



Construction Industry  
Tripartite Council (CITC)  
Region XI

# VOLUNTARY CODE OF GOOD PRACTICES ON DECENT WORK+ AGENDA

in the Construction Industry  
in Region XI



DEPARTMENT OF LABOR AND EMPLOYMENT



**VOLUNTARY CODE OF GOOD PRACTICES ON DECENT WORK+ COMMON AGENDA  
IN THE CONSTRUCTION INDUSTRY IN REGION 11**

**Introduction**

The share of construction industry to the total GDP has been steadily increasing from 2006 to 2009, an implication to the vitality and importance of the industry in the domestic economy. In the year 2010, total investments (as measured by Gross Capital Formation or GCF) reached P 1,184 Billion, an increase of 32% from 2009. As more investment entered the economy, the construction industry also increased its output. Private constructions account for a greater share, mainly sourced from higher number of residential units and commercial buildings (Country Report of Philippine Constructors Association, October 20, 2011).

Since 2009, the employment in the industry increased by 14.0% and reached almost 2 million jobs in 2010, representing 5.3% of the total employment in the economy. This level has been maintained so far during the first half of 2011.

The construction industry lands on top 5 industries in terms of total number of workers. Employment in the said industry shall continue to increase after 2011 with the bright outlook for construction industry for the next few years; this number is set to increase further. This should encourage more both the regulators and companies to give emphasis on the safety and health of construction employees.

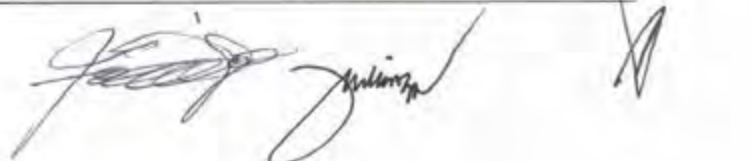
In order to strengthen the campaign in minimizing accidents in the construction activities, the Department of Labor and Employment (DOLE), the Department of Public Works and Highways (DPWH), the Department of Interior and Local Government (DILG), Department of Trade and Industry (DTI) and Professional Regulation Commission (PRC) signed the Memorandum of Agreement (MOA) and Joint Administrative Order

No. 01 series of 2011 on the 29th day of April 2011. The MOA-JAO is an "off-shoot" of DOLE Department Order No. 13 (which provides the Guidelines Governing Occupational Safety and Health in the Construction Industry) and aims to intensify the holistic and extensive execution of the policies and programs set forth in Department Order No. 13 in the construction sites.

The Public - Private Partnership (PPP) remains a cornerstone of the Aquino Administration. With current low interest rate regime, available liquidity in the domestic market, and the proven competence of the local construction companies, a significant number of high-impact infrastructure projects can be financed locally.

There is a pipeline of Public Private Partnership (PPP) projects which the present Administration is currently developing. There are 11 projects worth \$2.5 Billion bid out in 2011, which provide a great potential for further growth of the construction industry. Once these PPP projects are implemented, this can provide a big boost to the construction industry. For 2012 onwards, one of the PPP Projects in Davao Region is the Expansion of Davao Port and O&M Privatization and Bus Rapid Transit System.

The President Aquino's social contract with the Filipino People articulates the national vision that serves the guiding principle; that is good governance, poverty reduction, economic growth, peace and harmony in the Philippine industries, which motivated the creation of Construction Industry Tripartite Council (CITC) in Davao Region. The creation of CITC centers on providing a continuing forum for tripartite advisement and consultation in aid of streamlining the role of government, empowering workers and employers organizations enhancing their respective rights,





sustained industrial peace and improving productivity.

The CITC shall be fulfilled in the process of exchanging information and viewpoints with the purpose of fostering mutual understanding, and agreement that may result in better industrial relations. This milestone in the construction industry is governed by the Decent Work+ Agenda advancing the aim that every Filipino worker is provided an opportunity to obtain a decent and productive job under the conditions of freedom, equity, security and human dignity.

### Preamble

We, the tripartite partners, in Davao Region, representing the employers and workers in the construction industry, as well as the government agencies led by the Department of Labor and Employment, recognize the strategic role of the industry in national development and in advancing the country's competitiveness in the global marketplace.

