

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

DEPARTMENT ADVISORY NO. 52
Series of 2004

IMPLEMENTATION OF COMPRESSED WORKWEEK SCHEMES

I. PURPOSE AND COVERAGE

This Advisory is being issued to guide employers and workers who may opt to adopt a mutually acceptable compressed workweek (CWW) scheme suitable to the requirements of the firm.

This Advisory may be used in all establishments except those in the construction industry, in health services, in occupations requiring heavy manual labor, or in occupations or workplaces in which workers are exposed to airborne contaminants, human carcinogens, substances, chemicals or noise that exceed threshold limit values or tolerance levels for an eight-hour workday as prescribed under existing Occupational Safety and Health Standards (OSHS).

II. POLICY

As a matter of policy, and taking into account the emergence of new technology and the continuing restructuring and modernization of the work process, the Department of Labor and Employment (DOLE) encourages employers and workers to enter into voluntary agreements adopting CWW schemes based on the following objectives:

1. To promote business competitiveness and productivity, improve efficiency by lower operating costs, and reduce work-related expenses of employees;
2. To give employers and workers flexibility in fixing hours of work compatible with business requirements and the employees' need for a balanced work life; and
3. To ensure the safety and health of employees at the workplace at all times.

For purposes of administering or enforcing existing laws and rules on work hours, overtime compensation and other relevant labor standards, DOLE shall recognize only those CWW schemes that have been entered into consistent with this Advisory.

III. CONCEPT AND DEFINITION

The Labor Code provides that the normal work hours per day shall be eight hours. Work may be performed beyond eight hours a day provided the employee is paid for the overtime work. On the other hand, the normal number of workdays per

week shall be six days, or a total of forty-eight (48) hours based on the normal workday of eight hours. This is without prejudice to firms whose normal workweek is five days, or a total of forty (40) hours based on the normal workday of eight hours.

For purposes of this Advisory, a CWW scheme is an alternative arrangement whereby the normal workweek is reduced to less than six days but the total number of normal work hours per week shall remain at 48 hours. The normal workday is increased to more than eight hours without corresponding overtime premium. This concept can be adjusted accordingly in cases where the normal workweek of the firm is five days.

IV. SPECIFIC GUIDELINES

Conditions. DOLE shall recognize CWW schemes adopted in accordance with the following:

1. The CWW scheme is undertaken as a result of an express and voluntary agreement of majority of the covered employees or their duly authorized representatives. This agreement may be expressed through collective bargaining or other legitimate workplace mechanisms of participation such as labor-management councils, employee assemblies or referenda.
2. In firms using substances, chemicals and processes or operating under conditions where there are airborne contaminants, human carcinogens or noise prolonged exposure to which may pose hazards to the employees' health and safety, there must be a certification from an accredited health and safety organization or practitioner or from the firm's safety committee that work beyond eight hours is within threshold limits or tolerable levels of exposure, as set in the OSHS.
3. The employer shall notify DOLE, through the Regional Office having jurisdiction over the workplace, of the adoption of the CWW scheme. The notice shall be in DOLE CWW Report Form attached to this Advisory.

Effects. A CWW scheme which complies with the foregoing conditions shall have the following effects:

1. Unless there is a more favorable practice existing in the firm, work beyond eight hours will not be compensable by overtime premium provided the total number of hours worked per day shall not exceed twelve (12) hours. In any case, any work performed beyond 12 hours a day or 48 hours a week shall be subject to overtime premium.
2. Consistent with Articles 85 of the Labor Code, employees under a CWW scheme are entitled to meal periods of not less than sixty (60) minutes. Nothing herein shall impair the right of employees to rest days as well as to holiday pay, rest day pay or leaves in accordance with law or applicable collective bargaining agreement or company practice.
3. Adoption of the CWW scheme shall in no case result in diminution of existing benefits. Reversion to the normal eight-hour workday shall not constitute a

diminution of benefits. The reversion shall be considered a legitimate exercise of management prerogative, provided that the employer shall give the employees prior notice of such reversion within a reasonable period of time.

