of Module 6 : “Ang bawat karapatan ay may kaakibat na responsibilidad” (*Every right implies a responsibility*).

Ask 1-2 learners to share what they think about the proverb; or to give an example of a right and responsibility. Some examples:

- right to education comes with a responsibility to study well;
- right to clean water comes with a responsibility to take care of the environment.

Explain that this module will talk about some universal rights, one's personal rights, as well as the rights and responsibilities of employees and employers. State that the Labor Code of the Philippines is the law that governs employment practices and labor relations in the Philippines. State the main Key Topics of this session (below):

Ask the learners what they think about the topics. In what ways do they think these topics are useful in real life situations?

Have learners go to the **Learners' Reflection** in their Participant's Handbook, explaining that this is not a test but is a way to see what they already know or do not know about the topics.

Explain the meaning of each column (1, 2, 3, 4). Tell them that you will read a few statements. For each statement they need to check the column that best describes them. Stress the importance of answering honestly and independently.

Read one statement at a time and allow time for learners to think of an answer.

(25 min)

3. Ask participants to look at **Handout 6.1: Sample of Human Rights** in their Handbook. Each picture depicts one of the essential human rights. Ask learners what they understand about each picture. Ask which of the 8 human rights we are most concerned about in this course.

Examples: Health and safety (work readiness); right to work (work readiness)



Explain that the 8 human rights listed are only examples. There are 30 rights listed in the Universal Declaration of Human Rights.

🔑 Key Topics 🔑

- Universal human rights
- Personal rights and responsibilities
- Rights and responsibilities of workers
- Rights and responsibilities of employers

As an additional example for the review, ask learners to think back to the previous module on health and safety at work.

- How did the concepts of rights and responsibilities relate to health and safety at work?
- What are some of the rights and responsibilities that you have for safety? That employers have for safety?

(Answers could include: responsibility of employer to educate employees about health and safety, to provide a first aid kit, to provide protective equipment. Responsibility of workers not to take risks, to report unsafe conditions, to use proper equipment. Rights of workers to safe working conditions.)

(15 min)

Learners' Reflection: Module 6 Rights & Responsibilities of Workers & Employers

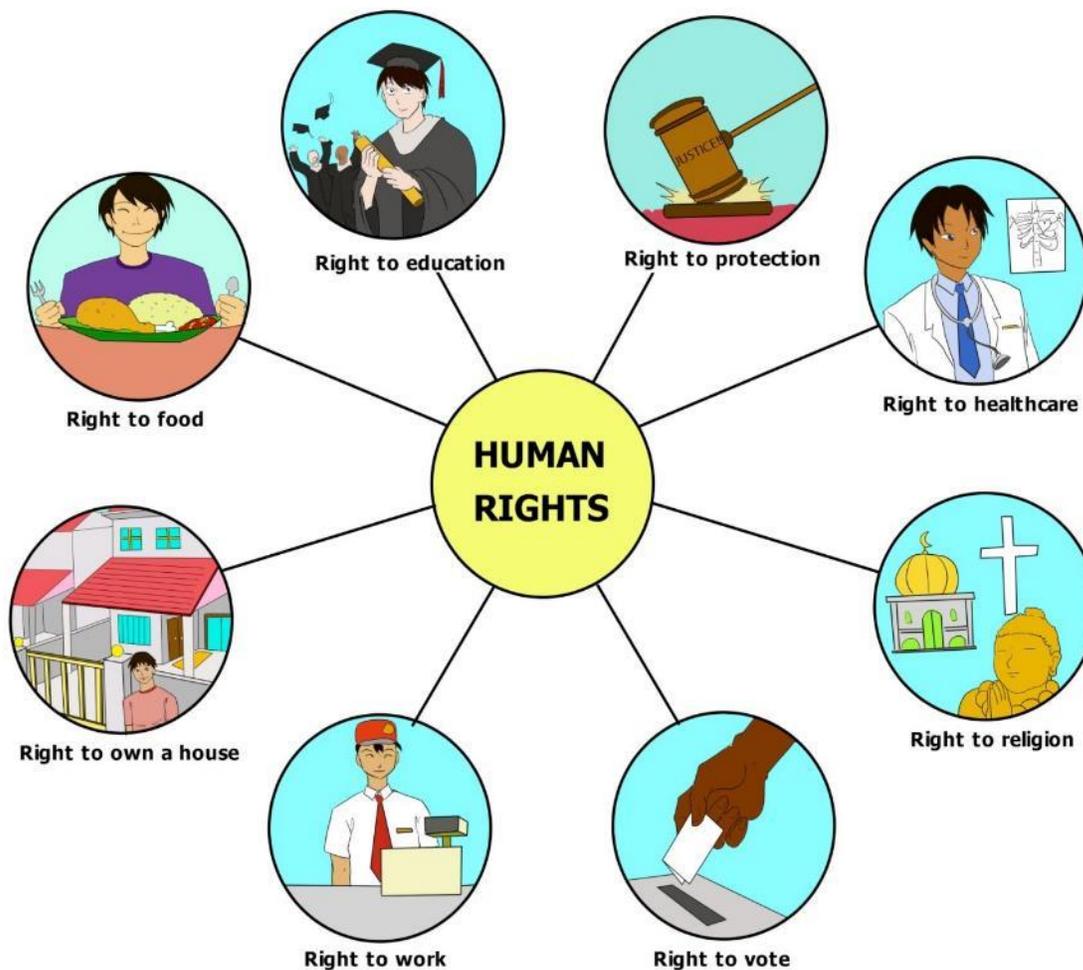
This is not a test but is a way for us to see what you already know or do not know about the topics. I will read a skill that is listed in the left column. Think about yourself and your experience. I will read the statements across the top. Check the column that best represents your situation. The results will guide me in helping you learn more about this topic.

Ang mga katanungan dito ay hindi test. Ito ay isang paraan upang malaman natin ang inyong kaalaman, kasanayan o kakayahan tungkol sa paksang ito. Lahat ng inyong mga kasagutan ay ating tatanggapin.

Babasahin ko ang bawat tanong. Magbalik---tanaw sa inyong mga karanasan at i---tsek ang sagot na naaangkop sa inyong sitwasyon. Ang inyong kasagutan ay magiging gabay ko sa pagpapalawak ng inyong kaalaman tungkol sa paksang ito.

My experience Knowledge, skills and abilities <i>Kaalaman, kasanayan at kakayahan</i>	1 I don't have any experience doing this. <i>Wala akong karanasan sa paggawa nito</i>	2 I have very little experience doing this. <i>Kakaunting – kakaunti lamang ang aking karanasan sa paggawa nito</i>	3 I have some experience doing this. <i>Mayroon akong karanasan sa paggawa nito</i>	4 I have a lot of experience doing this. <i>Marami akong karanasan sa paggawa nito</i>
Identify universal human rights / <i>Pagtukoy sa pang-unibersal na karapatang pantao</i>				
Know the rights and responsibilities of workers and employers according to the Philippine Labor Code / <i>Kaalaman tungkol sa karapatan at tungkulin o responsibilidad ng mga manggagawa at empleyado ayon sa Philippine Labor Code</i>				
Know and use the health & safety regulations in the Philippine Labor Code / <i>Pagsasagawa ng mga tuntunin para sa kalusugan at kaligtasan ayon sa Philippine Labor Code</i>				
Use several appropriate strategies to stand up for my rights or take action to address a problem at work / <i>Paggamit ng mga angkop na estratehiya o pamamaraan para panindigan ang aking karapatan, o para maaksiyunan ang problema sa trabaho</i>				

 **Handout 6.1: Human Rights**



 **Handout 6.2: Universal Declaration of Human Rights**

Plain Language Version 1

1. When children are born, they are free and each should be treated in the same way. They have reason and conscience and should act towards one another in a friendly manner.

