

Night Work Prohibition of Women Workers in the Philippine Call Center Industry

**Conference on *Regulating for decent work:
Innovative labour regulation in a turbulent world*
(8-10 July 2009, Geneva)**
**Track 2: *New dimensions in the implementation
and enforcement of ‘non-core’ norms***

Authors:

Dr. Robert Keitel teaches at the Ramon V. del Rosario Sr. Graduate School of Business of De La Salle University – Manila’s College of Business and Economics. He received his PhD in Educational Leadership and Management from DLSU-Manila with distinction in 2007. He can be emailed at keitelr@dlsu.edu.ph or rkeitel@yahoo.com.

Ms. Melissa Dorothy Ledesma, MA, teaches English at De La Salle University – Manila. She received her MA in English Education. Currently, she is enrolled in the PhD program in Educational Leadership and Management at DLSU-Manila. She can be emailed at ledesmam@dlsu.edu.ph.

Contact information:

Dr Robert S Keitel
Star Pavilion 3B
519 Alonzo Street
Manila 1004
Philippines
rkeitel@yahoo.com

Abstract

In less than a decade, the Philippines has become one of the most favored destinations for O&O operations. In 2001, the industry garnered approximately USD 100 million in revenues. By 2008, estimated revenue was USD 6.1 billion and employment grew to 372,000 workers. By the end of 2010, the industry is forecasted to contribute USD 12 billion to the economy and employ more than 900,000 workers.

The O&O industry consists of six segments: call centers, back-office processing, medical transcription, animation and digital content, software development, and engineering design services. Of the six segments, call centers have been the leader in generating revenue and employment.

Amidst the continued growth of the O&O industry, certain Labor Statutes have remained antiquated. The Labor Laws had been created before the emergence of the O&O industry and have not been updated to reflect the current needs of stakeholders. In particular, Article 130 of the labor law prohibits night work for women. However, currently sixty per cent of the call center workers are women who work at night.

The study reveals that the call center industry stakeholders are pursuing amendments in the Article 130 of the Labor Code. The study also illustrates the innovative ways by which the Department of Labor and Employment (DOLE) has responded to the needs of the industry through exemptions and health and safety standards regulations. But, on the other hand, lawmakers have lagged behind in providing legislative remedies. Lastly, health, safety and working conditions of women in the call center industry are described.

Introduction

Thomas Friedman (2005) asserted that the world is flat. The flatness refers to the economic, political, and social effects of technology globally. One evident scenario of Friedman's assertion is the emergence of the outsourcing and offshoring (O&O) industry in the Philippines.

In less than a decade, the Philippines has become one of the most favored destinations for O&O operations. In 2001, the industry garnered approximately USD 100 million in revenues (<http://www.bpap.org/bpap/index.asp?welcome2>). By 2008, estimated revenue was USD 6.1 billion and employment grew to 372,000 workers (Roxas-Chua, 2009). By the end of 2010, the industry is forecasted to contribute USD 12 billion to the economy and employ more than 900,000 workers (<http://www.bpap.org/bpap/index.asp?welcome2>).

The O&O industry consists of six segments: call centers, back-office processing, medical transcription, animation and digital content, software development, and engineering design services (IDEA, 2007).

Of the six segments, call centers have been the leader in generating revenue and employment. Sixty percent of workers in the call centers are women (http://www.census.gov.ph/data/specialevents/cedaw2009/factsheets/gender_outsourcing.pdf). A large percentage of middle to senior management positions are also held by women. Furthermore, several of the largest call centers are headed by women (<http://www.accenture.com/Countries/Philippines/AboutCMD.htm>; <http://www.zoominfo.com/Search/PersonDetail.aspx?PersonID=46192020>; http://www.convergys.com/company/news-events/downloads/196_misc.pdf). In fact, women in the Philippines across industries hold the highest percentage of managerial positions as stated in the survey conducted by The Grant Thornton International Business Report:

...says that 97% of businesses in the Philippines have women holding senior management positions, the highest among 32 countries surveyed, reports the Inquirer. The report also shows that 50% of the people holding senior management positions in Philippine companies were women, which is up from only 39% two years ago. Following the Philippines on the list were mainland China with 91%; Malaysia with 85%; Brazil and Hong Kong with 83%; and Taiwan with 80%. Japan ranked the bottom of the list with only 25% of women in top positions.