Acting on our responsibility as employers, members of the professional organizations, workers and government to promote Decent Work+ Agenda in the workplace and to make our industry more socially responsive, we organized ourselves as the Construction Industry Tripartite Council (CITC) for Region 11, and agree to the following terms and conditions of the Voluntary Code of Good Practices on Decent Work+ Agenda in the Construction Industry in Region 11:

### Objectives of the Voluntary Code of Good Practices on Decent Work+ Agenda

- 1) To advance the concept of social partnership as the framework for sustainable labor and management relations in the industry that ensures job creation, employment preservation, productivity improvement, employment security, employee welfare and corporate social responsibility;
- 2) To provide moral, practical and legal bases for equal employment opportunities for women, youth, elderly, indigenous people and differently-abled persons without compromising quality of service delivery;
- 3) To provide a guiding set of principles and standards that will govern the operations of the Construction Industry Tripartite Council (CITC) in its pursuit for industrial peace, productivity, competitiveness, and compliance with labor and social standards, as well as various professional regulatory laws; and,
- 4) To promulgate good practice guidelines in the construction industry and its key stakeholders relative to employment creation, conditions of work, labor and management relations, corporate citizenship and human resource development.

In particular, we are committed to the following specific and Voluntary Code of Good Practices on Decent Work+ Agenda.

### Definition of Terms

**Basic Labor Standards** – the minimum requirement prescribed by existing law, rules and regulations pertaining to wages, hours of work and other monetary and welfare benefits, including those set by occupational, safety and health standards.



**Construction Industry** – industry related to activities that construct, alter, repair, add to, subtract from, improve, move, wreck, demolish any building, highway, road, railroad, excavation or other structure, project development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith.

**Construction Safety and Health Program** – refers to a set of detailed rules to cover the processes and practices that shall be utilized in a specific construction project site in conformity with OSHS including personnel responsible and the penalties for violations thereof.

**Construction Industry Tripartite Council (CITC)** – a body for tripartite advisement and consultation among labor, employer and government sector in the formulation and implementation of labor and social policies as defined under Department Order No. 111-11.

**Corporate Social Responsibility** - also called corporate conscience, corporate citizenship, social performance, or sustainable responsible business/ Responsible Business, is a form of corporate self-regulation integrated into a business model. CSR policy functions as a built-in, self-regulating mechanism whereby a business monitors and ensures its active compliance with the spirit of the law, ethical standards, and international norms. CSR is a process with the aim to embrace responsibility for the company's actions and encourage a positive impact through its activities on the environment, consumers, employees, communities, stakeholders and all other members of the public sphere who may also be considered as stakeholders.

**Decent Work+ Agenda** – an International campaign that can pave the way for broader social and economic advancement, strengthening

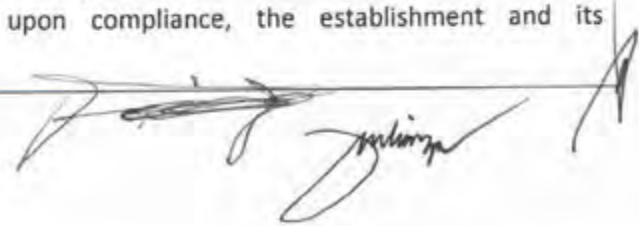
individuals, their families and communities. Decent Work+ Agenda sums up the aspirations of people in their working lives guided by the four pillars: rights at work; equal employment opportunities; social protection; and social dialogue.

**Enhanced Labor and Management Education on Employment Relations Program (ELMEER)** – a labor and management education program on the rights and responsibilities of workers and employers, work ethics, values, skills and other relevant topics to enable them and other stakeholders to become responsible partners in the attainment of productive, stable and decent workplaces.

**Family Welfare Program** – a program of the Department of Labor and Employment that seeks to promote and protect the welfare of workers and their families through the integration of family welfare concerns at the workplace nationwide, whether organized or unorganized.

**Heavy Equipment** – refers to any machine with engine or electric motor as prime mover used for lifting, excavating, levelling, drilling, compacting, transporting and breaking works in the construction site, such as but not limited to crane, bulldozer, backhoe, grader, road compactor, prime mover and trailer, with minimum operating weight and horsepower rating of 1,000 Kg and 10 HP, respectively.

**Incentivizing Compliance Program** – Promotes voluntary compliance by giving recognition and incentives to company's initiative to voluntarily comply with labor laws or having implemented a much higher standards with a Tripartite Seal of Excellence on their products and in establishment; or by assisting a non-compliant company through training and technical assistance to enable them to comply with the requirements of the law, and upon compliance, the establishment and its





products shall be given a corresponding tripartite certification and/or Tripartite Seal of Excellence as the case may be ( Section 2, Department Order 115-11).

