

KNOW YOUR RIGHTS AT WORK

**brought to you by Kaagapay*

Every employee shall have "the right to assert for the protection of their rights and the promotion of their welfare" (Sec. 18 Art. II Phil. Constitution). These rights are granted to us by virtue of being employees, regardless of association with a union or not.



1 Right to Freedom of Association, Assembly and Non-Discrimination

Every employee shall not be discriminated upon, nor his benefits refused or reduced by virtue of filing a legal

of work, and overtime pay of an equivalent of his hour's worth of salary plus 25% of such amount. (Art. 87 & 95, Labor Code).

Women are entitled to maternity benefits such as a 6 week leave with pay, leave extensions, maternity financial assistance from SSS (Art. 133 of the Labor Code), to a two-month paid leave subsequent to operations relating to gynecological disorders (Magna Carta of Women RA 9710), and to women's facilities in the workplace such as proper seats for women, dressing rooms, separate comfort rooms and a nursery (Art. 132).

Every person and employee has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against subsequent or existing unemployment (Art. 23 UDHR)

4 Right Against Deduction of Wages and Diminution of Benefits

All employees receiving or enjoying any benefit or supplement for a continued length of time, cannot be deprived of such benefit through discontinuation or diminution, the same shall be for their

complaint against his/her company, or by virtue of being or entering marriage (Art. 118 and 136 of the Labor Code and Art. 16 of the Universal Declaration of Human Rights).

Employees may also not be denied their right to form organizations, unions and associations, trade unions, to bargain and to strike if need be, for purposes not contrary to law (Sec. 8 Art III Phil. Constitution and Art. 22 of the Universal Declaration of Human Rights).

Employees have the right to freedom of speech and expression and to join assemblies and petition the government for redress of their grievances, this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers (Sec. 4 Art. III Phil Constitution and Art. 19 of UDHR). They have the right to manifest their religion in teaching and in practice, worship or observance. (Art. 18 UDHR).

2 Right Against Illegal Dismissal

Employees may not be dismissed without cause and

be for their wages except for reasons authorized by law. (Art. 4, Art. 100 and Art. 113 of the Labor Code)

5 Right to Schedule Rest Day, Holiday Pay and Night Shift Differential

Every employee has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay (Art. 24 UDHR). They shall not be denied their right to freely participate in the cultural life of the community (Art. 27 UDHR)

Every employee is entitled to a whole day rest period after every six consecutive normal work days. The employer shall respect the employee's preferred rest day when preference is based on religious grounds (Art. 91. Of Labor Code and Art. 18 of Universal Declaration of Human Rights).

Work required on rest days, holidays and from the time period of 10'o clock in the evening to 6' o clock in the morning is entitled to compensation of 30% and 10% of their regular salary respectively. (Art. 86 and 87 of the Labor Code.)

without compliance with due process. (Art. 282-284 Labor Code) nor may he/she be compelled to work against his/her desire. (Art. 4 Universal Declaration of Human Rights)

Every employee, without discrimination, has the right to equal pay for equal work. He or she has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity and supplemented if necessary by other means of social protection. (Art. 23 UDHR)

3 Right to benefits

An employee is entitled to social security benefits through SSS or GSIS (RA 8282), medical insurance benefits through PHILHEALTH (RA 7835), and housing benefits through Home Development and Mutual Fund. All of which shall be fulfilled by means of the employee's contribution and the employers as designated by law.

Every employee is entitled to 13th month pay equivalent to one month's salary (PD 851), at least five days of convertible and paid leaves, whether it be sick leave or vacation leave after his first year

6 Right to Retirement Pay

Employees reaching the age of 60 or more but not beyond 65 years of age who served at least 5 years in a said establishment, shall be entitled to a retirement pay in the absence of a retirement plan or agreement provisioning retirement benefits for the employees in the establishment (RA 7641).



Kaagapay is a project of **Ecumenical Institute for Labor Education and Research (EILER)** with the support of **People with a Mission** that promotes workers' advocacy in special economic zones (SEZs), including IT parkts.



GET IN TOUCH WITH US!

E-mail: eiler.inc@gmail.com
Facebook: Eiler Phils
Twitter: @eilerinc
Website: www.eiler.ph