(http://www.csreurope.org/news.php?type=&action=show_news&news_id=432)

An underlying tension exists within the context of women empowerment in the work-place. The tension is rooted in societal perception of women's traditional role in Philippine society such as attending family gatherings, caring for the children and the family, and managing the household. The tension is particularly felt by women workers in the call center industry due to night shift work. Moreover, night work presents additional health and safety issues.

In the beginning of the 20th century, the International Labor Organization (ILO) initiated Convention 89, which prohibits night work for women. The purpose of the Convention aimed at protecting women from harsh working conditions (ILO, 2001). This protection is echoed by the Philippine Labor Code, Article 130.

In the age of globalization, the harsh working conditions of the early industrialization era from which women were originally protected have changed. Later in the 20th century, a new movement emphasizing equal opportunity in employment emerged, thus setting the stage for conflict between the two movements. In the Philippine context, this conflict exists between the two prescriptions in the country's legal framework. One is the commitment to equal employment opportunity and the other is the perceived need to protect women.

The present study answers the following:

1. Are stakeholders initiating changes in the Article 130 of the Labor Code? What factors are prohibiting the modernization of the Article 130 of the Labor Code?
2. Do women workers in the call center industry have special needs related to health, safety, and, working conditions?

Review of Related Literature

1.0 Provisions protecting women and attempts at amendments

Constitutional provisions. The Constitution, cognizant of the disparity in rights between men and women in almost all phases of social and political life, provides a gamut of protective provisions. To cite a few of the primordial ones, Section 14, Article II on the Declaration of Principles and State Policies, expressly recognizes the role of women in nation-building and commands the State to ensure, at all times, the fundamental equality before the law of women and men. Corollary thereto, Section 3 of Article XIII pointedly requires the State to afford full protection to labor and to promote full employment and equality of employment opportunities for all, including an assurance of entitlement to tenurial security of all workers. Similarly, Section 14 of Article XIII mandates that the State shall protect working women through provisions for opportunities that would enable them to reach their full potential.

Article XIII, Section 14. The State shall protect working women by providing safe and healthful working conditions taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation (Abad, 2006, pp.1-3)

Presidential Decrees. Article 4, PD 442. *Construction in Favor of Labor.* – All doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved in favor of labor.

Article 130. *Nightwork 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.

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

- (a) In cases of actual and impending emergencies caused by serious accident, fire, flood, typhoon, earthquakes, 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 installations, 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 the 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. (RBSI, 2006, pp. 75-76)

Other laws protecting women. Republic Act No. 6725 which explicitly prohibits discrimination against women with respect to terms and conditions of employment, promotion, and training opportunities;

Republic Act No. 6955 which bans the “mail-order-bride” practice for a fee and the export of female labor to countries that cannot guarantee protection to the rights of women workers;

Republic Act No. 7192, also known as as the “Women in Development and Nation Building Act,” which affords women equal opportunities with men to act and to enter into contracts, and for appointment, admission, training, graduation, and commissioning in all military or similar schools of the Armed Forces of the Philippines and the Philippines National Police;

Republic Act No. 7322 increasing the maternity benefits granted to women in the private sector;

Republic Act No. 7877 which outlaws and punishes sexual harassment in the workplace and in the education and training environment;

Republic Act No. 8042, or the “Migrant Workers and Overseas Filipino Act of 1995,” which prescribes as a matter of policy, inter alia, the deployment of migrant workers, with emphasis on women, only in countries where their rights are secure. Likewise, it would not be amiss to point out that in the Family Code, women’s rights in the field of civil law have been greatly enhanced and expanded (Azucena, 2004, pp. 17-20).

Attempts at amendments. Several attempts at amending the 30 year old Labor Law have been made to address the present concerns and needs of industry stakeholders and workers.