**Industrial Relations** -are basically the interactions between employers, employees and the government, the institutions and associations through which such interactions are mediated.

**KAPATIRAN WISE-TAV (Work Improvement for Small Enterprises - Technical Advisory Visit)** – a program of the Department of Labor and Employment wherein compliant establishments with labor standards willingly agrees to share their resources and expertise in providing assistance to members of the supply chain with the aim of increased productivity and improved quality thru safety and health.

**Labor Management Cooperation** - a participative or cooperative practice in an enterprise wherein workers are given an opportunity to participate or involve in decision-making through their representative(s) in the Labor Management Council both in the unionized and non-unionized establishments.

**Labor Management Council**– a mechanism by which the terms and conditions of employment are negotiated, adjusted and enforced and interactions and processes on how rights and duties are exercised, how agreements are reached, and how workplace relationship is enhanced.

**Management Prerogatives** – rights of an employer to regulate all aspects of employment, such as the freedom to prescribe work assignments, working methods, processes to be followed, regulation regarding transfer of employees, supervision of their work, lay-off and discipline, suspension and dismissal and recall of workers.

**Occupational Safety and Health Standards** – mandatory rules and standards set and enforced to eliminate or reduce occupational safety and health hazards in the workplace.

**Philjob.net** – an online or internet-based job matching facility owned and operated by the Department of Labor and Employment.

**SA 8000** -is the central document of work at Social Accountability International. It is one of the world's first auditable social certification standards for decent workplaces, across all industrial sectors. It is based on conventions of the ILO, UN and national laws. The SA 8000 standard spans industry and corporate codes to create a common language for measuring social compliance. Those seeking to comply with SA 8000 have adopted policies and procedures that protect the basic human rights of workers. The management system supports sustainable implementation of the principles of SA8000: child labor, forced and compulsory labor, health and safety, freedom of association and right to collective bargaining, discrimination, disciplinary practices, working hours, and remuneration.

**Safety and Health Committee**- means a group tasked with the authority to plan, monitor, inspect, and investigate all aspects of the construction project pertaining to health and safety.

**Safety Personnel** – refers to any person engaged by any "constructor", trained, accredited by DOLE and tasked to provide occupational safety and health services for the workers/employees in any construction project.

**Single Entry Approach** – an administrative approach employed by the Department of Labor and Employment to provide a speedy, impartial, inexpensive and accessible settlement procedure of all labor issues or conflicts to prevent them from ripening into full blown disputes.



**Social Dialogue** - all forms of negotiation, consultation or simply an exchange of information and views between and among representatives of employers, workers, governments and other social partners. (ILO)

**Tripartism** – the participation of equal footing by the workers, employers and government representatives in making decisions that affect them. 2

**Tripartite Certificate of Compliance with Labor Standards (TCCLS)** – is the first level seal of good-housekeeping issued by the DOLE Regional Office to enrolled establishments. The certificate is a requirement to qualify for the Gawad Kaligtasan at Kalusugan (GKK) and Child Labor Free Establishment (CLFE) award. The TCCLS is a basic pre-qualification requirement for DOLE Secretary's Labor Law Compliance Award and to the highest award, which is the Tripartite Seal of Excellence (Section 3, Department Order 115-A, series of 2012).

**Unorganized Establishment** – refers to any establishment where there is no certified bargaining agent or union, but qualified to have their own Labor and Management Council and Grievance Machinery (D.O.40-03).

**Voluntary Code of Good Practices/ Code of Conduct** - Refers to codes of practice and other arrangements that influence, shape, control or set benchmarks for behavior. Other name includes codes of conduct, codes of practice, voluntary initiatives, guidelines and non-regulatory agreements.

**We** – for the purpose of this code, "we" refers to the collective commitment of the government, management and labor sector to given standards, policies, good and best practices.

## Components of Voluntary Code of Good Practices on Decent Work+ Agenda

### 1. Conditions at Work

1.1 We shall promote a culture of voluntary compliance with basic labor standards among key players in the industry;

1.1.1 We shall abide by company policies consistent with statutes, labor laws, and other government regulations;

1.1.2 We shall abide by the provisions of Anti-Sexual Harassment Act (RA 7877), Philippine AIDS Prevention and Control Act (RA 8504), Comprehensive Dangerous Drugs Act of 2002 (RA 9165) and Department Order 53-03 or the Guidelines in the Implementation of Drug Free Workplace Policies and Programs for the Private Sector, D.O. 73-05 on Managing Tuberculosis in the Workplace and other appropriate national policies;

1.1.3 We shall strengthen the Committee on Decorum and Investigation (CODI) that will receive complaints on sexual harassment, conduct investigation in accordance with the prescribed procedure, and recommend actions to the disciplining authority that shall lead to increased understanding and help prevent incidents of sexual harassment within workplaces.