2. Everyone can claim the following rights, despite
 - a different sex
 - a different skin color
 - speaking a different language
 - thinking different things
 - believing in another religion
 - owning more or less
 - being born in another social group
 - coming from another country

It also makes no difference whether the country you live in is independent or not.

3. You have the right to live, and to live in freedom and safety.
4. Nobody has the right to treat you as his or her slave and you should not make anyone your slave.
5. Nobody has the right to torture you.
6. You should be legally protected in the same way everywhere, and like everyone else.
7. The law is the same for everyone; it should be applied in the same way to all.
8. You should be able to ask for legal help when the rights your country grants you are not respected.
9. Nobody has the right to put you in prison, to keep you there, or to send you away from your country unjustly, or without good reason.
10. If you go on trial this should be done in public. The people who try you should not let themselves be influenced by others.

1 <http://www.un.org/Pubs/CyberSchoolBus/humanrights/>

11. You should be considered innocent until it can be proved that you are guilty. If you are accused of a crime, you should always have the right to defend yourself. Nobody has the right to condemn you and punish you for something you have not done.
12. You have the right to ask to be protected if someone tries to harm your good name, enter your house, open your letters, or bother you or your family without a good reason.
13. You have the right to come and go as you wish within your country. You have the right to leave your country to go to another one; and you should be able to return to your country if you want.
14. If someone hurts you, you have the right to go to another country and ask it to protect you. You lose this right if you have killed someone and if you, yourself, do not respect what is written here.
15. You have the right to belong to a country and nobody can prevent you, without a good reason, from belonging to a country if you wish.
16. As soon as a person is legally entitled, he or she has the right to marry and have a family. In doing this, neither the color of your skin, the country you come from nor your religion should be impediments. Men and women have the same rights when they are married and also when they are separated. Nobody should force a person to marry.
17. The government of your country should protect you and the members of your family.
18. You have the right to own things and nobody has the right to take these from you without a good reason.
19. You have the right to profess your religion freely, to change it, and to practice it either on your own or with other people.
20. You have the right to think what you want, to say what you like, and nobody should forbid you from doing so. You should be able to share your ideas also— with people from any other country.
21. You have the right to organize peaceful meetings or to take part in meetings in a peaceful way. It is wrong to force someone to belong to a group. You have the right to take part in your country's political affairs either by belonging to the government yourself or by choosing politicians who have the same ideas as you. Governments should be voted for regularly and voting should be secret. You should get a vote and all votes should be equal. You also have the same right to join the public service as anyone else.

22. The society in which you live should help you to develop and to make the most of all the advantages (culture, work, social welfare) which are offered to you and to all the men and women in your country.
23. You have the right to work, to be free to choose your work, to get a salary which allows you to support your family. If a man and a woman do the same work, they should get the same pay. All people who work have the right to join together to defend their interests.
24. Each work day should not be too long, since everyone has the right to rest and should be able to take regular paid holidays.
25. You have the right to have whatever you need so that you and your family: do not fall ill or go hungry; have clothes and a house; and are helped if you are out of work, if you are ill, if you are old, if your wife or husband is dead, or if you do not earn a living for any other reason you cannot help. Mothers and their children are entitled to special care. All children have the same rights to be protected, whether or not their mother was married when they were born.
26. You have the right to go to school and everyone should go to school. Primary schooling should be free. You should be able to learn a profession or continue your studies as far as wish. At school, you should be able to develop all your talents and you should be taught to get on with others, whatever their race, religion or the country they come from. Your parents have the right to choose how and what you will be taught at school.
27. You have the right to share in your community's arts and sciences, and any good they do. Your works as an artist, writer, or a scientist should be protected, and you should be able to benefit from them.
28. So that your rights will be respected, there must be an 'order' which can protect them. This 'order' should be local and worldwide.
29. You have duties towards the community within which your personality can only fully develop. The law should guarantee human rights. It should allow everyone to respect others and to be respected.
30. In all parts of the world, no society, no human being, should take it upon her or himself to act in such a way as to destroy the rights which you have just been reading about.

Activity 2: What's a Right and What's a Responsibility?

✓ **Objectives** - By the end of the activity, participants will be able to:

- a. Be familiar with their own personal rights and responsibilities
- b. Discuss the relationship between rights and responsibilities



Time Required: 45 minutes



Methodology: individual work, pair share, large group brainstorming and discussion



Materials and Preparation: manila paper, markers, tape

- Review rights and responsibilities
- Prepare a manila paper with two columns, on the left 'rights' and on the right 'responsibilities.' Fill in the left column with 4 examples of rights (see table below) and leave the right column blank.
-  **Handout 6.3: Rights or Responsibilities at Work?**



Steps:

1. Ask learners to give examples of their own personal rights and responsibilities. Form learners into small groups, e.g., 3-4 learners with same color clothes, or 3-4 learners of the same height. Have them stand up and ask them to share the **rights** that they think they have. Choose another set of 3-4 learners, have them stand up, and ask them to share the **responsibilities** that they think they have.

Explain that there are many more rights and responsibilities that we will discuss.

(10 min)

2. *Now that we've been exploring rights and responsibilities, how would you define a 'right'? How would you define a 'responsibility'?*

(A general definition for a 'right' is anything that is due to a person by law or tradition. A general definition for 'responsibility' is a duty or obligation; something for which one is accountable.)

In addition, explain that some of the learners may already be working for an employer, while others are still planning to look for work. Others work at home, maybe helping the family business. Clarify the meaning of "workers". Who are considered workers? *(Workers include teachers, farmers, fishermen, carpenters, bakers, electricians, drivers, security guards, dressmakers, etc. Under the labor law, a worker is any member of the labor force, whether employed or unemployed¹).*

(5 min)

¹ Adapted from the DepED ALS A&E module on Workers' Rights and Responsibilities

3. *Does every 'right' have a corresponding 'responsibility'?* Display the manila paper you prepared and read the list of rights. For each right, ask the same small groups of learners to say the corresponding responsibility to match with that right. Answers may include the ones listed here:

Right	Responsibility (Possible answers)
To vote for local and national government officials	<i>(To be informed and to vote)</i>
To get a primary education	<i>(To study and learn)</i>
To be paid a fair wage for work completed	<i>(To show up, do the work well, and complete the job)</i>
To work in a safe environment	<i>(To not take risks; to report hazards)</i>

Stress the point that for every given right there is a corresponding responsibility.

(10 min)

4. Ask participants to look at **Handout 6.3: Rights or Responsibilities at Work?** in their Handbook. Explain that the activities listed are some of the things that you might expect from your employer, and some of the activities are things that your employer might expect of you.

In pairs, have learners read the activities listed on the left side and decide together which ones are your 'responsibilities' and which ones are your 'rights'. Mark an X in the corresponding column.