One of the first documented attempts was in 1993 during the Fidel Ramos administration. The Center for Research and Special Studies (CRSS) was commissioned to study the Labor Code and recommend revisions. A year later, a proposal was submitted. However, this was met with strong objections from organized labor groups challenging several provisions in the proposal which they felt were detrimental to the interests of workers, including liberalization of contractual workers and relaxation in the work hours (http://newsbreak.com.ph/index.php?option=com_content&task=view&id=4528&Itemid=88889051).

Four years later, in 1997, a review and assessment of the Philippine Labor Code was reinstated. Approximately P50 million was allocated in studying the Labor Code in a period of four years. Then a report was submitted to a newly installed Gloria Macapagal-Arroyo administration. The new president decided to ignore the report due to her close ties with the leftist group.

In 2002, new efforts were made to review the Labor Code. Similar, to the previous two attempts done in 1990's, the review did not result to tangible revisions. By this time, lawmakers were preoccupied in preparing for the 2004 presidential elections (http://newsbreak.com.ph/index.php?option=com_content&task=view&id=4528&Itemid=88889051).

According to former Representative Imee Marcos, lawmakers lose interest in reviewing and revising the Labor Code due to its sensitive nature. Revising the Code may lead to detrimental effects in their political future. On the one hand, lawmakers have to consider the interests of businessmen who contribute to their campaigns, and on the other hand, the interest of workers who comprise as voters.

The most recent attempt at amending the Code was in 2008. Senator Edgardo J. Angara conveyed the urgency in amending certain provisions of the Labor Code for the local economy to be more competitive in the global market. He further stressed that the laws should be able to adapt to the vast changes brought about by technology and globalization. In his proposal, amendments to the existing Labor Code will include: a compressed workweek or flextime arrangements; revision of the doctrine against elimination/diminution of benefits under certain conditions; restructuring of the visitorial and enforcement power of the Labor Secretary to allow for self-regulation; and exception from the night work prohibition on women such industries or establishments operation on a continuous 24-hour schedule (<http://www.edangara.com/archives/news-releases/2008/may/amend-philippine-labor-code-to-spur-economic-growth.html>).

At present, the Labor Code on the prohibition of night work is still pending for amendment. To work around the prohibition, in 2008, the Department of Labor and Employment (DOLE) has issued a Circular requiring the call centers and Business

Process Outsourcing (BPO) industry to comply with policy guidelines governing occupational safety and health of workers in the call center industry. The Circular mandates call centers to establish a safety and health policy in accordance with the Occupational Safety and Health Standards (OSHS). The Circular also specifies the roles and responsibilities of the call centers as employers in providing orientation and training regarding safety and health to workers. In addition, call centers are required to provide for the special needs of pregnant or lactating women. Proper implementation of the set guidelines is monitored by a Labor Inspectorate from the DOLE.

2.0 Potential hazards in the call center industry

An online article by the The Blas F. Ople Policy Center noted several complaints from call center employees. One of the most pressing concerns was regarding security threats and harassments experienced by night shift workers coming from home to their place of work. The Center's head, Susan Ople emphasized that since DOLE has relaxed its rules to allow call centers to employ women workers at night shift duties, it must be matched by the industry with appropriate safety and health benefits such as free shuttle services at night.

Other potential health hazards identified for call center workers are urinary tract infection (UTI) due to limited "time-outs," eye strain, back aches/pains, stiff neck, insomnia, migraine, colds, itchy throat, voice problems, hearing problems and musculoskeletal disorders. In addition, lack in socialization opportunities such as attending family and other social gathering were also identified as ill effects of call center work (Soriano, 1985 in Sibal, 2009)

Studies from the Bassett Research Institute and Harvard Medical School convey that graveyard shift work is potentially dangerous to women. Night work increases women's risks of breast cancer. Disrupting one's usual sleep patterns interrupts the nocturnal production of the hormone melatonin. This hormone slows down the growth of breast tumors.

