

INDUSTRY TRIPARTITE COUNCIL-TRANSPORTATION INDUSTRY

INTRODUCTION

Public transportation has become one of the basic needs for Filipinos. Through public utility buses, jeepneys, and other public modes of transport-people are able to easily reach places whether for work or for sheer pleasure.

With its significance, it is therefore important to ensure that once on a public utility vehicle, a safe and convenient travel is always offered to the passengers.

Accountability in keeping road safety and convenience is laid on the hands of the public utility vehicle operator and more importantly on the driver. Hence, it is paramount to keep a healthy working relationship between the two, ensuring that the employees' welfare are safeguarded and the employers' interests are at the same time fulfilled.

The Industry Tripartite Council-Transportation Industry was organized on 20 August 2013, in response to the government's call to ensure that relative to policy and decision-making in areas affecting the industry, the government, the management, and the labor sector are altogether, engaged. The organization of the ITC is primarily aimed at ensuring harmonious labor management relations while addressing the need to promote gainful and decent employment in the industry.

Recognizing the indispensable role that the Industry Tripartite Council serves in providing a venue for social dialogue, the members have agreed to adopt and formulate a Voluntary Code of Good Practices that shall address the basic need of ensuring labor management cooperation and achieving higher employee productivity. These goals could best be achieved through adoption of programs that shall focus on equipping the members and their employees basic

information on labor relations and labor standards, at the same time embarking on productivity improvement programs to mitigate low employee productivity.

The code will work on the premise that knowledge of labor laws and application of the various programs will lead to harmonizing the relationship between the workers and the employers. Hence, in the long run, will ensure voluntary compliance to labor laws.

With our commitment to the principle of voluntary compliance, we hope that the transportation industry will achieve the following:

1. Enhanced labor management relations arising from the implementation of labor management relations program;
2. Sustained employment generation and security through the adoption of programs that shall increase productivity, enhance skills of our workers and harness competitiveness of the industry;
3. Improved compliance to labor standards and working conditions as well as occupational safety and health provisions of the Labor Code through effective training programs and partnering with safety organizations;

Specifically, the following are the objectives of the adoption of the Code, viz:

1. To stabilize and self-regulate labor management relations in the industry for employment creation, employment preservation, productivity improvement, competitiveness, employment security, employee welfare, and public safety;
2. To provide equal employment opportunities to vulnerable sectors including the women, youth, and differently-abled persons without compromising delivery of quality service;
3. To promote employment preservation through efficiency-enhancing measures, including employment arrangements or human resource strategies that can minimize employment loss, including but not limited to flexible work arrangements, rotation of jobs, job sharing, compressed work week, and the like;
4. To enhance harmonious employer-employee relations through the conduct of continuing labor education;

5. To intensify current efforts on social dialogues intended to address problems of productivity, competitiveness, industrial peace, compliance with and improvements on existing labor and social standards on a tripartite basis, and to embrace Labor Management Cooperation to promote economic interest and social negotiations; and
6. To provide good practice guidelines to the social partners, particularly the employers in the bus transport industry relative to labor management relations, conditions of work and occupational safety and health, employment security, employee welfare, human resource development, social protection, continuing labor educations and labor law reforms, which standards we commit to comply within the limits of our resources and within the context of the legally prescribed minimum standards.

AREAS OF VOLUNTARY COMPLIANCE

LABOR MANAGEMENT RELATIONS THROUGH PROMOTION OF LABOR MANAGEMENT COOPERATION

We believe in the principle of labor management cooperation as the backbone of a sound labor management relations. We believe that the success of other programs would depend much on the existence of a harmonious labor management relations. Anchoring on such belief, and pursuant to the thrust of the government on the adoption of social dialogue as an indispensable requirement for the maintenance of industrial peace, we shall:

1. Organize Labor Management Committees in our respective establishment as forum for development of programs that shall promote employee's welfare;
2. Adopt Conciliation and Mediation approach as primary mode of settling disputes and ensure that strikes and lock-outs shall not be resorted to in any case;
3. Promote and respect right of employees to security of tenure, and shall exercise utmost restraint in termination of employees, taking into consideration compliance to substantive and procedural due process of termination.
4. Consider labor education as critical to a better understanding of effective labor management relations and for this reason shall make ourselves available for labor education opportunities provided by the DOLE and other government agencies.

CONDITIONS OF WORK AND OCCUPATIONAL SAFETY AND HEALTH

In order to achieve the paramount conditions leading to safe and healthy workplaces/work sites:

1. As bus/transport operators ,we shall ensure compliance to the minimum wage and other labor standards prescribed by the government;
2. As bus/transport operators, we shall cooperate with the DOLE in the enforcement of labor standards and participate in a tripartite process of self-enforcement where social partners would jointly assess the compliance of companies in the industry with labor standards, resulting in the issuance of Tripartite Compliance Certificate;
3. As bus/transport operators , we shall implement measures to mitigate the impact of night work on the health and physical well-being of our employees through but not limited to alternating and/or rotating work schedules;
4. As bus/transport operators, we shall recognize occupational safety and health as a critical factor in workers' productivity and competitiveness. For this purpose, we shall formulate an occupational safety and health program to address priority safety and health concerns in workplaces and work sites in the industry in accordance with the Occupational Safety and Health Standards (OSHS) and other related OSHS issuances. We shall also organize safety and health committees, and encourage the training and accreditation of safety practitioners and advocates among the workforce.
5. As bus/transport operators, we shall undertake to comply with all road transport laws and OSH legislations applying to our operations with all drivers informed and thoroughly trained to be professionals
6. As bus/transport operators, we shall recognize and take action to fulfill the following obligations:
 - a. Queuing and scheduling requirements to reduce the risk of driver fatigue; and
 - b. Providing safe and fit for purpose, vehicles that are appropriately designed, equipped, and maintained
7. As bus/transport operators, we accept that the safety of our employees and the public are key elements for meeting our obligations under this Code;
8. As professional drivers, we shall take responsibility in maintaining our fitness for duty and will not adhere to unsafe practices or breaches of the law;

9. As professional drivers, we shall be responsible drivers, will comply with all road laws, and will be considerate of others.