Remember: 'rights' are what you can expect your employer to provide; 'responsibilities' are what your employer can expect that you will do. For example, it is the right of the employee to receive clear instruction and expectations about the job from the employer and it is the employer's responsibility to explain the expectations of the job to the employee.

(10 min)

► LOW LITERACY ALTERNATIVES ◀

Do the first few steps together as a large group and then break up into smaller groups to create skits

5. Discuss together the answers to **Handout 6.3** and clarify questions as needed.
(10 min)



Handout 6.3: Rights or Responsibilities at Work?

Activity	My Right	My Responsibility
Receive fair pay at the correct time		
Do all work in a safe manner and be mindful of other people's safety at all times		
Arrive on time and stay until the work day has ended		
Have time for regular breaks		
Work in a safe workplace		
Use all equipment safely		
Handle with care the equipment and materials at the workplace		
Return materials and/or equipment after use		
Wear protective clothing, gear or paraphernalia		
Be trained in how to use equipment		
Ask for help and learn from others		
Be given clear information about the job and expectations		
Have the right equipment and materials to do the work properly		
Have a positive attitude about work		
Ask questions in a way that respects co-workers		
Do a good job and finish on time		
Follow instructions given by the employer		

SESSION 2: RIGHTS AND RESPONSIBILITIES UNDER THE LABOR CODE OF THE PHILIPPINES

Activity 3: Introductory Activity

- ✓ **Objectives** – By the end of the activity, participants will be able to:
 - a. Become more familiar with workers' rights and responsibilities based on some provisions of the Labor Code of the Philippines
 - b. Become familiar with employers' responsibilities based on some of the provisions of the Labor Code of the Philippines
-  **Time Required:** 30 minutes
-  **Methodology:** large group activity (true/false continuum) and discussion
-  **Materials and Preparation:** manila paper, markers, tape
 - Make 3 signs: Agree; Disagree; Do Not Know
 - Facilitator's Tool 6.A: Statements and Answers for Agree/Disagree Game on Labor Code of the Philippines.** Review the list of questions and their answers ahead of time.



Steps:

1. Introduce this session. If there are learners in the class who have experienced being employed, ask 1 or 2 to share briefly their experience as workers: how many hours they worked, whether they felt they were paid fairly for their services, what benefits did the employer provide and so on. If there are no learners who have been employed, ask those who helped their family business how they were compensated.

Say to learners: *Imagine that you have completed your course. You applied for a job as _____ (cite an example of a job relevant to the learners) and you were hired. Before you start working it is important for you to know your rights and responsibilities under the Philippines labor law. We are going to learn about them in the following topics:*

Key Topics

- Workers wages and benefits based on the Philippines labor law
- Workers and employers responsibilities based on the Philippines labor law

Bring out participants' prior knowledge about the Labor Code of the Philippines: Draw an imaginary line across the room. At one end of the room, put a sign that says "Agree" and at the other end of the room, put a sign that says "Disagree". In the middle, post the sign "Do Not Know". Explain that you are going to read aloud some

statements. If learners think the statement is correct, they should stand at the “Agree” end. If they disagree, or if they think the statement is not correct, then should stand at the “Disagree” end. If they aren't sure, or if they don't know, they should go somewhere in between.

(5 min)

2. Read a statement from **Facilitator's Tool 6.A: Statements and Answers for Agree/Disagree Game on Labor Code of the Philippines** and ask people to ‘vote with their feet’ by placing themselves along the Agree - Disagree continuum. When everyone has found their place, discuss the statement. Why do you think it is right? Not right? Read the correct answer. Continue with the next statement.

(20 min)

3. After you have discussed all 5 statements, ask if there were any surprises, or if you learned anything new. Discuss any issues that arose and summarize.

(5 min)

Facilitator's Tool 6.A: Statements and Answers for Agree/Disagree Game on Labor Code of the Philippines

Statement 1: The Philippine work week consists of 45 hours.

False: The work week is 40 hours.

Art. 83. Normal hours of work. The normal hours of work of any employee shall not exceed eight (8) hours a day.

Statement 2: Young people under the age of 15 may work if they have their parent's permission.

False: Young people under the age of 15 may not be employed, except when he works directly under the responsibility of his parents or guardians. The official employment age is 15, with some exceptions for children ages 15 - 18.

Art. 139. Minimum employable age.

- a. No child below fifteen (15) years of age shall be employed, except when he works directly under the sole responsibility of his parents or guardian, and his employment does not in any way interfere with his schooling.

Statement 3: Employers may require its employees to work even during rest days.

True. Under the law, you can be required to work under certain conditions.

Art. 92. When employer may require work on a rest day. The employer may require his employees to work on any day:

- a. In case of actual or impending emergencies caused by serious accident, fire, flood, typhoon, earthquake, epidemic or other disaster or calamity to prevent loss of life and property, or imminent danger to public safety;
- b. In cases of urgent work to be performed on the machinery, equipment, or installation, to avoid serious loss which the employer would otherwise suffer;
- c. In the event of abnormal pressure of work due to special circumstances, where the employer cannot ordinarily be expected to resort to other measures;
- d. To prevent loss or damage to perishable goods;
- e. Where the nature of the work requires continuous operations and the stoppage of work may result in irreparable injury or loss to the employer; and
- f. Under other circumstances analogous or similar to the foregoing as determined by the Secretary of Labor and Employment.

To explain **a** to **f**, give examples of real life situations that learners may have experienced or situations that they can relate to, e.g. those working as security guards or sales persons in big shops, or those working in bakeries may be required by the employer to work overtime during special holidays.

Statement 4: Workers should not get involved in policy decisions about his/her rights because the government is the one making those decisions.

False: If an individual worker wants to express his/her opinion about his rights, he/she can do that by participating in policy and decision-making processes that affect his/her rights.

Art. 211. Declaration of Policy. It is the policy of the State: To ensure the participation of workers in decision and policy - making processes affecting their rights, duties and welfare.

Statement 5: Workers are entitled to paid leave at the employer's expense.

True. Employers have the responsibility to provide annual incentive leave to its employees. However, this does not apply for employees in a retail or service establishment employing 1 - 9 workers.

Art. 95. Right to service incentive leave.

- a. Every employee who has rendered at least one year of service shall be entitled to a yearly service incentive leave of five days with pay.
- b. This provision shall not apply to those who are already enjoying the benefit herein provided, those enjoying vacation leave with pay of at least five days and those employed in establishments regularly employing less than ten employees or in establishments exempted from granting this benefit by the Secretary of Labor and Employment after considering the viability or financial condition of such establishment.

Activity 4: Responsibilities of Workers and Employers

- ✓ **Objectives** – By the end of the activity, participants will be able to:
- Identify and understand the legal responsibilities of employers
 - Identify and understand the legal responsibilities of workers

 **Time Required:** 35 minutes

 **Methodology:** small group work, team competition, large group discussion

 **Materials and Preparation:** manila paper, markers, paper, other materials that might be used in making posters or skits

- Review  **Handout 6.4: Responsibilities of the Employer and the Worker.** Write each bulleted item on half a sheet of bond paper and randomly mix the papers together in an envelope (or you can photocopy 6.4 and cut-out each bulleted item). You will need a complete set of both lists of responsibilities for each of the 2 teams.
- Prepare two manila papers (one for each team) with a two column table, one column labeled Workers' Responsibilities and the other column labeled Employers' Responsibilities.