A study was conducted comparing the health and well-being of females working in day and night shift in a yarn manufacturing company. The study comprised of fifteen female workers. The physiologic parameters of the fifteen respondents were monitored. Subjects were initially monitored for three consecutive days from day 1 to day 3 of the night work schedule. Thirty days later, the subjects were monitored from day 1 to day 3 of their day shift schedule. The results revealed that marginal changes in the heart rate and temperature of the respondents suggest tolerance to shift work. The results seem to suggest that female subjects develop tolerance to night shift work (Institute for labor studies-Philippine Department of Labor and Employment, 2004).

Sale and Bool conducted a study with the aim of determining the context and possibilities of trade union organizing in the call center and BPO industry. In determining baseline data about workers in the call center, the results of the survey showed most of the respondents worked forty hours a week. A substantial minority,

forty-two percent of the respondents conveyed that their health was affected by working night shifts. Negative health effects revealed included lack of sleep or rest, decreased body resistance, sleep disorders and insomnia, cough, colds, tonsillitis and sore throat, anemia and weight problems, migraine and headaches, and backache (www.union-network.org/.../3.%20UNI%20Apro%20Survey%20on%20CBPOP).

Methodology

This is a descriptive study. In-depth interviews were utilized to gather pertinent data. There were a total of five interviews and nine interviewees. The interviewees consisted of the President and consultant of a BPO consulting firm, the Executive Director for External Relations and the Executive Director of Industry Affairs of the Business Process Association of the Philippines (BPAP), the Chief of Wage and Hour Standards Division of the Department of Labor and Employment (DOLE), a Senior Manager and Director of Business Development in one of the biggest Call Center Companies (referred to as Call Center A), and the Program Assistant and the Director of the International Labor Organization (ILO) Philippines. Each of the interviews was audio-recorded and transcribed. Data in the results section were derived from the interview transcripts. Pertinent Philippine laws related to the study were reviewed. Discussion is drawn from the analysis of transcripts and their interplay with the review of literature.

Results and Discussion

1. Are stakeholders initiating changes in the Article 130 of the Labor Code?

On the part of the call centers, such as the case for Call Center A, it works closely with the BPAP to pursue draft bills submitted to the Congress. Call Center A representatives said they are active in pursuing amendment in the Article 130 of the Labor Code as it will streamline starting and expanding business.

As for BPAP, it has created a team composed of several lawyers to draft a bill amending the Labor Code on the prohibition of night work in commercial industries. At present, the association is waiting for the House Committee to amend the night work prohibition and to adopt the draft bill.

What factors are prohibiting the modernization of the Article 130 of the Labor Code?

Representatives of BPAP commented that the lobby for the amendment of the night work prohibition could have easily been passed. One of the factors stalling the amendment is the bureaucratic process within the legislative body. To further elucidate his point, the BPAP representative said that one of the draft bills still pending for amendment was filed in May 31, 2005. Another factor that causes the delay in the amendment of the drafted bills is the lack of priority given to the submitted proposals.

Amendment of certain statutes of the Labor Code is not prioritized because of the upcoming elections in 2010.

On the part of the DOLE, they are also dependent upon the actions of the legislative body. At present, because the corresponding bills are pending in Congress, to facilitate the needs of the call center industry, they rely on the exemptions stipulated under Article 131 (g). To compensate for the delays in the legislature, DOLE has issued a Circular mandating all call centers to comply with certain safety and health standards, to be monitored by a local regional inspector.

Meanwhile, the application for exemption is efficient. First, the call center writes a formal letter to the Secretary of Labor stating the type of business and why the company is seeking exemption. Second, the DOLE will process the letter of request for approximately 15 working days. After which, the DOLE will issue a letter, granting exemption to the call center. A copy is also provided to corresponding legal and regional labor offices. The regional labor offices may use the letter during site inspection.

The application for exemption on night work does not require the call center to pay any fees to the DOLE. It is merely a paper process. This application is done for every site that a call center company opens in the country. When asked why application has to be done per site and not per company, the DOLE representative conveyed that per site application allows their office to monitor the call center company.

Discussion. The results presented in the preceding paragraphs demonstrate that lobbying to update the outmoded provisions of Article 130 of Labor Code has occurred. Stakeholders have been actively pursuing changes in the said Article to be more responsive to the current needs of this new industry. However, it seems that lawmakers lack focus and determination to update the Labor Code. They may believe that the exemptions given by the DOLE using the clause (g) of Article 131 provide adequate remedy. Also, the legislature may be complacent because the DOLE has issued a health and safety standards circular to the call center industry.

