



Republic of the Philippines  
**House of Representatives**  
Quezon City, Metro Manila

Twentieth Congress  
First Regular Session

HOUSE BILL NO. 5607



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**Introduced by Representative Lordan G. Suan**

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**AN ACT**  
**ENSURING THE WELFARE AND PROTECTION OF BUSINESS**  
**PROCESS OUTSOURCING ( BPO) WORKERS**

**EXPLANATORY NOTE**

The Philippine Business Process Outsourcing (BPO) industry has emerged as a key driving force of economic growth in the Philippines over the past several decades. The BPO industry has been growing exponentially yearly, contributing around one point seven trillion pesos each year (₱1.7 trillion). There was an estimated one point three million (1.3 million) Filipinos employed in over one thousand (1,000) BPO companies in 2019 and the employment rate has been growing from 8% to 10% yearly. The Philippines holds 10% to 15% of the global BPO market making the country one of the top global destinations for BPO services.<sup>1</sup>

The welfare and protection of BPO workers have become a matter of paramount importance, given the substantial number of employees in this sector. These workers' working conditions, rights, and benefits need to be safeguarded to ensure fair labor practices, enhance their productivity, and maintain the Philippines' competitiveness in the global BPO market.

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<sup>1</sup>Talmage-Rostron, M. (2023, August 2). Future Of BPO Industry in The Philippines 2023. <https://www.nexford.edu/insights/the-future-of-bpos-in-the-philippines-and-growth-opportunities>

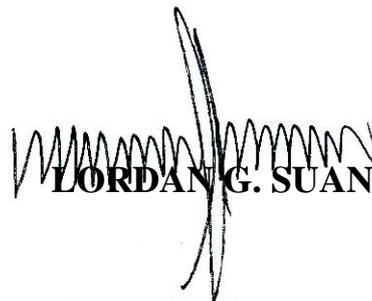
This bill proposes the following key provisions:

1. **Minimum Employment Standards** — Establishing minimum employment standards that BPO companies must adhere to, including working hours, holiday work, overtime compensation, night differential, and rest periods.
2. **Health and Safety Measures** — Requiring BPO companies to implement adequate health and safety measures in the workplace to protect their employees' physical and mental well-being.
3. **Anti-Discrimination Measures** — Prohibiting discrimination based on ethnicity, gender, sexual orientation, age, race, color, religion, political or other opinion, national, social or geographical origin, disability, property, birth, civil status, pregnancy, physical characteristics and other factors, and providing mechanisms for reporting and addressing such discrimination.
4. **Benefits and Social Protection** — Ensuring that BPO workers receive appropriate benefits, including health insurance, retirement plans, leaves, allowances, and access to training and development programs.

The Business Process Outsourcing (BPO) industry is vital to the Philippine economy. This bill aims to protect and enhance the welfare of BPO workers, ensuring their rights and benefits are upheld, and their working conditions are safe and conducive to productivity.

In light of the significant contributions of the BPO sector to our nation's economic growth, it is our duty to enact legislation that safeguards the interests of the workers who drive this industry's success.

In view of the foregoing, approval of this bill is earnestly sought.



LORDAN G. SUAN



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**ENSURING THE WELFARE AND PROTECTION OF BUSINESS**  
**PROCESS OUTSOURCING (BPO) WORKERS**

*Be it enacted by the Senate and House of Representatives of the  
Philippines in Congress assembled:*

1       **SECTION 1.** *Short Title.* — This Act shall be known as the "*BPO*  
2       *Workers' Welfare and Protection Act.*"

3

4       **SEC 2.** *Declaration of Policy.* — The State affirms labor as a primary  
5       social economic force. Article XIII, Section 3 of the 1987 Constitution  
6       provides that the State shall afford full protection to labor, local and overseas,  
7       organized and unorganized, and promote full employment and equal  
8       employment opportunities for all. It shall guarantee the rights of all workers  
9       to self- organization, collective bargaining, and negotiations, and peaceful

