

HOW THE WOMEN RESPOND TO SUCH CHALLENGES THROUGH FPAR

Through the Labour FPAR, BIEN examined the impact of work flexibilisation on women workers in the BPO industry and advocated for better working conditions. In April 2018, BIEN Women's Committee was established to highlight these issues impacting women workers. The FPAR team held workshops on women's human rights and labour rights laws to build the capacities of the workers to document labour rights violations in the industry, including women-specific impacts to support BIEN's advocacy work with the government and the labour ministry.

Currently, BIEN is pushing for the Occupational Health and Safety Bill for BPO workers as part of the newly created Technical Working Group (TWG) on BPO Standards together with relevant government institutions. The TWG was created after BIEN attended an inter-agency meeting with different government agencies and partylists to tackle the plight of BPO workers in the country.

Recommendations

To the Philippine government

- Eliminate work flexibilisation in the BPO industry immediately;
- Ensure effective implementation of existing labour rights law in the BPO industry;
- Ensure proper implementation of national leave laws to protect social and health risk of BPO workers, by setting a definite number of sick leaves, solo parent leaves, leaves to take care of sick family members, and the national holiday for paid leaves, emergency leaves, bereavement leave and unpaid annual leaves without risk of termination;
- Ensure that social security and government health card are standardised with the cost of healthcare in the country;
- Immediately pass the BPO Workers Welfare Protection Bill to ensure the rights of BPO workers.

To the Department of Labour and Employment

- Conduct regular labour inspection to ensure labour rights standards are maintained in the BPO industry

To Aloria/West management

- Stop union busting immediately and respect workers' right to association, and acknowledge women's labour participation and their leadership roles in the union;
- Stop massive dismissal of employees and reinstate all illegally terminated employees;
- Drop criminal charges against BIEN and UEA;
- Ensure job security for employees. If the workers need to be redeployed, salary and benefit must not be lower than the previous role. Their years of services must be counted and the benefits carried forward to the new role;
- Ensure sufficient individual break times and lunch time, including flexible toilet breaks for pregnant women, menstruating women, and workers with health conditions;
- Ensure maternity rights and protection. Pregnant women should not be fired from work and should instead be given a choice for a suitable work schedule, including the choice to work on day shift, or to work from home if possible.




**Feminist Participatory
Action Research (FPAR)**
**APWLD Labour
Programme**

Work Flexibilisation and Its Impact on BPO Women Workers in Metro Manila **PHILIPPINES**

**BPO Industry Employees
Network (BIEN)**

THE SITUATION OF THE BUSINESS PROCESS OUTSOURCING (BPO) IN THE PHILIPPINES

According to the International Labour Organization (ILO), the total number of employed by the BPO industry in the Philippines reached 1.3 million in 2016, of which at least 53.2 per cent are women.

The BPO industry in the country mainly exports its service to foreign countries. Estimatedly 86 per cent of BPO service in the Philippines goes to the United States market, distantly followed by 7.1 per cent to Europe, and the rest to Japan, Australia, and New Zealand. According to the Bangko Sentral ng Pilipinas, the BPO revenue in the country reached USD 22.1 billion in 2017, constituting about 7 per cent of the country's GDP. Even though the revenue is significant, the labour rights in the industry are failing to uphold labour rights standards.

The global outsourcing industry was designed to reduce costs so companies can increase their profit margins. This is the root cause for labour rights violations of BPO workers in the industries. Market competition led the companies to offer most cost-efficient services to the clients, which led BPO workers to face low wages, decreasing benefits, highly stressful workplace, occupational health risks and repression of union rights. Gender discrimination in the workplace is prevalent, especially discrimination against pregnant women, sexual harassment, lack of sufficient toilet breaks, non-provision of breastfeeding rooms, risk of night shift work for women, and hazards of commuting to work during wee hours of the day due to the nature of the working shifts. Moreover, the BPO industry is non-unionised and the companies, directly and indirectly, prohibit the formation of unions.



The BPO Industry Employees' Network or BIEN is an independent network of employees, by the employees, and for the employees of the business process outsourcing (BPO) industry in the Philippines. It aims to promote BPO employees' rights and welfare and provides platforms for workers in the BPO industry to come together, discuss issues and launch drives for the betterment of the employees and the industry.

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on Women, Law and
Development

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Feminist Participatory Action Research (FPAR) by the BPO Industry Employees Network (BIEN)

BIEN led this Feminist Participatory Action Research from November 2017 to March 2019 to investigate how work flexibilisation of BPO industries has disproportionate impact on women's labour rights in Metro Manila; Makati City, Ortigas Center, Bonifacio Global City (BGC), and Quezon City.

FPAR FINDINGS: IMPACT OF WORK FLEXIBILISATION AND WOMEN WORKERS IN BPO INDUSTRY

There are various operations in the Philippines where BPO is applied, such as contact centre, back-office services, data transcription, animation, software development, engineering, development and game development. Majority of the BPO workers are comprised of women, concentrated in the contact centres or customer relations management. The highly flexible work arrangement in the BPO industry undermines workers' job security, drives down wages, and worsens working conditions.