In fact the complacency and lack of focus of the legislature in amending the Labor Codes has been evidently observed for the last twenty years (http://newsbreak.com.ph/index.php?option=com_content&task=view&id=4528&Itemid=88889051). In 2002, it was suggested that lawmakers got distracted with revising the Labor Code because of the upcoming 2004 elections. A similar sentiment was echoed in the interview by the BPAP representative. He said that by this time lawmakers are not prioritizing amending the Labor Code due to the 2010 elections. This behavior tends to show that an industry that is phenomenal in terms of generating employment and income for the country does hold much influence.

The exemption process for the call center industry is simple, straightforward, efficient and without corruption. For now, the DOLE has provided innovative regulations as an interim measure.

2. Do women workers in the call center industry have special needs related to health and safety?

The period of pregnancy is one of the health issues concerning women in the call center industry. Currently, a pregnant call center employee must inform her immediate manager of her situation. The pregnant employee has the option to be transferred to the day shift in the course of her pregnancy. Also, she has the option to be moved to a workstation which is near a restroom. In addition, the pregnant employee is required to provide the company with a certification from a physician stating that she is fit for night shift work. Although, these alternatives are available to pregnant employees, often they opt to remain in the night shift. The interviewee from BPAP conveyed that women are waiving their right to move to the day shift because night work is more convenient and financially rewarding. There is an additional 30% night differential on top of the regular salary. Due to their impending delivery, the extra pay for night work is more attractive. Also, pregnant workers find the night shift work more comfortable because they do not compete with rush hour commuting.

The DOLE representative said that the call center should be able to provide a resident physician to expectant mothers, as well as resting quarters. At present, none of the call centers offer breastfeeding areas and only one has a day care facility.

Call Center A addresses the prescribed needs of pregnant workers as mandated by the DOLE. This particular call center provides separate sleeping quarters for men and women, whereby employees can rest. Also, the company has a generous maternity benefit package. It provides pregnant employees with maternity leave benefit and maternity leave assistance. Under the Social Security System (SSS), the employee is entitled for 15 days maternity leave. In certain cases, doctor's advice allows for additional leave. Call Center A provides additional allowances for the following: P11,000 for normal delivery, P15,000 for cesarean , and P11,000 for a miscarriage. This monetary benefit is given on top of the Social Security benefits. The pregnant employees are entitled to at least 3 prenatal consultations with the company obstetrician-gynecologist.

One component of Call Center A's vision and core value is equal opportunity for all employees while promoting and respecting diversity. Therefore, it is essential that the company does not provide preferential treatment to women workers. Conspicuously, this particular call center's population is comprised of 50% women workers. Also, 50% of middle to senior management positions are occupied by women, including the President.

Another health issue in the industry is the spread of HIV infection. The industry recognizes the special needs of the young and diverse employee population.

In terms of safety, the DOLE representative voiced the issue of the danger call center employees face when they get out of work either in the late hours of the night or early dawn. He said that there have been reports of call center employees getting robbed.

He also stressed that for women particularly, getting off from work at such hours can endanger them to the possibility of a sexual assault.

Call Center A representatives had a different view on the safety of their employees during dangerous travel time. Their company has an emergency protocol. When in danger or in an emergency situation, the employee calls the immediate manager. In fact, the representatives conveyed that in most cases, even before the parents or the family members reach the location of the endangered employee, the manager has already taken control of the situation. Also, in the issue of muggings or robbery, the representatives said that they have very few incidents reported to them by the employees. Moreover, the rare incidents of muggings happened not within the vicinity of the office but in other locations, such as near the home of the employee.

Call Center A representatives shared that for every new site, they work closely with the local government to ensure the safety of their employees. For instance, when they built a site in one of the local cities, Bacolod, the company requested that local officials add streetlights. In the central Makati business district, where there is a concentration of call centers, police men patrol between 10pm-3am.