EMPLOYMENT SECURITY

As bus/transport operators, we shall recognize and comply with all labor related laws on security of tenure, as well as procedural and substantive due process in the termination or dismissal of employees.

EMPLOYMENT AND HUMAN RESOURCE DEVELOPMENT

To make our industries competitive with similar industries in other provinces/regions, we commit to work for the achievement of higher productivity through adoption of programs that will enhance competitiveness and productivity of workers.

We recognize the need to pursue human resource development program that shall build and enhance the capabilities of our workers.

Toward this end:

1. We shall develop and implement Productivity Improvement Programs/Productivity Gain-Sharing Program where incentives arising from the implementation of Productivity Improvement measures will be equally shared among our employees participating in the programs; and
2. We shall collaborate with TESDA in enhancing the skills and competitiveness of our workers.

SOCIAL PROTECTION

Recognizing the need for employees to be protected against financial consequences, as employers, we shall facilitate the enrolment of our workers to relevant social protection schemes.

Likewise, we shall campaign among our employees for savings consciousness and wise investment decisions so that they may have a degree of financial independence upon reaching retirement age.

PROGRAM PARTNERS

We believe that the success of the implementation of this Voluntary Code shall depend not only on our voluntarily commitment thereto, but also through the collaboration and assistance of the following agencies:

The Department of Labor and Employment (DOLE), as our program partner in the conduct of advocacy/trainings on labor management relations, labor standards and occupational safety and health, and in the certification of bus transport companies;

The Regional Tripartite Wages and Productivity Board (RTWBP), as our program partner in Quality and Productivity Advocacy and implementation of Productivity Improvement Programs;

The National Conciliation and Mediation Board (NCMB), as our program partner in the institutionalization of Conciliation-Mediation as an approach to dispute settlement/resolution;

The Technical Education and Skills Development Authority (TESDA), for the skills training/upgrading programs;

The Region I OSHNET, for workplace safety assessment, advocacy and trainings on occupational safety and health;

The Land Transportation Franchising and Regulatory Board Region 1, to promulgate, administer, enforce, and monitor compliance of policies, laws, and regulations of public land transportation services.

MONITORING SYSTEM

While we recognize that the monitoring of compliance should be through self-regulation, we agree to adopt a monitoring mechanism that would document our compliance to the salient provisions of this Code. The monitoring shall be aligned with the set performance measures which hopes to make the members become fully compliant with the agreed indicators. The members commit to submit the following periodic reportorial requirements, such as:

1. Checklist indicating compliance to core labor standards, productivity gain-sharing, on a quarterly basis;
2. Accident/Illness Exposure Report, which shall be submitted annually;
3. LMC Organization and Monitoring Report(annual); and
4. Safety Committee Report (annual)

As an instrument promoting self-policing, this Voluntary Code of Good Practices as enforced by the will of those whose signatures are hereby affixed

shall be their guiding principles, encouraging them to exert all means in complying with all its provisions. Through consultation and consensus, this Code shall be enhanced if necessary to fit to the changing needs and issues facing the Transportation Industry.

IN WITNESS WHEREOF, we have hereunto affixed our signatures signifying our commitment to this Code this 14TH day of November 2013 at San Fernando City, La Union.

Members of the Executive Board

Farinas Transport Company
Laoag City

CARLOS FARINAS
Employer

Employee Representative

Partas Bus Company
Vigan City

HON. LUIS "CHAVIT" SINGSON
Employer

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FLORENCE GAVINA
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PANCRACIO NISCE

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Mhel Bhen Motors

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BENJAMIN NAVARRO

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JIM WINSOUR QUINONES

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RR/JR TRANS

San Fabian, Pangasinan

AIDA O. COSTALES

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Jack and Yolly Trans

San Fabian, Pangasinan

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DUSBVCSNMBOPCA

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FERDINAND ORIA

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Santo Tomas, La Union

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RODOLFO LACHICA

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NORTE SUR LU

San Fernando City, La Union

DARIO BANGAOIL

Employer

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CONSTANCIO GAERLAN

Employer

Employee Representative

Badoc United Mini Bus Operators and Drivers Association (BUMBOA)

Badoc, Ilocos Norte

JESSIE APOSTOL

Employer

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BAMACADA

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BENJIE SALOPAQUE

Employer

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LUPA

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LEOPOLDO CORTEZ

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ERNESTO MABALOT

Employer

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Ilocos Sur-Ilocos Norte Transport Association (ISINTA)

Laoag City, Ilocos Norte

ROMEO ARCANO

Employer

Employee Representative

Ilocos Transport Development Cooperative

Rosario, La Union

RICARDO P. NITURA

Employer

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Laoag-Vigan-Bangued Mini Bus Operators Association

Bangued, Abra

ROMEO PICO

Employer

Employee Representative

PROGRAM PARTNERS

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President, OSHNET-R1

DIR. MYRNA CABOTAJE

Regional Director, DOH-Center
for Health Development I

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ATTY. GLENN N. ZARAGOZA, CESO V

Regional Director
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MR. NATHANIEL PINEDA

OIC- Board Secretary
Regional Tripartite Wages
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DIR. GRACE Y. URSUA

Chairman, Regional Tripartite Industrial Peace Council
DOLE Regional Office No. I

Witness:

HON. ROSALINDA DIMAPILIS-BALDOZ

Secretary
Department of Labor and Employment