



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



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GUIDELINES ON EMPLOYMENT PRESERVATION UPON THE RESUMPTION OF BUSINESS OPERATION

Pursuant to Article 5 of the Labor Code of the Philippines, as amended, and in order to assist employers resume their business operations while preserving the employment of their workers, this Guidelines is hereby issued.

Section 1. Coverage. This Advisory shall apply to all employers and their employees regardless of employment status in the private sector operating or allowed to resume business operations under enhanced community quarantine, general community quarantine or other quarantine arrangements.

Section 2. Health Standards. All employers whose business operations are allowed to continue or resume to operate shall observe the minimum health standards pursuant to the Department of Trade and Industry (DTI) and Department of Labor and Employment (DOLE) Interim Guidelines on Workplace Prevention and Control of COVID-19 dated April 30, 2020; Department Order No. 35 Series of 2020 dated May 4, 2020 on Construction Safety Guidelines for the Implementation of All DPWH Infrastructure Projects During the COVID-19 Public Health Crisis and Department Memorandum No. 2020-0220 dated May 11, 2020 on Interim Guidelines on the Return-To-Work issued by the Department of Health (DOH).

Section 3. Work From Home (WFH) or Telecommuting Work Arrangement. Establishments are, when feasible, highly encouraged to adopt work-from-home or implement telecommuting arrangement pursuant to Department Order No. 202, Series of 2019. Employees on work-from-home or telecommuting arrangement shall be provided with adequate support to perform the assigned task or job.

Section 4. Alternative Work Schemes. As an alternative to termination of employment or closure of business, any or a combination of the following may be adopted:

1. Transfer of employees to another branch or outlet of the same employer;
2. Assignment of employees to other function or position in the same or other branch or outlet of the same employer;
3. Reduction of normal workdays per day or week;
4. Job rotation alternately providing workers with work within the workweek or within the month;

5. Partial closure of establishment where some units or departments of the establishment are continued while other units or departments are closed; and
6. Other feasible work arrangements considering specific peculiarities of different business requirements.

Flexible work arrangements provided for in previous issuances consistent with this Labor Advisory may also be adopted.

The above Alternative Work Schemes/Flexible Work Arrangements are temporary in nature and shall be adopted for as long as the Public Health Crisis exist.

Section 5. Wages and Wage-Related Benefits. Employers and employees may agree voluntarily and in writing to temporarily adjust employees' wage and wage-related benefits as provided for in existing employment contract, company policy or collective bargaining agreement (CBA).

The adjustments in wage and/or wage-related benefits shall not exceed six (6) months or the period agreed upon in the collective bargaining agreement (CBA), if any. After such period, employers and employees shall review their agreement and may renew the same.

Section 6. Entitlement of Separated Employees. Employees who are separated from employment due to authorized cause shall be entitled to the final pay pursuant to Labor Advisory No. 6, Series of 2020 without prejudice to other benefits as provided for by law, company policy and/or collective bargaining agreement

Section 7. Reporting Requirement. Employers shall report the alternative working schemes adopted; submit duly certified copy of all agreements pursuant to sec. 3 and 4 above; and/or accomplish establishment termination report to the DOLE Regional Office having jurisdiction over their principal place of business. All reporting requirement shall be submitted pursuant to the prescribed form of the Bureau of Working Conditions.

Be guided accordingly.


SILVESTRE H. BELLO III
Secretary

16 May 2020