1 concerted activities, including the right to strike in accordance with law. They  
2 shall be entitled to security of tenure, humane conditions of work, and a  
3 living wage. They shall also participate in policy and decision-making  
4 processes affecting their rights and benefits as maybe provided by law. It  
5 shall protect and safeguard the rights of the workers and promote and  
6 advance their welfare. It is the policy of the State to protect the rights and  
7 promote the welfare of workers in the Business Process Outsourcing (BPO)  
8 Industry and to adopt appropriate steps to recognize and uphold such rights and  
9 welfare. It shall also establish and enforce progressively higher standards and  
10 take all reasonably practicable and equitable measures to ensure health and  
11 safety at the workplace, taking into consideration technological changes and  
12 work practice developments and adapting to their physiological and  
13 psychological needs.

14 Moreover, the State acknowledges the role and contribution of BPO workers in  
15 the development of the nation and regards the protection and advancement of  
16 their rights and welfare as an essential aspect of national progress. The State is  
17 committed to enhance, improve, and support their social and economic status,  
18 as well as their living and working conditions, terms of employment,  
19 professional advancement, and career development.

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21 **SEC. 3. Coverage.** — This Act shall cover all employees and workers  
22 engaged in the BPO industry.

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**SEC. 4. *Definition of Terms.*** — For purposes of this Act, the following terms shall be understood as follows:

- a. Authorized Representative – shall mean and include any employee or official of other government agencies empowered by the Secretary of Labor and Employment to enforce the provisions of the Standards;
- b. Business Process Outsourcing (BPO) – is defined as the delegation of service-type business processes to a third-party service provider. It is generally divided into the following sectors: callcenters, back-office services, data transcription, animation, software development, engineering development and game development. Most BPO companies engage in shift work to complete their 24-hour work cycle;
- c. Call center – also known as contact center, refers to a central customer service operations where agents-whatever their designation–handle business- related telephone calls, and other IT-related non-voice activities, on behalf of a client;
- d. Health-shall connote a sound state of the body and mind of the workers which enables him or her to perform his job normally, in a state of well-being;
- e. Occupational illness – shall mean any illness caused by environmental factors, the exposure to which is characterized or peculiar to a particular process trade or occupation, and to which an employee or worker is not

1 ordinarily subjected to, or exposed to, outside of or away from such  
2 employment;

3 f. Safe or safety – shall refer to the physical or environmental conditions of  
4 work or employment, which substantially comply with the prescribed  
5 standards, as defined below;

6 g. Standards – shall mean the Occupational Safety and Health Standards  
7 and Regulations, as described in Section 29 hereof;

8 h. Shift work – shall mean the employment practice designed to make use  
9 of the 24 hours of the day. Employees are given schedules which  
10 correspond to 24-hour work cycle. The term shift work includes both  
11 long-term night shifts and work schedules in which employees change or  
12 rotate shifts.

13 i. Work accident-shall mean an unplanned or unexpected occurrence that  
14 may or may not result in personal injury, property damage, work  
15 stoppage or interference, or any combination thereof, which arises out of  
16 and in the course of employment;

17 j. Work injury-shall mean any injury or occupational illness suffered by a  
18 person, which arises out of or in the course of employment;

19 k. Workplace -means the office, premises or worksite, where the workers  
20 are habitually employed and shall include the office or place where the  
21 workers, who have no fixed or definite work site, regularly report for  
22 assignment in the course of their employment;

1       **SEC. 5. *Construction in Favor of Labor.*** — All doubts in the  
2 implementation and interpretation of the provisions of this Act, including its  
3 implementing rules and regulations, shall be resolved in favor of labor.

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5       **SEC. 6. *Standard of Treatment.*** — The employer and the supervisors must,  
6 at all times, treat the BPO worker in a just and humane manner and ensure that  
7 all the rights and benefits of BPO workers are provided for and accorded to  
8 them as mandated by the Labor Code. Abusive language, physical violence or  
9 any act which debases the dignity of a person shall not be used against the  
10 employee.