1.2 We recognize and value Philippine Labor Laws on security of tenure, as well as procedural and substantive due process in the termination or dismissal of employees.

1.3 We shall promote the adoption of the international standards and principles, such as but not limited to SA 8000.



- 1.4 We shall provide equal employment opportunities in hiring, retention, promotion, ranking, transfer, classification and termination without gender bias and discrimination to civil status, race, creed, marital status, pregnancy or physical appearance or people working with disability, sexual orientation, socio-economic status, religion, race, cultural beliefs and legitimately registered institution where one graduated without compromising quality service;
- 1.4.1 We shall promote and respect the rights of working women to ensure their health, safety and general welfare, as well as the rights and benefits under the law of solo parents;
- 1.4.2 We uphold the right of the out of school youth for quality education and shall therefore encourage employment of graduates from Alternative Learning System (ALS), including those granted with clemency, rebel returnees and former convicts or detainees with the assertion that they are rehabilitated and are no longer threats to the society;
- 1.4.3 We shall promote to all stakeholders the employment of at least one (1) qualified person with disability according to the needs of the employer;
- 1.4.4 We value the expertise and knowledge of our senior citizens and recognize that they may be employed as long as they are qualified and fit to work.
- 1.5. We shall recognize occupational safety and health as a critical factor in workers' productivity and company competitiveness. For this purpose, we shall:

- 1.5.1. Formulate and implement occupational safety and health policy and program in pursuit of zero accident in accordance with the Occupational Safety and Health Standards (OSHS), particularly Rule 1410 (Construction Safety) and in compliance with the DOLE Department Order No. 13, series of 1998 (Guidelines Governing Occupational Safety and Health in the Construction Industry) and other related OSH issuances;
- 1.5.2. Organize safety and health committees in our respective companies and in every project site and recognize the importance of the role of each member in the committee to be as vital as their role in the construction operation;
- 1.5.3. Manage the safe execution of the construction operation and the welfare of the workers thru our *Safety Personnel* and to monitor compliance with industry's regulatory requirements and the construction safety and health program specific to the project. Competency of the Safety Personnel shall be in accordance with the requirements as provided for in D.O. No.16;
- 1.5.4. Ensure attendance of workers to the one-day safety awareness orientation prior to their first day of duty, as per Section 12, D.O. No.13;
- 1.5.5. Adhere to the OSH training requirements for site management staff and encourage accreditation of safety practitioners and advocates among staff personnel;
- 1.5.6. Establish comprehensive Personal Protective Equipment Program and properly manage the efficient selection,





issuance and control, maintenance and disposal in accordance with the Rule 1080 of the Occupational Safety Health Standards. All persons inside the construction site shall be provided with approved and appropriate or specialized PPE stipulated under Personal Protective Equipment Annex of the D.O. No. 13;

- 1.5.7. Control fall hazards by using only tested and approved working platform and methodology. Relative to this, no worker shall be allowed to work at heights with substandard working platform and structure, unsafe access system, without complete fall protection (fall restrain and/or fall arrest systems), and without the supervision of a competent person;
- 1.5.8. Provide emergency occupational personnel, welfare facilities, medicines and equipment;
- 1.5.9. Ensure that all *heavy equipment* being used in the construction are tested and certified, operated by qualified personnel with appropriate certification from Technical Education and Skills Development Authority (TESDA);
- 1.5.10. Make sure that during the duration of the construction project, all reportorial requirements to DOLE are being completed and submitted monthly on time;
- 1.5.11. We shall ensure the submission and implementation of DOLE approved Construction Safety and Health Program as a requirement in the issuance of Building Permit by the Office of the Building Official in pursuant to the JAO-MOA.

1.6. We shall promote the adoption of social partnership models, such as the *Kapatiran System*.

1.7. We commit to perform our obligations under the Social Security System, Pag-IBIG, Employees Compensation Commission and PhilHealth to enable our employees to avail of their benefits in the event of contingency.