Lack of job security: The most pressing concern of BPO workers is job security. Current practice in the BPO industry allows employers to terminate anyone they want regardless of how long the employee has worked for the company. The companies would give the workers a floating status if they lose a client or could not maintain targeted number of accounts. Employees on floating status are either told to wait for a new account, where workers can wait for months without work or without assurance they would get a new account to handle. Sometimes they are given a new task in another account without a clear contract.

The company can also redeploy workers from the old account to their existing account that needs more people or newly opened accounts (different business line). In such redeployment case, workers face the risk of being "re-hired" because the worker would lose their year service in the company, and lose their benefit of being a longtime employee. Sometimes, the redeployed workers who have passed a re-hiring interview would get a new contract with a lower salary and lower benefits. Pregnant women are sometimes discriminated against and are often forced to resign from work regardless of their years in service.

Uncertain work shift and work leave:

The nature of BPO work consists of day shift or night shift. The schedule change may happen monthly or yearly depending on the company, account, or line of business in the company. The schedule change would be announced to the workers a week or a month in advance, and could include individual working hours, break times and days off.

Current shifts arrangement proves to be additionally challenging for women workers who are working mothers and/or single parents. Firstly, workers face difficulty in adjusting their body clock for up to two weeks, which affects their work performance. They have difficulty in adjusting and delegating care work due to uncertainty of the work shift. For example, the company only provides incentives of 'shift bidding' which allow workers to choose a work shift they prefer. However, shift bidding only applies to the team with the highest work performance. The companies do not prioritise the shift bidding to pregnant employees, single mothers, or to employees with health conditions.

Secondly, the approval of leave is not easy and the leave allowance depends on the changing number of the staff required on a daily basis. Working mothers and single mothers could be denied leave day even though they provide necessary documents to request leave. Workers' approved leaves can also be withdrawn anytime if there is a sudden need of more employees on a particular day. Sometimes, the worker's sick leave request is not honoured by the management despite relevant medical certificates.

Substandard Occupational Health and Safety:

There are instances where workers who have high blood pressure are not allowed to take sick leave; they would be merely permitted to rest for two hours then they need to work again. If the medicine would not help during that two hours and workers need to access professional healthcare or need to go to the hospital, the management will not help to call the ambulance. As a result of such working environment, there are annual death cases where employees died on the floor and in front of the computer without medical assistance. Those cases go unreported as the company ensures the news does not spread outside of their workplace.

In addition, there is no fixed workstation and equipment for employees. Usually the workers share their workstations with other employees from other work shifts. It is difficult to maintain the hygiene of gadgets and equipment without fixed workstations. Aside from the occupational safety issue, this arrangement could also affect work performance metric of the workers. For example, workers could be marked as late despite arriving on time when workstations are all occupied by workers from previous shifts. Sometimes, there is technical issue of computer or internet login process takes time, workers will lose a point in tardiness.

Uncertain workload and benefits:

Uncertain workload occurs when the employee gets assigned to additional work when the company receive new clients. The company would train current workers in additional skills such as billing, sale and other tasks from other lines of business. Instead of hiring a new employee for the required position with those skill-set, the company will just add extra tasks to the trained workers despite belonging to different business lines. When the workers start handling extra tasks, the company would give them some incentive benefits. Later, the incentives would decrease as their work performance is affected due to taking on more work responsibilities. The employee health card benefits also decreased compared to previous years. Employees from Alorica company shared they even had to spend extra money on social security and government health cards because the management paid the card late and the workers had to bear the penalty fee for the delay.

Lack of sufficient work break:

Even though the work schedule remains the same throughout the month, the twice daily 15-minute breaks, and lunch break schedule can change suddenly, causing the workers to miss their break time uninformed. Sometimes the lunch break could be scheduled at the start of the work shift or after the work shift. Workers complain that it is hard as they go hungry in the middle of the work shift. If the workers have to engage in a long call during the scheduled break time, they are not allowed additional break time. Employees also cannot take toilet breaks apart from the allocated 15-minute breaks and lunch break. This regulation is especially harmful for pregnant women and menstruating women who need to use toilet more frequently. Furthermore, some companies also do not allow the employees to bring anything to their work station including menstruation pads. This forces women workers during their menstruation to use the toilet outside their working station. Using the toilet outside their work station takes time and would sometimes cause them to 'overbreak', affecting their work metrics.

Union harassment and union busting:

Following the notice of strike in September 2018 by the Unified Employees of Alorica (UEA), the only union in the BPO sector in the Philippines, in protest of union harassment and unfair termination, the company fired the union President, Vice President and Secretary General. Earlier, the Alorica-West management continuously refused to address workers' issues raised by the union. Instead, the management insisted on its so-called prerogative to implement oppressive company policies that attack the workers' job security and union rights. Over 200 workers including 135 union members and officers were either illegally terminated or forced to resign in six months because of the new policies. Moreover, the company also filed criminal charges of 'alarms and scandals' and 'malicious mischief' against 12 individuals including BIEN President Mylene Cabalona, Secretary General Rico Hababag and UEA President Sarah Prestoza and Vice President Jerico delos Reyes. The charges cited a protest action held in September 2018 in one of their worksites in Makati City. Many of the individuals charged, including Sarah and Jerico, were in fact not part of the protest action.