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12       **SEC. 7. *Access to Relevant Information.*** — The State shall ensure the BPO  
13 companies allow their workers and employees access to:

14 BPO workers are provided for and accorded to the mas mandated by the  
15 Labor Code

16 (a) relevant information to make them understand their rights, benefits,  
17 obligations, conditions, and realities attending to their profession. BPO  
18 companies shall not restrain their employees from organizing or attending  
19 activities, such as, but are not limited to, workshops and symposia, that seek  
20 to equip BPO workers with relevant information with regard to their rights,  
21 welfare and conditions; and

1 (b) information on service level agreement between client and vendor,  
2 especially when it affects working conditions and worker compensation and  
3 benefits consistent with Sec.3, Article XIII of the Constitution.

4  
5 **SEC. 8. *Protection from Understaffing or Overloading.*** — There shall be no  
6 understaffing or overloading of BPO workers. The ratio of BPO worker to  
7 client quota or quantitative targets shall always be such as to reasonably effect  
8 a sustained quality of service without over working the worker and over-  
9 extending his/her services beyond what is stipulated in the employment  
10 contract, or what is allowed as the worker's regular hours of work. The  
11 employer may request the employee to perform tasks beyond the duties  
12 stipulated in the employment contract; Provided, that such tasks are duly  
13 compensated by the employer with an additional pay of not less than twenty-  
14 five percent (25%) of the regular rate per hour.

15  
16 **SEC. 9. *Regularization.*** — All BPO workers allowed to work after the  
17 completion of the sixth (6th) month period of employment as trainee or  
18 apprentice, or upon the completion of a maximum probationary training period  
19 of six months, shall be considered as regular employees.

20  
21 **SEC. 10. *Right to self-organization and the Right to Participate in***  
22 ***Democratic Exercises.***—All BPO workers shall have the right to self-

1 organization and to form, join, or assist labor organizations of their own  
2 choosing for purposes of collective bargaining. In addition, BPO companies  
3 should exercise due diligence and actively provide venues for workers to  
4 participate in the deliberation of issues and in the formulation of policies that  
5 affect them.

6

7 **SEC. 11.** *Non-abridgment of the Right of Self-organization.* — It shall be  
8 unlawful for any person or company to restrain, coerce, discriminate against or  
9 unduly interfere with employees and workers in their exercise of the right to  
10 self-organization. Such right shall include the right to form, join, or assist labor  
11 organizations for the purpose of collective bargaining through representatives  
12 of their own choosing and to engage in lawful concerted activities for the same  
13 purpose for their mutual aid and protection, subject to the provisions of the  
14 Labor Code of the Philippines.

15

16 **SEC. 12.** *Freedom from Interference or Coercion.* — It shall be unlawful for  
17 any person or company to commit any of the following acts of interference or  
18 coercion:

19 (a) To interfere with, restrain or coerce employees in the exercise of  
20 their right to self-organization;

1 (b) To require as condition of employment that BPO employees shall  
2 not join, form or assist in the formation of an organization, or to  
3 withdraw from one to which he belongs;

4 (c) To contract out services or functions being performed by BPO  
5 employees who are union members when such will interfere with,  
6 restrain or coerce employees in the exercise of their rights to self-  
7 organization;

8 (d) To discriminate in order to encourage or discourage membership  
9 in an organization;

10 (e) To initiate, dominate, assist or other wise interfere with the  
11 formation or administration of any labor organization, including  
12 the giving of financial or other support to it or its organizers or  
13 supporters;

14 (f) To discriminate in regard, to wages, hours of work and other  
15 terms and conditions of employment in order to encourage or  
16 discourage membership in any labor organization;

17 (g) to prevent a BPO employee from carrying out his duties and  
18 functions in his organization to penalize the employee for any  
19 unlawful action performed in that capacity; and

20 (h) to perform acts calculated to diminish the independence and  
21 freedom of the union or organization to direct its own affairs.