Steps:

1. Explain that legal responsibilities apply to both workers and employers. Just as employers have some legal responsibilities at work, workers also have legal responsibilities. They are different responsibilities, but both have responsibilities under the law.

Tell learners that they will enter a competition. Divide the class in half to form 2 teams (left and right side of the class). Hang the manila papers on different sides of the room. To warm up for the competition, ask the left - side team to give an example of a "legal responsibility of *employers*". Ask the right-side team to give an example of a "legal responsibility of *workers*". Tell them that they will have 5 minutes to put the items on the manila paper in the proper column, either workers' or employers' responsibilities. They should share verbally. The team that puts the most correct items in the columns wins. Distribute one set of cut-out items to each team and let them begin the competition!

After 5 minutes, review with the entire group and congratulate the winning team!
(15 min)

2. Ask participants to go to **Handout 6.4. Responsibilities of the Employer and the Worker** in their Handbook and read independently (or in pairs) the list of responsibilities. Which responsibilities were not mentioned in the competition? Clarify any questions. Explain that they will need this information for the next team competition!

(10 min)

3. Time for the next competition! Arrange both teams in two rows so that they are facing each other. Explain that they should pass the ball from one team to the other (left, right, left right,...). The person who receives it has 5 seconds to mention a responsibility that they discussed in his/her team. You will be the time keeper, counting 1, 2, 3, 4, 5. The team that runs out of ideas first (and takes more than 5 seconds) is disqualified and the other team wins! Clarify any questions before they start. Let the competition begin! Ready? Set, go!

Refer to **Handout 6.4** as needed and clarify any questions as needed. Stress the point that both workers and employers have legal responsibilities that they need to follow.

(10 min)



Handout 6.4: Responsibilities of the Employer and the Worker

Responsibilities of the Employer

- To make a work agreement with the employee, agreeing on conditions, time and place;
- To follow up with the employee on the agreed terms;
- To supervise and provide suitable conditions of work so workers have security, health and dignity;
- To honor terms of payment;
- To safeguard standards, staff and environment;
- To register and pay into social security for the employee;
- To take care of the well - being of staff and qualified dependents (e.g. wife/husband, children);
- To agree on a performance contract.

Responsibilities of the Worker

- To personally perform the work in the time, place and conditions as agreed upon;
- To follow the instructions of the worker's boss;
- To avoid any issues or problems at the workplace that will endanger the worker or his/her colleagues;
- To follow the rules at work.

Activity 5: Applying What We Learned About Philippine Labor Laws

- ✓ **Objectives** – By the end of the activity, participants will be able to:
- Understand some real life application of the Philippine labor code
 - Identify ways in which the Philippine labor code can be broken and steps to take when that happens

 **Time Required:** 1 hour

 **Methodology:** small group work, role play and scenario analysis, and large group discussion with a Resource Person from the Department of Labor and Employment

 **Materials and Preparation:** manila paper, markers, tape

- Review Articles of the Labor Code of the Philippines and the Rights of Workers relevant to the scenarios
- Make one copy of **Facilitator's Tool 6.B: Labor Code Scenarios** and cut out each scenario.
- Review  **Handout 6.5: Labor Code Excerpts** and make a list of topics to display that you think will be of interest to the learners to learn more about.
- Facilitator's Tool 6.C: Sample of a List of Labor Code Topics.**



Steps:

1. Divide participants into 3 groups and assign each group one scenario from **Facilitator's Tool 6.B: Labor Code Scenarios** (that was copied and cut out ahead of time). The group should read and discuss the scenario. The scenario is open ended. It will be up to the group to give the solution to the issue. The group acts out the scenario in 1 minute **including the 2 possible responses or solutions for the worker in the scenario.**
(25 min)
2. Reconvene the teams into the large group. The Resource Person (*could be a government agency staff, colleague, friend, supervisor, etc. who might be more experienced*) discusses the issues raised in each scenario and whether or not they are common occurrences in the Philippines. The Resource Person engages participants by asking them what they should do if they ever find themselves in a situation where the Labor Laws are not being followed.
(25 min)
3. **Handout 6.5: Labor Code Excerpts** is intended as a reference for the life skills facilitator, but it is also included in the Participant's Handbook in case some participants want to learn more about these aspects of the law or refer to the list in the future. There is no need to review this in detail with learners. Instead, display the list of topics from **Handout 6.5: Labor Code Excerpts** (that you prepared ahead of time). A sample list of topics that you can prepare is in **Facilitator's Tool 6.C: Sample of a List of Labor Code Topics**. Ask learners to check the topics that they are most interested to know more about. In the next meeting they will hear more from

you or a resource person who will help them understand the top 5 labor laws checked by the learners.

(10 min)

Facilitator's Tool 6.B: Labor Code Scenarios

Scenario 1: Gender Based Violence / Sexual Harassment

Melanie has been hired to work as an office assistant for a new business in Zamboanga. After being on the job for about a month, one day her supervisor told her that if she would spend the night with him, he would make sure she will be promoted. She said she was not interested but he cornered her, twisted her arm behind her, and threatened to fire her if she didn't comply with his demands. Melanie was able to run away and tells her friends about the incident. They give her two suggestions.

Questions that Facilitator or Resource Person may ask learners:

1. What is the issue?
 2. What do you think the Philippine law says about this type of harassment?
 3. If you were Melanie's friends, what advice will you give to Melanie?
 4. Are you aware of any groups or organizations that provide services to women who have been harassed?
-

Scenario 2: Health and Safety at Work

Manny recently started working for a construction company. His supervisor told him that because he was so smart and fit for the job, he did not need training in the use of the equipment. He would learn by doing instead. One day he was trying to use a table saw that he had never used before. He cut himself badly on one of his hands, and it began to bleed profusely, but he did not know where the first aid kit was located. His co-workers did two things to help him.

Questions that Facilitator or Resource Person may ask learners

1. What is the issue?
 2. What do you think Philippine law says about health and safety at work?
 3. If you were Manny, what steps should you have taken?
 4. If you were Manny's friends, what steps should you have taken?
 5. How can such a situation be prevented in the future?
-

Scenario 3: Time Off from Work

Betsay, a young, single mother, had been working long hours at the restaurant. She hadn't had a day off in over a month and often worked 55 hours per week. One day her child became very sick with dengue so she called the restaurant to let them know she could not come to work. Her boss was annoyed, murmuring that she will look for someone more reliable than Betsay. Betsay became worried she was going to lose her job. She told her friends about her problems and her friends gave her two options.

Questions that Facilitator or Resource Person may ask learners

1. What is the issue?
2. What do you think the Philippine law says about number of work hours and time off?
3. How should Betsay handle this situation?
4. If you were Betsay's friends what advice will you give to Betsay?