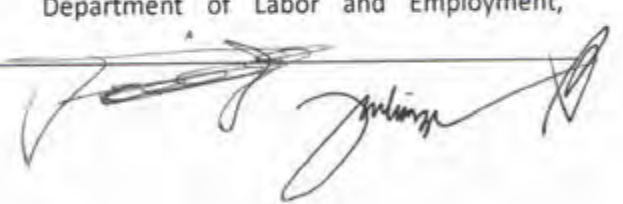
1.8. We shall ascertain that only qualified professionals with valid licenses, certificates of registration and/or special permits issued by the Professional Regulation Commission (PRC) shall be allowed to engage in any construction/project and to practice their professions in accordance with applicable board laws and issuances and ethical standards.

## 2. Industrial Relations

2.1 We shall dedicate ourselves to the principles of *tripartism* and *social dialogue* and in using the mechanism of the Construction Industry Tripartite Council (CITC) in Davao Region to address various economic, social and labor issues affecting the industry as a whole and in identifying labor governance area that needs reform.

2.2 We view *Labor Management Cooperation* as essential to the success in advancing industrial relations and shall cooperate with the Department of Labor and Employment (DOLE) and its attached agencies in the introduction of the concept and practice of Labor Management Cooperation in the Construction Industry in Region 11.

2.3 We consider the Enhanced *Labor and Management Education on Employment Relations (ELMEER)* Program of the Department of Labor and Employment,





National Conciliation and Mediation Board and other government agencies as a vital tool for effective labor-management relations; Thus, we shall encourage at least eight (8) hours of training and/or seminar per year on labor relations and other labor governance issues among management, supervisors, and staff in coordination with partner institutions.

- 2.4 We shall organize and strengthen *Labor and Management Council* for documentation of emerging good practices in labor management relations, human resource development, occupational safety and health, and other related fields.
- 2.5 We shall implement transparency on work rules and regulations in the industry through regular orientations, distribution of personnel manuals and published guidelines.
- 2.6 We shall exhaust all possible mechanisms, remedies and strategies in settling disputes and shall adopt the alternative modes of dispute settlement.
- 2.7 We shall observe proper venue to ventilate personal grievances against colleagues or officials, and endeavour to discuss the same before the *Labor and Management Council (LMC)* or Grievance Machinery.
- 2.8 We shall cooperate in advancing a culture of voluntary compliance with labor laws together with members of the supply chain through the *Incentivizing Compliance Program*.
- 2.9 We shall seek exemplary firms within the industry that emulates decent work and productivity by nomination to the *Tripartite Certificate of Compliance with Labor*

*Standards* and shall strive in achieving a Labor Law Compliance Industry.

### 3. Corporate Social Responsibility

- 3.1 We are committed to apply our corporate social responsibility to benefit underprivileged communities around our work sites as well as in areas identified by the local and national government agencies as needing our assistance.
- 3.2 We commit to participate in the awareness campaign on HIV/AIDS, dangerous drugs, tuberculosis, dengue and malaria, and other public health risks at our workplaces, over and above our legal obligation to provide medical and dental, and other services as prescribed by the Labor Code. We shall also tap accredited or partner agencies which can give awareness on domestic violence, gender sensitivity training and to intensify dissemination of the law on sexual harassment.
- 3.3 We shall collaborate and network with the Family Welfare Federation of Davao Region to benchmark and learn good practices in *Family Welfare Program* under Department Order No. 56-03 and intensify its implementation with the provision of family health program services as provided by Department Advisory No. 03, series of 2009.
- 3.4 We shall promote and practice transparency in our transactions between and among ourselves and with national and local governments, without prejudice to the protection of trade and industry secrets, and to avoid anomalous and corrupt transactions.



- 3.5 We shall promote eco-friendly facilities in our industry that contribute substantially to the preservation or restoration of environmental quality.
- 3.6 We support every initiative that creates decent and productive jobs for the unemployed and the vulnerable sectors of our society.
- 3.7 We shall require among ourselves – contractors and subcontractors, to whom awards are made for the undertaking of national and local public works projects funded by either the National Government or any local government unit including foreign-assisted projects, to hire at least fifty percent (50%) of the unskilled and thirty percent (30%) of the skilled labor requirements from the unemployed bona fide and actual residents of the province, city and municipality in accordance to R.A. 6685.