1       **SEC. 13.** *Freedom from Excessive Company Bond.* — It shall be unlawful  
2 for any person or company to compel a BPO worker to commit to accompany  
3 bond, imposing an unreasonable or exorbitant fee to be paid by the employee  
4 upon leaving the company before a specified length of time.

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6       **SEC. 14.** *Right to Money Claims.* — The company may not, in any case,  
7 prevent a BPO worker from receiving his/her rightful money claims arising  
8 from labor disputes.

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10       **SEC. 15.** *Protection from Discrimination, Harassment, or Unfair*  
11 *Treatment.* — BPO workers shall be protected from discrimination or  
12 harassment by reason of ethnicity, gender, sexual orientation, age, race, color,  
13 religion, political, or other opinion, national, social, or geographical origin,  
14 disability, property, birth, civilstatus, pregnancy, physical characteristics, or  
15 other status as established by human rights standards.

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17       **SEC. 16.** *Mechanisms for Reporting Discrimination, Harassment, or Unfair*  
18 *Treatment.* —Employers in the BPO industry shall be required to establish and  
19 maintain clear and confidential reporting channels for BPO workers to report  
20 incidents of discrimination, harassment, or any form of unfair treatment within  
21 the workplace. All information regarding reporting shall be made known to all  
22 BPO workers.

1 BPO workers reporting discrimination, harassment, or unfair treatment  
2 shall be protected from any form of retaliation, discrimination, or adverse  
3 employment actions because of their reporting, in accordance with existing  
4 labor laws and regulations. Employers shall ensure that BPO workers have the  
5 option to make anonymous complaints, where applicable, to protect the identity  
6 of the complainants.

7  
8 **SEC. 17.** *Investigation and Resolution of Discrimination, Harassment, or*  
9 *Unfair Treatment Complaints.* — Employers shall initiate prompt and impartial  
10 investigations upon receiving a complaint of discrimination, harassment, or  
11 unfair treatment, following established internal procedures. In cases where  
12 internal investigations do not yield a satisfactory resolution, BPO workers can  
13 request third-party mediation, which shall be made available and facilitated by  
14 relevant authorities or industry associations.

15  
16 **SEC. 18.** *Anti-Discrimination, Harassment, and Unfair Treatment*  
17 *Awareness and Training.* — Employers in the BPO sector shall provide  
18 mandatory anti-discrimination, harassment, or unfair treatment training to all  
19 employees, including management, on a regular basis. In coordination with  
20 industry stakeholders, the Department of Labor and Employment (DOLE) or  
21 its relevant agencies shall conduct awareness campaigns to educate BPO

1 workers about their rights and the mechanisms available for reporting  
2 discrimination.

3

4 **SEC. 19.** *Discrimination, Harassment, and Unfair Treatment Data*  
5 *Collection and Reporting.* — BPO companies shall be required to collect and  
6 maintain data on complaints related to discrimination, harassment, and unfair  
7 treatment while ensuring the privacy and anonymity of complainants. BPO  
8 companies shall submit annual reports to the DOLE or its relevant agencies,  
9 summarizing the number and types of discrimination complaints received,  
10 actions taken, and outcomes achieved.

11

12 **SEC. 20.** *Non-Discrimination, Harassment, and Unfair Treatment*  
13 *Statement* — BPO companies shall prominently display an on-discrimination  
14 statement within BPO workplaces, outlining their commitment to providing a  
15 discrimination-free workplace and the available reporting mechanisms.

16

17 **SEC. 21.** *Safeguards in Administrative Proceedings.* — In any  
18 administrative proceeding, a BPO worker shall have the –

19 (a) right to notice and hearing which includes the right of the party  
20 interested or affected to present his own case and submit evidence in  
21 support thereof;

22 (b) right to be informed of the nature and accusation against him/her;

- 1 (c) right to full access to evidence presented against him/her;
- 2 (e) right to defend himself/herself for by a counsel of his/her choice;
- 3 (f) right to be given adequate time to prepare his/her case which shall,  
4 in no case, be less than one (1) week;
- 5 (g) right to an independent and impartial tribunal;
- 6 (h) right to be presumed innocent until proven otherwise;
- 7 (i) right to a decision rendered in such a manner that both parties can  
8 know the various issues involved and the reasons for such decision;
- 9 (j) right to appeal to designated authorities; and
- 10 (k) such other rights as will ensure fairness and impartiality during  
11 proceedings.