SAMPLE ANSWERS—FOR FACILITATORS TO USE AS REFERENCE ONLY

Scenario 1: Gender Based Violence / Sexual Harassment (Refer to Freedom from sexual harassment, Republic Act No. 7877, in **Handout 6.6: Labor Code Excerpts.**)

1. What is the issue?
 - Sexual harassment
 - Abuse of authority
 - Disrespect
2. What do you think the Philippine law says about this type of harassment?
 - Sexual harassment is against the law and should not be tolerated
 - The law protects people from harassment at work and in education and training environments
 - Sexual harassment is committed by any person in the workplace, demanding sexual favors
3. What advice should her friends give to Melanie? Give her at least two options.
 - Report the case to the people in authority
 - Leave the job
 - Tell her parents
4. Are there groups or organizations that provide services to women who have been harassed?
 - Department of Social Welfare and Development (DSWD) – present in all provinces
 - City/Municipal Social Welfare and Development Office (CSWDO) – LGU - based office under the Office of the Mayor
 - Philippine National Police (PNP) Women's Desk – present in all LGUs
 - Visayan Forum – an NGO assisting women victims of human trafficking

Scenario 2: Health and Safety at Work (Refer to Articles 162 and DOLE's Occupational Safety and Health Standards amended 1989 in **Handout 6.6**)

1. What is the issue?
 - Lack of training
 - Did not ask for help or instructions
 - Carelessness
2. What do you think Philippine law says about health and safety at work?
 - The Secretary of Labor and Employment should establish mandatory safety and health standards to eliminate or reduce hazards in the workplace
 - Employers should provide full instructions to workers on how to stay healthy and safe in the workplace
 - Employers should use only approved devices and equipment in the workplace
3. What steps should be taken next?
 - First aid, go to the hospital

4. How can such a situation be prevented in the future?
 - The supervisor to give clear safety instructions
 - Manny makes it a point to ask and learn about safety

Scenario 3: Time Off from Work (Refer to Articles 83 and 87 in **Handout 6.6**)

1. What is the issue?
 - Deprived of right to take leave of absence
 - No sick leave at her restaurant for her position
 - Work for more than 40 hours
2. What do you think the Philippine law says about number of work hours and time off?
 - 40 hours per week
 - Right to overtime
3. How should Betsay handle this situation?
 - Make an arrangement with her supervisor
 - See if someone else in the family can watch the baby
 - See if a coworker can cover her shift
 - Consult with DOLE
 - Report to authority
4. What are the possible consequences of her decision?
 - She had a productive conversation with her supervisor and they find a solution
 - Her sister/cousin/mother can help take care of the baby
 - A coworker agrees to take her shift and the supervisor approves that
 - DOLE provides her with information that she can use to handle this situation
 - DOLE or other authorities contact the restaurant and take action
 - Her supervisor may get upset if she reports to authorities
 - DOLE intervenes and makes sure that her rights are honored

 **Handout 6.5: Labor Code Excerpts**

Laws regulating labor in the Philippines can be found in the Labor Code of the Philippines and the Handbook on Statutory Monetary Benefits by the Department of Labor and Employment (DOLE), Bureau of Working Conditions. The documents can be downloaded from:

- Labor Code: www.dole.gov.ph/labor_codes
- Handbook: [www.bwc.dole.gov.ph/userfiles/file/Handbook-- - English%20Version.pdf](http://www.bwc.dole.gov.ph/userfiles/file/Handbook--%20English%20Version.pdf)
(Page 1, Compliance Guide, provides a very good overview of employees' entitlements)

This facilitator tool contains excerpts from the Labor Code, the Handbook, and other relevant laws. Unless otherwise specified, the provisions cited below are from the Code.

Protection of Workers

Art. 3. Declaration of basic policy. The State shall afford protection to labor, promote full employment, *ensure equal work opportunities regardless of sex, race or creed* and regulate the relations between workers and employers. The State shall assure the rights of workers to *self-organization, collective bargaining, security of tenure, and just and humane conditions of work*.

Art. 34. Prohibited practices. It shall be unlawful for any individual, entity, licensee, or holder of authority... 6) to engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines

Wages**Minimum Wage**

Art. 99. Regional minimum wages. The minimum wage rates for agricultural and non-agricultural employees and workers in each and every region of the country shall be those prescribed by the Regional Tripartite Wages and Productivity Boards. (As amended by Section 3, Republic Act No. 6727, June 9, 1989).

The minimum wages vary according to region, and further vary according to the type of industry/sector of employment, as well as the number of employees (e.g., lower minimum wage for those working in the retail and service industry AND with not more than 15 employees).

Minimum wages by region can be found:

- at <http://www.nwpc.dole.gov.ph/rtwpb.html>
- by calling the Regional Tripartite Wages and Productivity Board (RTWPB) which has jurisdiction over the workplace.

Employment of Minors

Art. 139. Minimum employable age.

- b. No child below fifteen (15) years of age shall be employed, except when he works directly under the sole responsibility of his parents or guardian, and his employment does not in any way interfere with his schooling.
- c. Any person between fifteen (15) and eighteen (18) years of age may be employed for such number of hours and such periods of the day as determined by the Secretary of Labor and Employment in appropriate regulations.

Book II, Title II TRAINING AND EMPLOYMENT OF SPECIAL WORKERS (Chapter I APPRENTICES)

Art. 57. Statement of objectives. This Title aims:

- a. To help meet the demand of the economy for trained manpower;
- b. To establish a national apprenticeship program through the participation of employers, workers and government and non - government agencies; and
- c. To establish apprenticeship standards for the protection of apprentices

Art. 59. Qualifications of apprentice. To qualify as an apprentice, a person shall:

- a. Be at least fourteen (14) years of age;
- b. Possess vocational aptitude and capacity for appropriate tests; and
- c. Possess the ability to comprehend and follow oral and written instructions.

Trade and industry associations may recommend to the Secretary of Labor appropriate educational requirements for different occupations.

Art. 60. Employment of apprentices.

Only employers in the highly technical industries may employ apprentices and only in apprenticeable occupations approved by the Secretary of Labor and Employment. (As amended by Section 1, Executive Order No. 111, December 24, 1986)

Art. 61. Contents of apprenticeship agreements.

Apprenticeship agreements, including the wage rates of apprentices, shall conform to the rules issued by the Secretary of Labor and Employment. The period of apprenticeship shall not exceed six months. Apprenticeship agreements providing for wage rates below the legal minimum wage, which in no case shall start below 75 percent of the applicable minimum wage, may be entered into only in accordance with apprenticeship programs duly approved by the Secretary of Labor and Employment. The Department shall develop standard model programs of apprenticeship. (As amended by Section 1, Executive Order No. 111, December 24, 1986)

Hours of Work

Art. 83. Normal hours of work. The normal hours of work of any employee shall not exceed eight (8) hours a day.

Rest periods of short duration during working hours shall be counted as hours worked.

Art. 85. Meal periods. Subject to such regulations as the Secretary of Labor may prescribe, it shall be the duty of every employer to give his employees not less than sixty (60) minutes time-off for their regular meals.

Art. 86. Night shift differential². Every employee shall be paid a night shift differential of not less than ten percent (10%) of his regular wage for each hour of work performed between ten o'clock in the evening and six o'clock in the morning.

Art. 87. Overtime work. Work may be performed beyond eight (8) hours a day provided that the employee is paid for the overtime work, an additional compensation equivalent to his regular wage plus at least twenty - five percent (25%) thereof. Work performed beyond eight hours on a holiday or rest day shall be paid an additional compensation equivalent to the rate of the first eight hours on a holiday or rest day plus at least thirty percent (30%) thereof.