In terms of working conditions in the call center industry, women do not have any special needs. In Call Center A, representatives assured that the desks and office spaces are ergonomic. They also provide sleeping or resting quarters, separate for both men and women. When asked about gyms and spas in the office, the representatives said that in truth these are non-essentials. In their view, the three most important spaces in the call center are the desks, the lounge, and the toilet rooms. Employees spend 90% of their time in these areas. All other spaces, they said are not as important. Therefore, they ensure that these areas are comfortable.

Discussion. As revealed by the interviews, the applicable laws regarding maternity benefits are being observed in the call center industry. Often, there is debate about the perceived harshness of requiring pregnant women to work at night. Surprisingly, the interviews illustrated that in the context of the call center industry, the debate is almost non-existent. Data seems to suggest that night shift work offers more benefits than day shift work. To a healthy expectant mother financial considerations may be important. It further suggests a disconnect between the Philippine culture and the call center sub-culture.

A health concern cited in the literature identifies the increase probability of developing breast cancer due to night work. Given the relatively young population of workers in the call center industry and the high attrition rates, this medical issue may not surface as an urgent concern. Similarly, health concerns cited by Soriano (in Sibal, 2009) may not be as urgent because they can be easily treated medically. Call Center A representatives conveyed that they have three types of resident physicians in the site everyday based on the common illnesses experience by employees, a eye, ear, nose, throat (EENT) specialist, a pulmonary specialist and obstetrician-gynecologist. Despite the provision of specialists in the call center office, careful monitoring and further studies

are required from the industry. However, a more critical medical issue is the rise of HIV infections within the industry. A preventative educational campaign should be initiated by the call center industry. The present study was not able to delve further into the spread of the HIV in the industry. As for the other health concerns pointed

The safety of employees during night or dawn commuting is one of the most contested issues surrounding night shift work. Both men and women are exposed to the criminal element that exists in the Philippine cities at night. This issue was also raised by Ople Policy Center. The Center's head advocated that call centers should provide shuttle services to their employees (<http://www.oplecenter.org/ople-center-urges-call-centers-to-follow-osh-guidelines-of-dole/>). But, Call Center A representatives were not eager on providing shuttle services to its employees as it would made an impact on their operational costs. From this, it can be somehow deduced that there is a conflict of sentiments between the call center industry and social advocacy groups. Moreover, the interviews revealed that the perceived dangers facing employees when commuting at night can be addressed by concerted efforts between the local government units and the call center without resorting to free shuttle service. Also, the cultural bias against the dangers of night work may have been overstated.

Conclusion

While less than ten years old, the Philippine call center industry has generated significant income and employment. It has also provided women with opportunities for equal access to employment and empowerment. However, the industry suffers from negative and speculative concerns as night shift work changes the Philippine work paradigm.

The industry needs to improve its legal context in order to maximize its full potential as a provider of decent work opportunities. It is revealed that stakeholders in the call center industry actively pursue the amendment of the Article 130 of the Labor Code which prohibits night work for women. Similar to the other challenges that the industry faces, government support is vital. At present, the DOLE has utilized innovative regulations to address the needs of the industry and promote equal opportunity, at the same time creating programs for health and safety in and around the work place. However, the legislative branch has lagged behind the industry and DOLE leadership.

Women in the call center industry are not faced with any unique health and safety challenges. Problems associated with health, safety, and work conditions in the industry are experienced by both men and women. In health issues, women are challenged by the period of pregnancy. One notable issue is the prevalence of HIV infection. In safety, the concern is the perceived danger of commuting at night and dawn. In all these areas, it was illustrated that the call center industry is able to address them appropriately. It was also evident that the industry complies with the health and safety standards mandated by the government. But, it was apparent that certain challenges are better resolved through the help of the local government units.