**4. Human Resource Development**

- 4.1 We shall collaborate with national and local government in improving the supply and quality of our skilled workers, involve ourselves actively in any government program and initiative aimed at making the labor market more efficient and improving the quality of the region’s labor pool, including but not limited to participating in skills registration, job fairs, labor market surveys and other government-initiated activities.
- 4.2 We shall collaborate with government training authorities in implementation of training programs to promote employment and improve the quality of the labor pool, produce and sponsor second-liners through our developmental programs not limited to

scholarship, trainings, and other human resource and community development programs, and for employers to allocate a reasonable amount from the annual gross budget for staff development;

- 4.2.1 Support employer, worker and government initiatives in enhancing skills of workers and their employability;
- 4.2.2 Encourage income augmentation programs and skills training but not limited to retirement planning, budget management and thrift-savings mobilization;
- 4.2.3 Campaign among our employees for savings consciousness and wise investment decisions so they may enjoy a degree of financial independence;
- 4.3 We shall register job vacancies and other construction-related professionals to the *Philjob.net* in order to provide the unemployed with opportunities to work in the construction industry.

**Special Provisions**

- a) If any portion or provision of this Code is declared invalid, unconstitutional or inconsistent with existing laws and regulations by competent authority, the remaining portions or provisions hereof shall not be affected and remain in full force and effect.
- b) Nothing in this Code shall be construed to authorize the Council or any of its members to stipulate working terms and conditions for workers in the construction industry that are inferior or below the minimum standards set by law, unless later authorized by statute, nor shall any of its



provisions operate to diminish or remove existing benefits enjoyed by the workers.

c) Except as may be provided in this Code, nothing herein shall impose an obligation on any signatory that is over and beyond those prescribed by the existing laws.

d) Any amendment to this Code shall require the vote of at least two-thirds (2/3) of the CITC member signatories.

e) This Code shall take effect immediately upon approval of the Construction Industry Tripartite Council (CITC).

#### Monitoring Tool and Evaluation

This Code of Good Practices is voluntarily adopted by the council.

For monitoring purposes, the council shall render an update of its implementation during the Construction Industry Tripartite Council (CITC) and Regional Tripartite Industry Peace Council (RTIPC) quarterly meetings.

The Construction Industry Tripartite Council (CITC) shall, through consultation and consensus, continuously formulate strategies and initiatives to enable the signatories to achieve the objectives laid down in this Code.

IN WITNESS WHEREOF, we have hereunto affixed our signatures this 4<sup>th</sup> day of December 2012 at Davao City, Philippines.

  
ATTY. JOFFREY M. SUYAO

Chairperson, Construction Industry Tripartite Council XI  
Regional Director, Department of Labor and Employment XI

  
ROMEO N. REYES

Vice-Chair for Labor Sector  
Association of Construction and Informal Workers

  
RAUL S. GONZALEZ

Vice-Chair for Management Sector  
President, Davao Constructors Association Center Inc.

**Government Sector**

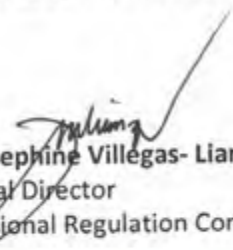
**Engr. Jaime C. Adalin**  
Building Official  
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**Dir. Isidro L. Cippeda**  
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**Mayor Sara Duterte-Carpio**  
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**Mariano R. Alquiza, CESO III**  
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
**Ruby A. Badilles**  
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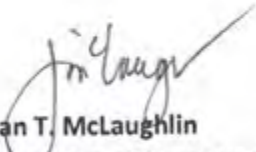


**Labor Sector and Accredited Professional Organizations**




**Charlito T. Grumo**  
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**Engr. Dan B. Juson**  
President, Institute of Integrated Electrical  
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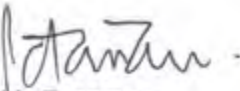
**Joan T. McLaughlin**  
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**Engr. Honorato Cubero**  
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**Ranel Dimapang**  
ACIW- Compostela Valley

**Ireneo Dongallo**  
President, Philippine Society of Mechanical  
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**Ricsildo Tanamor**  
ACIW- IGACOS

**Espiritu Q. Magpatoc**  
President, Occupational Safety and Health



**Paulito Esparcia**  
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**Ramon F. Allado**  
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**Wilfredo A. Balaye**  
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Development Corporation

**Bobby U. Basto**  
Foremost Builders

**Jerico E. Santos**  
Monolithic Construction and Concrete Products  
Inc.

**Jinky C. Escalona**  
Holcim Philippines

  
**Susan R. Quintans**  
Ufticon Builders

**Odilon Marlon L. Gaviola**  
Lotrim Construction Incorporated

**Virgilio Dela Rosa Co**  
Vigor Construction