12

13 **SEC. 22. *Regular Hours of Work.*** — Normal hours of work for BPO  
14 workers shall not exceed eight (8) hours a day. Any work done by BPO beyond  
15 the regular hours shall be duly compensated by the employer.

16

17 **SEC. 23. *Hours worked.*** — Hours worked shall include

18 (a) all time during which an employee is required to be on duty or to be  
19 at a prescribed workplace; and

20 (b) all time during which an employee is suffered or permitted to work.

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

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**SEC. 24. *Overtime Work.*** — Work may be performed beyond any BPO worker's required working hours 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 (8) 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.

**SEC. 25. *Night Shift Differential.*** — BPO workers shall be paid a night shift differential of not less than ten percent (10%) of their regular wage for each hour of work performed between ten o'clock in the evening and six o'clock in the morning.

**SEC. 26. *Rest and Meal Periods.*** — BPO workers shall be entitled to compensable rest periods and meal periods not less than what is provided for in the Labor Code and other existing laws. Employees shall have the right to brief restroom breaks, which shall not be shorter than five minutes for each two-hour interval or accumulative of at least 15-minute restroom break throughout the workshift. These restroom breaks shall be added on top of the two 15-minute breaks and lunch breaks. To comply with such, the BPO company shall devise a mechanism in order to ensure the implementation of

1 regular restroom breaks among its workers without sacrificing the continuous  
2 flow or work among its employees.

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4 **SEC. 27. *Regular Working Days.*** — All BPO workers shall render work for  
5 not more than six (6) consecutive days per week. The employer shall  
6 determine and schedule the weekly restday of the BPO workers subject to  
7 collective bargaining agreement and to such rules and regulations as the  
8 Secretary of Labor and Employment may provide. However, the employer  
9 shall respect the preference of employees as to their weekly restday when  
10 such preference is based on religious grounds.

11  
12 **SEC. 28. *Work-from-Home Option.*** — All BPO companies shall, whenever  
13 practicable and feasible, offer a work-from-home option to their employees.  
14 Prior to commencing remotework, BPO workers and their employers shall  
15 enter into a remote work agreement outlining the terms and conditions of  
16 remote work, including expectations, responsibilities, and performance metrics.  
17 BPO companies shall provide the necessary equipment, tools, and resources to  
18 enable secure and efficient remote work. Adequate measures shall be taken to  
19 safeguard data security and protect sensitive information.

20 Remote workers shall receive compensation, benefits, and entitlements on par  
21 with their in-office counterparts, per existing labor laws and company policies.

22 Remote workers shall have the same labor rights and protections as in-office

1 workers, including but not limited to overtime pay, rest periods, and the right  
2 to disconnect from work outside of agreed-upon hours.

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4 **SEC. 29. *Work on Holidays.*** — BPO workers may be required to work on  
5 days designated as non-working holidays in the Philippines given the nature of  
6 their profession; Provided, That the employer shall duly compensate the  
7 employee's work on such days in accordance with existing laws with regard to  
8 holiday pay.

9

10 **SEC. 30. *Leave benefits.*** — BPO workers shall be entitled to all leave  
11 benefits and privileges under existing laws, such as but not limited to  
12 maternity, paternity, vacation, and sick leaves. BPO workers shall also be  
13 entitled to a birthday leave benefit. Upon separation of the employee from  
14 service, they shall be entitled to all accumulated leave credits with pay.

15 No employee may be terminated based solely on unapproved leaves without  
16 affording the employee due process in an administrative proceeding.