Art. 89. Emergency overtime work. Any employee may be required by the employer to perform overtime work in any of the following cases:

- a. When the country is at war or when any other national or local emergency has been declared by the National Assembly or the Chief Executive;
- b. When it is necessary to prevent loss of life or property or in case of imminent danger to public safety due to an actual or impending emergency in the locality caused by serious accidents, fire, flood, typhoon, earthquake, epidemic, or other disaster or calamity;
- c. When there is urgent work to be performed on machines, installations, or equipment, in order to avoid serious loss or damage to the employer or some other cause of similar nature;
- d. When the work is necessary to prevent loss or damage to perishable goods.
- e. Where the completion or continuation of the work started before the eighth hour is necessary to prevent serious obstruction or prejudice to the business or operations of the employer.

² This does not apply for employees in a retail or service establishment employing 1-5 workers.

Rest Periods

Art. 91. Right to weekly rest day.

- a. It shall be the duty of every employer, whether operating for profit or not, to provide each of his employees a rest period of not less than twenty - four (24) consecutive hours after every six (6) consecutive normal work days.
- b. The employer shall determine and schedule the weekly rest day of his employees subject to collective bargaining agreement *[if any]* and to such rules and regulations as the Secretary of Labor and Employment may provide. However, the employer shall respect the preference of employees as to their weekly rest day when such preference is based on religious grounds.

Art. 92. When employer may require work on a rest day. The employer may require his employees to work on any day:

- g. In case of actual or impending emergencies caused by serious accident, fire, flood, typhoon, earthquake, epidemic or other disaster or calamity to prevent loss of life and property, or imminent danger to public safety;
- h. In cases of urgent work to be performed on the machinery, equipment, or installation, to avoid serious loss which the employer would otherwise suffer;
- i. In the event of abnormal pressure of work due to special circumstances, where the employer cannot ordinarily be expected to resort to other measures;
- j. To prevent loss or damage to perishable goods;
- k. Where the nature of the work requires continuous operations and the stoppage of work may result in irreparable injury or loss to the employer; and
- l. Under other circumstances analogous or similar to the foregoing as determined by the Secretary of Labor and Employment.

Art. 93. Compensation for rest day, Sunday or holiday work.

- a. Where an employee is made or permitted to work on his scheduled rest day, he shall be paid an additional compensation of at least thirty percent (30%) of his regular wage. An employee shall be entitled to such additional compensation for work performed on Sunday only when it is his established rest day.

- b. Work performed on any special holiday shall be paid an additional compensation of at least thirty percent (30%) of the regular wage of the employee. Where such holiday work falls on the employee's scheduled rest day, he shall be entitled to an additional compensation of at least fifty per cent (50%) of his regular wage.

Art. 94. Right to holiday pay.³

- a. Every worker shall be paid his regular daily wage during regular holidays, except in retail and service establishments regularly employing less than ten (10) workers;
- b. The employer may require an employee to work on any holiday but such employee shall be paid a compensation equivalent to twice his regular rate; and
- c. As used in this Article, "holiday" includes: New Year's Day, Thursday, Good Friday, the ninth of April, the first of May, the twelfth of June, the fourth of July, the thirtieth of November, the twenty - fifth and thirtieth of December and the day designated by law for holding a general election.

[There are both special holidays and regular holidays. Regular and special holidays are distinct from each other and different premium pays apply when worked. Regular holidays get paid higher premium. They are also always non - working, while a few special holidays may be declared as a working holiday, for which no extra pay is given to employee.]

The schedule of both regular and special holidays is normally proclaimed and publicized nationwide at the end of the year for the coming year or latest early in beginning of the new year. Regional holidays are proclaimed locally.]

Art. 95. Right to service incentive leave⁴.

- a. Every employee who has rendered at least one year of service shall be entitled to a yearly service incentive leave of five days with pay.
- b. This provision shall not apply to those who are already enjoying the benefit herein provided, those enjoying vacation leave with pay of at least five days and those employed in establishments regularly employing less than ten employees or in establishments exempted from granting this benefit by the Secretary of Labor and Employment after considering the viability or financial condition of such establishment.
- c. The grant of benefit in excess of that provided herein shall not be made a subject of arbitration or any court or administrative action.

³ This does not apply for employees in a retail or service establishment employing 1 - 9 workers.

⁴ Ibid.

Maternity Leave. Every qualified pregnant woman in the private sector is entitled to maternity leave of 60 days in case of normal delivery, abortion or miscarriage, or 78 days in case of caesarean delivery.

- a. Daily maternity benefit shall be equivalent to 100 percent of her average salary credit. The maternity benefits shall be paid only for the first four deliveries or miscarriages.
- b. The employer is required to advance to the pregnant female employee the full maternity benefit within 30 days from the filing of the maternity leave application.

Art. 133. Maternity leave benefits.

- a. Every employer shall grant to any pregnant woman employee who has rendered an aggregate service of at least six (6) months for the last twelve (12) months, maternity leave of at least two (2) weeks prior to the expected date of delivery and another four (4) weeks after normal delivery or abortion with full pay based on her regular or average weekly wages. The employer may require from any woman employee applying for maternity leave the production of a medical certificate stating that delivery will probably take place within two weeks.
- b. The maternity leave shall be extended without pay on account of illness medically certified to arise out of the pregnancy, delivery, abortion or miscarriage, which renders the woman unfit for work, unless she has earned unused leave credits from which such extended leave may be charged.
- c. The maternity leave provided in this Article shall be paid by the employer only for the first four (4) deliveries by a woman employee after the effectivity of this Code.

Paternity Leave (RA 8187 or the Paternity Leave Act). Paternity leave benefit is granted to all married male employees, regardless of employment status (e.g., probationary, regular, project). It applies to the first four deliveries of the employee's lawful wife with whom he is cohabiting.

The leave shall be for 7 days, with full pay, consisting of his basic salary, provided that his pay shall not be less than the mandated minimum wage. In the event the paternity leave benefit is not availed of, said leave is not convertible to cash.

Leave due to Gynecological Disorders (Section 18. Special Leave Benefits of Women of RA 9710 or the Magna Carta for Women). Women employees who have rendered continuous aggregate employment service of at least six months for the last 12 months are entitled to the special leave benefit of 2 months with full pay following surgery caused by gynecological disorders.

[This list includes the most common types of leave, although there are other types of leave that employees are entitled to by law such as domestic violence leave and parental (solo parent) leave among others.]

Statutory Benefits

All employees, temporary, provisional, or permanent, have a right to the following benefits:

- a. Social Security benefits that provides a package of benefits in the event of death, disability, sickness, maternity, and old age (RA 1161, as amended by RA 8282)
- b. PhilHealth benefits that provide inpatient hospital and outpatient care services for SSS-registered employees and dependents (RA 7875, as amended by RA 9241)
- c. PAG-IBIG or Home Development Mutual Fund, which is a provident savings fund for employees (RA 9679). Benefits available from the fund are dividend - earning savings, short - term loans, and housing program.
- d. Coverage under the Employees Compensation Program (ECC) for loss in income benefit due to inability to work (arising from temporary or permanent disability), reimbursement of the cost of medicine and payment to medical service providers, rehabilitation services (e.g., physiotherapy), carer's allowance, and death benefits (Presidential Decree 626)

Coverage under the ECC is paid solely by the employer to the government. For SSS, Philhealth, and HDMF, both employers and employees share the payment of coverage based on the government's schedule of contributions.

