

# TRIPARTITE INDUSTRIAL PEACE COUNCIL

## RESOLUTION NO. 1

Series of 2010

*"Constituting the National Tripartite Industrial Peace Council as the High Level Tripartite Monitoring Body on the Application of International Labor Standards, in particular ILO Convention on Freedom of Association and Protection of the Right to Organize (No. 87)"*

**WHEREAS**, the Government of the Republic of the Philippines (GRP) during the 98<sup>th</sup> Session of the International Labor Conference in June 2009 accepted the request for International Labor Organization High Level Mission, in order for the ILO to obtain a greater understanding of the application of ILO Convention No. 87, in law and in practice, and to gather detailed information on issues and concerns raised by the ILO supervisory bodies;

**WHEREAS**, the Mission also aims to clarify issues and gaps in the application of Convention No. 87, in law and in practice, and identify areas in which the ILO could provide support and technical assistance, including the identification of further areas for training and capacity building to improve application of Convention No. 87;

**WHEREAS**, the Mission has identified "four areas for future action on Convention No. 87"<sup>1</sup> which include the setting-up of a high-level tripartite, inter-agency<sup>2</sup> monitoring body for complaints on violations of International Labor Standards, particularly freedom of association and protection of the right to organize;

**WHEREAS**, the GRP has committed to create a tripartite body which will work closely with other stakeholders to ensure industrial peace and harmony based on social justice. The tripartite body shall: (1) facilitate "out of the box solution" to long-standing CFA cases; (2) monitor and report progress on active CFA cases; and (3) facilitate gathering of relevant information on complaints submitted to the ILO and evaluate and recommend appropriate action/s.

**NOW THEREFORE, BE IT RESOLVED, AS WE HEREBY RESOLVE**, that the TIPC, duly reconstituted through Executive Order No. 49, series of 1998, as amended, consistent with ILO Convention No. 144, shall serve as the High Level Tripartite Monitoring Body and shall operate in accordance with the approved Operational Guidelines of the TIPC-Monitoring Body which is an integral part of this Resolution.

Approved this 20th day of January 2010, in Intramuros, Manila.

<sup>1</sup> The "four areas for future action on Convention 87" are as follows: 1) 3-4 year technical cooperation program on training and capacity building to strengthen labor market governance; 2) rapid response such as setting-up of a high-level tripartite, inter-agency monitoring body for alleged trade union rights violations; 3) pushing for legislative measures to amend certain Labor Code provisions; and 4) resolving long standing Committee on Freedom of Association (CFA) cases through innovative approaches and resolution of active cases pertaining to alleged extra-judicial killings and militarization of economic zones;

<sup>2</sup> The Inter-Agency shall be composed of the Department of Labor and Employment (represented by the Legal Service, Bureau of Labor Relations, International Labor Affairs Bureau, National Conciliation and Mediation Board, National Labor Relations Commission, Technical Education and Skills Development Authority), the Department of Justice Task Force 211; Philippine National Police Task Force Usig; and the Commission on Human Rights.

# OPERATIONAL GUIDELINES OF THE TIPC-MONITORING BODY

## A. Docketing of ILO Cases/Complaints

1. Upon receipt of the ILO Communications relating to ILO cases/complaints by the DOLE-Office of the Secretary, the Secretary issues an instruction to the DOLE Labor Relations Cluster Head for appropriate action.
2. The Labor Relations Cluster Head instructs the DOLE-International Labor Affairs Bureau to docket and furnish employers' and workers' organizations, parties to the case/complaint, and concerned government agencies with copies of the case/complaint within two (2) working days. The DOLE-ILAB consolidates the comments on the complaint, if there are any, from the employers' organization, workers' organizations and parties to the case/complaint.

## B. Case/Complaint Profiling

3. The Bureau of Labor Relations (BLR) convenes an inter-agency small group meeting concerning the said ILO case/complaint (DOLE-Legal Service, BLR, ILAB, NCMB, NLRC; DOJ Task Force 211; PNP Task Force Usig; CHR) to gather relevant information, including comments from the social partners.
4. The BLR prepares the Case/Complaint Profiles and, as TIPC-Monitoring Body Secretariat, convenes the TIPC-Tripartite Executive Committee to evaluate/review the ILO cases/complaints (pending/active and new) using as guidance the ILO criteria on the admissibility of cases/complaints:
  - a) The alleged facts, if proved, would not constitute an infringement of the exercise of trade union rights; or
  - b) That the allegations made are so basically or obviously political in character that it is undesirable to pursue the matter further; or
  - c) That the allegations made are too vague to permit a consideration of the case on its merits; or
  - d) That the complainant has not offered sufficient evidence to justify the allegations on the matter.
5. In cases/complaints involving violations of employers' rights under applicable Conventions, the same criteria shall be observed.