Administration of CWW Scheme. The parties to the CWW scheme shall be primarily responsible for its administration. In case of differences of interpretation, the following shall be observed:

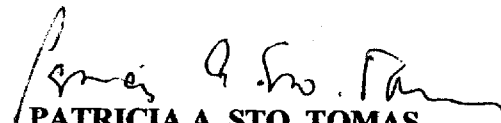
1. The differences shall be treated as grievances under the applicable grievance mechanism of the firm.
2. If there is no grievance mechanism or if this mechanism is inadequate, the grievance shall be referred to the Regional Office which shall conduct a training and assistance visit (TAV) pursuant to Section 3 of Department Order No. 57-04.
3. The purpose of the TAV is to ascertain, through the most practical and least litigious way possible, whether or not the scheme is the result of a voluntary agreement or is supported by the appropriate certification from an accredited safety and health organization or practitioner. Where appropriate, the TAV may include the conduct, as may be appropriate, of a referendum or work environment measurement (WEM) to determine actual work conditions.

To facilitate the resolution of grievances, employers are required to keep and maintain, as part of their records, the documentary requirements proving that the CWW scheme was voluntarily adopted and the certification that the scheme is consistent with OSHS.

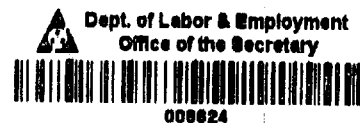
4. In the absence of proof of voluntary agreement or safety and health certification, the employer shall pay the employees concerned any overtime pay that may be owing to them as if the CWW scheme did not exist. If it turns out that work beyond eight hours is not consistent with OSHS, the parties shall immediately revert to a normal eight-hour workday.

V. PUBLICATION AND POSTING

This Advisory shall be published in two newspapers of general circulation and henceforth shall be part of the labor education manuals to be developed by DOLE. Every firm adopting a CWW scheme shall ensure that a copy of this advisory is posted in a conspicuous location in the workplace.


PATRICIA A. STO. TOMAS
Secretary

02 December 2004



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

NOTICE

IMPLEMENTATION OF COMPRESSED WORKWEEK

Name of Establishment: _____

Address: _____

Telephone: _____ Fax: _____ E-mail: _____

Nature of Business: _____ Years in Operation: _____

Contact Person: _____

Name of Union, (if any): _____

Total Number of Employees: _____ Male _____ Female _____

Reasons for CWW:

- _____ Increased production requirements
- _____ Cost-cutting in utilities consumption
- _____ Enhance competitiveness
- _____ Requested by workers
- _____ Others _____

Total No. of Employees under CWW scheme: _____ Male _____ Female _____

Previous Work Schedule Prior to Adoption of Compressed Workweek:

No. of Days/Week _____

No. of Hours / Day _____

Compressed Workweek Schedule

	WORK DAYS / WEEK	WORK HOURS / DAY	MEAL PERIODS/DAY	REST PERIODS/DAY
TOTAL				

Date of Effectivity of Compressed Workweek: _____

Date of Expiration of Compressed Workweek: _____

We hereby certify that the compressed workweek scheme indicated was undertaken by virtue of an express and voluntary agreement of majority of the employees or their duly authorized representatives. Our agreement was arrived at through () a provision in the collective bargaining agreement; () a meeting of the labor-management council; () referendum; () established participatory mechanism [brief description] on (date) at (place).

We further certify that our safety committee or (name of OSH organization) or (OSH practitioner), with license no. _____ has issued on (date) the appropriate certification guaranteeing that the extended work hours is within threshold limits or tolerable levels of exposure, as prescribed in existing safety and health standards.

EMPLOYEE REPRESENTATIVE

EMPLOYER REPRESENTATIVE

Print name above signature

Print name above signature

Date _____