17

18 **SEC. 31. *Transportation Benefits.*** — In the absence of or lack of safe and  
19 adequate public transportation services in BPO workers' places of work, they  
20 shall, at least between 9:00p.m. and 6:00a.m., be entitled to safe transportation  
21 service, which may include, but are not limited to shuttle services, to and from  
22 the place of work to designated drop-off points, or to travel allowance which

1 shall be provided by the company in order to facilitate the safe commute of  
2 employees at vulnerable times at night or early in the morning.

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4 **SEC. 32. *Internet or Data Allowance Benefits.*** — BPO companies are  
5 mandated to furnish BPO employees with internet or data allowance benefits.  
6 These benefits are intended to defray expenses related to internet usage for  
7 work-related tasks, specifically when employees are necessitated to engage in  
8 remote work or require consistent and dependable internet connectivity to  
9 execute their job responsibilities proficiently.

10

11 **SEC. 33. *Health Program.*** — The company physician shall, in addition to  
12 his duties stated in the Labor Code, develop, and implement a comprehensive  
13 occupational health program for the benefit of all employees. The health  
14 program provided to BPO workers shall encompass a comprehensive approach  
15 that explicitly includes mental health as an integral component. BPO  
16 companies and service providers shall be obligated to develop and implement  
17 initiatives, policies, and resources to promote and safeguard their workers'  
18 mental well-being. This shall entail the provision of accessible mental health  
19 services, awareness campaigns, stress management programs, and a conducive  
20 work environment that encourages open dialogue and support for mental health  
21 concerns, thus ensuring the holistic health and welfare of BPO employees.

22

1       **SEC. 34. *Health Insurance.*** — All employees are entitled to free full  
2 medical examination upon commencement of employment, and annually  
3 during the tenure of employment. The establishment is encouraged to provide  
4 full health insurance to the employees, the coverage of which shall be agreed  
5 upon by the company and its employees.

6

7       **SEC. 35. *Work-related injuries, sickness and death compensation.*** — All  
8 employees shall be compensated for injuries, medical complications, illness,  
9 disability and death arising from, and related to their work, in accordance with  
10 existing laws, labor policies, guidelines or circulars, as the case maybe. The  
11 Employees Compensation Commission shall promptly process any claims  
12 for/by injured, disabled, deceased employees or their dependents.

13

14       **SEC. 36. *Occupational Health and Safety Standards and Regulations for***  
15 *BPO Workers.* — Pursuant to its mandate, the Department of Labor and  
16 Employment (DOLE) Is tasked to establish Occupational Health and Safety  
17 Standards for BPO work and other similar employment. It is imperative that  
18 the minimum provisions in the Standards meet the International Labor  
19 Organizations (ILO) recommendations. The Standards should be reviewed  
20 annually by the agencies. Workplace Occupational Health and Safety Officer

1 (WOHSO), and registered interested parties, and must include provisions  
2 related to the Enforcement Officers and Authorized Representatives, as well as  
3 the WOHSO as defined below.

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5 **SEC. 37. *Compliance with the Standards.*** — The Standards shall be strictly  
6 enforced in all establishments operating in the country. Compliance with the  
7 provisions of the Standards shall be mandatory and subject to inspections by  
8 Enforcement Officers and/or Authorized Representatives as shall be outlined in  
9 the Standards

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11 **SEC. 38. *Workplace Occupational Health and Safety.*** — Each  
12 establishment shall formulate its own Workplace Occupational Health and  
13 Safety (WOHS) policy, which adheres at minimum to the Standards as defined  
14 in Section of this Act. Any additional safety measures deemed appropriate to  
15 the nature of the localized work environment may also be included, pending  
16 approval by the Bureau. The policy must be reviewed annually by the  
17 employers, the WOHSO, and an Enforcement Officer or Authorized  
18 Representative. All employees shall be informed of the WOHS policy.  
19 Informational materials such as posters, brochures and similar devices shall be  
20 distributed to employees free of charge.