13th Month Pay (Presidential Decree 851) – All “rank - and-file” employees of employers covered by the Revised Guidelines on the Implementation of the 13th Month Pay Law are entitled to a bonus called “13th month pay”. The required 13th month pay should be paid not later than 24 December of each year.

Termination of Employment

Articles 282 to 285. Causes of termination of employment [*This is a modification of articles 282-285*]

An employee may terminate his employment for any reason by serving a written notice to his employer at least one month (i.e., 30 days) in advance. In the event that the employee does not give any notice, the employer may hold the employee liable for damages. Observing the notice period is not necessary if employee has been insulted or treated inhumanely; or if employee has committed a crime or offense to employee or his family; or for any other analogous cause.

An employee may be terminated for the following causes, if employer has followed the required procedures for termination:

- a. Just causes of the Labor Code: These are legal causes for termination when an employee commits major and serious offenses or violations. For example: neglecting work duties, committing crimes including fraud, wilfully disobeying orders.

- b. Authorized causes of the Labor Code: These are causes resulted from changes in the employer's circumstances. For example: the position no longer being needed, or closing of a business or location.
- c. Disease, where the continued employment of the employee is prohibited by law or will harm his health as well as the health of his co-employees.

Termination of employment by the employer without a legal cause will entitle the employee to return to work without losing seniority rights and other privileges, to receive full back wages and benefits calculated from the time compensation was withheld until actual reinstatement, and to payment of damages.

Employment of Women

Art. 130. Night work prohibition. No woman, regardless of age, shall be employed or permitted or suffered to work, with or without compensation:

- a. In any industrial undertaking or branch thereof between ten o'clock at night and six o'clock in the morning of the following day; or
- b. In any commercial or non-industrial undertaking or branch thereof, other than agricultural, between midnight and six o'clock in the morning of the following day; or
- c. In any agricultural undertaking at nighttime unless she is given a period of rest of not less than nine (9) consecutive hours.

Art. 131. Exceptions. The prohibitions prescribed by the preceding Article shall not apply in any of the following cases:

- a. In cases of actual or impending emergencies caused by serious accident, fire, flood, typhoon, earthquake, epidemic or other disasters or calamity, to prevent loss of life or property, or in cases of force majeure or imminent danger to public safety;
- b. In case of urgent work to be performed on machineries, equipment or installation, to avoid serious loss which the employer would otherwise suffer;
- c. Where the work is necessary to prevent serious loss of perishable goods;
- d. Where the woman employee holds a responsible position of managerial or technical nature, or where the woman employee has been engaged to provide health and welfare services;
- e. Where the nature of the work requires the manual skill and dexterity of women workers and the same cannot be performed with equal efficiency by male workers;
- f. Where the women employees are immediate members of the family operating the establishment or undertaking; and
- g. Under other analogous cases exempted by the Secretary of Labor and Employment in appropriate regulations.

Art. 135. Discrimination prohibited. It shall be unlawful for any employer to discriminate against any woman employee with respect to terms and conditions of employment solely on account of her sex.

The following are acts of discrimination:

- a. Payment of a lesser compensation, including wage, salary or other form of remuneration and fringe benefits, to a female employees as against a male employee, for work of equal value; and
- b. Favoring a male employee over a female employee with respect to promotion, training opportunities, study and scholarship grants solely on account of their sexes.

Art. 136. Stipulation against marriage. It shall be unlawful for an employer to require as a condition of employment or continuation of employment that a woman employee shall not get married, or to stipulate expressly or tacitly that upon getting married, a woman employee shall be deemed resigned or separated, or to actually dismiss, discharge, discriminate or otherwise prejudice a woman employee merely by reason of her marriage.

Art. 137. Prohibited acts.

- a. It shall be unlawful for any employer:
 1. To deny any woman employee the benefits provided for in this Chapter.
 2. To discharge such woman on account of her pregnancy, or while on leave or in confinement due to her pregnancy;
 3. To discharge or refuse the admission of such woman upon returning to her work for fear that she may again be pregnant.

Employment of Handicapped

Art. 78. Definition. Handicapped workers are those whose earning capacity is impaired by age or physical or mental deficiency or injury.

Art. 79. When employable. Handicapped workers may be employed when their employment is necessary to prevent curtailment of employment opportunities and when it does not create unfair competition in labor costs or impair or lower working standards.

Rights of Workers

Right to Receive Just Wages and Benefits:

Art. 102. Forms of payment. No employer shall pay the wages of an employee by means of promissory notes, vouchers, coupons, tokens, tickets, chits, or any object other than legal tender, even when expressly requested by the employee.

Art. 103. Time of payment. Wages shall be paid at least once every two (2) weeks or twice a month at intervals not exceeding sixteen (16) days. If on account of force majeure or circumstances beyond the employer's control, payment of wages on or within the time herein provided cannot be made, the employer shall pay the wages immediately after such force

majeure or circumstances have ceased. No employer shall make payment with less frequency than once a month.

Right to Security of Tenure:

Art. 281. Probationary employment. Probationary employment shall not exceed six (6) months from the date the employee started working, unless it is covered by an apprenticeship agreement stipulating a longer period. The services of an employee who has been engaged on a probationary basis may be terminated for a just cause or when he fails to qualify as a regular employee in accordance with reasonable standards made known by the employer to the employee at the time of his engagement. An employee who is allowed to work after a probationary period shall be considered a regular employee.

Right to self-organization:

Art. 243. Coverage and employees' right to self-organization (simplified language from Art. 243):

Employees generally have the right to:

- a. self - organization
- b. right to form, join or assist labor or trade unions for purposes of collective bargaining

Right to participate in policy and decision-making process:

Art. 211. Declaration of Policy. It is the policy of the State: To ensure the participation of workers in decision and policy-making processes affecting their rights, duties and welfare.

Right to a safe and healthy workplace:

Art. 162. Safety and health standards. The Secretary of Labor and Employment shall, by appropriate orders, set and enforce mandatory occupational safety and health standards to eliminate or reduce occupational safety and health hazards in all workplaces and institute new, and update existing, programs to ensure safe and healthful working conditions in all places of employment.

DOLE's Occupational Safety and Health Standards (OSHS), Amended 1989. Each employer covered by the Occupational Safety and Health Standards (OSHS) must: (i) furnish its workers a place of employment free from hazardous conditions that are causing or are likely to cause death, illness or physical harm to the workers; (ii) give complete job safety instructions to all the workers (especially those entering the job for the first time) including instructions relating to the familiarization with their work environment, hazards to which the workers are exposed to and steps taken in case of emergency; (iii) comply with the requirements of the OSHS; and (iv) use only approved devices and equipment in the workplace.

Right to freedom from sexual harassment:

Republic Act No. 7877 – Anti Sexual Harassment Act. *[This is a modification of the original language]* The law provides protection to individuals from all forms of sexual harassment in an employment, education or training environment.

Sexual harassment is committed by any person in a work-related environment who has authority or influence over the affected individual, and who demands any sexual favor from that individual, regardless of whether or not the demand is accepted.

Sexual harassment is committed when:

- a. The sexual favor is made as a condition in the hiring or employment, or in granting said individual favorable terms and conditions of employment; or the refusal to grant the sexual favor results in unfavorable conditions for the affected employee;
- b. The above acts would impair the employee's rights or privileges under existing labor laws; or
- c. The above acts would result in an intimidating, hostile, or offensive environment for the employee.