### **C. Case Evaluation/Recommendation and Convening of the TIPC-Monitoring Body**

6. Based on the evaluation, the TIPC-TEC prepares the case/complaint report and recommendations and submits the same to the TIPC-Monitoring Body. The BLR, as Secretariat, convenes the TIPC-Monitoring Body guided by the following:

#### **6.1 Notice and Schedule of Meetings**

- a) A written notice of meeting containing the proposed agenda and accompanied by the pertinent discussion materials and the minutes of the previous meeting shall be sent to the members of the TIPC or TEC at least one week before a scheduled meeting.
- b) In special meetings initiated by either sector, the party requesting for the meeting shall be responsible for transmitting to the Secretariat at least 10 days before the scheduled meeting all materials and documents relevant to the agenda of the special meeting.
- c) Report on Case Monitoring is a regular 2<sup>nd</sup> item in the Agenda of the TIPC Semestral Meeting and a 2<sup>nd</sup> item in the Agenda of the TEC Monthly Meeting.

#### **6.2 Quorum**

The presence of one government representative with authority to preside over a meeting, one representative from the employers' organization, and any three representatives from the workers' organizations with regular members in the TIPC, shall be necessary to constitute a quorum and in conducting business for both the TIPC and TEC, provided all members have been notified in writing.

### **D. Deliberation, Adoption and Submission of Tripartite Observation**

7. The TIPC-Monitoring Body reviews the TIPC-TEC Report and Recommendation for approval by the Council through consensus. The following shall govern the resolution of issues:
- a) Consensus for this purpose shall mean the agreement of all organizations/sectors represented.
  - b) Dissent from any member within an organization/sector shall not prevent a consensus if majority of the other members of that organization/sector agree on a particular proposal to resolve an issue. Consensus arrived at

- by members present shall bind those who are absent but who were properly notified of the date, venue and agenda of the meeting.
- c) In the absence of a consensus, the issue/concern shall be automatically elevated to the Secretary of Labor, for decision.
  - d) Written resolutions must be signed by all members present. Members who are absent but were otherwise notified shall be bound by the resolution. For the purpose of signing resolutions, no proxies shall be allowed.
8. The Secretary of Labor approves and submits the Resolution to the ILO, copy furnished the ILO Office Manila and the Philippine Overseas Labor Office-Geneva.

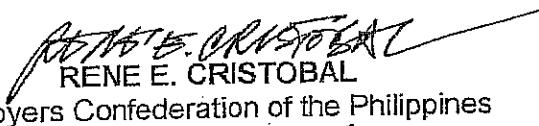
EMPLOYERS' SECTOR



ANIANO G. BAGABALDO  
Employers Confederation of the Philippines



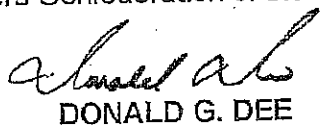
RANULFO P. PAYOS  
Employers Confederation of the Philippines



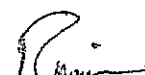
RENE E. CRISTOBAL  
Employers Confederation of the Philippines



EDUARDO T. RONDAIN  
Employers Confederation of the Philippines



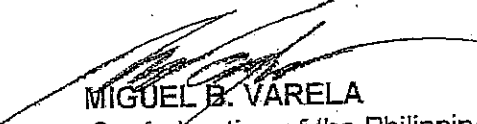
DONALD G. DEE  
Employers Confederation of the Philippines



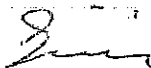
RENE Y. SORIANO  
Employers Confederation of the Philippines



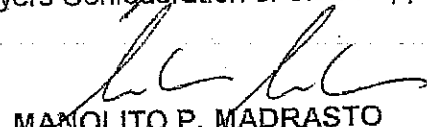
VICENTE LEOGARDO JR.  
Employers Confederation of the Philippines



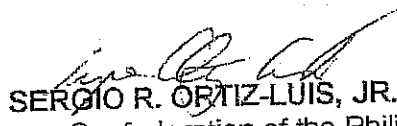
MIGUEL B. VARELA  
Employers Confederation of the Philippines



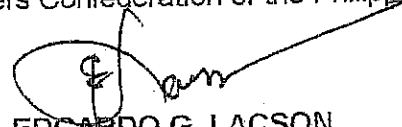
ERNESTO O. CECILIA  
Employers Confederation of the Philippines