The Regional ILO Director suggested that comprehension of decent work has four dimensions: rights at work, employment, social protection and social dialogue. As a newly emerging economic sector, the call center industry together with its stakeholders is evolving toward decent work environment. Rights at work are guided by the Philippine legal code and administrative interpretations as well as the core values of the industry players. Employment opportunities in the industry continue to grow. Social protection particularly in health, safety and working conditions are driven through a combination of requirement in the labor code and best management practices to address the needs of the work force. Because of the night work component and the young and diverse labor force, new health related issues are emerging which requires further study. At present, social dialogue is between the industry and the government. There is no formal channel such as union representation to provide a voice for employees. Unionization or alternative forms of employee representation may develop as the industry matures.

With globalization comes the international concept of equality of employment opportunities. When there is a divergence between the international and local values of social justice, conflict arises. A clear example of this conflict is the existence of two conflicting Philippine laws: the prohibition of night work for women and the guarantees of equal opportunity in employment. Night work prohibitions remain the law in the Philippines casting uncertainty on the future growth of the call center industry. The use of the exemption clause granted by the DOLE only provides a temporary reprieve allowing continued growth of employment in this dynamic industry.

References:

Abad, A. H. (2006). Compendium on labor law (2nd ed). Philippines: Rex.

About Accenture: Message from the CMD. (1996-2009). Accenture. Retrieved May 29, 2009 from <http://www.accenture.com/Countries/Philippines/AboutCMD.htm>

Angara, E. (2009). Angara seeks to amend labor code to spur economic growth. Retrieved April 5, 2009 from <http://www.edangara.com/archives/news-releases/2008/may/amend-philippine-labor-code-to-spur-economic-growth.html>

Azucena, C. A. (2004). The labor code with comments and cases (5th ed). Philippines: Central.

Business Process Association of the Philippines (BPAP). (2008). Offshoring and outsourcing Philippines: Roadmap 2010. Retrieved May 14, 2009 from <http://www.bpap.org/bpap/index.asp?welcome2>

Business Process Association of the Philippines (BPAP). (2008). Why the Philippines? Retrieved May 14, 2009 from <http://www.bpap.org/bpap/video.asp?video1>

CSR Europe. (2007, March). Philippines has most women executives. Retrieved May 29, 2009 from http://www.csreurope.org/news.php?type=&action=show_news&news_id=432

Friedman, T. L. (2005). *The world is flat, a brief history of the twenty-first century*. New York: Farrar, Straus, and Giroux.

Institute for Development and Econometric Analysis (IDEA). (2007). *The Philippine outsourcing & offshoring industry*. Philippines: Bayan Telecommunications.

Institute for Labor Studies-Philippine Department of Labor and Employment. (2004). *Information and communication technology and decent work: Lessons from the garments, call centers, and business process outsourcing establishments*. Presented at a meeting on joint investigative studies for determining the impact of information and communications technology on decent work in the Asia and the Pacific region in Bangkok, Thailand.

International Labor Organization (ILO). (2001). *Night work of women in industry*. Geneva: International Labour Office.

Karen Batungbakal. (2009). Retrieved May 29, 2009 from <http://www.zoominfo.com/Search/PersonDetail.aspx?PersonID=46192020>

Ople Center urges call centers to follow OSH guidelines of DOLE. (2008, May). The Blas Ople Policy Center and Training Institute. Retrieved May 29, 2009, from <http://www.oplecenter.org/ople-center-urges-call-centers-to-follow-osh-guidelines-of-dole/>

Roxas-Chua, R. A. (2009). *CICT: Programs and projects*. A powerpoint presentation presented on May 28, 2009 at the American Chamber of Commerce, Philippines.

RBSI Editorial Staff. (2006). *The labor code of the Philippines with omnibus implementing rules*. Philippines: Rex.

Sale, J. & Bool, L. (n.d.). *Context and possibilities of trade union organizing in the Philippine call center and business process outsourcing industry: A survey report*. Retrieved April 5, 2009 from www.union-network.org/.../3.%20UNI%20Apro%20Survey%20on%20CBPOP

The changing landscape of recruitment. (2008, August). Retrieved May 29, 2009, from http://www.convergys.com/company/news-events/downloads/196_misc.pdf

Women in business process outsourcing. (2009, March). Gender Fact Sheet. Retrieved May 29, 2009 from http://www.census.gov/data/specialevents/cedaw2009/factsheets/gender_outsourcing.pdf