21

1       **SEC. 39.** *Workplace Occupational Health and Safety Officer.* — From  
2 among the employees, a WOHSO shall be elected for the purposes of  
3 consultation and in-house monitoring of the Standards. The WOHSO shall  
4 review the measures taken to ensure the health, safety, and welfare of the  
5 employees, investigate and attempt to resolve any matters that may constitute a  
6 risk to health and safety at the place of work.

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8       **SEC. 40.** *Access to Training and Development Programs.* — All BPO  
9 companies shall establish and maintain training and development programs for  
10 their employees. These programs shall be made available to all BPO workers,  
11 regardless of their tenure, position, or employment status. Training and  
12 development programs shall cover a wide range of skills, including but not  
13 limited to technical, soft, and leadership skills, to enhance the professional  
14 growth and competitiveness of BPO workers. BPO workers shall be given the  
15 opportunity to participate in these programs during their working hours without  
16 any reduction in pay or benefits.

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18       **SEC. 41.** *Retirement Plans.* — All employers engaged in the business  
19 process outsourcing (BPO) industry shall be required to establish and maintain  
20 retirement plans for their BPO workers who have completed a minimum  
21 service period, as determined by the Department of Labor and Employment.  
22 BPO workers shall have the right to maintain and transfer their accumulated

1 retirement benefits if they change employers within the BPOindustry,  
2 promoting retirement plan portability. BPO workers shall be provided with  
3 regular statements outlining the status of their retirement accounts, ensuring  
4 transparency and accessibility to information about their retirement savings.  
5 Contributions made by employers to BPO Retirement Plans shall be eligible  
6 for tax deductions, as per the prevailing tax laws, incentivizing employer  
7 participation.

8

9 **SEC. 42. *Security of Tenure.*** — No employee may be terminated except for  
10 just and authorized causes as provided under the Labor Code. In order to  
11 further protect BPO employees from being abused by legal provisions that  
12 allow floating status of employees for not more than six months and other  
13 existing laws, no act or omission shall be considered as analogous cause unless  
14 expressly specified in the company rules and regulations or policies. When  
15 putting workers in floating status, the company must not hire new  
16 employees who are tasked to perform the duties and responsibilities of the  
17 workers put in floating status, until all employees who shall be subject or are  
18 currently on floating status have been absorbed in vacancies in other or new  
19 accounts, provided that the workers are willing to be absorbed in other or new  
20 accounts available.

21

1       **SEC. 43. *Prohibition Against Elimination or Diminution of Benefits.*** —

2       Nothing in this Act shall be construed to eliminate or diminish in anyway  
3       existing benefits being enjoyed by BPO employees at the time of the effectivity  
4       of this Act, or benefits beyond the minimum standards set forth by this Act. All  
5       other Rights of BPO employees provided under existing laws shall remain in  
6       full force and effect, and they shall have the right to avail of greater rights  
7       offered by existing laws, including those granted under this Act.

8  
9       **SEC. 44. *Penal Provisions.*** — Any person or company who violates the

10       provisions of this Act shall be punished with a fine in the amount of not less  
11       than One Hundred Thousand Pesos (₱100,000) and/or imprisonment of not less  
12       than two(2) months but not more than one (1) year, or both, at the discretion of  
13       the Court.

14  
15       **SEC. 45. *Separability Clause.*** — Any portion or provisions of this Act that

16       may be declared unconstitutional or invalid shall not have the effect of  
17       nullifying other portions or provisions hereof if such remaining portions or  
18       provisions can still subsist and be given effect in their entirety.

19  
20       **SEC. 46. *Repealing Clause.*** All laws, presidential decrees, executive

21       orders, memoranda, circulars, and other issuances, or parts thereof, which are  
22       inconsistent with the Act, are hereby repealed or modified accordingly.

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2       **SEC. 47. *Effectivity Clause.*** — This Act shall take effect fifteen (15) days  
3 after its publication in the Official Gazette, or in at least two (2) newspapers of  
4 general circulation, or a website provided for by law.

Approved,