Facilitator's Tool 6.C: Sample of a List of Labor Code Topics

I would like to know more about these topics	Check if you are interested in this topic
1. What's the minimum wage that I should be paid?	
2. Am I entitled to SSS and Philhealth and Pag-ibig?	
3. Am I entitled to overtime, holiday pay, and 13 th month pay?	
4. Women's rights in the workplace	
5. PWD rights in the workplace	
6. Reasons for termination of employees	
7. Sick leave and vacation leave	
8. Maternity and paternity leave	
9. OJT, apprentice, probationary and regular employees – what's the difference?	
10. Where do I go if I have complaints or grievances at work?	

Activity 6: Review, Wrapping Up, and Application

✓ Objectives – By the end of the activity, participants will be able to:

- a. Clarify some topics on rights and responsibilities that are of interest to learners
- b. Perform an assessment for learning

 **Time Required:** 1 hr 50 min

 **Methodology:** large group discussion, group work

Materials and Preparation:

- Review Articles of the Labor Code of the Philippines (**Handout 6.5** in previous activity).
- Make 1 copy per participant of the End of Module Assessment

Steps:

1. Refer to the list of additional topics that learners may be interested in. If you or another facilitator are well versed about the Philippine Labor Code, provide brief responses and cite scenarios to illustrate the topic(s).

An alternative (and preferred) way is **to coordinate with the nearest office of the Department of Labor and Employment (DOLE) and request a resource person to respond to learners' queries or provide more information.**

(45 min)

2. **Application of learning:** Form groups of 4-5 members. Make prior arrangements with a teacher, an employee in a private establishment, an employer/business owner, and a self-employed person. Assign each group to interview one of those in the list. Give tips to the groups on how to conduct the interview and provide them with guide questions. Some suggested questions for the interview:
 - (i) What are your rights as a (teacher, employee, employer, self-employed person)
 - (ii) What are your responsibilities as a (teacher, employee, employer, self-employed person)
 - (iii) Do you know or do you have any experience of rights being violated or responsibilities not being done? Can you tell us about it?

(30 min)

3. Report back the results of the interview debrief with the following questions and key messages:
 - *After your training, you will be joining the millions of young people in the*

workforce. Know your rights, as well as your responsibilities.

- *Both employees/workers and employers have rights and responsibilities. Let us know and respect these rights and responsibilities.*
- *If at any time we feel that our rights are being violated, be informed that there are labor laws and processes for addressing employees' concerns.*

(15 min)

4. End of Module Assessment:

Congratulate participants for finishing Module 6. Explain that they will now take a short assessment to see how much they learned. Clarify that this assessment is very important for the Facilitator and for themselves to see what knowledge and skills they know and what they still need to reinforce. The results will not affect your ability to continue in the program.

(20 min)

Make sure learners are seated in a way that is conducive to testing and with enough space between learners.

Give each learner a copy of the End-of-Module Assessment and ask them to answer the questions.

Once participants have finished the post assessment, go over the answers with them if time permits.

End-of-Module Assessment

Module 6: Rights & Responsibilities

Circle an answer for each statement.

English	Tagalog
<p>1. Universal human rights include the following:</p> <ul style="list-style-type: none"> a. The right to education b. The right to shelter c. The right to practice the religion of your choice d. All of the above e. None of the above 	<p>1. Kasama sa pandaigdig na karapatang pantao ang sumusunod:</p> <ul style="list-style-type: none"> a. Karapatan sa edukasyon b. Karapatan sa tirahan c. Karapatang isagaw ang rehiliyong iyong pinili d. Lahat ng nabanggit e. Wala sa nabanggit
<p>2. 'Rights' and 'responsibilities' are the same for employers and employees.</p> <ul style="list-style-type: none"> a. True b. False 	<p>2. Ang 'karapatan' at 'tungkulin' ay pareho para sa employer at sa mga empleado.</p> <ul style="list-style-type: none"> a. Tama b. Mali

<p>3. In the Philippines, an employer is required to provide the following except:</p> <ol style="list-style-type: none"> Provide regular breaks for employees Maintain a safe workplace Pay employees the agreed-upon wage, on time Pay for employee's transportation to work All of the above 	<p>3. Sa Pilipinas, hinihingi sa isang employer na ibigay ang mga sumusunod, liban sa:</p> <ol style="list-style-type: none"> Regular na pahinga para sa mga empleado Pagpapanatili ng isang ligtas na lugar ng trabaho Pagbabayad sa mga empleado ng napagkasunduang suweldo, sa tamang oras Pagbabayad sa biyahe ng empleado papunta sa trabaho Lahat ng nabanggit
<p>4. In the Philippines, an employee has the responsibility to:</p> <ol style="list-style-type: none"> Respect and follow directions given by the employer Avoid hazards at the workplace Keep equipment in good working order Show up on time All of the above 	<p>4. Sa Pilipinas, may tungkulin ang empleado na:</p> <ol style="list-style-type: none"> Igalang at sundin ang mga utos ng employer Umiwas sa panganib sa trabaho Panatilihin ang maayos na pagtakbo ng mga gamit Dumating sa oras Lahat ng nabanggit
<p>5. The Filipino work week consists of:</p> <ol style="list-style-type: none"> 25 hours 35 hours 50 hours 40 hours none of the above 	<p>5. Sa Pilipinas, binubuo ang isang linggong trabaho ng:</p> <ol style="list-style-type: none"> 25 oras 35 oras 50 oras 40 oras Wala sa nabanggit

<p>6. The Filipino Labor law protects workers against harassment, intimidation and violence.</p> <p>a. True b. False</p>	<p>6. Binabantayan ng batas manggagawa ng Pilipas ang mga manggagawa laban sa harassment, pananakot, at karahasan.</p> <p>a. Tama b. Mali</p>
<p>7. It is okay for children under 15 to work for pay outside the home.</p> <p>a. True b. False</p>	<p>7. Okey lang na magtrabaho para sa suweldo ang mga batang wala pang 15 anyos sa labas ng bahay.</p> <p>a. Tama b. Mali</p>
<p>8. As a worker, you should have:</p> <p>a. One day off per week b. Right to overtime after 8 hours a day of work c. Access to safety equipment if required to do job safely d. All of the above e. None of the above</p>	<p>8. Bilang manggagawa, dapat mayroon kang:</p> <p>a. Isang araw na walang pasok bawat linggo b. Karapatang mabayaran ng overtime pagkalipas ng 8 oras na trabaho sa isang araw c. Paraang makakuha ng safety equipment kung kailangan ito para maging ligtas ang trabaho d. Lahat ng nabanggit e. Wala sa nabanggit</p>
<p>9. Women should not report sexual harassment by their supervisors because they will lose their job.</p> <p>a. True b. False</p>	<p>9. Hindi dapat iulat ng mga babae ang sexual harassment ng kanilang mga supervisor dahil mawawalan sila ng trabaho.</p> <p>a. Tama b. Mali</p>

<p>10. Filipino labor law protects adults, not youth.</p> <p>a. True b. False</p>	<p>10. Pinoprotektahan ng batas manggagawa ng Pilipinas ang matatanda, hindi ang mga bata.</p> <p>a. Tama b. Mali</p>
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End-of-Module Assessment Answers
Module 6: Rights & Responsibilities

1. d
2. False
3. d
4. e
5. d
6. True
7. False
8. d
9. False
10. False