MANOLITO P. MADRASTO  
Employers Confederation of the Philippines

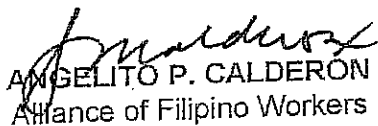


SERGIO R. ORTIZ-LUIS, JR.  
Employers Confederation of the Philippines



EDGARDO G. LACSON  
Employers Confederation of the Philippines

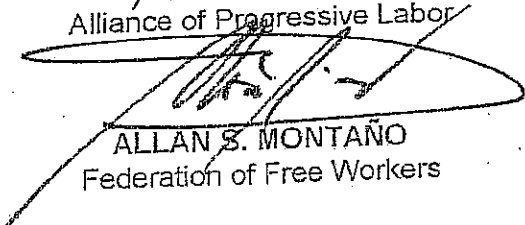
LABOR SECTOR



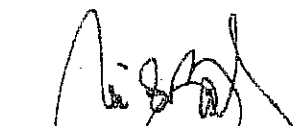
ANGELITO P. CALDERON  
Alliance of Filipino Workers



DANIEL L. EDRALIN  
Alliance of Progressive Labor



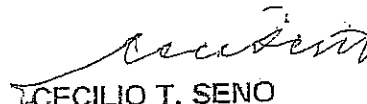
ALLAN S. MONTAÑO  
Federation of Free Workers



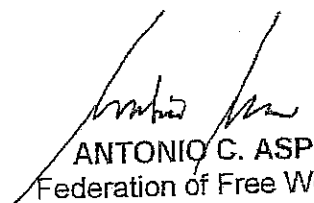
VICTORINO F. BALAIS  
Trade Union Congress of the Philippines

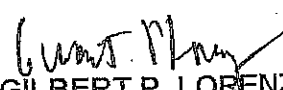


ZOILO V. DELA CRUZ, JR.  
Trade Union Congress of the Philippines




CECILIO T. SENO  
Trade Union Congress of the Philippines


  
ANTONIO C. ASPER  
Federation of Free Workers

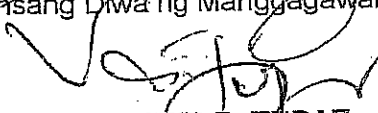
  
GILBERT P. LORENZO  
Trade Union Congress of the Philippines


  
BENJAMIN C. ALAR  
National Confederation of Labor

  
ALEJANDRO C. VILLAVIZA  
Trade Union Congress of the Philippines

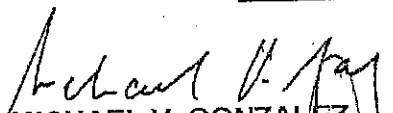
  
PEDRO T. DE QUIROZ  
Pambansang Diwa ng Manggagawang Pilipino


  
ESPERANZA S. OCAMPO  
Trade Union Congress of the Philippines

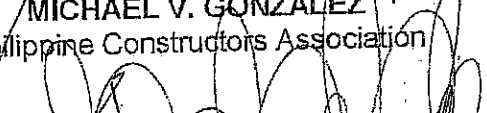
  
VLADIMIR R. TUPAZ  
Trade Unions of the Phils. & Allied Services  
*by reservation of the U.M. P.C. of guidelines*

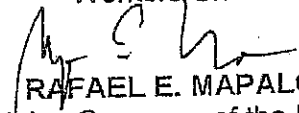
  
JESUS B. VILLAMOR  
Trade Union Congress of the Philippines

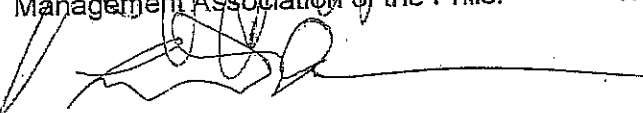
OTHER INVITEES/REPRESENTATIVES:

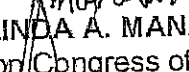
  
MICHAEL V. GONZALEZ  
Philippine Constructors Association

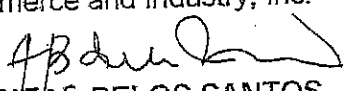
  
GREGORIO C. DEL PRADO  
Alliance of Independent Hotel and Restaurant  
Workers Union


  
JAIME S. ESTADA  
People Management Association of the Phils.

  
RAFAEL E. MAPALO  
Trade Union Congress of the Philippines


  
FRANCISCO D. NERIDA  
Federation of Filipino Chinese Chamber of  
Commerce and Industry, Inc.

  
LINDA A. MANABAT  
Trade Union Congress of the Philippines

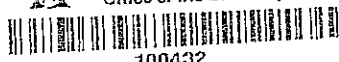
  
FELICITAS DELOS SANTOS  
Phil. Government Employees Assn-TUCP

  
GERARD SENO  
Trade Union Congress of the Philippines

GOVERNMENT SECTOR

  
MARIANITO D. ROQUE  
Secretary  
Department of Labor and Employment

Dept. of Labor & Employment  
Office of the Secretary



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